



OTOE-MISSOURIA TRIBE OF INDIANS

8151 HIGHWAY 177
RED ROCK, OK 74651-0348

October 30, 2017

VIA EMAIL TO CONSULTATION@BIA.GOV

Attn: Revise Indian Trader Rule
Office of Regulatory Affairs & Collaborative Action
Office of the Assistant Secretary – Indian Affairs
1849 C Street NW, Mail Stop 4660-MIB
Washington, D.C. 20240

Re: Indian Trader Regulations

Dear Office of Regulatory Affairs & Collaborative Action:

On behalf of the Otoe–Missouria Tribe of Indians, a federally-recognized Indian tribe (the “Tribe”), this comment is submitted in response to the solicitation by the Bureau of Indian Affairs (“BIA”), Department of the Interior (“Department”) of additional information relevant to potential updates to the Indian Trader Regulations (“Regulations”). This comment has been prepared as a supplement to the comment previously submitted by the Tribe on April 10, 2017. As set forth herein, the Tribe supports the Department’s efforts to modernize the Regulations set forth at 25 C.F.R. §140.

I. THE OTOE-MISSOURIA TRIBE OF INDIANS

1. Burdens Caused by the Regulations

One of the greatest issues faced by our Tribe is the attempt by the states to regulate tribal businesses and the individuals or entities conducting business with the Tribe or its economic subdivisions, which has led to a dual regulatory regime that is a great burden to our Tribe and to many other tribes. The Regulations should be updated to reinforce clear rules for tribal jurisdiction over our business activities and any business dealings with third parties.

It is the position of the Tribe that the Regulations should reinforce that: (a) individuals or entities conducting business with the Tribe or its economic subdivisions are required to comply with tribal laws; (b) individuals or entities conducting business with the Tribe or its economic subdivisions are required to consent to tribal adjudicatory jurisdiction, (c) states are not permitted to regulate or exert jurisdiction over individuals or entities conducting business with the Tribe or its economic subdivisions; and (d) states are not permitted to regulate or exert jurisdiction over tribal businesses.

Any individual or entity desiring to do business with Indian tribes should be authorized to do so under the laws of each such tribal government, not state governments. Our trade and business activity should not be subject to any fee, tax, assessment, levy, or other charge imposed by any state or any other political subdivision. We encourage revisions to the Regulations that reinforce tribal authority to regulate and exert jurisdiction over our businesses and the individuals or entities doing business with the Tribe or its economic subdivisions.

As further set forth in this comment, if the Regulations were amended in order to reinforce tribal jurisdiction and regulatory authority over tribal businesses, including e-commerce businesses, and the individuals or entities conducting business with the Tribe or its economic subdivisions, such reinforcement would reduce regulatory and legal costs to the Tribe's businesses. A significant amount of additional funding could thereby be provided to the Tribe for its governmental programs, providing funding for all unmet needs of the Tribe.

2. Tribal Self-Regulation

Many tribes regulate trade in Indian Country through comprehensive regulatory codes that are designed to ensure fair and responsible business dealings with individuals or entities conducting business with tribes or their economic subdivisions. The Tribe's regulatory apparatus has been a great success in regulating such third parties. There is no need for overbearing and paternalistic regulation by the federal government with regard to such third parties: the federal government should affirmatively support this form of regulation at the tribal level.

Any individuals or entities doing business with the Tribe or its economic subdivisions are subject to the strict regulatory oversight of the Tribe's regulatory arm: the Otoe-Missouria Consumer Finance Services Regulatory Commission (the "Commission"). The Commission is an independent Tribal regulatory agency that ensures that the Tribe's e-commerce businesses, and any third parties dealing with such businesses, operate responsibly. Licensure of third parties is conditioned upon compliance with all tribal laws, including the Tribe's Consumer Finance Services Regulatory Commission Ordinance and all applicable federal laws.

