

MEMORANDUM

June 13-14, 2023

To: Saint Regis Mohawk Tribe
Kootenai Tribe of Idaho

From: Holland & Knight LLP

Re: Summary of the June 13-14, 2023 Jay Treaty Border Alliance Fly-In

On June 13-14, 2023, the Jay Treaty Border Alliance (JTBA) held its 2023 Washington D.C. Fly-In. JTBA met with representatives from the U.S. Department of Homeland Security (DHS), the Senate, and the House of Representatives to advocate for the enactment of the Tribal Border Crossing Parity Act. Below is a summary of the meetings held.

Tuesday, June 13, 2023

- **Anna McCloskey (Sen. Tina Smith, D-MN)**

Anna was overall supportive of the bill. She shared that border patrol agents should not decide Tribal membership through blood quantum. Anna agrees that this is an issue of justice and parity that requires bipartisan support. Sen. Smith will likely introduce the bill due to strong interest on Tribal border issues.

- **U.S. Department of Homeland Security, Customs and Border Patrol**

DHS staff in attendance included:

- Laurel Iron Cloud, Senior Advisor for Tribal Affairs
- Ariel Plisko, Program Manager
- Tricia Swartz, Associate Deputy Director
- Daksh Mota, Intern
- Bronia Ashford, Chief of Tribal and Community Affairs

DHS expressed their support for removing the blood quantum requirement. To have a formal statement of support, DHS requested that JTBA submit a written request for confirmed DHS written support for the bill and any technical assistance or recommended changes to the House introduced language. DHS wants to ensure that the bill is supported across Indian Country and plans to hold a Tribal consultation on the bill. DHS also encouraged JTBA members to submit comments on its equity plan as it pertains to the blood quantum requirement of Section 289 of the INA, request a demonstration and review of its training programs, and invite leadership to visit their territories.

- **Andrew Williams (Sen. Mike Crapo, R-ID)**

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Overall supportive, Andrew Williams will run the sponsorship request up the chain. Andrew Williams is very familiar with the issue, but is changing jobs. Andrew Williams sees no issues with the bill, finds it reasonable. We briefed the immigration staffer, Andrew Gleaton, who will be the point of contact on this issue.

- **Kirstin Lidell (Sen. Steve Daines, R-MT)**

Daines' office stated that they wanted to receive frequent updates and letters of support from JTBA members (CSKT and Blackfeet) for the legislation. Kirstin agreed this is a sovereignty issue but will brief the northern border immigration staff, Matthew May.

- **Sachin Mathur (Sen. Kirsten Gillibrand D-NY)**

Sachin expressed his boss' interest in potentially leading a Senate companion of the Tribal Border Crossing Parity Act. He also agreed to reach out to DHS to request their written support for the legislation and any technical assistance or changes to the language requested by DHS. Sachin asked about clearance from the Senate Committee Indian Affairs, which Kayla Gebeck Carroll said they are aware of the legislation.

- **Matthew Keenan (Rep. Russ Fulcher, R-ID)**

Overall supportive and wants to push this through. Has no interest in interfering with Tribal sovereignty. Matthew shared his understanding of the outdated blood quantum application and archaic language. He stated that equitable treatment across the border is necessary and should happen as it occurs across state borders. Matthew is going to relay information about blood quantum to Representative Fulcher. Matt will provide Rep. Fulcher with the packet we provided for his flight back to his district.

Wednesday, June 14, 2023

- **Gabriella Blatt (Sen. Jon Tester D-MT)**

Overall supportive, we need to get MT tribal positions communicated.. Gabriella is a Rocky Boy tribal member, and is familiar and understanding of JTBA's border crossing issues. Laura Peterson, immigration staffer, was present, and discussed the difficulty of getting this legislation passed due to the language being in the Immigration and Nationality Act. Laura recommended that we meet with Judiciary Chairman, Sen. Durbin (D-IL) and other judiciary members such as Sen. Klobuchar. We will email them supporting resolutions, letters of support from CSKT, Blackfeet, and Rocky Boy, and DHS's position in writing.

- **Julia Horman (Rep. Mike Simpson R-ID)**

Julia Horman (immigration staffer) was unfamiliar with the issue. JTBA briefed her on the background, bill language, and implications. We need to provide her with DHS's written position on the Act. Julia listened, seemed to understand, but did not express much.