

the NAFOA

# NAVIGATOR



FALL 2022

## MASHANTUCKET PEQUOT TRIBAL NATION

*Welcomes* **NAFOA**



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# Presidential Welcome



## Sheku Members and Supporters of NAFOA,

Welcome and thank you for attending our 2022 Fall Finance and Tribal Economies Conference. I am excited to host our conference along with one of our long-supporting member tribes, the Mashantucket Pequot Tribal Nation. I would like to thank Chairman Rodney A. Butler and the rest of the tribal council for their support over the years. Chairman Butler has been a staunch champion of NAFOA for many years. He has spoken at many of our conferences, advocated to Congress on behalf of Indian Country and supported our future leaders through NAFOA's educational initiatives. It is an honor to gather our community at the home of Mashantucket Pequot Tribal Nation in the beautiful Foxwoods Resort Casino. I have personally seen the growth of Foxwoods Resort and admire their perseverance and success. I would also like to say thank you to every member tribe in attendance and to all of our other member tribes for their continued support of our organization.

Surrounded by the vast autumnal Connecticut woodlands, this Fall conference will provide discussion regarding tribal infrastructure, business strategies, federal updates, compliance, the U.S. Supreme Court, and more. In addition, I am pleased to welcome the new Treasurer of the United States, Lynn Malerba, Lifetime

Chief of the Mohegan Tribe to address the general session on Monday. Chief Malerba recently received her historic appointment at the Department of the Treasury as the first Native American to serve as Treasurer. She has dedicated her entire career to Indian Country, and

I am confident she will give a much-needed voice to Native Americans in the Biden administration. Our organization has had the privilege to work with Chief Malerba and the Mohegan Tribe for over 10 years and we are happy to once again feature her as a general session speaker for this Fall conference.

I am looking forward to a wonderful and engaging conference with you all. Thank you to our member tribes, corporate sponsors, and our federal partners for their help in making our work at NAFOA possible. The Board of

Directors and the NAFOA team are grateful for your dedication to NAFOA and to Indian Country as a whole. I am honored to serve as your President, and I am excited to see what opportunities lie ahead for Indian Country in 2023.



Yawako,  
Cristina Danforth  
NAFOA Board President



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**Wells Fargo is a proud sponsor of the 2022 NAFOA Fall Conference.** We salute NAFOA and its mission to grow tribal economies and strengthen tribal finance. Wells Fargo continues to be committed to supporting organizations that bring leadership to our community, having done so through our strong support of tribal economies for more than 60 years.

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# Contents

Presidential Welcome.....	1
Host Tribe Welcome.....	4
NAFOA Leadership and Staff.....	5
Agenda-at-a-Glance.....	6
CPE FAQs.....	8
Conference Agenda.....	10
October 2.....	10
October 3.....	10
October 4.....	15
Conference Speakers.....	20
Member Tribes.....	28
Host Tribe: Mashantucket Pequot Tribal Nation.....	30
Foxwoods Resort Floor Plan.....	34
Things To Do At Foxwoods.....	36
Conference Sponsors.....	40
Exhibitor List.....	42
Closing Reception.....	44
NAFOA Institute Update.....	47
Conference Arts.....	55
Graphic Illustrator.....	56
Policy Report.....	58
Legislative Resources.....	84
Committees in the U.S. Congress.....	86
Congressional Leadership.....	87
Corporate Advisory Committee.....	95
NAFOA’s Annual Lifetime Achievement Awards.....	96
National Events.....	101
NAFOA Future Conferences.....	102
Past NAFOA Conference Photos.....	104
Features.....	110
How Tribal Facilities Could Benefit from ISDEAA Section 105(l) Leases.....	110
Controlling Waste and Abuse.....	112
Indian Country’s “Once-in-a-Seven Generation Opportunity:”.....	115
Why It’s Time For Tribes To Replace Legacy Accounting Systems.....	118
AMERIND Empowers Tribes to Take Control of Their Insurance Programs.....	120
Ready or Not.....	123
Section 105(l) Leases: A Powerful Financing Tool for Native America.....	125

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Cover photo - Green Corn Festival from the Mashantucket Pequot Tribal Nation Photo Archives



## MASHANTUCKET PEQUOT TRIBAL NATION

*Wuyepuyôq neetôpawak* (Welcome friends)!

On behalf of the Mashantucket Pequot Tribal Nation, it is my honor to welcome you to Mashantucket and Foxwoods Resort Casino for NAFOA's 2022 Fall Finance and Tribal Economies Conference. We wish to thank all Tribal Leaders, staff, and the Board of Directors of NAFOA for joining us on these lands that our ancestors have resided for thousands of years.

Mashantucket is the oldest continually occupied reservations in the United States. Our reservation was established in 1666 after Pequot Grand Sachem Robin Cassacinamon successfully petitioned the Hartford Colony to provide land for our people following the Pequot War; a war where we were stripped of our land and identity through the Treaty of Hartford in 1638. The intent of the colony was to destroy our existence entirely, but thankfully the Creator had different plans for us. We not only survived through centuries of attempted genocide, but we persevered and are thriving today!

To learn more about our history and culture, as well as our contributions to Connecticut and Indian Country while you're here, please be sure to visit our beautiful Mashantucket Pequot Museum and Research Center. Go to [www.PequotMuseum.org](http://www.PequotMuseum.org) to plan your visit.

Here at Mashantucket, we're committed to diversifying our tribal economy in order to support our tribal government and the many critical services we provide to our citizens. We have had the great fortune to develop one of the largest gaming resorts in the United States, but we fully believe in the importance of diversification. In addition to Foxwoods Resort Casino, two of our long-standing tribal businesses include a 36-hole golf facility, Lake of Isles, and The Spa at Norwich Inn. We recently introduced [Wondr Nation](#), offering superior online gaming and sports betting experiences. We've also launched [Command Holdings](#), a company specializing in business development and government relations through 8-A federal contracting and consulting. Opened in November 2021, [Foxwoods El San Juan](#), offers a premier luxury gaming experience in the heart of beautiful Puerto Rico. We also provide health plan administration and related services through our Pequot Health Care, as well as own various commercial land holdings.

Our partnership with NAFOA over the years and collaboration with other member tribes has only helped to strengthen our economy. NAFOA is an incredible organization dedicated to advancing Native communities through the role of tribal finance and fostering economic opportunities. We are pleased to have partnered with and witnessed this incredible organization champion economic initiatives for Indian Country and advocate for sound economic and fiscal policy to support all Tribes.

We look forward to meeting you as we learn from one another and strive toward economic and legislative initiatives that benefits all of Indian Country. As we work together in this challenging economy, I'm confident that we will continue strengthening tribal sovereignty nationwide and diversify our economies, empowering our communities to continue to thrive for generations to come.

*Kutaputuyumuw qah wuyamu* (Thank you all and be well),

Rodney A. Butler  
Tribal Chairman

# NAFOA Leadership



## President

Cristina Danforth, Oneida Nation

## 1st Vice President

VaRene Martin, Thlopthlocco Tribal  
Town, Mvskoke (Creek) Nation

## 2nd Vice President

Celina Phair, Lummi Nation

## Treasurer

Hattie Mitchell, Prairie Band  
Potawatomi Nation

## Secretary

Melanie Benjamin, Mille Lacs  
Band of Ojibwe

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# Agenda At-A-Glance



## Sunday, October 2, 2022

4:00 PM to 7:00 PM	Registration Opens	Premier Registration
5:00 PM to 7:00 PM	Member Tribe Reception and Meeting	Premier F

## Monday, October 3, 2022

7:30 AM to 8:30 AM	Breakfast	Premier BD
7:30 AM to 5:00 PM	Registration Opens Exhibit Hall Opens	
8:30 AM to 11:00 AM	<b>General Session</b>	Premier AC
11:00 AM to 11:30 AM	<b>Break</b>	Premier BD
11:30 AM to 12:30 PM	<b>Breakout Sessions</b>	
	Everything Uncertain: Inflation, Recession, and Labor	Premier E
	Planning and Managing Grant Compliance for Uncertain Times	Premier F
	Choosing Success with the Right Business Structure	Premier H
12:30 PM to 2:30 PM	<b>Lunch</b>	Premier AC
2:30 PM to 3:30PM	<b>Breakout Sessions</b>	
	When the COVID Funding Runs Out...	Premier E
	Assessing and Addressing Tribal Infrastructure Needs	Premier F
	Brick by Brick with Tax Credits	Premier H
3:30 PM to 4:00 PM	<b>Break</b>	Premier BD
4:00 PM to 5:00 PM	<b>Breakout Sessions</b>	
	Diversify with Non-Gaming Investments	Premier E
	Taxed Or Not to Be Taxed?	Premier F
5:15 PM to 7:15 PM	President's Reception	Terrace



## Agenda At-A-Glance (continued)



### Tuesday, October 4, 2022

7:30 AM to 8:30 AM	Breakfast	Premier BD
7:30 AM to 5:00 PM	Registration Opens Exhibit Hall Opens	
8:30 AM to 11:00 AM	<b>General Session</b>	Premier AC
11:00 AM to 11:30 AM	<b>Break</b>	Premier BD
11:30 AM to 12:30 PM	<b>Breakout Sessions</b>	
	Establishing an Environmental, Social, and Governance (ESG) Strategy	Premier E
	Stay Calm and Explore Options as Interest Rates Rise	Premier F
	Start Building with LIHTC	Premier H
12:30 PM to 2:30 PM	<b>Leadership Awards Luncheon</b>	Premier AC
2:30 PM to 3:30 PM	<b>Breakout Sessions</b>	
	The Energy Transition for Indian Country	Premier E
	How Section 105(l) Leases Can Compensate Your Tribe	Premier F
	You Don't HAFta, But You Could: The Homeowner Assistance Fund	Premier H
3:30 PM to 4:00 PM	<b>Break</b>	Premier BD
4:00 PM to 5:00 PM	<b>Breakout Sessions</b>	
	The Story of a Forensic Audit	Premier E
	The Sunset of the American Rescue Plan	Premier F
5:30 PM to 8:00 PM	<b>Closing Reception</b>	High Rollers Luxury Lanes

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# CPE FAQ

## **Can I earn CPE credits at NAFOA's 2022 Fall Finance & Tribal Economies Conference?**

Yes. The majority of the general and breakout sessions are eligible for CPE credits. Total CPE credits will be based on the final conference agenda, but the full program will be worth a minimum of 10 CPE credits.

## **How do I request a CPE Certificate to prove I earned credits?**

There is a CPE Worksheet at the registration desk. Fill out the requested information, including the e-mail address to send the certificate to, and turn it in prior to leaving the conference. The certificate will be e-mailed to you within two weeks of the conference concluding. You may also e-mail the certificate to [christina@nafoa.org](mailto:christina@nafoa.org).

## **How do I keep track of the credits I earn at this conference?**

There is a CPE Worksheet at the registration desk. Fill out the requested information, and during the conference keep track of the sessions you attend. Tally up the total minutes you attended, divide by 50, and round down to determine the total number of credits you will earn.

## **Do I have to sign in at each session?**

Yes, there is a sign-in sheet in each session room. At the start of each session a sign in sheet will begin to circulate around the room. In addition, one is on the AV table. In order to receive credit for all the sessions and instruction time you attend, you must sign the attendance sheets. In addition, you must indicate if you entered the session late or left early. In accordance with NASBA requirements, a NAFOA staff member or volunteer will be on-site in each room to monitor attendance.

## **I forgot to sign during one of the sessions; do I still have a chance to complete this task?**

Please come to the registration desk and speak to a NAFOA staff member about this.

## **General program information:**

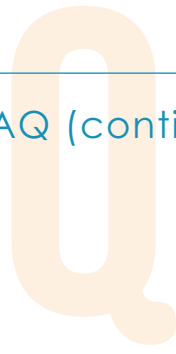
The program level is intermediate, no advanced preparation required, and the delivery method is Group-Live. Program prerequisites are a basic understanding of tribal finances and the financial goals of your tribe.

## **Learning Objectives**

- Learn about at least two recent macroeconomic trends and how these national events are impacting Indian Country, and at least two specific ways that Tribes can respond.
- Understand three different ways that tribes can effectively manage their grant compliance systems to prepare for recent and future changes.
- Learn about Section 17 corporations and specific ways tribes can use them for their benefit.
- Discover at least three ways to prepare tribal governments to adjust their budgets back to non-covid funding levels when programs like ARPA eventually run out.
- Learn about recent infrastructure legislation and at least two ways tribes can take advantage of these programs to address their infrastructure needs.
- Understand the uses of New Market Tax Credits and the ways tribes can qualify for them.
- Learn about the non-gaming financial market and at least two different types of projects tribes can use to diversify their economies.

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## CPE FAQ (continued)



- Understand the defining court cases and statutes, like IGRA and GWE, that establish what payments to tribal members are subject to tax and how tribes can adopt strategies to minimize tax liabilities.
- Learn the criteria of ESG and at least two different factors that can contribute to improving a ESG of a business
- Understand the changes in interest rate increases, rate swaps, how this will affect financing, and at least two pitfalls to avoid.
- Understand how a tribe can use LIHTCs to both benefit their local economy and alleviate housing needs.
- Find out about the energy transition, how this will affect tribal governments and members, what opportunities this presents, and how best position your tribal government going forward.
- Learn the process of how tribal governments qualify for section 105 leases and their impacts.
- Learn how tribes can use this fund to assist homeowners and understand how to follow Treasury's reporting and compliance guidelines correctly.
- Learn how to protect a business or organization from accusations of fraud as well as how to properly conduct a forensic audit.
- Discover how tribes can utilize the final and underutilized parts of ARPA funding.

Please visit [www.nafoa.org](http://www.nafoa.org) for the full program agenda, registration information, etc. If you have questions regarding CPE credits, or for more information regarding refund, complaint and program cancellation policies, please contact Christina Morbelli at [Christina@nafoa.org](mailto:Christina@nafoa.org).



NAFOA is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: [www.nasbaregistry.org](http://www.nasbaregistry.org).

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# Conference Agenda



## October 2nd

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■ 4:00 PM - 7:00 PM

**Registration**

*Premier Registration*

■ 5:00 PM - 7:00 PM

**Member Tribe Meeting/Reception**

*Premier F*

You must represent a Member Tribe (see Member Tribe list at registration) and have an orange Member Tribe ribbon on your badge to attend.

**Sponsored by:**



## October 3rd

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■ 7:30 AM - 5:00 PM

**Registration**

*Premier Registration*

■ 7:30 AM - 8:30 AM

**Breakfast**

*Premier BD*

■ 8:30 AM - 11:00 AM

**General Session**

*Premier AC*

**Opening Prayer and Cultural Sharing**

Presentation of Colors, Color Guard

Blessing, Laughing Woman, Vice Chair Elders Council

Cultural Sharing – Drummers & Dancers

**NAFOA Welcome Remarks**

**Cristina Danforth**, President, NAFOA Board of Directors

**Host Tribe Welcome**

**Rodney Butler**, Chairman, Mashantucket Pequot Tribal Nation

**Conference Co-Chair Remarks**

Bank of America, Wells Fargo

**Treasurer Malerba and the Office of Tribal and Native Affairs**

Chief Malerba has dedicated her entire career to Indian Country serving as the Lifetime Chief of the Mohegan Tribe and as an appointed member to the Tribal Treasury Advisory Committee. Chief Lynn Malerba is the first American Indian to serve as Treasurer of the United States. She will discuss her role overseeing the newly established Office of Tribal and Native Affairs and how she will be working to advance the priorities of the Biden administration.

*CPE Field of Study: Specialized Knowledge - Technical*

**Speaker:**

**Chief Lynn Malerba**, Treasurer of the United States

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## Conference Agenda (continued)



### **Midterms Matter: The Impact for Indian Country**

The 2022 Midterm elections could shift the balance of power in Congress. Although Indian affairs are usually bipartisan issues, shifting priorities could impact tribes. What races should Indian country be watching and how likely is it that one or both houses will change leadership this cycle? How the results could impact the lame duck session? The panelists will share their views on what is in store for Indian Country.

*CPE Field of Study: Specialized Knowledge - Technical*

#### **Speakers:**

**Aurene Martin**, Managing Partner, Spirit Rock Consulting LLC

**Michael Carter**, Staff Attorney, Native American Rights Fund

### **GASB's Back, Alright!**

Chairman Joel Black returns to NAFOA to give an update on the Governmental Accounting Standards Board (GASB) current activities and comprehensive projects. Join us to get up to date on the world of tribal accounting. Joel will focus on new standards which are effective soon, such as leases and subscription-based IT arrangements, but will also provide highlights of longer-term GASB projects.

*CPE Field of Study: Specialized Knowledge - Technical*

#### **Speaker:**

**Joel Black**, Chair, Governmental Accounting Standards Board

### **The State of the Economy**

The panelists will examine what's going on with inflation, the future of the labor market, and the risks to economic growth. Taking advantage of Dr. Blanchflower's experience setting interest rates in the UK we will discuss in depth what the Federal Reserve is thinking about as it looks to tackle America's inflation problem and what that means for jobs and the economy. Finally, we will discuss how the economy impacts people, analyzing research into well-being with a focus on well-being for Native communities.

*CPE Field of Study: Specialized Knowledge - Technical*

#### **Speakers:**

**Aaron Klein**, Economic Advisor, NAFOA

**David (Danny) Blanchflower**, Bruce V. Rauner Professor of Economics, Dartmouth College, Professor of Economics at the University of Stirling

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## Conference Agenda (continued)



### ■ 11:00 AM- 11:30 AM

#### **Break**

*Premier BD*

#### **Sponsored by:**

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Lincoln Financial Group  
Northern Trust  
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Sheppard Mullin Richter & Hampton LLP  
TFA Capital Partners  
Travois, Inc.  
Twelve Clans, Inc.  
USI Consulting Group  
Visual Lease

### **Breakout Sessions**

### ■ 11:30 AM - 12:30 PM

#### **Everything Uncertain: Inflation, Recession, and Labor**

*Premier E*

Costs of everything are rising. Shortages once unheard of continue to pop-up. How should Tribes adjust plans to the return of inflation? Should we push off that big project? Economic uncertainty can throw our plans into disarray. Our panel of experts will discuss how to deal with the impacts of the pandemic and how to successfully plan for what may come next.

*CPE Field of Study: Economics - Technical*

### ■ 11:30 AM - 12:30 PM

#### **Planning and Managing Grant Compliance for Uncertain Times**

*Premier F*

An introductory look into the world of tribal grant compliance. Learn about issues facing tribes in 2022 and what to be aware of for 2023. Find out how some tribal governments handle their grant compliance systems in the face of recent changes, what makes certain systems successful, what should be considered looking forward, and how new funding opportunities will impact next year.

*CPE Field of Study: Accounting (Governmental) - Technical*

### ■ 11:30 AM - 12:30 PM

#### **Choosing Success with the Right Business Structure**

*Premier H*

When it comes to business structures, tribes have options. There are many factors to look at when choosing the right structure for a project. Where will the business be conducted: on reservation, off reservation, in a foreign state? What type of activities will the business be engaged in? Panelists will discuss the factors that influence an ultimate decision, including the benefits of a Section 17 corporation and adoption of a robust corporate/business code.