Tribal governmental oversight and compliance by the Otoe-Missouria Consumer Finance Services Regulatory Commission are both key to the success of our e-commerce businesses. However, despite compliance with all Tribal and federal laws, states continue to attempt to enforce their inapplicable laws on our Tribe's e-commerce businesses. Notwithstanding these actions, the Tribe has consistently and actively asserted jurisdiction and effective regulation over its commercial activities.

II. UNMET NEEDS OF THE TRIBE

Our Tribe provides many important governmental services that are funded through the revenues earned by our tribal enterprises, including our e-commerce businesses. It is therefore critically important to protect the long-term viability of these revenue streams by amending the

Regulations. With the amendments, the Department can provide long-term certainty with regard to the ability to regulate and exert jurisdiction over our business activities.

Set forth below is a list of Otoe-Missouria Tribal departments and programs that have the greatest need for increased financial support. From senior services to housing to college scholarships, the Tribe is able to provide many services to its Tribal members, but additional funding is greatly needed. In the event that the Regulations are revised to reduce dual regulatory burdens, additional revenues from the Tribe's e-commerce businesses would help fill the current gaps for Tribal programs in areas where the federal government has fallen short and the Otoe-Missouria Tribal Government is stretched too thinly. The ultimate goal is to provide additional funding to these departments and programs in order to benefit Otoe-Missouria Tribal members.

1. Elder Nutrition and Caregiving Department

The Otoe-Missouria Senior Citizen Center (the "Senior Center") provides various nutritional, health, wellness, social and cultural activities, and services for eligible Tribal senior citizens aged 55 years or older and to eligible caregivers. More than 140 Tribal members are registered with the program and there are more than 70 active daily visitors of the Senior Center.

The Senior Center is partially funded through a Nutrition Services Incentive Program grant, which provides funding for food costs. The Senior Center provides healthy and diabetic-friendly lunches Monday through Thursday and a hearty breakfast on Fridays. Home-delivered meals are also provided Monday through Friday to eligible participants. The Senior Center regularly provides and hosts nutrition classes and nutritional counseling. The goal of the program is to increase and stimulate the social life of Tribal senior citizens by providing educational, cultural, social, recreational, health, and wellness activities.

Facility upgrades are needed at the Senior Center. The department would also like to provide Life Alert devices to each Tribal elder, as many live alone. The cost of each Life Alert device would be approximately \$300 per year and would be needed for 150 or more Tribal elders. Other needs of the department include: vehicles to transport seniors to appointments, funding for activities, and increased stipends to caregivers.

Additional annual financial need: \$25,000

Additional one-time financial need: \$125,000

2. Emergency Management Department

One of the greatest initial needs of the Emergency Management Department ("EMD") is onsite training. Many grants limit what funds can be spent on training and travel to trainings and therefore bringing training to the Reservation is needed.

Natural disasters such as tornados, floods, and earthquakes are of the greatest concern for the Tribe. Critical infrastructure upgrades are needed on the Reservation, including storm-proof windows and repairs to Tribal administration buildings to ensure the buildings can withstand

high winds from tornados. Certain resources are in place to help the community, such as tornado shelters, but additional weather safety information and monitoring systems are needed. The EMD could also benefit from the employment of two administrative assistants and the purchase of additional, back-up generators for the tribe and a utility trailer.

Additional annual financial need: \$40,000

Additional one-time financial need: \$25,000

3. Fire Department

The Fire Department receives only \$46,000 in funding each year. While the Tribe owns a fire truck, a fully-functioning Fire Department would need trained firefighters, an additional fire truck, a facility to house the Department, equipment, and a water tanker. For a fully-operational fire department to be created, a new truck would cost \$100,000, with equipment costing \$500 per volunteer for 18 volunteers. A water tanker truck would be an additional cost of \$250,000 and a fire facility with supplies would cost another \$500,000. Lastly, safety equipment could be purchased for approximately \$20,000 for initiatives related to forest management. Ongoing operational and maintenance costs would be approximately \$100,000 per year.

