U.S. DEPARTMENT OF THE INTERIOR BIA

INDIAN TRADER REGULATIONS TRIBAL CONSULTATION,

taken at Seneca Allegany Resort & Casino, 777
Seneca Allegany Boulevard, Salamanca, New York
on August 28th, 2017, before Rebecca DiBello,
RPR.
ACTING ASSISTANT SECRETARY BLACK: It's a pretty small group. We'll keep it fairly informal. We do have a court reporter here to collect all your comments. When you make a comment please say your name so that she can record it.

I'm Mike Black, Acting Assistant Secretary for Indian Affairs for the time being. So I'm kind of hitting this a little cold. I just found out yesterday I would be doing this, so we'll run through the slides and hopefully you guys get some background on this.

We did some presentations on this then in February and March and got some comment. Those comments were used to generate where we are today, so we're getting a little bit more of a conceptual idea of what we're going to be doing here and how we're going to move forward.

Gavin has been pretty much the lead on this and he'll continue to do so, but really looking at some opportunities and one of the big things he wanted me to ask everybody was
to talk about any opportunities that may have
been missed because of some of the
restrictions and limitations that have been
placed on the Indian Country, so if there is
economic development projects that if some of
the changes made to this rule would have
benefitted and been out there, what are those
things?

And you'll see I think in the letter that
we sent out he asked specifically for some of
that information, so if you know of any of
that or any of your tribes had some projects
or stuff that may have happened if this rule
wasn't the way it is, then please, we're just
asking that everybody provide some of that
information.

These are just an overview. Secretary
Zinke has stated and reiterated that in his
mind sovereignty needs to mean something. He
talks about self-determination and
self-governance and how he fully supports all
of those efforts. Respect for our Indian
nations, economic freedom and empowerment and
a reduced regulatory burden.

So I think that's part of the effort here we're talking about. This reg hasn't been updated since 1957, so if you look at it, and I read through it here a while back. It's one of the most antiquated things I have seen in a long time, back in the old days of the BIA and how we would basically tell tribes how they needed to conduct their business and do their things and it's so antiquated right now, I don't know if it's really effectual.

Sovereignty has to mean something. And so I think what we're trying to show here is really so you have direct service tribes, you have 638 tribes, you have self-governance tribes and everything in between, so you have those tribes that have made that determination for themselves that they prefer to have the services provided by BIA or some of the services provides by BIA and some of them they contract through 638 or self-governance, all the way to the tribes that are fully self-governing that basically take on all of
the programs for BIA and everybody in between. And we as the Indiana Affairs need to respect all of that and that full gamut of selection and I keep telling people and new politicals when they come in they talk about self-determination and self-governance direct service is still fulfilling self-determination for the tribes that made that decision that's how they want their services to work, so those are some of the messages I try to make sure we get across to people as they come in.

Economic development. How can we best help tribes be self-sustaining? That's one of the efforts of this rule is if we can make some of the changes there effecting taxation and stuff that it will be a bigger benefit for the economic development of Indian Country.

This is another thing Gavin wanted me to kind of emphasize is when Indian Country prospers the surrounding communities prosper, so that means when more tribes are successful that carries over into the community and I think you see that a lot, at least with Indian
tribes and other tribes that have large economic development projects and programs going on that it does spill over into the local community and fire protection, law enforcement, education, medical facilities and stuff that tribes are able to do when they have successful economic development.

Then there's, of course, energy development. There's another one. Oil and gas is the one most people think of right off the bat, but you have renewable energy projects out there, you have coal, you have natural gas. There's a lot of different projects. You know, fortunately or unfortunately, not as many tribes have the ability to participate in that. If you don't have the resources for conventional oil and gas out there you can't really jump into that arena, but there are other areas like renewable and biomass that can benefit some tribes out there.

Tribal empowerment. How can we better empower tribal leaders and how can we best
return economic sovereignty to the tribes?
Those are some of the questions that I think
we're looking to garner input on as far as
this whole overall effort on the Indian Trader
Act and how can these better be used to allow
tribes to make decisions for themselves and
how can we more or less get out of the way.