*CPE Field of Study: Specialized Knowledge - Technical*

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## Conference Agenda (continued)



### ■ 12:30 PM - 2:30 PM

#### Lunch

*Premier BD*

Blessing - Jean Swift, Interim Chief Financial Officer, Mashantucket Pequot Tribal Nation  
Cultural sharing – Drummers & Dancers

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Wipfli LLP

### Breakout Sessions

### ■ 2:30 PM - 3:30 PM

#### When the COVID Funding Runs Out...

*Premier E*

Over the last 2 ½ years, tribal governments have seen more funding opportunities from the federal government than at any other point in history. As the country moves to a post-COVID future, tribes need to prepare for appropriations to return to pre-COVID levels. Learn how to use the final pieces of the federal pandemic relief funding to increase long term economic growth and ensure that tribal governments are ready for the new normal.

*CPE Field of Study: Finance - Technical*

### ■ 2:30 PM - 3:30 PM

#### Assessing and Addressing Tribal Infrastructure Needs

*Premier F*

Last year, Congress passed major infrastructure legislation. In this session, our panelists will discuss what's available to tribal governments and corporations from the bill, and how to internally assess tribal infrastructure needs. Learn about access to various funding sources, as well as what to consider when planning infrastructure projects.

*CPE Field of Study: Specialized Knowledge, Technical*

### ■ 2:30 PM - 3:30 PM

#### Brick by Brick with Tax Credits

*Premier H*

New Market Tax Credits (“NMTC”) are used for a variety of purposes. In recent years NMTC have been used for the construction of facilities, like health clinics, on Indian lands. Hear from our panelists on the steps to qualify for NMTCs, the preparation involved, and the types of projects that qualify.

*CPE Field of Study: Specialized Knowledge - Technical*

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## Conference Agenda (continued)



### ■ 3:30 PM- 4:00 PM

#### **Break**

*Premier BD*

#### **Sponsored by:**

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FS Advisors, Inc.  
Graystone Consulting, a business of Morgan Stanley

### **Breakout Sessions**

### ■ 4:00 PM - 5:00 PM

#### **Diversify with Non-Gaming Investments**

*Premier E*

Non-gaming investments are becoming more common among tribes. Some tribes are even investing directly in existing companies to diversify their economies. This session will provide an overview of the non-gaming financial market. Hear about the types of projects being funded and how lenders evaluate these projects. Learn how to evaluate off-reservation companies for investment potential.

*CPE Field of Study: Finance - Technical*

### ■ 4:00 PM - 5:00 PM

#### **Taxed Or Not to Be Taxed?**

*Premier F*

A tapestry of court cases and statutes outline the boundaries of taxation on tribal lands. As a result, tribes face a complex landscape of rules dictating when they are subject to taxation. Statutes like IGRA and GWE establish rules for when payments to members are subject to tax or, alternatively, create an exemption from taxation. Panelists will discuss how to structure programs to comply with applicable laws while minimizing tax liabilities and risks should the tribe ever be audited.

*CPE Field of Study: Business Law - Technical*

### ■ 5:15 PM - 7:15 PM

#### **President's Reception**

*Terrace*

#### **Sponsored by:**



Mashantucket Pequot  
Tribal Nation



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## Conference Agenda (continued)



### October 4th

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■ 7:30 AM - 5:00 PM

**Registration**

*Premier Registration*

■ 7:30 AM - 8:30 AM

**Breakfast**

*Premier BD*

■ 8:30 AM - 11:00 AM

**General Session**

*Premier AC*

**Opening Prayer and Cultural Sharing**

Blessing, Laughing Woman,

Vice Chair Elders Council

Cultural Sharing – Drummers & Dancers

**Leading Through Adversity**

Disputes between Indian Tribes and other local governments are happening to tribes throughout the United States. These disputes can cause difficult times for tribes. Leading through adversity takes a strong, well-rounded leader. Learn how Tribal leaders have led and are leading their tribes through times of adversity.

*CPE Field of Study: Specialized Knowledge - Technical*

**Speakers:**

**Melanie Benjamin**, Chief Executive, Mille Lacs Band of Ojibwe

**Rodney Butler**, Chairman, Mashantucket Pequot Tribal Nation

**Matthew Pagels**, President, Seneca Nation of Indians

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## Conference Agenda (continued)



### **Supremely Bad News from the Court**

Recent decisions by the U.S. Supreme Court have shaken our understanding of precedent, laws of the United States, and how Indian tribes fit within that framework. Cases like *Oklahoma v Castro Huerta* upend prior Supreme Court precedents while leaving Indian Self-Determination up in the air. These decisions have potential impacts on future economic development activities in Indian country. Panelists will discuss the impacts of the case and what strategies tribes can use to minimize them.  
*CPE Field of Study: Specialized Knowledge - Technical*

#### **Moderator:**

**Rico Frias**, Executive Director, NAFOA

#### **Speakers:**

**Adam Crepelle**, Assistant Professor, Antonin Scalia Law School, Director Tribal Law & Economics Program at the Law & Economics Center  
**Jonodev Chaudhuri**, Principal, Chaudhuri Law

### **Developing and Retaining Talent After the Great Resignation**

Tribal governments and tribal enterprises are not immune to the current hiring crisis. This session will discuss evolving best practices to help alleviate the problem of workforce recruitment and retention. Learn about engaging employees and developing talent that will benefit both the individual worker's goals and the tribe's long-term success.  
*CPE Field of Study: Specialized Knowledge - Technical*

#### **Moderator:**

**Kitcki Carroll**, Executive Director, United South and Eastern Tribes, Inc. (USET)

#### **Speakers:**

**Christopher Castleberry**, Tribal Council Treasurer, Snoqualmie Indian Tribe  
**Joseph Nayquonabe**, CEO Mille Lacs Corporate Ventures  
**Jean Swift**, Interim Chief Financial Officer, Mashantucket Pequot Tribal Nation

### **■ 11:00 AM - 11:30 AM**

#### **Break**

*Premier BD*

#### **Sponsored by:**

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## Conference Agenda (continued)



### Breakout Sessions

#### ■ 11:30 AM - 12:30 PM

##### **Establishing an Environmental, Social, and Governance (ESG) Strategy**

*Premier E*

ESG criteria is an important factor used to develop a socially-conscious investment strategy. This criteria includes sustainable and socially responsible investing, employee engagement, diversification of resources, and not-for-profit support. Learn what steps your Tribe can take to implement an effective ESG strategy.

*CPE Field of Study: Behavioral Ethics - Non-Technical*

#### ■ 11:30 - 12:30 PM

##### **Stay Calm and Explore Options as Interest Rates Rise**

*Premier F*

With interest rates on the rise, Tribes may want to consider utilizing interest rate swaps and other forms of interest rate protection agreements. This session will discuss the financial, legal, and practical perspectives, and how Tribes can mitigate interest rate risks. Panelists will provide tips for best practices and pitfalls to avoid.

*CPE Field of Study: Economics - Technical*

#### ■ 11:30 AM - 12:30 PM

##### **Start Building with LIHTC**

*Premier H*

Tax credits such as the Low-Income Housing Tax Credits (LIHTC) can bring investment into a tribe and allow it to leverage existing cash into a larger construction budget. LIHTCs can also create jobs and support economic development during the construction phase. This session will examine how tribes can use LIHTCs to meet their housing needs and employ more tribal members.

*CPE Field of Study: Taxes - Technical*

#### ■ 12:30 PM - 2:30 PM

##### **Lifetime Achievement Awards Luncheon**

*Premier AC*

Blessing - Jean Swift, Interim Chief Financial Officer, Mashantucket Pequot Tribal Nation

Please join us as we honor strong Native American Leaders who have brought about positive economic change for both their communities and Indian Country throughout the course of their careers.

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## Conference Agenda (continued)



### Breakout Sessions

#### ■ 2:30 PM - 3:30 PM

##### **The Energy Transition for Indian Country**

*Premier E*

The energy industry is experiencing a massive transition to cleaner technologies. These changes could help mitigate costs to tribal businesses and offer economic development opportunities. This panel will provide an overview of the economic impacts of alternative energy projects in Indian Country. The discussion will provide a clear roadmap for tribal leaders and decision-makers on how to evaluate the financial benefits of alternative energy projects and how they can be planned and funded. Project scale, technology selection, and other technical considerations will also be covered.

*CPE Field of Study: Finance - Technical*

#### ■ 2:30 PM - 3:30 PM

##### **How Section 105(l) Leases Can Compensate Your Tribe**

*Premier F*

Section 105(l) leases are facility costs agreements to compensate Tribes and Tribal organizations for using their own or rented facilities to carry out obligations under ISDEAA self-determination and self-governance compacts. This panel will review how Tribes can qualify for and negotiate 105(l) leases, including the financial and accounting impacts to their existing ISDEAA program operations, as well as leveraging lease funds to finance facilities construction.

*CPE Field of Study: Accounting (Governmental) - Technical*

#### ■ 2:30 PM - 3:30 PM

##### **You Don't HAFta, But You Could: The Homeowner Assistance Fund**

*Premier H*

As part of the American Rescue Plan, the Homeowner Assistance Fund (HAF) provides close to \$10 billion in financial support to help families weather challenges and remain in their homes. The HAF provides \$500 million for tribes or tribally designated housing entities. Learn how tribal governments can work to support homeowners within their communities who may benefit from the program. Guidance from the Treasury will be discussed in detail including reporting and compliance.

*CPE Field of Study: Accounting (Governmental) - Technical*

#### ■ 3:30 PM - 4:00 PM

##### **Break**

*Premier BD*

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Visual Lease

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## Conference Agenda (continued)



### Breakout Sessions

#### ■ 4:00 PM - 5:00 PM

##### **The Story of a Forensic Audit**

*Premier E*

The risk of fraud and litigation exists within every tribal entity, tribal government, and/or organization. Protect your organization and its assets from accusations of fraud or embezzlement with a forensic audit. This session will discuss the costs, the time it takes to conduct, the steps, and when to conduct a forensic audit.

*CPE Field of Study: Auditing - Technical*

#### ■ 4:00 PM - 5:00 PM

##### **The Sunset of the American Rescue Plan**

*Premier F*

The American Rescue Plan Act of 2021 (ARPA) gave many tribes unprecedented funding opportunities to help recover from the pandemic. While many tribes have taken advantage of this funding, there are still opportunities that are not being utilized by tribes to the fullest extent. Learn about the various underutilized ARPA programs and other opportunities that are still accessible.

*CPE Field of Study: Finance - Technical*

#### ■ 5:30 PM - 8:00 PM

##### **Closing Reception High Rollers Luxury Lanes**

Join us to celebrate a productive conference with bowling, billiards, bites, and beverages at High Rollers Luxury Lanes.

#### **Sponsored by:**



# Conference Speakers



**Brian Anderson**

Partner  
Wipfli LLP

**Linda Austin**

Chief Operations Officer  
Ysleta del Sur Pueblo

**Matthew Balka**

Partner  
FSA Advisory Group

**Melanie Benjamin**

Chief Executive  
Mille Lacs Band of Ojibwe

**David Black**

Community Development Expert  
Office of the Comptroller of the  
Currency

**Joel Black**

Chair  
Governmental Accounting  
Standards Board

**David (Danny) Blanchflower**

Bruce V. Rauner Professor of  
Economics, Dartmouth College  
Professor of Economics at the  
University of Stirling

**Rodney Butler**

Chairman  
Mashantucket Pequot Tribal Nation

**Caitlin Caldwell**

Vice President  
KeyBank

**Kitcki Carroll**

Executive Director  
United South and Eastern Tribes,  
Inc. (USET)

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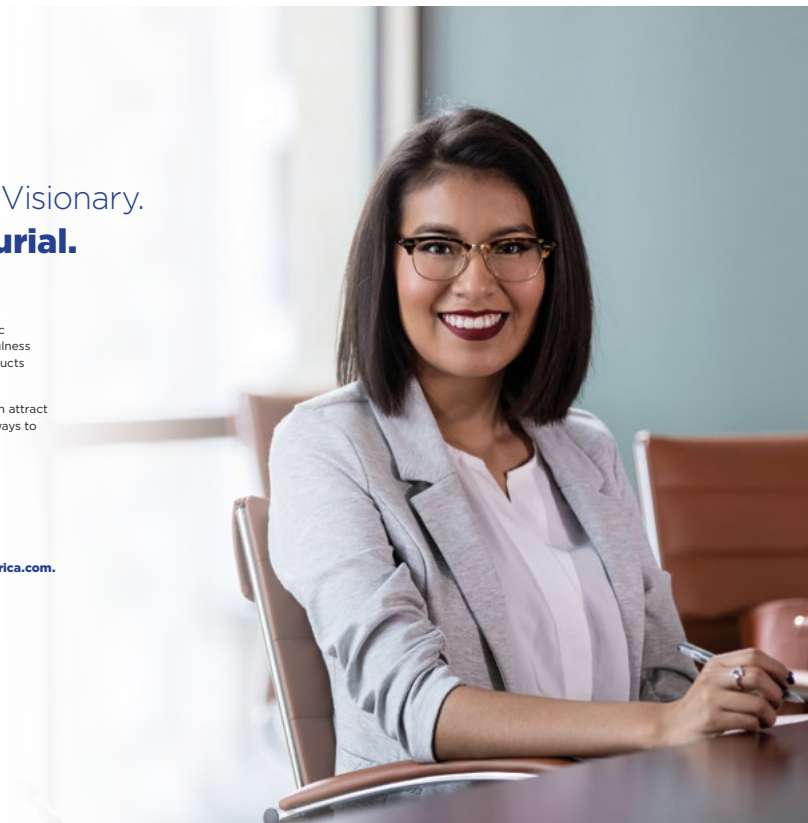
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## Conference Speakers (continued)



**Michael Carter**  
Staff Attorney  
Native American Rights Fund

**Christina Cartier**  
Chief Financial Officer  
Tuolumne Me-Wuk Tribal Council

**Latisha Casas**  
Treasurer  
San Manuel Band of Mission  
Indians

**Christopher Castleberry**  
Tribal Council Treasurer  
Snoqualmie Indian Tribe

**Jonodev Chaudhuri**  
Principal  
Chaudhuri Law

**Maranda Compton**  
Lepwe

**Adam Crepelle**  
Assistant Professor  
Antonin Scalia Law School at  
George Mason University  
Director -Tribal Law & Economics  
Program at Law & Economics Center

**Patrick Davison**  
VP, Native American Gaming  
PNC Bank

**Annie Rose Favreau**  
Senior Manager  
Moss Adams LLP



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## Conference Speakers (continued)



**Kate Finn**  
Executive Director  
First Peoples Worldwide

**Rico Frias**  
Executive Director  
NAFOA

**Monica Fox**  
Tribal Administrator  
Chicken Ranch Rancheria of Me-  
Wuk Indians of California

**Kayla Gebeck Carroll**  
Senior Public Affairs Advisor  
Holland & Knight LLP

**Peter George**  
Partner  
MGO

**Mark Harding**  
Principal  
WampWorx

**Michael Hay**  
Vice President  
Fifth Third Bank

**Dawson Her Many Horses**  
SVP & Head of Native American  
Banking  
Wells Fargo Commercial Banking

**Andy Huff**  
Senior Legal and Policy Advisor  
Center for Indian Country  
Development

**Stella Kay**  
Vice Chairwoman  
Little Traverse Bay Bands of Odawa  
Indians

**Weekápaheek ◊ Maple Syrup**

Maple sugaring is a longstanding cultural tradition within the Mashantucket Pequot Tribal Nation, passed down from generation to generation. In the mid 1970s, former Tribal Chairman Richard "Skip" Hayward, along with several other tribal members, led the effort to revive, teach and continue this tradition, which is still in practice today.

The Mashantucket syrup harvesting effort continues to be very popular, today. Each winter, under the leadership of Mashantucket Pequot Tribal Member Jeremy Whipple, tribal members gather to clear sugar bush and tap trees, rig up the sap lines, and revive the Tribe's sugar shack for the season, the way Pequots have done for centuries.

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The advertisement features a background image of a large red wooden sugar shack with a dark roof and a small cupola. Three circular inset images are overlaid on the left side: the top one shows people tapping a tree in a forest, the middle one shows the exterior of a sugar shack, and the bottom one shows a bottle of maple syrup. The text is overlaid on a semi-transparent grey box on the left side of the image.

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## Conference Speakers (continued)



**Aaron Klein**  
Economic Advisor  
NAFOA

**Justin Lepscier**  
Tribal Administration Consultant  
FSA Advisory Group

**Aaron Levy**  
Partner  
Sheppard Mullin Richter &  
Hampton

**Ryan Luetkemeyer**  
Senior Manager  
Moss Adams LLP

**Adele Madden**  
CFO  
EBCI Holdings LLC

**Eugene Magnuson**  
Senior Executive  
Little River Holdings LLC

**Lynn Malerba**  
Chief Lynn Malerba  
Treasurer of the United States

**Aurene Martin**  
Managing Partner  
Spirit Rock Consulting LLC

**Sharol McDade**  
President/Founder  
MacWorx

**Martin Montgomery**  
Executive Director  
Washoe Housing Authority

**Robert Miguel**  
Chairman  
Ak-Chin Indian Community

**Joseph Nayquonabe**  
CEO  
Mille Lacs Corporate Ventures

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**Matthew Pagels**  
President  
Seneca Nation of Indians

**Ken Parsons**  
Partner  
Holland & Knight LLP

**Rob Porter**  
Principal  
Odawi Law PLLC

**Ben Ray**  
Tribal Administrator & CEO  
Big Valley Band of Pomo Indians

**Adam Rose**  
Director of Partnerships and  
Growth  
Travois

**LaDonna Sinning**  
Partner  
Arledge & Associates, C.P.

**Kate Spilde**  
Professor and Endowed Chair  
San Diego State University

**Tracy Stanhoff**  
President  
American Indian Chamber of  
Commerce of CA

**Geoffrey Strommer**  
Partner  
Hobbs Straus Dean & Walker LLP

**Ted Strong**  
VP Corporate Social Responsibility  
Yakima Chief

**Jean Swift**  
Interim Chief Financial Officer  
Mashantucket Pequot Tribal Nation

**Geoff Urbina**  
Managing Director, Western  
Regional Manager  
KeyBanc Capital Markets Inc.

**Tony Walters**  
Executive Director  
National American Indian Housing  
Council

**Shawn Watts**  
Director of US Strategy  
The Christensen Fund

**Bob Whitener**  
CEO  
The Whitener Group LLC

**Judith Wilson**  
Director, Office of Facilities,  
Property and Safety Management  
Bureau of Indian Affairs

**Lee Winslet**  
Senior Vice President & Division  
Manager  
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To learn more about PNC contact Russ Liebetrau,  
Native American Gaming & Finance Manager at  
[russell.liebetraujr@pnc.com](mailto:russell.liebetraujr@pnc.com) / 248.729.8586 or  
visit [pnc.com/about us](https://pnc.com/about-us).