Additional annual financial need: \$100,000

Additional one-time financial need: \$879,000

4. Court of Indian Offenses

The Otoe-Missouria Tribal Court currently contracts with judges on an independent-contractor basis. With additional funding, the Tribe would strongly benefit from a permanent Otoe-Missouria Tribal Court. To commence operations, the Tribe would require \$100,000 for computers, equipment, files, desks, sound equipment, internet conferencing capabilities, and other supplies. One judge and one alternate judge would be needed, along with tribal attorneys, prosecutors, one bailiff, one or more court clerks, one or more paralegals, administrative staff and public defenders. Annual costs are estimated to be at least \$300,000, although some costs would be paid through restitution and some costs could be paid through grants from the BIA.

Additional annual financial need: \$300,000

Additional one-time financial need: \$100,000

5. Tribal Encampment

There is a need for significant infrastructure improvements at the Tribal Encampment, including flood management and replacement of restrooms. The Encampment Committee is responsible for hosting the annual gathering in July, where attendees participate in activities, games, contests, and learn about Tribal culture. A total of \$100,000 is needed for the following improvements: new showers, updated bathrooms, flood management, sump pumps, RV site maintenance, maintenance on plumbing and campsites, improved electrical, and an overflow solution to divert water during flooding.

The cost of ameliorating the Red Rock Creek flooding issues at the Tribal encampment is approximately \$40,000, which would allow water to be diverted around the encampment to the Tribe's farm, but will first require an archaeological study in the amount of \$10,000.

Additional one-time financial need: \$108,000

6. Driver's License Pilot Project

The Driver's License Pilot Project was created by the general fund of the Tribe. The Project was originally created to help tribal employees obtain their licenses, but has since broadened its scope to assist tribal members who have lost their driver's licenses with reapplying for and reobtaining their licenses. The Project offers loans of up to \$700 to Tribal members to pay any fees related to reobtaining their licenses, which loans are then paid back to the Program. As this is a growing Project, more funding is needed for salaries to hire additional Project employees.

Additional annual financial need: \$31,000

7. Health and Wellness Department

If the funds were available, the Health and Wellness budget could benefit from an increase in its budget. The Health and Wellness Program works to promote the health and wellness of tribal members and community members through exercise and fitness programs, which are led by a certified fitness instructor. The Program works to spread health information and prevent diabetes. Additional funding would be used for a new community fitness center, at the cost of approximately \$200,000, as the current center is small, uncomfortable and claustrophobic, and to increase salaries for certified fitness trainers.

Additional annual financial need: \$78,000

Additional one-time financial need: \$200,000

8. Health Clinic

There is no Otoe-Missouria health care facility and the nearest Indian Health Service clinic is the Pawnee Indian Health Clinic, although some Tribal members prefer to travel to White Eagle, Oklahoma or Ponca City to obtain health care. A clinic would require third-party billing and qualified staff, but a small clinic on the Reservation with dental and optical facilities would be a great benefit to Tribal members, especially senior citizens, and is being considered as a future project for the Tribe.

Additional annual financial need: \$150,000

Additional one-time financial need: \$500,000

9. Educational Programs

The Otoe-Missouria Tribe understands that education is a vital part of our existence in today's world, not only in our own Tribal community but in society as a whole. It is important for every Tribal member to have the educational opportunities that will allow him or her to function effectively in today's society. Education is a top priority of the Tribe.

A. Job Placement and Workforce Investment Department (“WID”)

WID uses federal funding for services designed to help Tribal members apply for, obtain, and maintain productive and satisfactory jobs. WID reports to the Bureau of Indian Affairs and provides both comprehensive services and Supplement Youth Services (“SYS”). Both programs are year-round, operating during summer vacations, school breaks and after school hours.