How can we reduce our footprint out there
to a degree where we're not in the tribes' way
with some of the regulations and some of the
things we have to do.

Human capital development. Best way to
invest in Native people. Not just college
education, but skilled trades. Again going
back to the mantra states are better off when
Indian Country's workforce is better educated
and trained. And a long term strategy for
economic development and self-governance
simultaneously.

There we're talking about the fact that
there have been a lot of efforts here, a lot
of tribes are making sure that they are
educating their communities and their members,
but it's not always just education. We need skilled work forces. We need welders, carpenters. How do we develop those programs to better enable the tribes? There again it goes all the way back to self-sufficiency and self-determination.

These are some of the comments and stuff that we received through the initial round of consultations back in February and March. We talked about the old statute, outdated regulations which I referenced a little bit earlier. I think it's been since 1957 was the last time these were updated.

The original legislative intent of the excluded states, federal common-law cases breached that exclusivity. Federal and state regulations compound. Indian Country suggests that -- these are all based on the comments right, Ashley?

MS. FRY: Yes, yes.

ACTING ASSISTANT SECRETARY BLACK: So basically Indian Country suggests give the tribes the exclusive ability to tax and
regulate trade within their reservations and within their communities. Allow tribes to opt out of the federal regulations and regulatory oversight.

There again, I think there is probably some opportunities especially in this administration to look at some of those regulations and some of that framework and is there opportunities for Indian Country to say we want to opt out of that, we want to take control of our business and for ourselves.

Replace an uncertain taxation system with a jurisdiction based system basically just like the states, so giving your sovereign nation the sovereign ability to perform their own taxing. What would the sovereignty look like under -- back to the same thing.

I think it's going to vary depending on where you are, how I want to say the capacity that individual tribes have varies across Indian Country from those that have the capacity to operate multimillion dollar enterprises to those that are still trying to
get that capacity built to build that
administrative capacity to be able to handle
those things, so I think there again we have
to work through that full gamut all the way
from the direct service tribes to the fully
self-governance tribes.

State tax under regulations is one way to
help with that. Talking about the federal
regulations and the opportunity to possibly be
able to opt out of some of that. Here we want
to work together with Indian Country to
develop any changes to these regulations that
may be implemented so you have the Dear Tribal
Leader letter which I think spelled out some
of the stuff we're hoping to get back as far
as feedback and data that will better allow us
to justify any changes to the regulations.

Here again we're going to the information
on projects that are not happening that would
happen in a new regulatory environment, so
asking for capital expenditures, annual
revenues and jobs and if you have any economic
impact studies that would help to support
that, there again they are asking to have some of that information provided as well and, of course, our treaty obligations.

We have trust and treaty obligations to tribes across the country. Are some of those things being affected by our inability to get these regulations changed or would there be improvement in that? That's what we're thinking, so now I want to hear what you all think.

That's a quick rundown. We don't have a reg in place or a draft of anything right now. We are in the conceptual stage so we've gathered some input on the original ANPRM and what we're looking for now is additional input to really be able to start to scope this out and get us to the point of having a regulation that, number one, replaces an antiquated regulation and that would also benefit the Country. Ashley, anything I missed?

MS. FRY: The deadline to get written submissions in is August 30th. I have distributed the original Dear Tribal Leader
letter that does outline what the specifics are that we've been asking tribes for.

    And we've also been asked if we have a template that can be used. We don't. So whatever way that you want to send us the information, we will take it and then we will then transform it into what we need, but give us whatever you have in whatever form you have.

    ACTING ASSISTANT SECRETARY BLACK:
There's an email address and stuff in the Dear Tribal Leader letter.

    MS. FRY: And there's a physical address as well.

    ACTING ASSISTANT SECRETARY BLACK: With that, do you guys have any comments, questions?