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# Member Tribes

Absentee Shawnee Tribe  
Agua Caliente Band of Cahuilla Indians  
Ak-Chin Indian Community  
Alabama-Coushatta Tribe of Texas  
Barona Band of Mission Indians  
Berry Creek Rancheria of Maidu Indians of California  
Big Valley Rancheria Band of Pomo Indians  
Blue Lake Rancheria Tribe of California  
Buena Vista Rancheria of Me-Wuk Indians  
Catawba Indian Nation  
Cedar Band of Paiutes  
Central Council Tlingit & Haida Indian Tribes of Alaska  
Cherokee Nation  
Chickasaw Nation  
Choctaw Nation of Oklahoma  
Citizen Potawatomi Nation  
Coeur D'Alene Tribe  
Colusa Indian Community Council - Cachil Dehe Band of Wintun Indians  
Confederated Tribes & Bands of the Yakama Nation  
Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians  
Confederated Tribes of Grand Ronde  
Confederated Tribes of Siletz Indians  
Confederated Tribes of the Colville Reservation  
Coquille Indian Tribe  
Coushatta Tribe of Louisiana  
Cow Creek Band of Umpqua Tribe of Indians  
Cowlitz Indian Tribe  
Delaware Nation  
Eastern Band of Cherokee Indians  
Eastern Shawnee Tribe of Oklahoma  
Elk Valley Rancheria, California  
Federated Indians of Graton Rancheria  
Flandreau Santee Sioux Tribe  
Forest County Potawatomi Community  
Fort McDowell Yavapai Nation  
Gila River Indian Community  
Gun Lake (Match-E-Be-Nash-She-Wish Band of Pottawatomi)  
Habematolel Pomo of Upper Lake  
Ho-Chunk Nation  
Hoopa Valley Tribe  
Hualapai Tribe  
Iowa Tribe of Oklahoma  
Jamestown S'Klallam Tribe  
Jamul Indian Village  
Jena Band of Choctaw Indians  
Kenaitze Indian Tribe  
Kickapoo Traditional Tribe of Texas  
Kickapoo Tribe of Oklahoma  
Kiowa Tribe of Oklahoma  
La Jolla Band of Luiseño Indians  
Lac Courte Oreilles Tribe  
Lac Vieux Desert Band of Lake Superior Chippewa  
Little Traverse Bay Bands of Odawa Indians  
Lower Elwha Klallam Tribe  
Lumbee Tribe of North Carolina  
Lummi Nation  
Makah Tribe  
Mandan, Hidatsa, & Arikara Nation  
Mashantucket Pequot Tribal Nation  
Mashpee Wampanoag Tribe  
Mechoopda Indian Tribe of Chico Rancheria  
Miccosukee Tribe of Indians of Florida  
Middletown Rancheria of Pomo Indians of California  
Mille Lacs Band of Ojibwe Indians  
Mississippi Band of Choctaw Indians  
Mohegan Tribe of Indians of Connecticut  
Morongo Band of Mission Indians  
Muckleshoot Indian Tribe  
Muscogee (Creek) Nation  
Narragansett Indian Tribe  
Nisqually Indian Tribe  
North Fork Rancheria of Mono Indians of California  
Nottawaseppi Huron Band of the Potawatomi

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## Member Tribes (continued)

Ohkay Owingeh  
Omaha Tribe of Nebraska  
Oneida Nation  
Osage Nation  
Otoe-Missouria Tribe of Oklahoma  
Pala Band of Mission Indians  
Paskenta Band of Nomlaki Indians  
Pauma & Yuima Band of Luiseño Indians  
Pawnee Nation of Oklahoma  
Pechanga Band of Luiseño Indians  
Picayune Rancheria of the Chukchansi Indians  
Poarch Band of Creek Indians  
Pokagon Band of Potawatomi Indians  
Ponca Tribe of Nebraska  
Port Gamble S’Klallam Tribe  
Prairie Band Potawatomi Nation  
Pueblo of Jemez  
Pueblo of Pojoaque  
Pueblo of Santa Ana  
Pueblo of Tesuque  
Puyallup Tribe of Indians  
Quapaw Tribe  
Quinault Indian Nation  
Red Lake Band of Chippewa  
Reno-Sparks Indian Colony  
Rincon Band of Luiseño Indians  
Sac & Fox Tribe of the Mississippi in Iowa  
Sac and Fox Nation of Missouri in Kansas & Nebraska  
Sac and Fox Nation of Oklahoma  
Saint Regis Mohawk Tribe  
Samish Indian Nation  
San Carlos Apache Tribe  
San Manuel Band of Mission Indians  
San Pasqual Band of Mission Indians  
Santa Rosa Band of Cahuilla Indians  
Santa Ynez Band of Chumash Indians  
Scotts Valley Band of Pomo Indians  
Sealaska Corporation  
Seminole Nation of Oklahoma  
Seminole Tribe of Florida  
Seneca Nation of Indians  
Shakopee Mdewakanton Sioux Community (SMSC)  
Shingle Springs Band of Miwok Indians  
Shoshone-Bannock Tribes  
Sitka Tribe of Alaska  
Skokomish Indian Tribe  
Snoqualmie Indian Tribe  
Soboba Band of Luiseño Indians  
Sokaogon Chippewa Community  
Southern Ute Indian Tribe  
Squaxin Island Tribe  
Stockbridge-Munsee Band of Mohican Indians  
Suquamish Tribe  
Susanville Indian Rancheria  
Swinomish Indian Tribal Community  
Sycuan Band of the Kumeyaay Nation  
Table Mountain Rancheria  
Thlopthlocco Tribal Town  
Tohono O’odham Nation  
Tulalip Tribes  
Tule River Tribe of California  
Tunica-Biloxi Tribe of Louisiana  
Tuolumne Band of Me-Wuk Indians  
Turtle Mountain Band of Chippewa Indians  
Twenty-Nine Palms Band of Mission Indians  
United Auburn Indian Community of the Auburn Rancheria  
Ute Mountain Ute Tribe  
Walker River Paiute Tribe  
Wampanoag Tribe of Gay Head (Aquinnah)  
Washoe Tribe of Nevada & California  
Wichita and Affiliated Tribes  
Wilton Rancheria  
Winnebago Tribe of Nebraska  
Wiyot Tribe  
Ysleta del Sur Pueblo  
Yurok Tribe



# MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION

## **Tribal Description**

The Mashantucket (Western) Pequot Tribal Nation is a federally recognized northeastern woodland Tribe located at America's oldest Indian reservation in Southeastern Connecticut.

As pioneers of the Indian Gaming casino industry, the history of the Mashantucket Pequots unfolds one of America's greatest come-back stories and is featured at the Tribe's world-renowned Mashantucket Pequot Museum.

Today, the Tribe owns and operates one of the largest casino destinations in North America-- Foxwoods Resort Casino—along with a host of other businesses ventures, including but not limited to Foxwoods El San Juan Casino in beautiful Puerto Rico, WondrNation online gaming and entertainment, Lake of Isles golf course, the Spa at Norwich Inn, and Pequot Health Care.

As one of Connecticut's highest revenue contributors and largest employers, the Mashantucket Pequots have provided more than \$4.5 billion in Foxwoods' slot revenue to the state through a first-of-its-kind compact agreement, established in 1993. Likewise, the Tribe has contributed hundreds of millions in donations and sponsorships since 1993 to benefit communities and other tribes in need, locally and throughout the U.S.

## **History**

Long before Europeans arrived in North America, the coastal and inland territory along the Long Island Sound between the Niantic and the Pawcatuck Rivers was home to the Pequot people. Known as the "Fox People", the Pequots prospered for thousands of years on their traditional lands, originally encompassing approximately 250 square miles.

With the arrival of Dutch and English settlers in the early 17<sup>th</sup> century, Pequots became engaged in lucrative coastal trade activities. Their strategic location and resources made them powerful economic players among English and Dutch settlers and neighboring tribes. Diseases brought from Europe began to take their toll on Pequot and other Native peoples, but it was a series of raids culminating in the Pequot War (1636-1638) that pushed the Pequots near the brink of extinction.

On May 26, 1637, a group of English soldiers along with Mohegan and Narragansett warriors attacked and burned the coastal Pequot village at Mystic to the ground just before dawn, slaughtering hundreds of elderly men, women and children in less than an hour while the warrior party was away. This incident became known as the Pequot Massacre of 1637.

In the months following the massacre, the English hunted down the surviving Pequots in other forts



and villages. In 1638, the Treaty of Hartford was signed by leaders of the Hartford Colony, Mohegan and Narragansett Tribes, officially ending the Pequot War and dividing most of the surviving Pequots among the Narragansett and Mohegan Tribes, while sending others to Bermuda as slaves. The Treaty also forbade them from ever again being called “Pequot” or returning to their homelands. However, the attempt to force the Pequots’ assimilation into other tribes was not successful, as the Pequots managed to retain their cultural identity despite European attempts to the contrary.

Eventually, the Pequots, with the aid of Connecticut Governor John Winthrop Jr., were granted the right to resettle on their land. This was accomplished under the leadership of Robin Cassasinamon, who became the first Pequot sachem after the Pequot War and remained so until his death in 1692. Cassasinamon’s group initially settled at Morgan’s Point in Noank in 1650. The group was later given approximately 2500 acres of land to resettle at Mashantucket where a reservation was established in 1666, but the reservation acreage dwindled continuously over the next 200 years.

For centuries, the Mashantucket Pequots struggled to maintain and regain their land so they could bring their people home and restore the Tribe’s community. Throughout the eighteenth and nineteenth centuries, Colonials would clear trees on tribal lands for logging and grazing livestock, often destroying the Tribe’s crops. Some Colonials signed purchase deeds for tribal land but would not honor their payments, and others seized the Tribe’s acreage with no legal authority to do so. From time to time, the poverty-stricken Tribe had no other choice but to sell off parcels of land just for subsistence money, and eventually, the Tribe’s state appointed overseer sold tribal plots to colonial farmers without the Tribe’s approval. By 1865, only 214 acres of reservation land remained at Mashantucket.

It was the resilient spirit of the Pequots that prevented their complete annihilation through assimilation, neglect and government appropriations of tribal lands, yet Mashantucket Pequot tribal members struggled to preserve their values and

traditions in the face of disease, poverty and hostility from state and local governments. In the mid-1970s, two sisters, Elizabeth George Plouffe and Martha “Matt” Langevin Ellal, were the last remaining residents at Mashantucket, determined to keep the Tribe’s spirit alive. By the time they had passed, about 50 tribal members from around the country had returned to the reservation.

In 1974, the Tribe adopted its initial constitution and bylaws. Elizabeth’s grandson Richard “Skip” Hayward was elected Tribal Chairman in 1975 following the passing of his predecessor, Amos George, and began a vigorous campaign to encourage Mashantucket Pequots to return to their homeland. The goal was to restore the Tribe’s culture and traditions and address the needs for adequate housing on the reservation, sustainable economic development and self-sufficiency.

The Mashantucket Pequots made several attempts at agricultural development, including selling firewood, a swine project, a maple syrup business and a community garden; none of which provided the economic stability necessary to fully revitalize the Tribe’s community. Finally, in 1983, Congress adopted the Mashantucket Pequot Indian Claims Settlement Act, and President Reagan signed the Act into law (PL: 98-134). The Act provided the Mashantucket Pequots with funds to repurchase over 800 acres of stolen tribal land, as well as federal recognition.

After 300 years of struggle, the Tribe was finally on the road to recovery. Leaders of the re-established Mashantucket Pequot Tribal Nation began searching for a viable means of economic self-sufficiency, setting the priorities of employment, health care and housing for tribal members. Throughout the 1980s, the Mashantucket Pequots launched a number of business ventures, including a pizza restaurant, a hydroponic lettuce farm, and a sand and gravel quarry.

When the U.S. Supreme Court in 1987 decided that federally recognized tribes could conduct casino gaming on their lands, the Mashantucket Pequot Tribal Council raised private funds to build a high stakes bingo hall at Mashantucket in 1986, followed by the first phase of Foxwoods Resort Casino in 1992. As only the third legal gaming jurisdiction in the

United States at that time, Foxwoods was the largest gaming enterprise in the western hemisphere, and in the face of a declining economy, the Mashantucket Pequots became a major economic force and contributor of jobs and revenue in the State of Connecticut.

Today, the Tribe remains committed to keeping alive the culture and spirit of one of North America's most ancient communities, giving the next generation of Pequots a meaningful sense of cultural continuity, history and destiny.

### **Governance**

The Mashantucket Pequot Tribal Nation is governed by a Tribal Council of seven elected Tribal Members serving staggered three-year terms. The legislative and executive powers of the Tribe's government are vested in the Tribal Council as outlined in the Tribe's Constitution and Bylaws. The Tribe's Elders Council, consisting of tribal members aged 55 years and older, is responsible for reviewing and determining tribal membership applications as well as proposing constitutional amendments and deciding matters referred to it by the Tribal Council. The Tribe's Youth Council represents tribal members ages 24 and under to ensure their voices are included in conversations concerning community issues.

### **Tribal Enterprises**

#### **Mashantucket Pequot Museum and Research Center**

The Mashantucket Pequot Museum and Research Center is a non-profit educational institution representing the history and culture of the Mashantucket Pequot Tribal Nation, the natural history of Southeastern Connecticut, and the richness and diversity of indigenous cultures and societies throughout North America. Spectacular exhibits and galleries span 98,000 square feet showcasing tribal cultures, science, the arts, and the abundance of local natural resources from the Ice Age to present day. Open year-round, the museum offers a variety of educational programs and exciting events for all ages. The facility consists of permanent exhibits, the Mashantucket Gallery, classrooms, a

320-seat auditorium, a restaurant, and a museum shop, while the research center houses collections, libraries, archives, and archaeology and conservation laboratories. For more information about the world's largest Native American museum, please visit [PequotMuseum.com](http://PequotMuseum.com).

#### **Pequot Health Care™(PHC™)**

Founded in 1991, which includes Pequot Plus Health Benefit Services™ and Pequot Pharmaceutical Network® (PRxN®), began as a pharmacy service to treat Tribal members and employees of the Mashantucket Pequot Tribal Nation. Pequot Health Care™ is a wholly-owned business of the Mashantucket Pequot Tribal Nation, long recognized as a leader in managing health care plans for Native American tribes and other commercial enterprises. Members and employees of Tribal Nations located throughout the country, businesses (including the Foxwoods® Resort Casino) and hospices participate in PHC™ managed health and prescription plans.

#### **Lake of Isles**

Experience New England's finest two championship golf courses designed by renowned golf course architect Rees Jones. Lake of Isles, owned by the Mashantucket Pequot Tribal Nation is located on over 900 acres of pictorial landscape adjacent to Foxwoods Resort Casino in CT. The property is managed by Troon Golf and includes an 18-hole private golf course (South Course), an 18-hole public golf course (North Course), an elegant and comfortable clubhouse and a state-of-the-art golf academy with four indoor teaching studios. Both golf courses have received numerous awards since opening in 2005.

#### **The Spa at Norwich Inn**

The Spa at Norwich Inn is located on an expansive forty-two acre property in the woodlands of eastern Connecticut. Situated near the seventeenth tee of the Norwich Public Golf Course, our grounds abound with perennial gardens, shimmering ponds, and inviting walkways. Oak trees, a reflecting pool, and an oversized deck compliment the atmosphere, promoting the ultimate in relaxation.

### **Foxwoods Resort Casino**

One of the largest resort casino destinations in North America, Foxwoods Resort Casino offers guests a premier destination resort experience throughout its six world-class casinos, AAA Four-Diamond hotels featuring over 2,200 rooms, dining options for all tastes, luxurious spas, award-winning golf, state-of-the-art theaters, Tanger Outlet Mall, conference space for groups of all sizes, and free online casino games at FoxwoodsONLINE.com. Foxwoods Resort Casino truly is The Wonder Of It All, providing a personalized and exciting escape for everyone.

### **Pequot Outpost**

The Pequot Outpost consists of a 5,000-square-foot building containing a convenience store and a 28-bay Mobil gasoline station. Stop by on your way here or home and fill your tank, or grab a snack for the road. Open 24/7.

### **Command Holdings**

Command Holdings is a federally chartered Section 17 holding company owned by the Mashantucket Pequot Tribal Nation. With expertise in government, health, facilities, and technology, the firm provides value-driven client solutions and excellent service delivery. Command Holdings' seven generation strategy is grounded in growing and sustaining the tribe's economy and providing career opportunities for tribal members for generations to come.

### **WONDR NATION**

WONDR NATION is an online gaming entertainment company focused on partnering with best-in-class gaming platforms and using emerging technologies and trends to create new and exciting experiences for players. Owned by the Mashantucket Pequot Tribal Nation, equality and diversity

are deeply ingrained into WONDR NATION's company makeup as well as its ongoing endeavors. With corporate responsibility and sustainable play serving as key driving forces, WONDR NATION is committed to educating players about maintaining healthy user habits, and developing the next generation of gaming professionals through educational programs, vocational training and employment opportunities.

### **Foxwoods El San Juan Casino**

An exciting and innovative casino on the Island of Enchantment at Puerto Rico's most legendary address. This new identity pays homage to the casino's legendary history in San Juan and Foxwood's award-winning Resort Casino in Connecticut. Located in the beachfront Fairmont El San Juan Hotel along the famed Isla Verde Beach, the approximately 15,000-square-foot casino features well-appointed table games and slot machines with a first-class service, complementing the resort's well-appointed luxury accommodations and vibrant amenities. ■

### **Tribal Representation**

Rodney Butler, Chairman  
Latoya Cluff, Vice Chairwoman  
Matthew Pearson, Secretary  
Merrill Reels, Treasurer  
Crystal Whipple, Councilor  
Daniel Menihan Jr., Councilor  
Michele Scott, Councilor

### **House Representation**

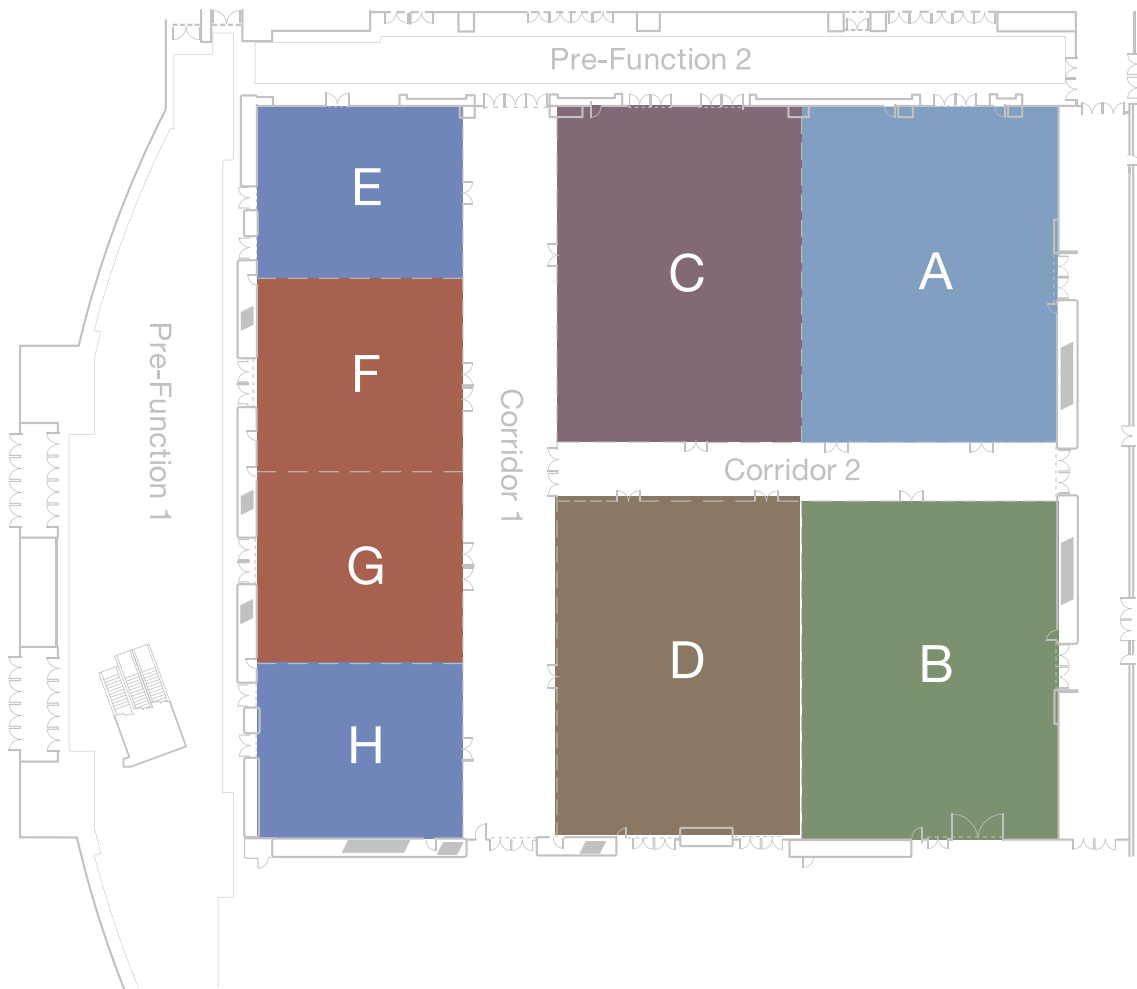
Joe Courtney, Democrat, District 2, 2007-2023

### **Senate Representation**

Richard Blumenthal, Democrat, 2011-2023  
Chris Murphy, Democrat, 2013-2025



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# Things To Do At **Foxwoods**



## **Foxwoods Resort Casino** ▲

Foxwoods offers guests a wide array of resort amenities including four casinos; over 30 restaurants that range from gourmet to quick service, world-renowned spas, award-winning golf, state-of-the-art theaters, outlet shopping, and a variety of family-friendly activities.