SYS provides Tribal youth, aged 14 to 21 years, with work experience, an opportunity to acquire new skills, and the ability to develop appropriate work habits. The participants will complete six work-related training modules before reporting to a work site for a temporary job placement. The length of placement could be as long as eight weeks, but is typically closer to four or five weeks, as we currently lack sufficient funding for longer term placements.

WID also assists tribal members with acquiring the job skills necessary for full-time, satisfactory employment. Services provided to Tribal members include: test preparation, vocational counseling and resume review; WID also assists members with improving their interview skills, preparing for the work force, filling out job applications, studying for and obtaining their GEDs and more. These services help participants make better career choices and help the participants succeed in the labor market. WID pays the costs of vocational school, including truck driving and dental assistant programs, for qualified applicants.

With additional funding, the Program could assist many more Tribal members with vocational training, as such interest exists, and allow additional Tribal members to participate in the SYS program so that they may benefit from a temporary job placement. The current budget could be increased so that WID can increase the number of students that participate in the SYS program and pay the tuition costs for additional tribal members to attend vocational schools.

Additional annual financial need: \$43,000

B. Higher Education Program

The Higher Education Program is a scholarship program that provides supplemental financial assistance to enrolled Tribal members that are pursuing a Bachelor's Degree at any accredited institution of higher learning. Each applicant must satisfy all BIA requirements in order to be eligible. Scholarships are awarded to 85–100 students each year, in the amount of \$10,000 to \$20,000 per student. The work of the Higher Education Program is vital to Tribal members. Hundreds of thousands of dollars are needed to meet the Tribe's true scholarship

needs, as the Tribe would ideally pay all higher educational costs for its members, including tuition, room and board, fees, textbooks, travel costs and monthly stipends.

Additional annual financial need: \$3,000,000

C. Head Start Program

The Otoe-Missouria Head Start program is a federally-funded low-income preschool program for 40 children aged three to five years old. Through revolving themes, classroom activities, and field trips, Otoe-Missouria Head Start broadens young minds with experiences to prepare these children for all the information that will be coming their way in the years to come. Children learn the Otoe-Missouria language, dances, and cultural traditions.

The Head Start program needs additional funds in order to hire additional childcare workers. Although a twenty-five percent (25%) matching grant currently supplements salary costs, additional funding is still needed because the grants don't allow for training or travel costs. A new head start building was constructed last year, but maintenance on the building continues. An additional \$14,000 is needed to supplement increased maintenance costs, in addition to the salary needs.

Additional annual financial need: \$54,000

D. Daycare Program

Tribal Daycare is funded by the Tribe. Additional employees are needed so that the daycare is able to provide caregiving services to more Tribal youths. Additional salary costs would require an increased budget.

Additional annual financial need: \$90,000

E. Sports After School Program

The Sports After School Program is part of the Youth Program and could make use of additional funding for activities, such as funding for travel to basketball tournaments. The Sports After School Program allows Tribal youths to participate in activities that they would not typically be able to afford; increased funding would allow for additional students to participate. Additional funding would be used for: salaries for employees, to create a softball program and to maintain softball fields.

Additional annual financial need: \$15,000

F. Ascend Program

Ascend is also part of the Youth Program and is for high school students in grades nine through twelve. As part of Ascend, the participants engage in community service activities, participate in cultural exchanges, travel on service trips, receive help with homework, and

participate in other activities. The current budget could be increased so that the program is able to cover more expenses for participants.

Additional annual financial need: \$15,000

G. Johnson O'Malley Program

The Johnson O'Malley Program ("JOM") is a federal program designed to ensure that Indian children receive educational opportunities that would not otherwise be available. JOM's basic purpose is to provide supplementary financial assistance to meet the unique and specialized educational needs of Indian children. JOM provides students that meet eligibility requirements (typically between 220 and 245 students) with basic school supplies at the beginning of the school year and further assists with purchasing prescription eyeglasses, athletic shoes and laptop insurance each school year.