    MR. CRANE: This is Sean Crane. I'm with the Seneca Nation of Indians. I guess the main reason I was sent here is, it's already in your presentation, is just reiterate that the Seneca Nation wants exclusive ability to tax and regulate trade
and commerce that occurs on our land.
Economic development, that's really crucial.
Also, we would like to opt out of
oppressive federal regulatory oversight of
some of the activities that occur on our lands
and replace an uncertain taxation system with
a jurisdiction-based system just like states.
The Seneca Nation is somewhat unique.
Some of our obstacles we face, I don't know if
you're familiar with Salamanca, how it's a
leased based system. Actually, the city is
leased to non tribal members, so the state
thinks they can come in and just run it just
like any other city, but if you look at the
legislation that's not really true, but what
we would like to see is we have our own
economic development commission and we tried
to get businesses into this area, franchises
and things, and then they look here and
they're not that interested because there's a
town just east of here in Olean and just west
in Jamestown and there's really no benefit
that they see coming here, but what we see is
businesses -- this is tribal land even though some of it is leased to non tribal individuals and businesses.

We should be able to have the capacity to and the ability to determine the taxation of this land and if we -- actually, the Seneca Nation is very much anti taxation. We don't have a tribal tax, but that's our prerogative.

I mean, people here at back to school time they travel to Pennsylvania because Pennsylvania -- Erie, Pennsylvania does not charge sales tax on clothing so the State of Pennsylvania can make that decision that they are not going to charge tax on clothing and they get people from out of state coming in just based on that.

Well, we believe we should have the same capability, we can determine that we're going to -- if there is any tax we'll set it or if there is no tax, that's our determination, and that would attract businesses and customers to -- that would be an advantage in this area.

I don't know if you've had a chance to
drive through Salamanca, over than a few smoke
shops and a few greasy spoons, there's not a
lot going on economically here and the casino
is pretty much it.

The other thing is how these Indian Trader
Regulations effect us. I guess they don't
effect us so much as we tried to make argument
in years past with this case called the Attea
case where the state was promulgating
regulations and what they were basically doing
is going after the wholesalers, the
distributors, and tax them ahead of our smoke
shop operators and what the distributors and
wholesalers did is got their Indian Trader
licenses and made the argument that federal
law prohibits state regulations, but the
courts didn't see it that way, but I think
they got it wrong.

If this Indian Trader Act is a federal act
it should preempt state actions on that. If
somebody is going to trade with the tribes,
with the Nations, the state shouldn't be able
to put it's hand in there and disrupt that,
but that's not how the courts saw it.

But other than that, most of our businesses are run by Nation members. We don't have -- other than this unique situation in Salamanca, we have other territories, but by and large they are smoke shops or small restaurants so there are not a lot of non-tribal members other than here in Salamanca running businesses, but I guess just to repeat or reiterate, the biggest takeaway that the Seneca Nation would like you to have today is we would like exclusive ability to tax and regulate trade and commerce that occurs on restricted land. We believe that's our right.

ACTING ASSISTANT SECRETARY BLACK:
Great, thank you. It would be helpful if you could provide some information related to that case and the wholesalers getting the licenses and how that effected it and I think I'm going to the request that -- Gavin had people write in information about how some projects aren't happening because of the way the regs are written out and any recommendations you might
have as far as how can we change those regs.

MR. CRANE: Maybe that would get played out in the courts, but if it did say specifically that these regulations preempted or if you went back to the actual statute that it preempts state law that might help. I don't know if the courts will still see it the same way they do, but I guess it's out there now.

KITCKI CARROLL: Kitcki Carroll, Executive Director of United South and Eastern Tribes Sovereignty Protection Fund. I want to offer some comments leading off that last comment. So our organization has a position that all profits and all revenues generated within the jurisdiction of Indian Country should stay within the jurisdiction of Indian Country.

But a couple of thoughts I want to add to this conversation is one more broadly one of the slides spoke to sovereignty needs to mean something. We've heard that repeatedly in this new administration.
One of the things that we've sent a letter off and asked for was an executive order from President Trump and a secretarial order from Secretary Zinke speaking to their position on U.S. Tribal relations. We don't have anything on that, so we don't know where they stand on that.