MASHANTUCKET PEQUOT TRIBAL NATION PHOTO ARCHIVES

## **Mashantucket Pequot Museum & Research Center** ▲

The Museum brings to life the story of the Mashantucket Pequot Tribal Nation. It serves as a major resource on the histories and cultures of Native Americans in the northeast and on the region's rich natural history. The Research Center houses collections, archives, and archaeology and conservation laboratories where ongoing work from the field is evaluated and studied.

As pioneers of the Indian Gaming casino industry, the Mashantucket Pequot Tribal Nation's history unfolds as one of America's greatest come-back stories, featured at the Tribe's world-renowned Pequot Museum. The Mashantucket Pequots own and operate one of the largest casino destinations in North America, Foxwoods Resort Casino, along with a host of other business ventures.



Mashantucket Pequot  
Tribal Nation



*The Spa at  
Norwich Inn*

LAKE OF ISLES  
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## Things To Do at Foxwoods (continued)



### **Foxwoods HighFlyer Zipline** ▲

The HighFlyer Zipline is a 33-story high adventure. It launches guests from the top of the Fox Tower to the Mashantucket Pequot Museum & Research Center at a top speed of 60 mph. This allows guests to soar above the grounds of the Mashantucket Pequot reservation on four parallel lines running over 3,750 feet and take in the incredible views, reaching all the way to the Long Island Sound.

### **Tanger Outlets** ►

With over 70 stores, Tanger Outlets at Foxwoods has something for everyone and is the nation's first Tanger Outlets collection of premium brands under one roof. The outlets are connected to Foxwoods so it's easy to take a quick shopping break.







Profits from the sales of Twisted Cedar Wines benefit the Cedar Band of Paiutes, as follows:

On-reservation new and existing construction projects and infrastructure repair/replacement; housing programs, including housing scholarships for qualified applicants desiring to purchase off-reservation homes; and real property (land) acquisition and development.

Primary, Secondary, and Post-Secondary Educational Programs, including the After-School Anti-Drug Education and Drug Prevention Program, college tuition, housing, and books scholarships; elder assistance and elder care programs; and a medical, dental, and vision co-pay fund for qualified applicants.

**Cabernet Sauvignon 2016 Lodi AVA**

Gold Medal Sunset Magazine Intl Wine Competition  
 Silver Medal London Wine Competition  
 Silver Medal San Francisco Chronical Intl Wine Competition

**Moscato 2018 Clarksburg AVA**

Wine Enthusiast Best Buy  
 Silver Medal San Francisco Chronicle Intl Wine Competition  
 Silver Medal London Wine Competition

**Chardonnay 2018 Lodi AVA**

Wine Enthusiast Best Buy  
 Gold Medal Orange County Fair Wine Competition  
 Silver Medal London Wine Competition  
 Silver Medal Sunset Magazine Intl Wine Competition

**Petite Sirah/Petit Verdot 2018 California AVA**

Silver Medal Orange County Fair Wine Competition  
 Silver Medal London Wine Competition

**Malbec 2019 Lodi AVA**

Wine Enthusiast Best Buy 90 Points  
 Gold Medal London Wine Competition  
 Silver Medal San Francisco Chronicle Intl Wine Competition  
 Silver Medal Orange County Fair Wine Competition

**Pinot Grigio 2019 California AVA**

Silver Medal London Wine Competition

**Zinfandel 2018 Lodi AVA**

Gold Medal & Best in Show London Wine Competition  
 Gold Medal Orange County Fair Wine Competition  
 Silver Medal Sunset Magazine Intl Wine Competition

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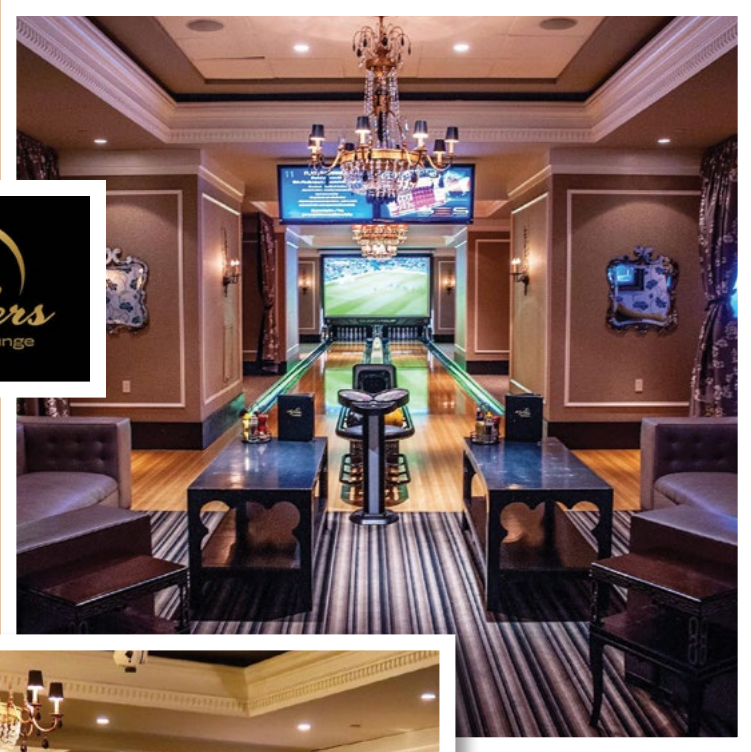
# Understanding the **Substance, Subtleties and Sanctity** of Tribal Law

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## Stay for the Strikes at #NAFOAFall22

Join us for bowling, beverages, and billiards at NAFOA's Closing Reception at High Rollers Luxury Lanes on **Tuesday, October 4th**. Enjoy the networking, food, and fun to celebrate the end of a productive conference.

The reception is from **5:30 pm - 8:00 pm**. High Rollers is located off the Pequot Grand Tower elevators and casino.

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# NAFOA Institute Update

At the start of 2022 NAFOA set an ambitious agenda to launch a new virtual learning program and ensure the return of our on-site programs. In the Spring of 2022, NAFOA welcomed our largest and most diverse class of Leadership Summit attendees to the spring conference in Seattle, WA. The Leading People and Investing to Build Sustainable Communities program also returned to in-person programming at the Harvard Business School in May 2022. NAFOA recently completed the pilot phase of our Grants Management for Tribal Communities program in August. Participants from throughout the country logged in for the two-week course that was a hybrid of self-guided virtual learning and expert-led live instruction. The goal of the program is to provide virtual learning opportunities in grants management topics focused on the federal post-award period. NAFOA is looking forward to officially launching the Grants Management for Tribal Communities as a virtual program in January 2023.

We are committed to serving our community by providing learning opportunities that build upon their current career path. The NAFOA Institute provides programming that serves young professionals through executive-level education.

The graphic features a group of diverse young professionals in business attire. The NAFOA Institute logo is at the top. The text 'career basics' is prominently displayed in orange. Below it, the text reads: 'for Native American young professionals ages 18-26', 'learn career readiness & personal finance skills.', and 'free & online.'. A QR code is on the right, and a 'REGISTER TO JOIN' button is at the bottom left. The background is a light orange with a subtle pattern.

**NAFOA INSTITUTE**

## career basics

for Native American young professionals ages 18-26

### learn career readiness & personal finance skills.

free & online.

**REGISTER TO JOIN**

[nafoa.org/institute/career-basics/](https://nafoa.org/institute/career-basics/)

## NAFOA INSTITUTE PROGRAMS

### Career Basics

NAFOA's long-running virtual program assists youth and young professionals by introducing foundational professional development topics and resources. The Career Basics program is free for our participant's ages 18 – 26 years of age and is currently available online through February 2023.

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## NAFOA Institute Update (continued)

### **NAFOA Leadership Summit**

Launched in 2017, the NAFOA Leadership Summit has provided Native American youth and young professionals the opportunity to learn about the current issues and policies impacting tribal economic development. Summit attendees learn directly from tribal leaders and business professionals during a full day of programming that provides panel discussions regarding graduate school, and career advancement, along with business and tribal economic development topics. Following the Summit, participants attend the NAFOA Annual Conference. The two-day conference provides networking opportunities and facilitates important dialogues about tribal finance and economic issues impacting tribal economies.

*The upcoming Leadership Summit will take place on April 24, 2023. The application cycle will begin in December 2022/January 2023.*

*Having the exposure to such a diverse array of people working across Indian Country to advance our economic interests is both powerful and inspiring as I pursue a career path that will hopefully place me in a similar position someday.*

**-Will Paisley (Navajo/Blackfeet)**



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## NAFOA Institute Update (continued)



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## NAFOA Institute Update (continued)

### 2022 Youth and Young Professional Program Donors

The NAFOA Institute's Leadership Summit, the virtual Career Basics program, and webinars are generously supported by:

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### Leading People and Investing to Build Sustainable Communities Program (LPIBSC)

This LPIBSC program is a collaboration among Harvard Business School (HBS) Executive Education, NAFOA, and AFOA Canada. Its mission is to inspire and support Native finance professionals and leaders, as well as equip them with the tools to lead high-performing, innovative communities, or organizations.

Admission to the program is highly competitive. Applicants will be selected based on the quality of their application and professional experience. At the program's conclusion, participants will receive a Certificate of Completion from Harvard Business School.

*The upcoming program dates are May 8-12 2023.*

*The next application cycle will begin in winter 2023.*



## NAFOA Institute Update (continued)



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## NAFOA Institute Update (continued)

### **The Introductory Tribal Finance & Accounting Certificate Program**

This program is offered in partnership with the Center for Executive Professional Development, Spears School of Business at Oklahoma State University. This four-day cohort program provides the opportunity to connect with other tribal peers while gaining knowledge and experience to help them become more effective tribal finance/accounting professionals and leaders. You will have the opportunity to interact with and learn from other tribal finance/accounting professionals throughout the state and across the country.

*The upcoming program dates are MAY 16-19, 2023*  
**Grants Management for Tribal Communities**

### **Program**

The programmatic goal is to provide relevant learning experiences that are culturally responsive and builds grants management capacity for tribal communities. The program's area of focus is to increase the knowledge and proficiency in the subject area of the federal post-award period.

*The upcoming program launch is scheduled for January 2023.*

The Grants Management for Tribal Communities program is generously supported by:

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# Conference Arts



## Robert Dale Tsoie

Born in 1960 and raised in Santa Fe, New Mexico, Robert is ½ Picuris Pueblo and ½ Navajo. He apprenticed under Charles Pratt and Bruce La Fountain from 1987 to 1991. Robert received the T.C. Cannon award for Artistic and academic excellence upon graduation with an AFA from the Institute of American Indian Arts in Santa Fe, New Mexico. Since then he has won Best of Class, Best of Division, Raw Materials Award, numerous 1st Place Awards, and Sculpture Judge at the Santa Fe Indian Market. This year, 2016, he won Best of Class, 1st Place, Judges Award, at the Heard Museum's, Indian Art Fair, Phoenix, AZ. He has won numerous 1st Places at other Museum Art Shows throughout the United States.



Robert received the Allan Houser Award for artistic Excellence from the State of New Mexico in 1994. He also was a recipient of the Santa Fe Indian Market Fellowship Award that same year. In 1995 Robert won the Santa Fe Indian Market's commission to create a Lifetime Achievement Award sculpture to

honor the lifetime Achievement of Native American Artists. He taught sculpture at the Institute of American Indian Arts, Santa Fe, NM in 1997-1998. Robert was inducted into the Indigenous Sculptors Society in 2002. He taught stone sculpture at the Poeh Arts Center in Pojoaque Pueblo, New Mexico from 1994 until 2008. He returned to teach once again at the Poeh Center from 2014 to 2016.

Public collections include the New Mexico State Capitol, Santa Fe, NM, the Museum of Indian Arts & Culture, Santa Fe, NM, the Institute of American Indian Arts Museum & Campus, Santa Fe, NM, Hotel Santa Fe, Hilton's, Buffalo Thunder Resort, Pojoaque Pueblo, NM, U.S. Grant Hotel, San Diego, CA, All Indian Pueblo Cultural Center, Alb. NM, Sterling Bank & Trust, Southfield, MI, Fort Lewis College, Durango, CO, Taos / Picuris Health Center, Taos Pueblo, NM, & Phoenix City Hall, Phoenix, AZ.

Robert is represented by McCall Fine Art, 225 Canyon Road, Santa Fe, N.M. He lives in Ribera, New Mexico with his wife and three kids. ■

# Graphic Illustrator



**Matt Orley** of Big Paper Strategy will provide live sketch notes of our general sessions and a selection of our breakout sessions. The best listener in the room, Matt uses big paper, thick markers and exceptional listening skills to create holistic views of the conversations that he hears. Watch Matt's process unfold during the sessions and view the completed drawings in the registration area.

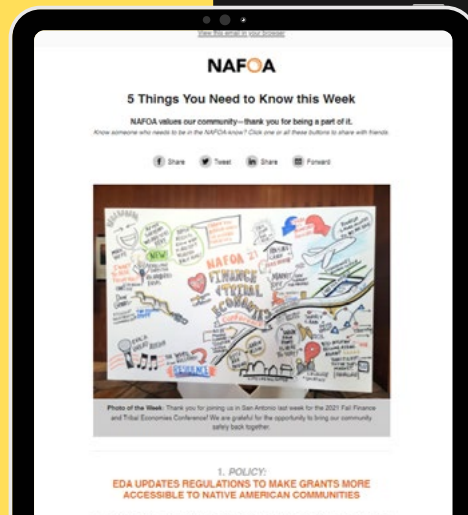
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# Partnering with Purpose.

## COLLABORATION BETWEEN THE YAKAMA NATION & YAKIMA CHIEF HOPS

### WHO IS YAKIMA CHIEF HOPS?

Yakima Chief Hops is a 100% grower owned global hop supplier, sourcing from family farms who have been growing hops in the Yakima Valley as far back as 1869. Many of these family farms sit on reservation land and lease these acres from members of the Yakama Nation. Currently Yakima Chief Hops sources hops from 22,506 total acres, of which 17,000 acres are from the Yakama Nation Reservation. With a global workforce of 400, YCH is proud to be an international and multinational corporation with offices in Belgium, Hong Kong, and the United States.



With drug and alcohol addiction being an ongoing and devastating issue in Native communities, hops and craft beer have historically carried a negative association with many people of the Yakama Nation. Recently, Yakima Chief Hops has partnered with the Yakama Nation to build awareness on hops as an agricultural ingredient that does not contribute to alcohol content, and the economic benefits of hop farming in the local community. YCH has partnered War Chief, a nonalcoholic beverage company focused on developing beverages that promote sobriety, healthy alternatives, academics, and cultural sustainability.

### YAKAMA NATION

The Yakama Nation totals 1.3 million acres, comprised of prime forest, grazing and fertile agricultural lands, irrigated by the cool fresh waters of melting snow from the Cascade Mountain Range. With over a thousand years living harmoniously with Mother Earth, the Yakama Nation tribal people believe that if we take care of Mother Earth then, She, in turn, will take care of our people. The Yakama Nation has felt the effects of climate change firsthand and believe collective action is needed. YCH and the Yakama Nation have similar desires to protect the planet and have developed their own environmental oriented goals to address water conservation to mitigate elongated effects of drought.



As a result of this partnership YCH and the Yakama Nation have collaborated on various initiatives: Earth Day celebration Tiichum Liikwi, Boys and Girls Club, Heritage University, substantial contribution to the Yakama Warriors Association, Yakama Nation Treaty Day commemoration, and donating hops to contribute to the production of War Chief Collection nonalcoholic beers.

### WAR CHIEF COLLECTION

War Chief is the only nonalcoholic beverage company owned and operated by a female tribal member of the Comanche Nation. Her inspiration came from being a recovering alcoholic and recognized the need to develop an alternative beverage that promotes wellness, combats addiction, and invites those who live alcohol-free into the craft beverage space.



# Fall 2022 Policy Report

**A**s we approach the midpoint of the Biden administration the strong partisan divide continues. Fuel prices have dropped but concerns around inflation remain even as the most recent jobs report presents a strong forecast. The approaching midterm elections could shift control of one or both houses of Congress which could have impacts

## Congress

On June 22<sup>nd</sup>, NAFOA Executive Director Rico Frias testified before the House Energy & Commerce Committee as part of the legislative hearing on “Strengthen Energy Infrastructure,

Efficiency, and Financing”, in support of H.R. 8068, the “Tribal Energy Investment Act of 2022”, which was introduced by Congresswoman Fernandez (D-NM). Speaking in support of the legislation, Executive Director Frias outlined the importance of the Loan Programs Office (LPO) loan guarantee program, and how it will allow tribes to access lending for energy projects, while at the same time building equity in Indian Country. Currently, the LPO is allowed to directly offer loans through the federal government, rather than require a third-party private lender that the government then guarantees. However, this ability ends at the end of this fiscal year. H.R. 8068 makes this lending



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authority permanent and will allow more tribal governments and enterprises to plan around and take advantage of this important program.

While H.R. 8068 has yet to pass, the LPO lending change was included in the August Inflation Reduction Act. Not only was the lending authority extended, but the program lending amount was increased from \$2 billion to \$20 billion in total loan amount available.

Starting in August, NAFOA has been working with the Department of Treasury on legislation that will allow greater flexibility in the deployment of recovery funds to cover administrative costs. Through its Office of Recovery Programs, Treasury has been providing technical assistance as Tribal Nations and other units of government navigate the disparate requirements of various programs under the CARES Act (Public Law 116-136), the Consolidated Appropriations Act of 2021 (Public Law 116-260), and the American Rescue Plan Act (ARPA, Public Law 117-2), as well as other legislation. Legislation

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addressing this, S. 3011, State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act, has passed the Senate and is currently being held at the desk in the House. A similar bill, in the House, H.R. 5735, currently has strong bipartisan support with a total of 157 cosponsors from Members of both parties.