School supplies cost \$6,000 to \$7,000 each year and eyeglasses are provided on a first come, first served basis. Up to 20 students per year can be assisted with eyeglasses and up to 50 students per year can be assisted with athletic shoes. However, \$125,000 in additional funding is needed to cover true costs of school supplies, laptop insurance, eyewear, and athletic shoes.

Additional annual financial need: \$125,000

10. Information Technology Department

The Information Technology Department needs additional funding to make improvements to the wireless internet provided on the Tribal Administration campus, which would require new servers. A budget increase is needed for such improvements and ongoing maintenance.

Additional annual financial need: \$18,000

11. Language Program

There are 10-15 speakers of the Tribal language. Mr. Sky Campbell, the Director of the Otoe-Missouria Language Program, is working diligently to capture the language and to ensure its correct use. While many elders speak the language, the elders are not teaching as many classes as they once were able to instruct. A number of interviews with Tribal elders were conducted five years ago when the Language Program was first created. The budget of the language program could be increased to provide for additional language recording sessions, construction of a recording studio with all related equipment, additional language learning activities with the Head Start Program, and to hire employees with linguistics backgrounds to accelerate the preservation of the Otoe-Missouria Tribal language.

Additional annual financial need: \$26,000

Additional one-time financial need: \$15,000

12. Law Enforcement

The Tribal Police Department is in need of additional officers and dispatchers. Additional funding would be used to increase salaries of the currently-employed Tribal officers to be commensurate with other, nearby police departments, to hire additional officers and dispatchers, and to supplement operating costs.

Additional annual financial need: \$200,000

13. Otoe-Missouria Library

In addition to traditional library activities, the Otoe-Missouria Tribal Library provides internet training, youth activities, and family history research assistance. The number of internet training sessions for both elders and youths could be increased. In addition, the library suffers from mold issues and requires upgrades. Additional funding would be used for facility improvements and to hire an additional, part-time librarian to assist with programs for Tribal members.

Additional annual financial need: \$15,000

Additional one-time financial need: \$30,000

14. Maintenance Department

The Maintenance Department employs approximately 25 employees at any given time, depending on the ongoing projects assigned by the Tribal Council and whether or not any grant funding is available for projects. The Maintenance Department completes repairs and regular maintenance on homes for tribal elders, including mowing lawns and cutting wood for wood-burning stoves of Tribal members. Additional funding would be used to employ additional maintenance workers.

Additional annual financial need: \$75,000

15. Native American Housing Assistance and Self-Determination Program

The Otoe-Missouria Tribe provides housing services through the assistance of the Native American Housing Assistance and Self-Determination Act of 1996 (“NAHASDA”) from the Department of Housing and Urban Development (“HUD”). The Otoe-Missouria Housing Authority (“OMHA”) develops and maintains housing related activities in compliance with HUD rules and regulations.

OMHA employs four full-time administrative workers and four full-time maintenance workers. The administrative workers are responsible for writing grants, daily operations and activities of the OMHA. The maintenance workers are responsible for mowing and general maintenance, such as fixing leaks.

There are 57 homes on the Reservation that are owned by and under the supervision of NAHASDA, nine of which are FEMA trailers that were brought to the Reservation in 2014. The houses were built in 1980 and 1981, each with two or three bedrooms. The waiting list for a two-bedroom house has 28 families, with another 16 applications in progress. The waiting list for a three-bedroom has 12 families with another 12 applications in progress. With such long waiting lists, the wait for housing is typically more than one year. While housing is meant to be temporary housing for low income individuals until they can improve their financial situation, residents are not moving because there are no other homes in the area. Some families have been in their homes for more than 20 years, although the average is closer to three years. Due to the age of the homes, all units are in need of renovations and rehabilitation – at least \$250,000 is needed.

One of the primary issues is that there are only two-bedroom and three-bedroom units available for rent – and some families have 6 or 7 children living in a three-bedroom house, which is a safety and health issue. Ten additional units with four or five bedrooms are needed. The estimated cost for such housing is \$100,000 per house.