The only thing we have to date right now that is an expression of this administration in terms of how it stands is the fiscal year '18 budget and fiscal year '17 signing statement which both were troubling, but I would say in the same way we're talking about sovereignty meaning something, fulfilling trust obligations should mean something as well.

In terms of this issue that we're talking about right now, we also have a resolution speaking to the Indian Trader Regulations and our organization's position is any regulatory effort that would be supportive of strengthening economic development in Indian Country, we would like to see happen.
However, our board has been very clear they think the greater fix exists within the statutory side.

We understand that's a bigger lift, but we understand that reversing things such as -- I guess the concern we would have is that Indian traders seek to trade from non Indian traders to Indians on Indian land and that's what the courts have spoken to. It hasn't spoken to this idea of non Indian traders selling to non Indians on Indian land, so it doesn't speak to that at all, so it is ripe from our perspective for a legal challenge and this would be the first time the tribes are having legal challenges in the area of taxation so we are very interested to know what the solicitor's position on this is.

And there are many cases going on right now in this area of state taxation, dual taxation where that's not there so we would want to make sure as this proceeds that there are some sort of solicitor's opinion on where they think the legal basis is for this and how
ripe it is for challenges.

ACTING ASSISTANT SECRETARY BLACK: Thank you. Kevin, do you have any comments?

MR. WADZINSKI: I'm Kevin Wadzinski with the law firm of Powers Pyles in D.C. representing the Tunica-Biloxi tribe of Louisiana and I would first comment that I really applaud the Department for what it's doing here and that is taking an old regulation that was designed in some respects to, in a very paternalistic way, protect tribes perhaps from a people that should not be doing business with tribes and turning it into a modern day vehicle or tool that would allow for a meaningful economic development on tribal land.

As we saw in the slides, there are really two components to this; promoting economic development, but also promoting what is referred to as tribal economic sovereignty. So to me that means let's figure out a way to get capital in the Indian Country which then generates business revenues, creates jobs.
Hopefully the majority of those revenues will flow to the tribe to then support governmental programs.

The other component that I see is tribal economic sovereignty. Right now, unfortunately, unless a tribe is able to reach an agreement with the surrounding community tribes don't have full economic sovereignty because of the tax issue, and it's one thing to work with a private lender or a potential partner to get that capital into the reservation and on Indian land, but even then it's not uncommon for that lender or equity investor to contractually require the tribe to forego any tribal taxation.

Given that, there is likely to be some form of state or local taxation and I think that position taken by the lender or equity investor is not unreasonable because there is an asset that is generating the revenue to repay the lender or to get some type of return on the equity investor's investment.

If it's taxed it's not going to be in the
same amount. There are potentially ways that contractually those parties can reach mutual agreement. Where it's difficult is when the parties can't control other factors that influence whether or not the business is going to be successful and that is again the taxation issues. The tribe and a lender, a tribe and an equity investor, they can't alter state or local taxation and when you look at it from just a fairness perspective, I think everyone would agree that if a tribe is taking a risk and a private investor or the lender to generate an economy on the reservation, I think one needs to ask why would the economic sovereignty flow to any government other than the tribe?

So those are my comments and I think what the department is doing here is very, very encouraging and I hope when this process is completed we will have a dramatically different regulation, but I again think it's so encouraging just the concept that you all have right now to change the focus of this
reservation.

ACTING ASSISTANT SECRETARY BLACK: Thank you.

KITCKI CARROLL: One additional thought that I would have in speaking specifically to Indian trade or economic development more broadly, there needs to be an effort to think about it comprehensively. So by that I mean if the administration — and they are expressing their prioritization of economic development in Indian Country by way of an example with this Indian trading commerce regulation, it's part of a broader economic development.