On August 16<sup>th</sup> President Biden signed H.R. 5376, the Inflation Reduction Act. In addition to the above-mentioned changes to the LPO loan guarantees, there were some other key changes included in the legislation that are tribally specific:

**Sec 50122 – High-efficiency electric home rebate program**

- \$225m to remain available for tribes (through Sept 30, '31) to “develop and implement a high-efficiency electric home rebate program”.
- Those seeing grant shall submit an application that includes a plan to implement a “high-efficiency electric home rebate program” that includes:
  - a plan to verify the income eligibility of eligible entities seeking a rebate for a qualified electrification project;

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**Native American Banking**

Michael Hay  
Vice President  
Michael.Hay@53.com



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## Policy Report (continued)



- a plan to allow rebates for qualified electrification projects at the point of sale in a manner that ensures that the income eligibility of an eligible entity seeking a rebate may be verified at the point of sale;
- a plan to ensure that an eligible entity does not receive a rebate for the same qualified electrification project through both a high-efficiency electric home rebate program and any other Federal grant or rebate program; and
- any additional information that the Secretary may require.

### **Sec 50145 – Tribal Energy Loan Guarantee Program**

- \$75m through '28 for expenses
- \$20b in loans (up from \$2b) available

### **Sec 80001 – Tribal Climate Resilience**

- \$220m for tribal climate resilience and adaptation till '31.



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## Policy Report (continued)



- \$10m for Bureau of Indian Affairs Fish Hatcheries till '31
- \$5m for administration till '31
- None of the funds in this section shall be subject to cost-sharing or matching requirements.
- Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the “Small and Needy” program.

### **Sec 80002 – Native Hawaiian Climate Resilience**

- \$23.5m for climate resilience through '31.

### **Sec 80003 – Tribal Electrification Program**

- \$145.5m through '31 to:
  - the provision of electricity to unelectrified Tribal homes through zero-emissions energy systems;
  - transitioning electrified Tribal homes to zero-emissions energy systems; and



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- associated home repairs and retrofitting necessary to install the zero-emissions energy systems authorized under above to parts
  - \$4.5m for administration
  - None of the funds in this section shall be subject to cost-sharing or matching requirements.
  - Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the “Small and Needy” program.
- Sec 80004 – Emergency Drought Relief for tribes**
- \$12.5m through ’26.
  - None of the funds in this section shall be subject to cost-sharing or matching requirements.

With a deep respect for the traditional values that distinguish Native Americans, our **Native American Law Team** is committed to providing Indian tribal governments and Alaska Native organizations with the same high quality of legal representation demanded by other governments and sophisticated business enterprises – the kind of service such communities require to protect their sovereignty and to prosper now and in future generations.

**Choosing Success with the Right Business Structure**

**Monday, October 3, 11:30 a.m.**

Speaker: Kenneth Parsons | [ken.parsons@hklaw.com](mailto:ken.parsons@hklaw.com)

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## Policy Report (continued)



### Non Tribally Specific Items:

#### Sec 13103 – Increase in Energy Credit for Solar & Wind Facilities placed in service in connection with low-income communities

- Qualifies wind & solar facilities located on “Indian land” and a max output of fewer than 5 megawatts

#### Sec 13303 – Energy efficient commercial buildings deduction

- Tribal governments defined as part of tax-exempt entity

#### Sec 23003 – State and Private Forestry Conservation Programs

- Tribes can compete for \$1.5b grant with other entities

#### Sec 40001 – Investing in Coastal Communities and Climate Resilience

- Tribes can complete/apply for a total of \$2.6b with other entities

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## Policy Report (continued)



### **Sec 50152 – Grants to facilitate the siting of interstate electricity transmission lines**

- \$760m through '29 for tribes and other entities

### **Sec 50233 – Drought mitigation in the reclamation states**

- \$4b through Sept 30, '26 for public entities and tribes.

### **Sec 60101 – Clean Heavy-duty vehicles**

- Tribes eligible for \$600m through '31 with other entities

### **Sec 60102 – Grants to reduce air pollution at ports**

- \$2.25b through '27 for pollution reduction at ports (if tribe has port authority) for tribes and other entities.

### **Sec 60103 – Greenhouse Gas Reduction Fund**

- Tribes and other entities are eligible for \$7b

### **Sec 60107 – Low Emissions Electricity Program**

- \$17m in outreach to states, tribes, and local governments



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**Sec 60110 – Funding for enforcement technology and public information**

- \$3m in grants for tribes with other entities for “Communications with ICIS” (Integrated Compliance Information System w/ EPA)
- \$4m in inspection software with other entities

**Sec 60112 – Environmental product declaration assistance**

- \$250m in grants for tribes and other entities

**Sec 60114 – Climate Pollution Reduction Grants**

- Raises Greenhouse Gas Air Pollution Plans and Grants to \$250m for air pollution planning grants and \$4.75b for air pollution implementation grants that tribes and other entities are eligible for

**Sec 60201 – Environmental and climate justice block grants**

- Tribes eligible with other entities for block grants of \$2.8b and \$200m

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**Sec 60506 – Low-carbon transportation materials grants**

- Reimbursement/incentive for tribal transportation facilities

**So long to 2022**

Looking ahead there are several different possibilities for major legislation that could be forthcoming this year. First, the annual appropriations legislation for the government’s fiscal year 2023 is being worked on. At the time of writing this report, while some of the various Departments have had their funding legislation passed in the House, as a whole Congress has not passed appropriations bills, and all will require some form of funding legislation. To

do this, Congress is likely to pass a Continuing Resolution till after the Midterm election in early November that funds the government through the Thanksgiving holiday. After the election, Congress is expected to return to what is called a “lame duck” session, named so because Members who lost their elections are still able to vote and participate in the legislative process.

Also expected this year is possible tax legislation, which could be included in the appropriations package. Last year Congress wanted to include major tax changes as part of the Build Back Better (BBB) Act, and while the BBB didn’t pass, the desire to implement many of those tax changes remains. Included in those tax changes are three provisions that NAFOA has been working on: Sections 135601,

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## Policy Report (continued)



Treatment of Indian Tribes as States with Respect to Bond Issuance; 135602, New Market Tax Credit for Tribal Statistical Areas; and 135603, Inclusion of Indian Areas as Difficult Development Areas for Purposes of Certain Buildings.

### 118th Congress

Starting January of next year, the 118th Congress will convene. Current electoral projections show a change in the House, flipping from Democrat control to Republican. While this is likely, it is also likely that the margin of seats for the new majority will be small, which would inhibit the Republicans

ability to enact their legislative goals/platform. This is very similar to the issues House and Senate Democrats have had to deal with over the past couple of years, as they had one of the smallest House and Senate majorities in history.

In the Senate, the electoral map heavily favors the Democrats, who have to defend just 14 seats, many of which are in “safe” states like California and New York. On the other hand, Republicans have 21 seats to defend, with members retiring in possible swing states like North Carolina, Pennsylvania, and Ohio. The map favors a Democrat victory, but likely by only a small margin.



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## Policy Report (continued)



As a result, we could see even less legislation forthcoming over the next two years until the 2024 Presidential elections. Future appropriations and budget bills will likely have to be passed in a bipartisan fashion, which is already at an all-time low.

### Webinars

NAFOA stays committed to our goal of keeping Tribal leaders and Indian Country at-large updated on the latest updates when it comes to legislation, regulation, grants, and compliance. In order to help increase tribal and federal communication, we have become increasingly more active in hosting

webinars with an average of over two a month since our last conference. Recordings of these webinars are all on our Vimeo account and available to the public.

On May 18, 2022, we hosted a webinar with the Department of Energy (DoE) to discuss changes to their Loan Programs Office (LPO) as well as debt and tax equity for energy projects. Debt and tax-equity structures are commonly used in the solar industry today and offer a significant resource for tribes interested in pursuing these projects. We covered how Tribal leaders can use these financing structures for projects with the DoE's Tribal Energy Loan Guarantee Program. As stated before, the

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## Policy Report (continued)




lending amount of the Loan Programs Office was extended from \$2 billion to \$20 billion. NAFOA will continue to work with the DoE on future webinars and other events in order to continue informing Tribal Governments about all of the various energy projects that will be available.

NAFOA hosted a virtual listening session with The United States Senate Committee on Indian Affairs (SCIA) on “Cannabis in Indian Country”. The conversation between SCIA staff and Tribal leaders centered around descriptions of how Tribes are participating in the cannabis industry and what tribes main concerns were about investing if they

were not currently participating.

In July, NAFOA and the Center of Indian Country Development (CICD) hosted a virtual discussion and listening session on the Community Reinvestment Act (CRA) on the most recent notice of proposed rulemaking (NPR). This newest NPR intends to modernize the CRA including sections that will more effectively address the investment and credit needs of Native communities. This update was more than necessary given the CRA hasn’t been updated for almost two decades and has not historically made an impact to benefit economic development in Indian Country in any



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significant way. In this webinar Native citizens and Tribal leaders were able to learn more about these CRA proposed changes and give feedback to Federal Reserve staff on the call.

We hosted another webinar with the DoE's Loan Programs Office in late July to discuss updates to the Loan Guarantee Program. During the webinar, FSA Advisors also discussed with tribal leaders on strategies to borrow in this interest rate environment and Federal credit policy. The LPO outlined how Tribes can apply for a direct loan based on the latest solicitation and key changes to the debt capital program.

In late August, NAFOA hosted a four-day long webinar series with the Departments of Interior, Energy, the Treasury, and Commerce designed to show how tribes can take advantage of a broad array of funding sources. Over the week, federal staff discussed: key departmental programs, grants, how tribes can integrate different agencies into one project, what pitfalls to avoid, how successful tribes have planned and implemented their projects, and options available in both public/private financing. On the final day speakers from the previous days ended with a policy discussion about steps forward and what policy changes might be forthcoming.



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### Administration

Over the past two years, NAFOA has continued to develop relationships with the White House and various Departments and Agencies for the benefit of Indian Country.

We have hosted multiple webinars with the U.S. Department of Treasury (Treasury) concerning State Small Business Credit Initiative compliance and have continued to keep tribal members updated on the latest guidance and deadlines. NAFOA has also continued working with the administration on improving the accessibility of compliance reports for Tribal Governments. Earlier

this year, we helped make and distribute a survey for tribal leaders to give feedback on the ease or difficulty of filling out CARES/ARPA Compliance Reports. The survey results are intended for federal departments to be aware of potential roadblocks that may prevent Tribal Governments from being able to participate in future government programs.

The Treasury has also announced an extension for tribal governments to submit any funding requests for the Capital Projects Fund. All applications will now be due on October 14, 2022. The Capital Projects Fund is set up to directly support recovery from the COVID-19 public

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## Policy Report (continued)



health emergency by improving infrastructure for work, education, and health monitoring. The project is also directed to improve access to critical broadband internet connection services and enable investments in capital assets designed to address inequities in access to critical services. Eligible uses of the Capital Projects Fund include broadband infrastructure projects, digital connectivity technology projects, and multi-purpose community facility projects.

Since hosting them at our previous conference, NAFOA has continued to work with the U.S.

Government Accountability Office (GAO) to keep Indian Country updated on the latest GAO reports that impact Tribal governments and programs that are intended to benefit Native Americans. The latest GAO report on this subject showed that even though federal agencies are required by law to provide a variety of programs and services to tribes and their members, few agencies have formal processes for incorporating tribal needs into their budget. This report also showed that the Office of Management and Budget's annual report lacked transparency and details on what it was supposed

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## Policy Report (continued)



to represent. Not every federal agency has a formal process for incorporating tribal input during their budget formulation. If the OMB provided better guidance on what they requested for crosscut data, agencies would be able to develop budget information that would accurately reflect tribal needs and potential unmet needs.

### **NAFOA Policy Team Contacts:**

Governance, economic opportunities, financial, management, and access to capital are all vital to the economic success of Indian Country. The combined effect of action in these key areas is significant for tribal economics, community, and

infrastructure development. NAFOA proactively advocates and creates partnerships to ensure tribal governments and tribal members at-large benefit from a strong and vibrant economy.

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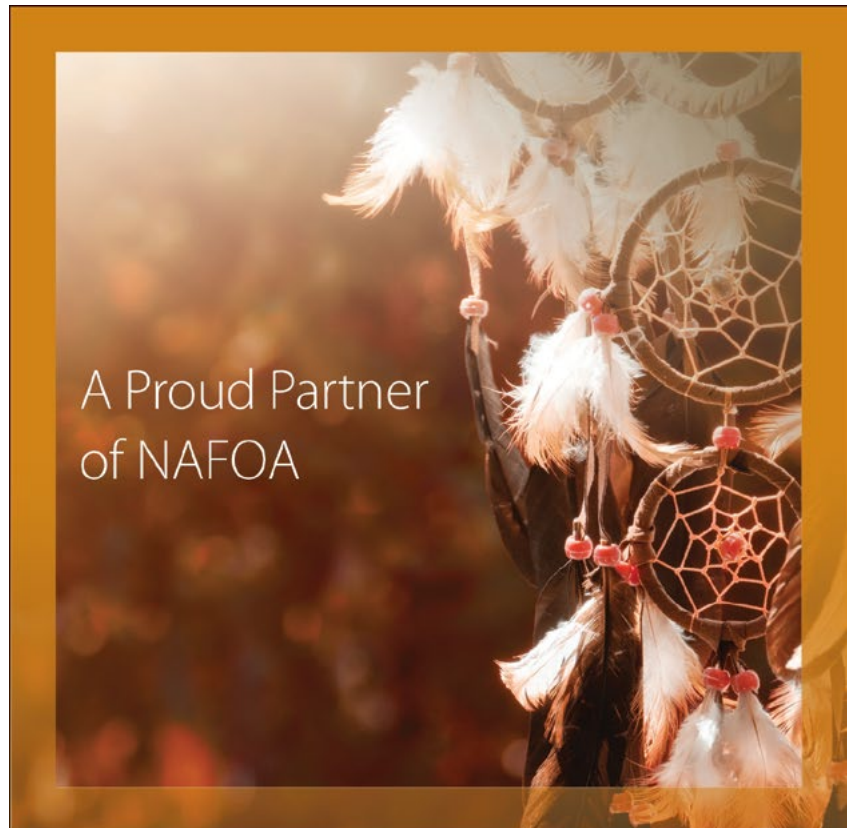
**Kellen Moore**

Policy Communications  
Specialist  
kellen@nafoa.org  
(202) 945-7750

***Written Testimony of Executive  
Director Frias in Support of  
H.R. 8068***

Greetings Chairman Rush,  
Ranking Member Upton,  
Chairman Pallone, and Ranking  
Member McMorris Rodgers.  
Thank you all for your time  
today, as well as the opportunity  
to talk about and support  
H.R. 8068 the “Tribal Energy  
Investment Act of 2022”.

As anyone who has filled  
their gas tank in the past few  
weeks knows, the energy  
industry touches every part of  
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lives. We have seen how energy  
development can transform  
communities, how it can pull  
entire regions out of poverty,  
and how it can shape world  
events. At NAFOA, we know  
that tribal governments are  
excited to unlock the energy  
potential of Indian Country  
and we believe that H.R. 8068,  
which permanently changes the  
Loans Programs Office (“LPO”)



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## Policy Report (continued)

ability to offer direct, Nation-to-Nation loans is an important step to helping us get there.

By permanently authorizing the LPO to offer direct loans to tribal governments, we're addressing two critical topics for Indian Country at once; energy and economic development. By offering direct loans, we are removing an unnecessary component from an already complex process and addressing the lack of access to capital that tribes and tribal members face. Increasing access to capital in Indian country is key essential for unlocking our tribal workforce and helping tribes and the surrounding communities benefit from the growth energy development can create. For the future of

tribes, it will be crucially important that quality, high-paying, and maybe most importantly, long-term jobs are on or close to traditional tribal lands. This helps solve several of the issues that tribal governments and organizations face such as creating jobs that encourage tribal members to stay within their communities and to ensure that employment remains diversified so that a downturn in one industry, which we've seen with COVID, would not cause outsized economic harm to the tribal economy. It helps ensure the long-term economic resiliency of tribes by making them a part of the new economy that will benefit them for decades and decades to come.

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Some of our attorneys have previously worked for the U.S. Dept. of the Interior and directly for tribal governments as in-house tribal attorneys.



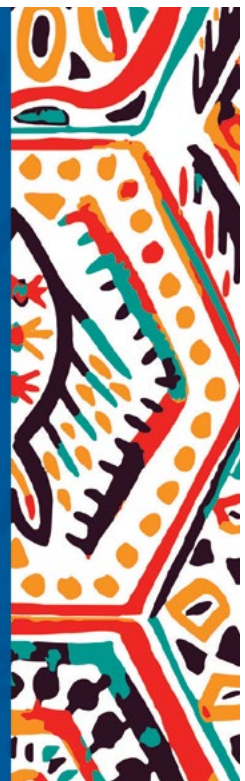
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**Tribal Team Recognitions:** Practice is ranked nationally by **Chambers USA 2022** for Native American Law; Christine Swanick and Wilda Wahpepah ranked "Leading Individual" in Native American Law by **Chambers USA 2022**; Christine Swanick and Wilda Wahpepah listed in 2022 Best Lawyers in America for Native American Law by **U.S. News and Best Lawyers**.

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## Policy Report (continued)



Direct loan authority also addresses the lack of access to capital within Indian country. Banks and other financial institutions have for many years failed to work in Indian country. This is why this change from loan guarantees to direct lending is so important. While we can encourage financial institutions to work in Indian country, the recent joint Notice of Proposed Rulemaking on the Community Reinvestment Act shows how difficult it really is to bring capital into tribal communities and other underserved communities.

One of the major benefits of the LPO is that the program, like NAFOA, is technology agnostic. Well

before anyone had ever discussed climate change, the environmental impact of energy usage, or even the impact of Greenhouse Gases, tribal communities understood the importance of the environment in our daily life and health. We know the benefits of a clean, balanced, and stable climate, as well as the need for energy transition over the coming years. However, while Tribes and their members are excited to participate in the new energy industry, they should not be required or asked to bare the economic burden of the energy transition that the broader economy is still economically benefiting from. Additionally, most renewable energy projects require tax equity

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partner which adds another layer of complexity for tribes to overcome. It is also crucial for the unique nation-to-nation relationship and for tribal self-determination that individual tribes be allowed to decide what energy sources meet their community's members unique needs and economic circumstances.

By allowing tribes to decide what best addresses their needs, it helps to ensure that each project is something that is appropriate for the area in which it is being constructed and will have the necessary community support to succeed. Many economically viable energy projects are of such a scope that a grant would never be able to provide sufficient funds to complete the project, nor do grants allow tribal governments to build the financial relationships necessary for future economic development. The only way that energy development, indeed most new economic development, can take place is if you have access to substantial amounts of capital. The LPO not only creates an opportunity to develop Indian Country's resources, but also helps develop Indian Country's access to capital. We have heard that even tribes with no interest or ability to develop energy resources support the LPO program because of this increase in capital access for Indian Country.