The Tribe is also in need of assisted living for its tribal elders. Senior tribal members are given highest preference for occupancy, but handicapped-accessible homes and apartments are sorely needed. A twenty-unit, energy efficient, assisted living facility would be able to accommodate Tribal elders that have the greatest need for such facilities. The cost of such a facility would be approximately \$2,000,000

Emergency housing is also a critical need as there are no shelters and homelessness is an issue. Two to three homeless calls occur each month – emergency and transitional housing would provide a safe space for families in need. A transitional housing facility would be a great benefit for Tribal members and could be constructed for \$150,000.

In 2016, OMHA collected \$102,000 in rent payments, in addition to the annual budget, but additional funding is needed because maintenance costs are increasing as homes age. OMHA also needs more employees: one administrative assistant and one maintenance worker. The unmet need for annual expenses is approximately \$100,000.

Additional annual financial need: \$100,000
Additional one-time financial need: \$3,400,000

16. Public Information Office

The Otoe-Missouria Tribe's Public Information Office sends out notices regarding office closings, inclement weather and emergency notifications through the recipient's choice of email, phone call and/or text message. Additional funding is needed for the Public Information Office in order to upgrade the Tribal website, hire an additional social media employee and to keep up with daily operations.

Additional annual financial need: \$30,000

17. Social Services Department

The Social Services Department is desperately in need of increased funding. At least \$100,000 in additional funding is required to: supplement the homelessness program, provide grants for electrical and heating costs, provide utilities assistance to Tribal members, and to offer domestic violence assistance. Tribal members require additional assistance to pay for their utilities and the Tribe wants to assist with those costs as much as is possible. In addition, when Tribal members face homelessness or domestic violence, the Tribe wants to be able to provide temporary housing for those Tribal members and to assist those members with finding safe permanent housing.

Additional annual financial need: \$100,000

18. Substance Abuse Prevention Fund

In 2016, only \$2,500 was spent on outreach and special events related to the prevention of use of methamphetamines. Additional funding is greatly needed as Oklahoma has not been spared from the opioid addiction epidemic. Additional services need to be provided to those with addiction problems and the most notable need is for a substance abuse counselor, which would cost approximately \$75,000 per year. In addition, the Tribe could greatly benefit from the construction of a halfway house or transitional living facility in the community, at an initial cost of \$150,000 per year and an ongoing cost of \$200,000 per year.

Additional annual financial need: \$150,000

Additional one-time financial need: \$275,000

19. Otoe Missouria Tribal Administration

A. Planning Department

The Planning Department primarily works to oversee funding and projects for the Tribal Utility Department and for Tribal infrastructure. The Planning Department receives a significant amount of funding from grants, but additional funding is needed. Another employee is greatly needed as the Planning Department is responsible for applying for a significant number grants.

Additional annual financial need: \$44,000

B. Utility Department

The Utility Authority is supplemented with \$16,000 per month from the Tribe's general fund, but such amount could be increased as the Utility Authority expenditures were almost \$500,000 last year alone. The annual cost to operate the water plant is \$250,000, of which only \$60,000 is earned from water rates.

The Utility Authority needs to: construct a new water plant, repair water lines, hire qualified staff, and make major improvements to the water system in order to keep water drinkable and avoid the boil orders that have previously plagued the area. A boil order was in place for several months in 2016 due do the droughts that prevented the water plant from effectively processing out all sediments. Improvements require expenditures that would cost \$700,000.

In addition to those improvements, a new water plant needs to be constructed, at a cost of \$4,000,000. The Tribe was required to borrow this \$4,000,000, as opposed to paying out-of-pocket for the improvements from tribal business revenue, which would be preferred. The water system is simply overloaded with serving two subdivisions, rural non-native users, the Tribal buildings, and the sewer system.

