

RULES COMMITTEE MEETING 05-30-13

Report of the Attorney General:

- \_\_\_\_\_ Freedmen-Northern District  
05-08-13 CN filed a Reply to the Response of the Federal Defendant's to the Freedmen's Motion for Reconsideration or Certification.
- \_\_\_\_\_ Freedmen-DC  
03-12-13 Order denying our Motion for Rehearing (En Banc)  
June, 2013, deadline for decision to appeal to the U.S. Supreme Ct.
- \_\_\_\_\_ UKB Land to Trust
- 2.03 Acre tract: All deadlines have been postponed pending the Court's Ruling on the Cherokee Nation's Motion to Supplement the Record
- 76 Acre tract: Waiting on decision from IBIA
- \_\_\_\_\_ AG Website-  
No updates
- \_\_\_\_\_ Codification-  
No updates
- \_\_\_\_\_ South Carolina case  
June 2013, anticipated Opinion time.
- \_\_\_\_\_ Re-Districting Law Suits
- CV-13-23 Anglen et al v. CNEC-awaiting hearing date
- CV-13-115 Anglen vs. CNEC and Cara Cowan-Watts-awaiting decision

Water Report-

Oral arguments in the Tarrant Regional Water District v. Herrmann, et al. case, involving the potential transfer of water from Southeast Oklahoma over to Tarrant Regional Water District under the Red River Compact was heard by the United States Supreme Court on April 23, 2013. Awaiting decision.

Chickasaw Nation v. Fallin, No. 5:11-CV-00927-W (W.D. Okla. filed Aug. 18, 2011) and Okla. Water Resources Bd. v. United States, No. 5:12-CV-00275-W (W.D. Okla. filed Mar. 12, 2012) continue to be stayed. The parties filed a joint status report on February 19, 2013 requesting release of the mediator from the negotiations process and an additional 90 day stay. That stay expired on May 20th, 2013, at which time an additional stay was granted to September 17, 2013.

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Law Firms under contract with the Attorney General's Office as of 05-28-13

Campbell & Tiger	General Advise and Freedmen (DC and ND)
Orrick	Freedmen (DC)
Doerner & Saunders	UKB Land to Trust 2.03 acres
Sonosky	General Advise Matters under the Indian Self-Determination Act Arkansas Riverbed Settlement Community Care Plan Joint Contract Support Cost Coalition UKB Land to Trust 76 acres
James Cosby	Research for UKB and Constitutional Issues
Crystal Jackson	Matters pertaining to Employee Appeals
Ralph Keen	Constitutional Issues
John Young	Human Resources Policies and Procedures

**COUNCIL OF THE CHEROKEE NATION**  
**RULES COMMITTEE REPORT**

**Group:** Election Commission      **Month/Year of Report:** April 2013

**Group Leader:**                                      **Phone:** 458-5899      **E-mail:** [election-commission@cherokee.org](mailto:election-commission@cherokee.org)

**I. Budget Highlights**

- a.)
- b.)
- c.)

**II. Program Highlights**

**a.) Balanced Scorecard Measures**

- 1. n/a
- 2.
- 3.

**b.) Accomplishments**

- 1. Voter Registration closed.
- 2. Poll Official training held.
- 3. Relinquished current through 4/30/2013

**c.) Future Plans/New Initiatives**

- 1. Absentee ballot deadline
- 2. Voter ID cards mailing.
- 3. Absentee ballot mailing.

Group: Government Resources Month/Year of Report: April/May 2013 5/16/13

Group Reporter: Vickie Hanvey Phone: 918-453-5391 Email: [vhanvey@cherokee.org](mailto:vhanvey@cherokee.org)

**I. Budget Highlights – please refer to Monthly Financial Report**

Description of Budget exceptions: No budget exceptions to report. Government Resources, including Evaluation and Compliance, Self Governance and Grants Administration, is operating at approximately 50% staffing.

**II. Program Highlights**

**a. In brief:**

**1. FY2014 Presidents Budget:**

- A complete review of the President's Budget effects to Indian Country can be found on the NCAI website.

**2. FY2013 Funding Status:**

- In order for the Nation to be paid the following has to occur- The agencies have to submit a plan to OMB; OMB releases apportionment to the agency; the agency prepares allocations and internal processes for payment.
- IHS- The IHS Director reported 4/29 that the agency has submitted their plan to OMB. OMB has not approved or apportioned the funds. The agency has the authority to release 30 days of funds and has done so twice (without rescission or sequestration reductions).
- DOI- TIBC report last week stated that the agency has submitted their plan to OMB. OMB has not approved or apportioned the funds.
- NAHASDA- HUD has not released even the first CR. We have received no FY2013 funds from HUD. The Nation submitted a request for funds for approval

**3. Contract Support Cost:**

- The Cherokee Nation Office of the Attorney General has made the decision to engage in litigation against the United States Department of Health and Human Services for underpayment of contract support costs claims. Litigation will be filed in the District Court for the District of Columbia. The litigation is in response to IHS' inaction regarding Contract Disputes Act claims in the amount of approximately \$50 million.
- Within the President's proposed budget both the IHS and DOI have requested a statutory individual tribal cap on CSC. This was a unilateral decision by the administration without consultation with tribes and would in essence abolish any shortfall amounts to tribes.

**4. DOI Negotiations:**

- The Nation expects to schedule negotiations for a new MFA in June 2013.
- Agreement with DOI to address issue of Delaware funding through the CN compact.