He just mentioned capital as part of that equation or access to the capital as part of that equation and the treasury came up with a report about various economic development in Indian Country and one of those is actually capital. One of the solutions to that or responses to that has been the native CDFI to make sure there is an avenue for tribes to explore to address that as well as the EDA
that many of our tribes are making use of EDA
including Seneca here, but in the fiscal year
'18 administration budget both CDFI and EDA
were zeroed out, so if there is going to be a
prioritization of economic development in
Indian Country that needs to be all aspects of
it and to think about this more broadly, so we
would ask that the administration as the DIPT
is having conversations about economic
development that it is making sure it's doing
it comprehensively and all pieces are working
properly and not just elements of it.

ACTING ASSISTANT SECRETARY BLACK: So
basically going beyond what this regulation is
going to do.

KITCKI CARROLL: Well because, you know,
our Indian Country broadly, excluding us,
there was a tribal leaders tax summit that was
held back in 2012, 2013 down in Miccosukee and
that was the most current effort for tribes to
come together to prioritize what their tax
priorities are. Yusef was part of that
effort.
We have since developed a very broad and comprehensive tax priorities platform. GWE was top priority for that when we were involved in that, but our tribes know that the issue that has greatest economic impact is this issue of state taxation and dual taxation. Many of our tribes are already dealing with legal challenges in the courts in this area already, so I guess we support any efforts that's going to try to fix that and we feel that even though we are expressing concerns, there is -- we feel this is ripe for some legal challenges here in terms of interpretation of Indian trade.

That aside, if it were to be fought back in courts that it would need some progress in that arena. However, our tribes including Seneca -- Seneca president actually served as a cochair for our tax committee within our organization. They have made it very clear to us that they want a statutory fix to state and dual taxation and to achieve certain jurisdiction because we know that the second
this starts getting discussed out there states
are going to be concerned.

   We hear that already in other areas.
Whenever there's a dollar talked about in the
tax roll base that becomes a great concern and
they put all of their muscle behind trying to
push that back, so we would hope whatever
actions this administration is taking there is
also a commitment with that to be with us on
those legal challenges when they come.

   Not if they come, but when those come,
that they are there to stand by our side which
is why I think it's important early on in this
stage for the solicitor's department to speak
up and express where they think the legal
support is for moving forward with this.

   ACTING ASSISTANT SECRETARY BLACK: Thank
you.

   MR. WADZINSKI: Kevin again just a
question and I know you're filling in for Dr.
Clarkson so you may not have the answer, but
what is your best guess as far as timing for
publication of a proposed rule?
ACTING ASSISTANT SECRETARY BLACK: Well, let me have Ashley answer that for you.

MS. FRY: So I think that once we get the information from tribes and are able to kind of come up with the economic argument for updating the regulation, we're looking for a proposed rule to be published hopefully before the end of this calendar year.

MR. WADZINSKI: Thank you.

MS. FRY: You're welcome.

MR. WADZINSKI: I have another question. In addition to what is set forth in the Dear Tribal Leader request and the additional information, is there any other information that the Department would find helpful to justify the proposed rule?

MS. FRY: So when we did the AMPRN there were questions in that publication as well, but I think what we're looking to now and as far as like what the new administration is focused on is really the economic impact of the current regulations.

MR. WADZINSKI: Thank you.
MS. FRY: You're welcome.

ACTING ASSISTANT SECRETARY BLACK: Has there been any discussion, Ashley, about any other information?

MS. FRY: Not so far. What Gavin and what the Department is really wanting is all of these missed opportunities, so if we can make the economic argument that these current regulations are not allowing tribes to develop projects, develop economic opportunities, on their land, then the thinking is that going forward we can use that to develop new regulations that will hopefully change that status.

MR. CARROLL: Kitcki Carroll again. I raised this in a prior session so I want to put it on the record for our region. This is not -- this is also not an and/or conversation either, and by that I mean one of the questions, comments that came up in a prior consultation session was a notion that so let's just say that we could achieve everything we want or we want to achieve tax
certainty in jurisdiction in every province, and every state of Indian Country. That in no way negates the federal government's trust obligations in terms of the money that's provided.