Grants absolutely have their place in tribal economic development. However, despite having treaties with the federal government outlining specific promises made to Indian Country, each year tribes must fight for their appropriations. I don't need to tell anyone in this room that the appropriations are inconsistent at best. This puts an incredible burden on tribal governments and

makes long-term, economic planning a nightmare; the exact kind of planning that is necessary if tribes are going to take full advantage of the energy industry. Development of energy projects can take years to plan and complete, which increases the negative impact of inconsistent grant funding and unreliable appropriations cycles. Direct loans with set terms helps to alleviate the appropriations uncertainty and make it possible for Indian Country to seriously enter the energy marketplace.

When making decisions about how to allocate limited tribal resources, it is difficult to justify allocating funds towards an economic development program which may or may not exist in the next fiscal year even though it could bring in critically needed new revenues. Forced to choose between funding essential services for tribal members or allocating funds to plan a project for which they may be no opportunity for success because the funding needed is not available the essential services must win. This bill, H.R. 8068, removes the uncertainty, removes one more obstacle from an already complex process, and makes it easier for tribal leaders to say yes to energy development. Direct loans can also interact with grants, increasing positive economic impacts of both. I am excited to share that NAFOA is working in partnership with several Departments on a series of public, educational webinars focused on how the various government grants, programs, and funding sources can be combined in one project.

I want to ensure the Members of the Subcommittee and Committee that there is interest throughout Indian Country in energy development. Since be-



coming Executive Director of NAFOA just under a year ago, I have witnessed firsthand the strong tribal interest in energy development within our tribal membership and Indian Country at large. NAFOA has run a series of webinars in partnership with the Department of Energy, the LPO, and the Office of Indian Energy and Programs, all of which had high participation. At our Conference in Seattle last April, we ran an event on Indian Energy development that filled its conference room. We also provided space for personnel from the Department of Energy to speak one-on-one with our conference attendees in order to provide programmatic information or offer technical assistance. I know that NAFOA staff has received questions from NAFOA's membership on energy development, and the LPO in particular, and that at the RES Conference last month there was strong interest in Department of Energy programs.

We are excited to continue to work with the LPO, which has done a great job getting word of its activities out. First authorized in 2005, the LPO didn't receive funding until 2017 and it was not until a year later that guidelines, staffing, and work was able to get started. NAFOA has been working with LPO to amplify programmatic announcements, to direct tribal questions to the right offices, to connect them with the necessary tribal contacts, and to help inform tribal governments about what options are available. For many tribes, energy development is an entirely new industry, and just getting the word out on what the program can and cannot do and how it works was a multi-year effort and then COVID hit. To this day COVID still impacts the energy development

supply chain in unexpected and unanticipated ways. None the less, I know the LPO has continued its work in reaching out to tribes.

COVID didn't just impact LPO, but also hit tribal communities in a unique number of ways that we are still feeling today. First, there has been an unprecedented flow of money from the federal government to tribes since 2020. However, with the funds have come regulations, deadlines, reporting guidelines, , etc.. For two years tribal governments faced staffing shortages, limited social/governmental bandwidth (a word I use intentionally, as NAFOA knows internet broadband access is a major issue for tribal governments and members), and crisis after crisis to address. Currently, too many tribes are forced to focus on the sometimes overwhelming "now", much less have the time to focus on an energy project years from now.

Indian Tribes hold a unique legal place in our country. They also face some challenges that traditional energy development organizations do not face. For example, the status of tribal trust land, creates barriers that non-tribal energy developers would not encounter. One of the primary benefits of this change to the LPO is that it removes a major friction point from the energy project development and financing cycle. The change from loan guarantees to direct loans directly from the Department of Energy removes the impediment of finding a lender willing to fund the project. The lack of access to capital is a longstanding problem, as institutions have largely shown an unwillingness to work in and with Indian country.

Direct loans are more consistent with the

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## Policy Report (continued)

Nation-to-Nation relationship that tribes share with the U.S. federal government. The treaties are the basis for the trust responsibility the U.S. has with tribes. The federal government has an obligation to step-up where these private sector lending institutions have not. Permanently authorizing the LPO direct loan program strengthens this Nation-to-Nation relationship and takes another necessary small step in fulfilling the promises the United States has made to tribes.

At NAFOA, we know that when tribes are given a level playing field, they are able to compete and

surpass the competition. The success of tribes in the gaming industry has demonstrated this clearly. Permanent authorization for the LPO loan program is another step towards unlocking Indian Country's potential for not just energy, but economic development overall. Removing uncertainty around the LPO's authority to directly offer loans helps tribes across the country to compete in the energy industry, and ensure that our country's economy works for everyone. Again, I thank you very much for your time today and allowing me to testify. I am available for any questions. Thank you. ■



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\*Attendees receive a copy of the NAFOA Financial Reporting and Information Guide for Tribal Governments and Enterprises (Orange Book).

## TRIBAL FINANCE AND ACCOUNTING

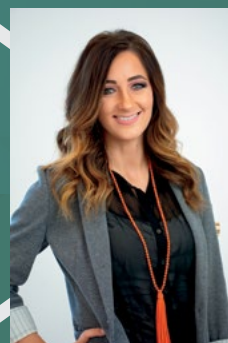
CONFERENCE

VIRTUAL: OCT 27, 2022 <<<<

ENDORSED BY:



### MORE INFORMATION:



Lindsey Ray  
Program Manager  
405-744-5208

[lindssk@okstate.edu](mailto:lindssk@okstate.edu)

Website: QR code below





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# Legislative Resources



NAFOA provides legislative analysis, policy development, and liaison with the Administration, Congress, federal agencies, and accounting standard setters. NAFOA also tracks particular bills and GASB pronouncements that have broad relevance for Indian Country.

- Senate in Session
- House in Session
- Both chambers in session
- House committee work only
- House committee work only/Senate in session





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# Committees In The U.S. Congress



House	Senate
<b>Standing Committees</b>	
<ul style="list-style-type: none"> <li>Agriculture</li> <li>Appropriations</li> <li>Armed Services</li> <li>Budget</li> <li>Education and the Workforce</li> <li>Energy and Commerce</li> <li>Ethics</li> <li>Financial Services</li> <li>Foreign Affairs</li> <li>Homeland Security</li> <li>House Administration</li> <li>Judiciary</li> <li>Natural Resources</li> <li>Oversight and Government Reform</li> <li>Rules</li> <li>Science, Space, and Technology</li> <li>Small Business</li> <li>Transportation and Infrastructure</li> <li>Veterans' Affairs</li> <li>Ways and Means</li> </ul>	<ul style="list-style-type: none"> <li>Agriculture, Nutrition, and Forestry</li> <li>Appropriations</li> <li>Armed Services</li> <li>Banking, Housing, and Urban Affairs</li> <li>Budget</li> <li>Commerce, Science, and Transportation</li> <li>Energy and Natural Resources</li> <li>Environment and Public Works</li> <li>Finance</li> <li>Foreign Relations</li> <li>Health, Education, Labor, and Pensions</li> <li>Homeland Security and Governmental Affairs</li> <li>Judiciary</li> <li>Rules and Administration</li> <li>Small Business and Entrepreneurship</li> <li>Veterans' Affairs</li> </ul>
<b>Special, Select, and Other Committees</b>	
<ul style="list-style-type: none"> <li>Permanent Select Committee on Intelligence</li> <li>Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi</li> </ul>	<ul style="list-style-type: none"> <li>Aging</li> <li>Ethics</li> <li>Indian Affairs</li> <li>Intelligence</li> </ul>
<b>Joint Committees</b>	
<ul style="list-style-type: none"> <li>Joint Economic</li> <li>Joint Library</li> <li>Joint Printing</li> <li>Joint Taxation</li> </ul>	



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# Congressional Leadership In The 117th Congress



## Democratic Leadership

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### Senate

**Senate Democratic Leader and Chair of the Conference:**

Senator Charles Schumer (D-NY)

**Majority Whip:**

Senator Richard J. Durbin III (D-IL)

**Assistant Democratic Leader:**

Senator Patty Murray (D-WA)

**Chair of the Democratic Policy and Communications Committee:**

Senator Debbie Stabenow (D-MI)

**Vice Chair of the Conference:**

Senator Elizabeth Warren (D-MA)

**Vice Chair of the Conference:**

Senator Mark Warner (D-VA)

**Vice Chair of the Democratic Policy and Communications Committee:**

Joe Manchin

**Vice Chair of the Democratic Policy and Communications Committee:**

Cory Booker (D-NJ)

**Chair of Outreach:**

Senator Bernie Sanders (I-VT)

**Vice Chair of Outreach:**

Senator Jeanne Shaheen (D-NH)

**Chair of Steering Committee:**

Senator Amy Klobuchar (D-MN)

**Senate Democratic Conference Secretary:**

Senator Tammy Baldwin (D-WI)

**Senate President Pro Tempore:**

Patrick Leahy (D-VT)

### House of Representatives

**Speaker of the House:**

Rep. Nancy Pelosi (D-CA)

**House Majority Leader:**

Rep. Steny Hoyer (D-MD)

**Majority Whip:**

Rep. James Clyburn (D-SC)

**Assistant Majority Speaker:**

Rep. Katherine Clark (D-MA)

**Chairman of Democratic Caucus:**

Rep. Hakeem Jeffries (D-NY)

**Vice-Chairman of Democratic Caucus:**

Rep. Pete Aguilar (D-CA)

**Chairman of Congressional Campaign Committee:**

Rep. Sean Patrick Maloney (D-NY)

### Senate Democratic Committee Assignments

**Agriculture, Nutrition and Forestry:**

Senator Debbie Stabenow (D-MI)

**Appropriations:**

Senator Patrick Leahy (D-VT)

**Armed Services:**

Senator Jack Reed (D-RI)

**Banking, Housing and Urban Affairs:**

Senator Sherrod Brown (D-OH)

**Budget:**

Senator Bernie Sanders (I-VT)

**Commerce, Science and Transportation:**

Senator Maria Cantwell (D-WA)

**Energy and Natural Resources:**

Senator Joe Manchin (D-WV)

**Environment & Public Works:**

Senator Tom Carper (D-DE)

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## Congressional Leadership In The 117th Congress (continued)

**Finance:**

Senator Ron Wyden (D-OR)

**Foreign Relations:**

Senator Bob Menendez (D-NJ)

**Health, Education, Labor, and Pensions:**

Senator Patty Murray (D-WA)

**Homeland Security and Governmental Affairs:**

Senator Gary Peters (D-MI)

**Indian Affairs:**

Senator Brian Schatz (D-HI)

**Judiciary:**

Senator Dick Durban (D-IL)

**Rules and Administration:**

Senator Amy Klobuchar (D-MN)

**Small Business and Entrepreneurship:**

Senator Ben Cardin (D-MD)

**Veterans Affairs:**

Senator Jon Tester (D-MT)

**Aging:**

Senator Bob Casey (D-PA)

**Ethics:**

Senator Chris Coons (D-DE)

**Intelligence:**

Senator Mark Warner (D-VA)

**Joint Economic Committee:**

Senator Martin Heinrich (D-NM)

**Joint Committee on Taxation:**

Senator Ron Wyden (D-OR)

---

### Republican Leadership:

**Senate****Republican Leader:**

Senator Mitch McConnell (R-KY)

**Republican Whip:**

Senator John Thune (R-SD)

**Republican Conference Chairman:**

Senator John Barrasso (R-WY)

**Republican Policy Committee Chairman:**

Senator Roy Blunt (R-MO)

**Republican Conference Vice Chairman:**

Senator Joni Ernst (R-IA)

**Senatorial Committee Chairman:**

Senator Rick Scott (R-FL)

**House of Representatives****Republican Leader:**

Rep. Kevin McCarthy (R-CA)

**Republican Whip:**

Rep. Steve Scalise (R-LA)

**Republican Policy Committee Chairman:**

Rep. Gary Palmer (R-AL)

**Republican Conference Chairman:**

Rep. Elise Stefanik (R-NY)

**Senate Republican Committee Assignments****Agriculture, Nutrition, and Forestry:**

Senator John Boozman (R-AR)

**Appropriations:**

Senator Richard Shelby (R-AL)

**Armed Services:**

Senator James Inhofe (R-OK)

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## Congressional Leadership In The 117th Congress (continued)

**Banking, Housing, and Urban Affairs:**

Senator Patrick Toomey (R-PA)

**Budget:**

Senator Lindsey Graham (R-SC)

**Commerce, Science, and Transportation:**

Senator Roger Wicker (R-MS)

**Energy and Natural Resources:**

Senator John Barrasso (R-WY)

**Environment & Public Works:**

Senator Shelley Capito (R-WV)

**Finance:**

Senator Mike Crapo (R-ID)

**Foreign Relations:**

Senator James Risch (R-ID)

**Health, Education, Labor, and Pensions:**

Senator Richard Burr (R-NC)

**Homeland Security and Governmental Affairs:**

Senator Rob Portman (R-OH)

**Indian Affairs:**

Senator Lisa Murkowski (R-AK)

**Judiciary:**

Senator Chuck Grassley (R-IA)

**Rules and Administration:**

Senator Roy Blunt (R-MO)

**Small Business and Entrepreneurship:**

Senator Rand Paul (R-KY)

**Veterans Affairs Senator:**

Jerry Moran (R-KS)

**Aging:**

Senator Tim Scott (R-SC)

**Ethics:**

Senator James Lankford (R-OK)

**Intelligence:**

Senator Marco Rubio (R-FL)

**Joint Economic Committee:**

Senator Mike Lee (R-UT)

**Joint Committee on Taxation:**

Senator Mike Crapo (R-ID)



### The Senate Committee on Finance

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The Senate Committee on Finance concerns itself with matters related to taxation and other revenue, bonded debt of the United States, customs, deposit of public monies, general revenue sharing, health programs under the Social Security Act, and other health programs financed by a specific tax or trust fund. The Finance Committee has the largest jurisdiction of any congressional committee, overseeing over 50 percent of the nation's budget, including America's entitlement programs, Medicare, Medicaid and Social Security, all tax policy, international trade, several welfare programs, and the nation's debt.

#### Majority

Chairman Ron Wyden (D-OR)  
Senator Debbie Stabenow (D-MI)  
Senator Maria Cantwell (D-WA)  
Senator Robert Menendez (D-NJ)  
Senator Thomas Carper (D-DE)  
Senator Benjamin Cardin (D-MD)  
Senator Sherrod Brown (D-OH)  
Senator Michael F. Bennet (D-CO)  
Senator Robert P. Casey, Jr. (D-PA)

Senator Mark R. Warner (D-VA)  
Senator Sheldon Whitehouse (D-RI)  
Senator Maggie Hassan (D-NH)  
Senator Catherine Cortez Masto (D-NV)  
Senator Elizabeth Warren (D-MA)

#### Minority

Ranking Member Mike Crapo (R-ID)  
Senator Charles Grassley (R-IA)  
Senator John Cornyn (R-TX)  
Senator John Thune (R-SD)  
Senator Richard Burr (R-NC)  
Senator Rob Portman (R-OH)  
Senator Patrick J. Toomey (R-PA)  
Senator Tim Scott (R-SC)  
Senator Bill Cassidy (R-LA)  
Senator James Lankford (R-OK)  
Senator Steve Daines (R-MT)  
Senator Todd Young (R-IN)  
Senator Ben Sasse (R-NE)  
Senator John Barrasso (R-WY)

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## Congressional Leadership In The 117th Congress (continued)



### The Senate Committee on Indian Affairs

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The Senate Committee on Indian Affairs has jurisdiction to study the unique issues of American Indian, Native Hawaiian, and Alaska Native peoples and to propose legislation to alleviate these difficulties.

#### Democrats

Chairman Brian Schatz (D-HI)  
Senator Maria Cantwell (D-WA)  
Senator Jon Tester (D-MT)  
Senator Catherine Cortez Masto (D-NV)  
Senator Tina Smith (D-MN)  
Senator Ben Ray Lujan (D-NM)

#### Republicans

Vice Chairman Lisa Murkowski (R-AK)  
Senator John Hoeven (R-ND)  
Senator James Lankford (R-OK)  
Senator Steve Daines (R-MT)  
Senator Mike Rounds (R-SD)  
Senator Jerry Moran (R-KS)

### Treasury and Other Key Officials

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#### Secretary of the Treasury:

Janet Yellen

#### Director, Office of Management and Budget:

Shalanda Young

#### Treasury Assistant Secretary for Tax Policy:

Lily Batchelder

#### IRS Commissioner:

Charles Rettig

#### IRS Director of Office of Tribal Governments:

Telly Meier

#### Secretary of the Interior:

Deb Haaland

#### Department of the Interior – Indian Affairs

#### Principal Deputy Assistant Secretary:

Bryan Newland

#### Bureau of Indian Affairs Director:

Darryl LaCounte

#### FAF Executive Director

John W. Auchincloss

#### GASB Chairman

Joel Black

#### FASB Chairman

Richard Jones

#### AICPA Chairman

Anoop N. Mehta



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Red Lake Nation Foods is wholly owned and operated by the Red Lake Band of Chippewa Indians. Located on the Red Lake Nation in beautiful northern Minnesota. Red Lake Nation Foods opened in 2005 offering just one product – the best wild rice in the country!

**T**he Red Lake Band of Chippewa Indians grow and harvest the rice we sell. Red Lake Nation brand wild rice is nutritious and 100% all natural. It is high in fiber, low in fat and contains complex carbohydrates. It is high in quality protein and contain only 114 calories per half cup serving. Red Lake Nation wild rice (uncooked) keeps up to ten years when stored in an airtight container in a cool, dry location. Wild Rice is gluten free and an excellent food value. One cup uncooked Red Lake Nation brand wild rice will yield @ 3-4 cups cooked wild rice which translates into a low cost per serving. For convenience wild rice can be precooked, drained and refrigerated for up to 7 days or frozen for up to 6 months in an airtight container.

## Red Lake Nation Foods

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Red Lake, MN 56671

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Toll free: (888) 225-2108

Hours: M–F, 8:00 am - 4:30 pm

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Item 122: 2 – 80 oz. Poly Bags/case    Item 123: 25# Poly Bag

## Minnesota Cultivated Wild Rice

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Item 111: 2- 80 oz. Poly Bags/case    Item 112: 25# Poly Bag

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Large broken bits of wild rice. Perfect for soups & stews.

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## Soup Bits™

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# Corporate Advisory Committee



*NAFOA is Grateful  
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Commitment  
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Akin Gump Strauss Hauer & Feld LLP  
Bank of America  
CLA  
Dorsey & Whitney LLP  
Faegre Drinker Biddle & Reath LLP  
FS Advisors, Inc.  
Holland & Knight LLP  
KeyBank  
Miracle Mile Advisors, LLC  
Moss Adams LLP  
Orrick, Herrington & Sutcliffe LLP  
P/E Investments  
Pinnacle Bank/Meskwaki  
PNC Bank  
REDW LLC  
Sheppard Mullin Richter & Hampton LLP  
TFA Capital Partners  
U.S. BANK  
Wells Fargo

# LIFETIME ACHIEVEMENT AWARDS LUNCHEON PROGRAM

## **Opening**

Welcome and Good Day – Wuyepuyôq qah Wuyeekeesuk

## **Opening Prayer**

Pray – Puyôtam

## **Plated Lunch**

Come Eat! – Puyôq meech!

## **Presentation of Awards**

We honor you - Kuquhtchânumush

## **Closing**

Good day - Wuyeekeesuk

## **Thank you**

Kutaputuyumu

*\*Translated to the Algonquin language*

*“The people’s language”*

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## NAFOA's Annual Lifetime Achievement Awards

*For over a decade, the NAFOA Board of Directors have recognized innovative and influential Native American leaders who have devoted their careers to bringing about positive economic change for both their communities and Indian Country.*

The NAFOA Lifetime Achievement Award recipients are nominated and selected by the NAFOA Board of Directors. These individuals are viewed as experts in their fields and respected for their years of career and volunteer work that boasts a lifetime dedicated to growing tribal economies.