**5. Delaware Tribe of Indians**

Vickie Hanvey participated in a consultation meeting with officials from the Delaware Tribe of Indians to discuss federal funding and Cherokee Nation Health Services facilities.

**6. Annual Self-Governance Conference:**

April 28-May 2: Ms. Hanvey and the CN OSG staff attended and actively participated in the Annual Tribal Self-Governance Consultation Conference. Vickie took part in a roundtable discussion with IHS Director Yvette Roubideaux, facilitated several discussion panels, and moderated part of the general assembly. CN Government Resources staff also had an active role in the conference. Staff assisted with registration, served as official discussion panel recorders, and engaged with other tribal and federal officials to improve and strengthen Tribal Self-Governance. See attached letter from SGCE Executive Director.

**7. Tribal Interior Budget Council:**

April 22-23, Vickie Hanvey represented the Eastern Oklahoma Region at a Tribal Interior Budget Council (TIBC) meeting in Washington, DC. Tribal and federal representatives continued the process of formulating the Department of Interior's Indian Country budget for FY 2015. Vickie presented the budget priorities of the large tribes in the Eastern Oklahoma BIA Region. The Eastern Oklahoma tribes have highlighted economic development, education, resource management, public safety, and fee-to-trust acquisitions as a few of their top budget priorities.

**8. Inter-Tribal Council of the Five Civilized Tribes:**

May 7-8; Vickie Hanvey facilitated the governance committee meeting at the Intertribal Council Quarterly Meeting in Catoosa. Officials from the Five Civilized Tribes discussed Self-Governance, contract support costs litigation, PL 102-477, Affordable Care Act implementation, NAHASDA, and other topics.

**9. Veterans Affairs:** The CN Self Governance Office submitted a letter of intent to negotiate a reimbursement agreement with the Veterans Affairs department. The reimbursement agreement will allow Cherokee Nation Health Services to be reimbursed by the VA for services provided to Cherokee veterans at Cherokee Nation health facilities. Self Governance staff are coordinating with Health Services and Human Services. Negotiations tentatively are scheduled for June 2013.

**10. HHS Region VI/VII Consultation:**

**11. Administration for Children & Families:**

- **Tribal Advisory Committee-** CN submitted letters nominating Vickie Hanvey and Penny Norseworthy to the HHS Administration for Children & Families Tribal Advisory Committee.
- **Child Care Training-** The ACF Regional Office in Chicago requested Ms. Hanvey as an expert presenter on Tribal program integrity and accountability and preparation of the Grantee Assessment of Internal Controls Instrument. Due to scheduling conflict with Inter-Tribal Council meeting Tanya Johnson presented for the Nation.

**12. Affordable Care Act Training:**

Self Governance staff worked with the Oklahoma City Area Inter-Tribal Health Board to schedule Affordable Care Act implementation training for CN Health Services employees. The training is scheduled for June 20-21 and will be held at NSU in Tahlequah.

**13. Public Law 102-477 Plan:**

Self Governance staff has begun work with Career Services staff to develop Cherokee Nation's Three-Year PL 102-477 Plan for FY 2014-2016. The PL 102-477 Plan includes funding from the Department of Health and Human Services and Department of Labor. The Plan allows Cherokee Nation to combine various federal programs into one plan, one budget, and one report, which provides flexibility and reduces administrative burden.

**b. ARRA:**

**Reporting/Training:**

**1. Reporting to FederalReporting.gov.**

- 2013 Qtr 1 ARRA Section 1512 reports completed. Refer to ARRA Summary

**Program Updates:**

**c. Brief on future plans/any new initiatives**

**IHS:**

1. Funding Allocation Analysis 2012
2. Update of IHS Carryover analysis.
3. Analysis and review of Area and Headquarters funding tables.

4. Review of the IHS CSC Shortfall report data.

**DOI:**

5. Real Estate Services to be incorporated into TDE project.
6. Update of DOI Carryover analysis.
7. PL102-477: A National workgroup has been assembled to address the reporting and auditing issues raised by HHS. Officials from OMB, DOI, HHS and DOL and tribal representatives continue to meet. Tribes are addressing these issues both administratively and legislatively.

**Other SG Participation:**

8. TIBC EORO Representative
9. National DOI Tribal Data Management pilot project.
10. National Title VI workgroup to further SG within HHS.
11. National Title IV workgroup with DOI SGAC.
12. National DOI CSC workgroup.
13. National DOI Funding Formula Matrix workgroup for SGAC.
14. Oklahoma SG Coalition representation of SG issues specific to Oklahoma.

**d. Travel report:**

3/26-3/27	Water Conference	Catoosa, OK	
4/1 – 4/5	Joint TSGAC SGAC mtgs	Washington, DC	Reimbursement by SGCE
4/10 – 4/12	DHHS Tribal Consultation	Catoosa, OK	Assigned by Chief
4/22 – 4/24	Tribal Interior Budget Cmte	Washington, DC	Reimbursements by DOI EORO
4/25	CSC Mtg	Washington, DC	AG Requested to attend
4/26 – 5/3	Self Governance Conf	Anaheim, CA	
5/6 – 5/8	Inter Tribal Council	Catoosa, OK	
5/8-5/10	ACF Tribal Child Care Conf	Chicago, IL	Travel paid by HHS- ACF

**e. Other**