Additional annual financial need: \$192,000

Additional one-time financial need: \$4,700,000

C. TAP – Tribal Assistance

Through funding from the Tribe's businesses, the Tribe is able to fund the Tribal Assistance Program ("TAP"). TAP provides direct financial assistance to Tribal members, including assistance for:

- Housing repairs;
- Eyeglasses;
- Hearing aids;
- Dental work;
- Medical expenses;
- School expenses;
- Reimbursements for clothing or items needed for school;
- Homebuyer down payment assistance up to \$6000;
- Child care;
- Utilities assistance;
- Mortgage and rent assistance;
- \$250 at the beginning of each quarter in the form of a Visa gift card or Walmart gift card;
- \$500 twice per year is paid to elders, starting at age 55; and
- \$100 is paid to each Tribal member every year in December for holiday assistance.

The Tribe values the opportunity to be able to provide direct financial support to its Tribal members, but also desires to increase the assistance available to each tribal member for their needs. Additional revenues from the Tribe's e-commerce businesses would allow the Tribe to increase TAP assistance.

Additional annual financial need: \$300,000

20. Summary of Unmet Needs

Set forth below is a chart disclosing all of the unmet needs of the Tribe:

Department	Additional annual unmet financial need	Additional one-time unmet financial need
Elder Nutrition and Caregiving Department	\$25,000	\$125,000
Emergency Management Department	\$40,000	\$25,000
Fire Department	\$100,000	\$879,000
Court of Indian Offenses	\$300,000	\$100,000
Tribal Encampment		\$108,000
Driver's License Pilot Project	\$31,000	
Health and Wellness Department	\$78,000	\$200,000
Health Clinic	\$150,000	\$500,000
WID	\$43,000	
Higher Education Program	\$3,000,000	
Head Start Program	54,000	
Daycare Program	90,000	
Sports After School Programs	\$15,000	
Ascend Program	\$15,000	
Johnson O'Malley Program	\$125,000	
Information Technology Department	\$18,000	
Language Program	\$26,000	\$15,000
Law Enforcement	\$200,000	
Otoe-Missouria Library	\$15,000	\$30,000
Maintenance Department	\$75,000	
NAHASDA	\$100,000	\$3,400,000
Public Information Office	\$30,000	
Social Services Department	\$100,000	
Substance Abuse Prevention Fund	\$150,000	\$275,000
Planning Department	\$44,000	
Utility Department	\$192,000	\$4,700,000
TAP – Tribal Assistance	\$300,000	
Total	\$5,316,000	\$10,357,000

If the Regulations are amended to (a) reinforce compliance with tribal law by third parties conducting business with the Tribe and its economic subdivisions, (b) reinforce consent by such third parties to the exercise of tribal adjudicatory jurisdiction, and to (c) address unfair practices by state governments, then the Tribe could:

- eliminate the dual regulatory regime;

- reinforce the assertion of its lawful jurisdiction over third-party individuals or entities conducting business with the Tribe or its economic subdivisions;
- reinforce the assertion of its regulatory authority over such third-party individuals or entities conducting business with the Tribe or its economic subdivisions;
- reinforce the prevention of states from asserting their jurisdiction over tribal businesses and such third parties doing business with the Tribe or its economic subdivisions;
- reinforce the prevention of states from asserting regulatory authority over tribal businesses and such third parties doing business with the Tribe or its economic subdivisions; and
- reinforce the prevention of states from initiating lawsuits against tribal businesses based on state laws and regulations.

With the reinforcement of all of the above in the modernized and amended Regulations, the Tribe would potentially be able to generate millions of dollars in additional revenue through economic development—funds that can be used to support the Tribal programs set forth above, as these programs have a great need for increased funding.

IV. CONCLUSION

For the reasons stated above, it is the position of the Tribe that revisions to the Regulations are necessary to eliminate dual regulation and to promote tribal economic development and self-determination. The Tribe appreciates the opportunity to submit this public comment and looks forward to collaborating with the BIA throughout this rulemaking process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Shotton', with a long horizontal flourish extending to the right.

John Shotton
Chairman