That came up in conversations before that suggests that if you could achieve tax certainty jurisdiction that that would lessen the need on federal trust fiduciary obligations, and they are completely different from one another so I want to state that.

And the other thing is I pose it as a comment, but I want to pose it as a question now. The solicitor's office was involved in this conversation towards the last administration when this was introduced as a concept. I haven't heard anything though where the solicitor's office stands now on their interpretation and has that happened yet? Have conversations happened where they have expressed their opinion one way or another on the legal basis of this argument?

MS. FRY: The solicitor's office is
definitely involved in this whole process. They are working with us to develop a proposed rule so --

KITCKI CARROLL: You say they are in agreement that this would then extend to non Indian traders selling goods to non Indians on Indian land?

MS. FRY: I don't want to go too far in expressing their opinions because that's a little bit outside of my purview, but I do want to state that they are involved in the process.

KITCKI CARROLL: Fair enough.

ACTING ASSISTANT SECRETARY BLACK: I think the answer probably is they haven't necessarily generated a position, but they are helping to draft the regulations moving forward to make sure that it's a defenseable regulation.

KITCKI CARROLL: And that's my point. Right. The only reason I'm raising that is we just want to know where they are because when the legal challenge comes they are going to
need to be there by our side to make the legal argument.

MS. FRY: We don't want to put out regulations that aren't admissible.

ACTING ASSISTANT SECRETARY BLACK: Have we missed anything, Ashley?

MS. FRY: No. This is really just an information gathering this session, so if you all have additional questions or concerns, I think that we've put out all the information from our perspective.

MR. WADZINSKI: Kevin again. I have another question. A few months ago there was a hearing before the House Resource Committee, the full committee, and a number of members raised questions about the Department's efforts in connection with revising the Indian licensed traders regulations.

I was wondering if the Department had any comments about those particular questions. I guess I would call them concerns, but I think they were questions about ultimately the intent of the Department with respect to these
regulations.

ACTING ASSISTANT SECRETARY BLACK: Well, I think that's the hearing Mr. Casson did.

MR. WADZINSKI: Correct.

ACTING ASSISTANT SECRETARY BLACK: I think his answer would probably be the same position we're in now. I'm trying to remember exactly how he put it, but that this was an idea that we're looking at trying to garner input from Indian Country and deciding what direction we would take at that point. I think that's the gist of his response. Not as eloquent as he put it.

MR. WADZINSKI: Thank you.

KITCKI CARROLL: You brought it up in your overview I think. I know we're talking about part of the comments that are being sought for the August 30th deadline is some specifics in terms of experiences, various challenges that tribes are having at the individual level.

One of the things we would like to see from the broader economic development vantage
point which has eluded us up to this point is tribes and our federal partner. We have not been able to paint a great picture of the impact that strong tribal economies and revenue profits being generated in Indian Country and jobs have for surrounding non-tribal communities.

I know Tunica a couple years ago tried to do some analysis on that just for their little area of the world, but we haven't been able to get a big picture of that economic impact and I think it would be very valuable to causes like this, efforts like this, if the Department would make a commitment through its economist position or positions -- I hear there's multiple now -- I'm not sure if that's true or not, but regardless, if there is an economic resource within the Department of Interior to assign some sort of responsibility to doing some analysis on its own.

Some tribes will be able to do that to some extent. Other tribes won't be able to do that at all, but we're leaning at this point
in time a better picture of what that impact
is because we know it's happening. We need to
be able to tell that story better.

MR. WADZINSKI: And I very much agree
with your comment and perhaps one starting
point would be actually looking at Google maps
and my point here is if you go and look at an
area from ten to fifteen years ago, assuming
Google maps would have that information, and
you see -- which typically is a tribal casino
that is the generating force and you see the
reservation boundary lines, adjacent to the
reservation fifteen years ago you did not see
any economic development.

Now you see various types of economic
development and the irony there is the tribe
created that opportunity, but the tribe does
not partake in that economy other than people
visiting there, also visiting the casino, but
it works both ways but yes, again, looking at
that map even though the tribe does not
financially benefit from those revenues
generated across the road from the
reservation, somehow that local jurisdiction does benefit if there's economic development on the tribe's reservation.