NAFOA commends **Chief Lynn Malerba** and **Ted Strong** for their years of dedication and commitment to advocating on behalf of their communities and Indian Country by honoring each of them with a NAFOA Lifetime Achievement Award. These distinguished recipients have paved the way for a brighter economic future for Native American people.



### Lifetime Achievement Award

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NAFOA is proud to present **Chief Mutáwi Mutáhash (Many Hearts) Marilyn “Lynn” Malerba** with our Lifetime Achievement Award. She became the 18th Chief of the Mohegan Tribe and is the first female Chief in the tribe’s modern history.



The position is a lifetime appointment made by the Tribe’s Council of Elders. Prior to becoming Chief, she served as Chairwoman of the Tribal Council, and served in Tribal Government as Executive Director of Health and Human Services. Preceding her work for the Mohegan Tribe, Lynn had a lengthy career as a registered nurse ultimately as the Director of Cardiology and Pulmonary Services at Lawrence & Memorial Hospital.

Lynn was appointed by President Biden and is currently serving as the Treasurer of the United States and is the first American Indian to serve in this position. The Treasurer serves as a liaison with the Federal Reserve and oversees the U.S. Mint and Bureau of Engraving and Printing. Prior to her current role, she served as the United South and Eastern Tribes Board of Directors Secretary. She formerly served as Chairwoman of the Tribal Self-Governance Advisory

Committee of the Federal Indian Health Service (IHS), a member of the Justice Department’s Tribal Nations Leadership Council, a member of the Tribal Advisory Committee for the National Institute of Health, a member of the Treasury Tribal Advisory Committee and a member of the Federal Reserve Bank of Minneapolis Center for Indian Country Development Leadership Council.

She lives in Niantic with her husband Paul. They are the parents of two adult daughters, Elizabeth and Angela and grandparents of granddaughters Taylor and Charlotte and grandson Connor. She earned a doctor of Nursing Practice at Yale University, named a Jonas Scholar. She was awarded an honorary Doctoral degree in Science from Eastern Connecticut State University and an honorary Doctoral Degree in Humane Letters from the University of St. Joseph in West Hartford, CT. She earned a Master’s Degree in Public Administration from the University of Connecticut and a Bachelor of Science in Nursing from the College of St. Joseph. For her years of dedication and service to Indian Country, we at NAFOA could not be more proud to present Chief Lynn Malerba with our 2022 Lifetime Achievement Award! ■

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## NAFOA's Annual Lifetime Achievement Awards (continued)



### Lifetime Achievement Award

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NAFOA is pleased to present **Ted Strong** of the Confederated Tribes & Bands of the Yakama Nation with our NAFOA Lifetime Achievement Award. Strong currently serves as the Vice-President of Corporate Social Responsibility for Yakima Chief Hops, one of the largest hop growing, processing and marketing companies in the world. They have offices in Yakima and Sunnyside, WA, The People's Republic of China, and in Brussels, Belgium. Among his duties are environmental, cultural and social policy development and compliance with established practices. Formerly he was the Executive Director of the Columbia River Inter Tribal Fish Commission, located in Portland, OR and owned by the Yakama, Umatilla, Warm Springs and Nez Perce Tribes.



While Ted Strong was the CFO of Yakama Nation, he along with Ted Bryant (Choctaw Nation) and Elaine Topsy-Olney (Chippewa Cree) helped found NAFOA over 40 years ago. They met at a municipal

finance officers association meeting in New Orleans and realized that there were no breakouts for Native Americans. It was there that Ted Bryant started writing notes on a napkin and one year after they had their first conference where around 17 tribes attended and grew the organization from there. It would be no exaggeration to say that we wouldn't be here hosting this conference if it wasn't for him and the rest of NAFOA founders and there is no way to overstate how grateful we are for Ted Strong.

Strong currently resides in the state of Washington with wife of 56 years, Alta. They are the parents of 3 and have seven grandchildren and 2 great-grandchildren. On top of all his work at Yakima Chief Hop, Strong was also the Chief Judge of the Yakama Nation and served on President Clinton's Council on Sustainable Development. For all of his hard work and dedication to Indian Country throughout his entire career, NAFOA is honored to present Ted Strong with our Lifetime Achievement Award. ■



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- Tribal audit services

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# National Events

## **NIEA 53rd Annual National Convention & Trade Show**

October 5 – October 8, 2022 Oklahoma City, OK

## **2022 AISES National Conference**

October 6-8, 2022 Palm Springs, California

## **G2E Global Gaming Expo**

October 10 – October 13, 2022 Las Vegas, NV

## **Alaska Federation of Natives (AFN)**

October 20 - October 22, 2022 Anchorage, Alaska

## **OSU Tribal Finance and Accounting Conference**

October 27, 2022 Virtual

## **NCAI 79th Annual Convention**

October 30 – November 4, 2022 Sacramento, CA

## **Tribal Self Governance Advisory Committee Meetings**

November 7 - November 10, 2022

## **NICWA Training Institute**

January 31 - February 2, 2023 Portland, Oregon

## **Indian Gaming Tradeshow & Convention**

March 27 - March 30, 2023 San Diego, CA

## **NAFOA 41st Annual Conference**

April 24 - April 25, 2023 Washington, DC

## **OSU Introductory Tribal Finance and Accounting Certificate Program**

May 16 - May 19, 2023 Stillwater Oklahoma

## **NAFOA 2023 Fall Finance & Tribal Economies Conference**

October 2 - October 4, 2023 Phoenix, AZ

## **2023 AISES National Conference**

October 19 - October 21, 2023 Spokane, WA

## **NAFOA 42nd Annual Conference**

April 28 - April 30 2024 Hollywood, FL



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# NAFOA Future Conferences



**41st Annual Conference**

April 24-25, 2023, The Renaissance Hotel - Washington, DC



**2023 Fall Finance & Tribal Economies Conference**

October 2-3, 2023, Sheraton Grand at Wild Horse Pass, Phoenix, AZ



**42nd Annual Conference**

April 28 - 30, 2024, Seminole Hard Rock Hotel & Casino, Hollywood, FL





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# Past NAFOA Conferences



## Past NAFOA Conferences (continued)



Past NAFOA Conferences (continued)



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## Past NAFOA Conferences (continued)



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Past NAFOA Conferences (continued)



## Past NAFOA Conferences (continued)



# How Tribal Facilities Could Benefit from ISDEAA Section 105(l) Leases

by Anita Shah, Partner, Moss Adams

**S**ection 105(l) Leases of the Indian Self-Determination and Education Assistance Act (ISDEAA) allows Tribes and Tribal organizations (Tribes) to be compensated for costs incurred while carrying out their ISDEAA self-determination or self-governance at Tribal facilities.

Tribes can enter into such facility cost agreements with the Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and Indian Health Services (IHS), when those facilities are used to carry out programs, services, functions, and activities (PFSAs contracts).

If your Tribe uses its own facility, regardless of whether you hold the title, have a leasehold interest, or have a trust interest in the facility to operate BIA, IHS, and BIE programs, you have substantial incentive to negotiate a 105(l) lease agreement.

## What Does the 105(l) Lease Pay for?

The lease may compensate the Tribe for the following costs, excluding duplicate costs.

- Rent
- Depreciation and use allowance
- Contributions to a reserve for replacement of facilities
- Principal and interest



- Operation and maintenance expenses, including but not limited to water, sewage, utilities, fuel, insurance, fire protection, and so forth
- Scheduled and unscheduled maintenance like replacing floor coverings, lighting fixtures, or repainting
- Security services and management fees
- Building and equipment repairs
- Alterations needed to meet contract requirements
- Fair market rental for buildings or portions of buildings and land, excluding federal share of building construction or acquisition costs or fair market rental for buildings constructed with federal funds, excluding fee or profit, and for land
- Other reasonable expenses

## Considerations Before Negotiations

Before you begin your lease negotiations with the BIA, IHS, or BIE, you'll want to prepare a detailed list of your true costs to operate the PFSAs in the facility, including other costs you want to include in the lease, such as depreciation and reserve for replacement costs. You'll need to identify the actual prior year costs recorded in your general ledger.

You'll also need to conduct an analysis of the



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prevailing rental prices in the geographic area that compares the facility's size to help negotiate the fair market rental pricing. There may be costs that you've already been reimbursed for within the operations and maintenance funding and contract support costs under your existing ISDEAA agreement or Public Law (PL) 100-297 grant. You'll want to identify those costs to avoid double dipping as the funding for the lease comes from the same agencies.

BIA and IHS have templates for the 105(l) lease agreements, lease compensation calculations, and documentation checklists. We recommend working with your attorneys as you initiate your lease negotiations with the agencies.

Successful negotiations can significantly increase funding for your Tribal facilities used to carry out ISDEAA agreements and PL 100-297 grants and reduce the need to subsidize costs from your general funds.

### Accounting for 105(l) Lease Revenue

Typically, the compensation your Tribe would receive from 105(l) leases is to reimburse costs that have already been incurred. This funding would be part of your amended ISDEAA agreement or PL 100-297 grant. While there aren't any specific agency instructions on use restrictions for these revenues, if those costs were originally paid with your Tribe's unrestricted general funds, then the lease revenues would likely be considered unrestricted funding.

However, if those costs were originally paid by federal funding or program income, then the lease revenues would have the same restrictions as the original funding source.

Reserve funds for replacement of facilities must be accounted for as a capital project fund or a special revenue fund. Such funds may be invested in accordance with the laws, regulations, and policies of the Tribe subject to the terms of the lease or the ISDEAA agreement.

### Governmental Accounting Standards Board Statement No. 87 (GASB 87) and 105(l) Leases

GASB 87 defines a lease as "a contract that conveys control of the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like transaction."

For section 105(l) leases, in most cases a Tribe (lessor) isn't conveying the right to use its building to the federal agency (lessee), as the Tribe is itself operating the PFSA in its building. In such cases, a Section 105(l) lease wouldn't meet the definition of a lease under GASB 87, in which case the standard wouldn't apply. ■

*Anita has practiced public accounting since 2007. She specializes in navigating Tribal governments through grant requirements and streamlining financial processes by performing annual single audits. Having served various Tribal governments and their enterprises, Anita provides valuable insight and best practice recommendations about internal controls, policies and procedures, and overall operational improvements to help Tribes better serve their citizens.*

*Assurance, tax, and consulting offered through Moss Adams LLP. ISO/IEC 27001 services offered by Cadence Assurance LLC, a Moss Adams company. Wealth management offered through Moss Adams Wealth Advisors LLC.*

# Controlling Waste and Abuse

By **LaDonna Sinning**, Partner, Arledge & Associates, C.P.

Imagine a small grant program. \$250,000 in grant revenue. In order to properly manage the grant, some training is needed. The program director finds a conference in Las Vegas that meets the training need. Then adds on a conference in Seattle the following few days that also assists with growing the knowledge to manage the grant. Finally, there is a conference in Hawaii the following week that is also informational with regards to the grant program. None of the conferences or travel costs are hidden or misrepresented. All are legitimate training. The total cost of the training after 10 days spent in Las Vegas, Seattle, and Honolulu is \$100,000.

There are always a good number of presentations and discussions around fraud, but we rarely hear much about waste and abuse. Why is that? To answer this, we need to begin by discussing what waste and abuse look like.

Fraud, waste, and abuse are all an intentional misuse of funds, but unlike fraud, waste and abuse aren't generally hidden or misrepresented. While waste is defined as an excessive or unnecessary expenditure, abuse is more egregious – an unacceptable use of money, equipment, or power. But when is an expense excessive or unnecessary? Who determines where those lines are drawn? At what point does the use of resources or position become unacceptable? The short answer here



is that the lines are where we believe them to be based on our knowledge of the services to be provided and how a prudent person might expend the resources available to provide that service. The trouble arises when we don't

all agree on what a prudent person would or should do and, therefore, we don't agree on where the line is for a necessary expenditure versus an unnecessary expenditure versus an unacceptable expenditure.

I expect we all have disagreements in our own homes on the difference between necessary, unnecessary, and unacceptable. Consider the simple case of buying shoes. Most of us would agree that shoes are necessary. Essential even. But which shoes? Are name brand shoes unnecessary? Are designer shoes unacceptable? That depends entirely on who you ask, what the occasion is for the shoes, the relative wealth of the person answering the question, their values and upbringing, the image that is considered necessary for the person wearing the shoes, and many other factors. There is no easy and uniform answer to the question of shoes and no easy and uniform answer to the definition of waste and abuse in our governments.

*If we can't define it, can we control it?* Yes. Waste and abuse can be controlled, or at least minimized depending on your viewpoint, with thoughtful policies,

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strong internal controls, and consistent reinforcement and oversight by management and elected officials. Here are six steps to a functioning waste and abuse prevention program.

1. Determine ownership. While controlling waste and abuse is part of all of our job descriptions, as with all functions in an organization, it needs a primary owner. This should be someone in senior management with the ability to enforce policies and procedures. Perhaps a risk management professional or someone overseeing fraud prevention. There should also be someone specifically charged with this duty within each department or program who works with, and reports to, the senior management owner.
2. Set a tolerance level. Have the debates that are needed to define your organization's tolerance for expenditures. Draw some firm lines that are not to be crossed and commit those to written policies. What is the amount that you are willing to pay above average cost to use a preferred vendor? How and under what circumstances would foreign travel be considered appropriate and necessary? What is your policy around airplane travel? Is first class appropriate? Business class? For all flights or only for flights over a certain number of hours?
3. Communicate. Once your policies are defined, make them readily available to management, staff, and elected officials. Implement annual training for all management and training for newly elected officials and new employees on a regular basis.
4. Monitor compliance. Once the policies are in place, empower your personnel monitoring expenditures to monitor for waste and abuse. With some clear guidance in their hands from the tolerance

levels you have set, they are now able to monitor compliance with those policies.

5. Reporting variances. Those charged with monitoring compliance should have clear reporting lines for reporting potential variances from policy. However, just like with fraud, others should have avenues for reporting suspected waste and abuse. You might consider including this in your whistleblower hotline communications or in other communications around reporting suspected fraud.
6. Investigating and reacting to issues. As with anything you want to enforce, suspected infractions will need to be investigated and, if outside of policy, appropriate action taken to hold everyone accountable. It may be a good idea to consider and define what the reaction is going to be when setting the risk tolerance. Will repayment of funds suffice? Or is there further action that happens depending on amounts and numbers of violations?

We don't hear much about waste and abuse because, while we all know it when we see it, we don't all agree on a definition and it doesn't lend itself to being "proven." However, that doesn't mean we should ignore it. Waste and abuse clearly expend resources that could have been put to better use serving our communities. Let's start the conversations, set the policies, and control waste and abuse of our resources. ■

*LaDonna Sinning, CPA, CFE, is a partner at Arledge, an Oklahoma-based public accounting firm. Arledge is a recognized leader in the accounting industry offering practical solutions in the areas of tax planning, auditing, consulting, and advisory services.*

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# Indian Country's "Once-in-a-Seven Generation Opportunity:" Building tribal economic resiliency that sticks

By **Dawson Her Many Horses**, Wells Fargo, Head of Native American Banking

**W**hile Covid-19 highlighted some of the harshest realities of the disparate treatment of Indian Country, it also surfaced a rare, once-in-seven-generations opportunity to reimagine how Indian Country can position itself – not just for the immediate future, but for decades and centuries to come.

Wells Fargo and the Boston Consulting Group collaborated on a report that analyzes possible ways to redress economic imbalance within tribal communities by highlighting the wealth of economic opportunities for investment and value creation that achieving resiliency will bring. The findings shared through the *Indian Country's Once-in-a-Seven Generation Opportunity* report offer a framework designed to empower leaders and decision-makers to act on customized recommendations mapped against an opportunity's resiliency potential, feasibility for implementation, and cultural fit.

By analyzing longstanding economic and social inequities facing Native American communities, the *Indian Country's Once-in-a-Seven Generation Opportunity* report has identified what could be done to secure future economic resiliency while providing a decision-making framework, pathways to progress, and recommendations to drive economic progress in tribal communities. Once these foundational barriers



are addressed and the pathway to progress is implemented, Indian Country can embrace economic resiliency and a prosperous financial future.

## **Barriers to economic resiliency**

The pandemic underscored the degree to which three interconnected factors have

long presented nearly insurmountable impediments to economic development and resiliency – a lack of data, access to broadband, and access to and ability to leverage capital. Taken together, the three form a vicious cycle that has historically undermined potential development and resiliency.

### **1. Data gaps**

The analysis revealed that a longstanding obstacle to achieving economic resiliency across Indian Country has been persistent lack of data. The economies of tribal nations differ from non-tribal American ones because businesses owned by tribal governments – not individual tribal entrepreneurs – are the primary drivers and sources of economic activity in many tribal communities. Tribal governments are funded from distributions from tribally owned businesses, in addition to grants, investment returns, and taxes. Unlike state governments or publicly held companies,

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Tribal governments, and the businesses they own, do not disclose financial information. In return, data and information that businesses with an interest in expanding into tribal communities would typically use to make investment decisions is not available for Indian Country.

For example, access to capital is a challenge for retail tribal banking customers, tribal entrepreneurs, and tribally owned businesses. If financial institutions (banks, credit unions, and CDFIs) had more data about the business opportunity in tribal communities, would they be able to make the business case for expanding into tribal communities? Analytical insights that financial institutions rely on to draw basic conclusions about the commercial prospects of tribal enterprises and make investment decisions are absent. One solution is to collect economic data about tribal communities at a macro level to show investors the economic opportunity in tribal communities, while still protecting tribes' need for confidentiality.

Data gaps also show up in other ways. During the pandemic year of 2020, the federal government sought to determine whether the lending facilities incorporated into the Main Street Lending Program were large enough to accommodate the tribally owned businesses it sought to support. Federal officials were unable to find out how much debt tribally owned enterprises carried on their books, making it hard to determine if the lending facilities they were creating would accommodate debt held by tribes and tribally owned enterprises. How can policy interventions be designed when there isn't any data to support or justify them?

## 2. A digital desert

Digital solutions buoyed companies, communities, and economies that successfully leveraged them during the pandemic, which disproportionately impacted people and places on the other side of the digital divide. Retail and other businesses with a strong online presence outperformed those that did not. The exposure of the depth of this digital divide underscored the urgent need for the public and private sectors to work together to

provide freer, fairer accesses to broadband for people and communities left behind, including Indian Country.

Advancing equity to the digital economy could provide more equal access to education, drive opportunities for jobs and entrepreneurship, and connect tribes to the digital world. Broadband access could enable a wave of tech entrepreneurs, build foundations for professional, academic, and social networks all while providing access to digital banking and reducing the number of unbanked tribal households and helping low-income families apply for government and nonprofit programs.

## 3. Fragmented capital landscape

Leveraging capital to drive investments in economically and socially desirable projects is a critical accelerator and amplifier of economic resiliency. Yet, the fragmentation of Indian Country's capital landscape – featuring many different types of financial institutions with varying levels of presence and investment ranges or thresholds – has been an obstacle to investment and development.

*Indian Country's Once-in-a-Seven Generation Opportunity* exposes the capital landscape with a focus on the gaps that provide potential opportunities for new players – whether private equity, venture capital, digital, or Neobanks – to pursue once longstanding barriers to investment have been resolved. It also outlines the role of the capital provider in helping to minimize and eliminate the barriers, including a call to action for gaps in funding and their role in economic resiliency – closing the gaps in financing, investment, and capital capacity.

### The role of capital providers

The gaps in financing, investment, and capital capacity identified represent real opportunity to invest in the economic community development. National banks can start partnering with other capital providers to provide funding and share technology. Governments at all levels (federal, state, local, and tribal) can establish public-private partnerships to build out projects. The private equity and venture capital industries can look to their

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present low level of engagement as a reason to get more involved. Neobanks and payment service providers can create a virtuous cycle where better access to broadband enables the delivery of financial services to underbanked businesses and communities.

### **In conclusion**

Building the long-term economic resiliency of Indian Country requires focused and concentrated action on many fronts, including investing in the collection of better economic data, the construction and reconstruction of critical infrastructure, and focusing on broadband. Additional measures could

include adopting the best governance practices, the development of diversified industries, and embracing holistic generational thinking. The data and analysis put forth in the *Indian Country's Once-in-a-Seven Generation Opportunity* report confirms and affirms the critical importance of achieving economic resiliency as a financial, cultural, and societal value with deep roots in Native communities while highlighting the opportunities to execute on a successful path forward. ■

Find more and download the *Indian Country's Once-in-a-Seven Generation Opportunity* report at <http://wellsfargo.com/tribaleconomicreport>

# Why it's time for tribes to replace legacy accounting systems

By **Lindan D. Elliott**, Partner, Wipfli LLP

**M**any tribes reliant on legacy accounting software packages have been reluctant to change to a new system — one packed with modernized, cloud-based features — for similar reasons: They're comfortable with the current program they use and are hesitant to take on the expense and learning curve that comes with switching to something new. In a nutshell, change is hard.

But in the near future, when their existing systems start to fail, they may realize that waiting to undertake an overhaul wasn't a good idea. It would benefit tribal leaders now to start planning in a thoughtful, strategic manner about future needs and software capabilities, rather than being forced to act out of sudden desperation.

Here are some considerations that may help move your thinking about replacing a legacy accounting system:

## Labor shortages

Think about the staffing level at your tribe. Many are facing severe labor shortages as experienced people retire in large numbers. Do you have an adequate team of people with accounting knowledge and experience employed by your tribe who understand the nuances of your current system?



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## Access to technical support

How large and accessible is the software support network that serves your tribe? Some software companies have cut their partnership arrangements with service providers. Do you still have easy access

to the technical support you need when your provider goes through its own changes?

## Partner support channels have been curtailed

Does your software provider still offer third-party support? Some have curtailed those experienced, dedicated relationships, making it harder for customers to have the immediate access to a knowledgeable troubleshooter that they need.

## Outdated technology

Has your software evolved with changes in technology? Are you using cloud-based products that allow for flexibility and remote access? Your new hires won't be impressed if you're using 1990s technology. Consider the state of your current technology in attracting new accounting and financial team members.

## Access to funding for a limited time

Tribes have been beneficiaries of generous levels of federal funds from the CARES Act and the American



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Rescue Plan. This may be a one-in-lifetime opportunity to access funds for accounting software replacement given that, in typical times, tribal members are competing for scarce resources to assist with housing, food and basic necessities. This recent influx of funds provides an opportune moment to take advantage of that funding and move into the next generation of technology.

The pandemic showed in stark terms how severely businesses were disadvantaged without reliable Internet access or the ability to work in a collaborative, remote work environment. With staff counts continuing to be down, the time is right to address these deficiencies with modern, cloud-based solutions. Meanwhile, the recent influx money from federal programs related to the pandemic pose new accounting challenges that could be overwhelming for some understaffed tribes to manage.

To prepare for implementing a new financial solution, you'll need a strong foundation in your office that includes increasing your staffing, where needed, and making sure you are up to date with your audits and other accounting requirements.

### How Wipfli can help

If your tribal community needs support with its digital financial transformation, Wipfli professionals are available to help. Calling upon deep experience with tribal communities, we can assess the pros and cons of your current accounting systems and staffing situation and discuss solutions that will help you meet today's challenges. Finding the right technology solution will help with your employee recruitment and retention and strategically help you make sound, more sophisticated financial decisions. ■

Contact us to discuss how transitioning your financial technology for the future which will help you better meet the needs of the people you serve.

Sign up to receive additional tribal-focused content and information in your inbox, or continue reading on:

- 4 ways cloud-based accounting software can help tribal casinos in a crisis
- Why now is the time to switch to tribal cloud-based accounting software
- American Rescue Plan Act provides billions in relief to state and local governments
- Guidance on how tribes can modernize technology with CARES Act funds

# AMERIND Empowers Tribes to Take Control of Their Insurance Programs

By Robert Dahl, Acting Chief Executive Officer, AMERIND

It's time Tribes exercise their sovereignty and self-determination over their economies, including protecting their employees through unique Tribal Workers' Compensation programs.

When Tribes purchase conventional, statutory workers' compensation policies, they are not only signing up for a standard, one-size-fits-all model, they are waiving their sovereign immunity and subjecting themselves to state jurisdiction and courts. Furthermore, statutory workers' compensation policies leave Tribes vulnerable to the litigation that runs rampant in state systems.

Utilizing an arbitration type format, AMERIND helps Tribes avoid lengthy court battles. This more informal process saves Tribes considerable legal expense. Owned by more than four hundred Tribes, AMERIND is tax-exempt and free from state workers' compensation laws and regulation. Doing business sovereign to sovereign with AMERIND means saving money by avoiding state and federal taxes and fees. Thus, AMERIND's expense ratio is typically 10-15% less than other insurance carriers.

Another way for an employer to take control of their program and save money is through a thoughtful and planned out Return-to-Work program. An employer can reduce or eliminate the indemnity cost of a claim—or wage-loss piece—by bringing an employee back to



work through a modification of their job duties, thus accommodating any restrictions set by a doctor. Designating a medical provider or clinic can aid in this process. Bringing an employee back

to work faster keeps them connected with their employer, lessening the likelihood of them seeking an attorney, which reduces potential litigation costs. The AMERIND Tribal Workers' Compensation team collaborates with an employer to assist them in establishing a successful Return-to-Work program.

## TRIBAL WORKERS' COMPENSATION FACT SHEET

- AMERIND's Tribal Workers' Compensation program is designed for Tribal Governments, Business Enterprises and Housing Authorities located within Indian Country.
- Our Tribal Workers' Compensation program is flexible and was built from the ground up. AMERIND does not try and force Tribes into a "one-size-fits-all" program. We are interested in your preferred approach to covering employee injuries.
- AMERIND's Tribal Workers' Compensation program is adaptable to your Tribe's specific needs.

- For Tribes with an existing workers' compensation ordinance, AMERIND will underwrite the Tribe's ordinance and handle the claims pursuant to that ordinance.
- For Tribes that do not have an existing workers' compensation ordinance, AMERIND's Tribal Workers' Compensation program includes a benefit endorsement that provides the benefits found in a typical workers' compensation program, such as Medical Expenses, Lost Wages, Death Benefit and Permanent Disability Benefits.
- The ultimate goal of AMERIND is to provide you with control of your program and the resources to reduce your employee injury expenses. Creating a safe work environment not only protects employees, it helps your Tribal Governments and Businesses attract and retain valuable employees.
- AMERIND is committed to helping Tribal Governments and Businesses foster a workplace culture that focuses on safety to reduce employee injuries on the job. AMERIND regularly promotes hazard awareness and prevention, and additionally encourages safety consciousness from leadership to staff.
- When supervisors reinforce employee attention to safety, it not only boosts morale, it also keeps claims down.

A tailored Tribal Workers' Compensation program together with a safety-first culture and consistent, positive reinforcement will protect against senseless accidents. AMERIND's safety team takes measures to prevent accidents in Tribal communities by sharing knowledge, identifying risks, and removing hazards. By facilitating safety training sessions and developing timely safety resources, AMERIND continually supports its members and makes a positive, lasting difference in Indian Country.

## WORKPLACE SAFETY TRAIN-THE-TRAINER STYLE INSTRUCTION

- Defensive Driving
- Electrical Safety Awareness
- Emergency Preparedness and Action Planning
- Fire Extinguisher Safety
- Fire Prevention
- First Aid /CPR/AED
- Intro to OSHA and Injury Prevention for Employees
- Intro to OSHA and Injury Prevention for Management
- OSHA 10 Hour and 30 Hour General Industry Course
- Personal Protective Equipment (PPE)
- Safe Chemical Handling
- Slips, Trips and Falls Prevention
- Substance Abuse and Meth

Lastly, take control of your insurance programs with active participation in the renewal process and by asking questions. We encourage our Tribes to recognize and maximize the benefits of being a part of the AMERIND family. We welcome questions that will help you better understand your coverage and how it works. *What am I paying for exactly? What is covered and not covered? What would my Return-to-Work program entail? Do my employees know what to do in an emergency?*

In many cases, your questions will lead to other benefits and cost savings you're not currently taking advantage of. For instance, AMERIND's Tribal Auto Program offers commercial fleet auto coverage that works in tandem with your Tribal Workers' Compensation program, expanding your protection to workplace accidents taking place on the road. Coverage includes liability (bodily injury and property damage, uninsured and underinsured motorist), medical payments or personal injury protection, and physical damage (collision, comprehensive or specified cause of loss). Placing your trust with AMERIND for all your policies and insurance needs will not only be in your best interests but will keep money circulating in Indian Country.

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Keeping in step with the theme of NAFOA 2022, *Learn How to Lead Through Adversity from Tribal Leaders*, AMERIND takes exceptional time and care to learn from tribal leaders. With a tailored approach, the team at AMERIND uncovers unique challenges and risks each tribal business or government will encounter. Our professional and experienced team guides members through a comprehensive discovery process to ensure they build an insurance package that will cover them through adverse times.

Working with Tribal entities throughout Indian Country, AMERIND cares about the well-being of its

Tribes and the vitality of tribal governments, business enterprises and housing authorities. When Tribes Protect Tribes, we create opportunity for the economic sustainability and growth of Indian Country. ■

*Founded in 1986, AMERIND is the only 100% tribally owned and operated insurance provider serving Indian Country. More than four hundred tribes united to create affordable and sustainable insurance products and services for Indian Country. Our mission is to keep Indian money in Indian Country.*

# Ready or Not

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By **Scott Huebert**, Partner, Finley & Cook, P.L.L.C.

## Ready or Not

After two years of delays and a completely changed world environment, GASB 87 – Leases, is set to become effective for fiscal years ending on or after June 30, 2022. If you recall, GASB 87 is a major change in how we account for lease agreements. The purpose of this article is to provide a basic understanding of the new pronouncement and to identify the key points to consider in preparations for its implementation. The basic objective of the statement is to quantify and present the full value of the lease on the statement of net position.

Currently, if you are in contract with a vendor for a lease it is generally accounted for as an expense during the period you pay for the lease. With GASB 87's implementation, however, the lease will be a liability for the full life of the lease to be amortized over that lease period. The same is true if you are leasing to another entity the right to use a tribal asset. In that case, a receivable will be created for the life of the lease and amortized over the lease period. With either scenario the result is an increase in assets or liabilities on your statement of net position that wasn't presented previously.

The general concept is not too complicated, however, the implementation of GASB 87 will require a bit of legwork and analysis. Additionally, depending on your



financial environment and level of staff, the maintenance of accounting for leases under this new method could be difficult to keep up with. This should be a challenge to

consider when determining the best way to implement and maintain. If there are several leases in the tribe's portfolio, I would recommend reaching out to a consultant for assistance in setting up your lease accounting and maintenance policies. Additionally, there are several software applications in the market that could assist in both the setup and maintenance.

One of the first things to do is to get copies of all existing lease agreements, both as the lessee (with a vendor) and as the lessor (recipient of the payments). Each agreement needs to be analyzed for these key points.

- Lease term
- Transfer of ownership
- Type of asset

GASB 87 only applies to leases with a term longer than one year. Unfortunately, determining the lease term is a little more complicated than looking at the end date of the lease. Start with the lease's noncancelable period, then add any extension options that are reasonably certain of being exercised. If there is an option for either party to terminate the lease but it is reasonably certain

to not be exercised, then that period of time should be added to the term.

**Example:**

The tribe leases a building for a five-year term; however, the tribe has an option to extend for another five years. If it is reasonably expected that the option will be taken, then the lease term would be 10 years.

Other factors to consider for defining the lease term are cancelable periods, where each party has the option to terminate the lease, or both must agree to extend. An example of the cancelable period would be a rolling month-to-month lease.

If the lease transfers ownership at the end of the term and does not contain a termination option, then the lease should be accounted for as a finance purchase instead of a lease.

The third key point to consider is the type of asset. There are exclusions for leased assets such as inventory items, service concession arrangements and supply contracts. Supply contracts do not convey control of the underlying asset, they are only providing a product of that asset to the lease. Other exclusions for lease treatment based on type of asset include assets that are either intangible or biological. Intangible assets such as mineral rights or software are excluded from this treatment unless there is a sublease of intangible right-to-use asset. Biological assets, such as timber, living plants or living animals, are also excluded from GASB 87 Treatment.

For more guidance on the implementation of GASB 87 please refer to GASB Implementation Guide No. 2019-3, Leases. It can be found on [www.gasb.org](http://www.gasb.org).

Let's look at an example of what the accounting entries will look like once the eligible leases are finalized. The tribe has a copier lease agreement with a term of 4 years. There is an option to extend the term by another year. However, the tribe is not expected to elect that option. Therefore, the lease term will be 4 year (48 months). The lease agreement calls for a payment schedule of a monthly payment of \$125 at 5% interest.

The liability amount is determined by taking the present value of the monthly payments for the 4-year term. The present value of 48 monthly payments of \$125

with a 5% interest rate is \$5,427.87. Therefore, an entry to record the capital outlay and lease proceeds would be made in the Governmental Fund. Additionally, entries would be made to record the Government-wide lease liability and an intangible asset that is amortized over the life of the lease.

**Government Fund**

Capital Outlay	5,427.87
Other financing sources - lease proceeds	5,427.87

**Government-Wide Fund**

Other financing sources - lease proceeds	5,427.87
Lease liability – due within one year	1,356.97
Lease liability – due beyond one year	4,070.90
Intangible lease asset – equipment	5,427.87
Capital outlay	5,427.87

With each payment the Governmental Fund will record the cash disbursement and the principal expenditure and interest expense, and, in the Government-wide fund, the lease liability will be reduced along with the amortization expense being recorded. For the first year, this is what the entries would look like.

**Government Fund**

Lease principal payment expenditure	1,257.16
Interest expense	242.84
Cash	1,500.00

**Government-Wide Fund**

Lease liability – due within one year	1,257.16
Lease principal payment expenditure	1,257.16
Amortization expense	1,356.97
Accumulated amortization	1,356.97

As you can see from this brief discussion, GASB 87 can be a significant change to your accounting processes as well as the financial statements. It is important to get started on evaluating your leases now, because, ready or not, the time has come for implementation. ■

# Section 105(l) leases: A powerful financing tool for Native America

By **Caitlin Caldwell**, Vice President, Public Finance Investment Banking, KeyBanc Capital Markets

**F**inancial security is a critical pillar to support a tribe's sovereignty; one that is challenging to uphold in unsettled times. In today's economic landscape that depicts both uncertainty and possibility, Section 105(l) leases offer hope for opportunity.

Together with market participants, KeyBank has vetted the possibility of long-term financing that could be repaid and, potentially, secured by 105(l) leases. We believe this tool could be a powerful revenue stream for tribes and tribal organizations. Importantly, this tool is not dependent on the entity's size or financial strength. We encourage Native America to explore opportunities to leverage this new and powerful tool.

Simply put, 105(l) leases are long-term funding agreements between tribes/tribal organizations and the BIA or IHS, in which the federal agency 'leases' facility space that is actively used to support programs, services, functions, and activities assumed by a tribe or tribal organization under ISDEAA.

To date, there has been considerable discussion about what exactly 105(l) leases are, how tribes and tribal organizations can apply for them, and how the annual lease compensation figure is agreed upon. The next step is to leverage this revenue stream to support the immense backlog of infrastructure needs in Native American communities.



This tool creates a unique opportunity to raise long-term debt that can be repaid by recurring 105(l) lease dollars. The term of the debt could be more

closely matched with the useful life of a financed facility, creating a stronger 'asset-liability match' than has been available historically in financing structures throughout Native America.

In concept, the tribe's cost of capital would be influenced by the secure nature of the 105(l) payments, as opposed to exclusively the tribe's own unique credit characteristics. States and local governments often service and secure debt backed by other sources of federal dollars, and the cost of capital of those debt offerings is largely driven by the federal government's strong creditworthiness. Further bolstering the creditworthiness of 105(l) lease payments stream is the fact that Congress has provided that this payment stream is now considered mandatory, as an 'indefinite appropriation' going forward.

Proceeds of long-term debt to be repaid by 105(l) leases can be used for a myriad of uses, including repayment of interim construction financing or even to finance other, unrelated infrastructure. It is important to note that debt proceeds do not have to be used for the building associated with the 105(l) lease.

Many Native Americans, including those who live on

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reservations, face profound challenges such as restricted access to healthcare, clean water, and structurally sound homes, inadequate broadband service, inferior roadways, access to clean water and so much more. These problems are just some of the issues cited in a 2021 letter from tribal organizations to members of Congress. Indian Country infrastructure desperately needs improvement, and Section 105(l) leases can help provide funding.

To qualify for a 105(l) lease for a facility, the facility must already be built, and the following criteria must be met:

- The tribe or tribal organization has title to, a leasehold interest in, or a trust interest in the facility.
- The facility must be used for the administration and delivery of services under ISDEAA.

The Federal Government is required to enter negotiations with tribes and tribal organizations. Lease payments will be based on the fair market value of the facility or applicable facility costs (such as Principal and Interest, Operations and Management, depreciation, reserve, etc.) or some combination of these elements.

Communities thrive as they achieve more economic stability. This is especially true in underserved communities without access to business expertise and capital. Our objective is to help Indian Tribes and businesses access and develop financial resources to support a government's sustainable mission and promote the profitable growth of tribal economic entities.

Key Native American Financial Services (NAFS) has more than six decades of experience serving Indian Country. We provide tailored solutions to Tribal Nations and their enterprises that range from accessing public and private capital to handling cash for payments and accounts receivable. We tailor solutions to Tribal Nations and their enterprises that range from accessing public and private capital to handling cash for payments and accounts receivable and offer investment strategies to optimize results for defined objectives with an eight-generation perspective. Today, we have more than 200 relationships with Native American Tribes and Tribal Enterprises, \$2.5B in credit commitments, \$2.4B in deposits, \$4.0B in investment assets for Tribes and their Minors' trusts, and our NAFS advisors average 20 years of deep expertise.

We take the time to know you, the unique cultural characteristics of your Tribe, and what matters most. Today and for future generations, effective self-governance establishes a better quality of life for Tribes and Tribal members. Economic independence is a vital component of effective, sustainable self-governance.

Now more than ever, it is important that we continue our commitment to helping Native Communities secure and preserve financial independence by solving problems, delivering comprehensive solutions, and being strong advocates for Indian Country. Leveraging 105(l) leases is an important piece of that puzzle. Please reach out to Key Native American Financial Services for more information. ■





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