KITCKI CARROLL: We agree and that sort of information is going to be critical and necessary when states and local communities start pushing back. We're going to need to say what the actual dollar value is to them and what it would be without having that business enterprise.

ACTING ASSISTANT SECRETARY BLACK: If I'm gathering the point correctly, we're asking for information on opportunities that didn't happen because of the restricted regulations or taxation or something like that, but it's more than just that information.

It's how much of that money that would come in if things were changed would flow back to the community, and you're point of look at this casino right here in the small community, how much of an impact does that have on the community overall and if you're able to change
some of the taxation stuff how much more of an impact is that going to make?

How do we collect that data I think is the question. I think it could be done, certainly.

MR. CRANE: Shawn Crane again. The Seneca casinos employ over 4000 people in Western New York, most of them non tribal members so we're an economic engine and, I mean, we have a compact. We have issues now with the state regarding some terms of our compact, but that's just one part of the solution and one part of the pie, I mean, when you get other things going as far as economic development goes, but I think back just to hit the drum of preemption, if you can preempt the state from coming in and taxing us we can get a lot more done.

We have certain advantages that we should have as a sovereign. Surrounding states do what they want to do. We should have the same treatment as the state, at least, but we don't have that. But also it just stifles the
problem of dual taxation which doesn't really
apply to us at this point because we don't
have a taxation system ourselves. We don't
really believe in it, but I guess it hinders
other tribal nations, but just the fact that
the state comes in and tries to regulate and
tax it stifles the economic development.

ACTING ASSISTANT SECRETARY BLACK: Thank
you. Anything else you want to add? We do
courage you to provide any other written
comments you'd like to submit by August 30th.

MS. FRY: I believe the letter it says
by -- it might say midnight.

KITCKI CARROLL: So the second stage is
really for the tribes themselves to respond to
those answers. We don't have any first degree
knowledge of the challenges that exist at the
members levels so that's what we encourage
that they know this is the subject you need to
respond to.

MS. FRY: So there isn't a time, but if
you get them in before 11:59 by August 30th
we'll accept them.
ACTING ASSISTANT SECRETARY BLACK: If there's nothing else, there's no sense keeping you. Everyone has business to take care of. Anything you have any closing comments or anything you want to add?

KITCKI CARROLL: I do want to reiterate the point of not specific to Indian trade, but it's really important for our members and the discussions that we're having. We are eight months into this new administration. We would like some clarity on where this administration is in terms of how to fuse the relationship with the Indian Country.

We sent off a letter last week or the week before asking the administration to issue an executive order on what its position is and then we asked for the secretary to issue a statement or an order on what his position is.

Like I said, all we have to go off of right now is the signing statement and fiscal year '18 budget which was not good from our standpoint and I know this is a new administration and I know it takes time to do
those things, but the earlier the better to
give us a better sense.

Then my second point is as we are having
this economic development conversation is that
it's done in the broadest of terms, not in a
vacuum, to make sure whatever we're doing on
Indian trader which is attempting to be
complimentary to the economic development and
is important to the equation.

ACTING ASSISTANT SECRETARY BLACK:
Appreciate that. Thank you for coming out
this morning.

(Proceedings concluded at 10:10 a.m.)
STATE OF NEW YORK)  
 ) ss.  
COUNTY OF ERIE )

I, Rebecca Lynne DiBello, CSR, RPR, Notary Public, in and for the County of Erie, State of New York, do hereby certify:

That the witness whose testimony appears hereinbefore was, before the commencement of their testimony, duly sworn to testify the truth, the whole truth and nothing but the truth; that said testimony was taken pursuant to notice at the time and place as herein set forth; that said testimony was taken down by me and thereafter transcribed into typewriting, and I hereby certify the foregoing testimony is a full, true and correct transcription of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this 6th day of September, 2017.

______________________________
Rebecca Lynne DiBello, CSR, RPR