

December 3, 2007

**BIA/Tribal Budget Advisory Council
Sheraton National Hotel
Arlington, VA
900 S. Orme St.**

Approval of Agenda

Roll Call

Opening Remarks

Ross Swimmer: He mentioned there will be an OST update on the agenda later. He said the important thing of this year is the conversion at OST. The land title office has gone through tens of thousands of records. OST has gone through all the income producing files. There are many files that do not produce income and we need to validate ownership. There are new statements of accounts now. There will be a new deputy chief appraiser and there is a new person in Albuquerque overseeing appraisals. Appraisals are costly and there are other types of evaluations. Swimmer is taking comments seriously.

OST also launched a program to directly deposit into bank accounts along with a debit card. This would be a voluntary program. Sometimes a person receives 3 or 4 checks a month.

Carl Artman welcomed the tribal representatives. He said we can look to the leadership of the tribal co-chairs and the rest of the TBAC in moving the bureau's budget forward. He mentioned a couple milestones: signing the protocol and the data management sub-committee charter. There will be some progress in the fee to trust program. There will be goals and milestones set. Acknowledgement will have changes: there will be a more expedited progress. Right now, the acknowledgement process goes over all of the 7 criteria. The new guidelines will stop the process once one criteria is not met. There will be a sunset of the acknowledgement process. Law enforcement has some changes as well, which will be discussed later at the TBAC meeting.

Art Senclair said the changes in Indian Country are numerous. Modernization is also on the agenda today. He noted that at NCAI, the main point was that modernization has to be tribally driven. Not until it is driven by the tribes will we be able to successfully move forward.

Joe Garcia said we should plan for the change in administration. He asked if we have made progress as TBAC. At NCAI, we discussed meth, alcohol abuse, and suicide. These issues are

FY 2008 Budget Update, Mary Jane Miller

PowerPoint presented

We are in a continuing resolution. The House completed action and the Senate appropriations committee did. All funds have been passed down for CR #2. There are rumors of an omnibus by end of the month.

Budget Status FY2009

Passback from OMB, 26, Appeals submitted 29. Final Steps: Dec. 7 final passback. Jan 14: President's budget due to POB. Feb. 4th final rollout.

Question was asked on who's involved in appeals process. Response: Directors, AS-IA. Likely you'll get CR's through February or March.

Old Business

Action Status Update, Art Senclair

Means testing: TBAC agreed we oppose developing a new distribution of TPA and a resolution has been drafted. Suggestion was made that a letter from the two chairs to the Senate and House approps outlining Indian Country's priorities for FY2010.

FY 2010 Priorities

A question was asked how the priorities are carried forward and who ushers them through. Mary Jane Miller noted DOI reports to the Executive. Tribes and TBAC and the agency have to be on the same page. Ron said we don't have go with the President's budget and we should communicate with the Hill now so they know what our priorities are now. We need a way to measure where we have had success, e.g. indirect costs was fully funded. Navajo asked if the specific programs in the FY 2010 priorities are adopted. The TBAC will finalize the priorities on Tuesday. Navajo would have other items to add under the Public Safety for 2020.

Update on OMB meeting

Ann Kendrall and Craig Crutchfield met with the TBAC budget subcommittee. Ann understands to a degree Indian country's need. The other division head is not sympathetic to tribes. A comment was made that we need to collaborate with the DM subcommittee to address OMB's concerns with lack of data at BIA. We need better materials to show this money is well spent. Carl Artman said we have to deal with having to get the basic data collected and out.

477 Proposal

This item is completed. The 477 funding will get out much more quickly.

Data Management Charter and Update

Question was asked about how the tribal members were selected for the sub-committee. Clarification by tribal co-chair: the TBAC protocol sets the guidelines for the operation of the subcommittees and designation of the tribal representation on the TBAC.

Discussion on how the \$500 K was expended: there's no way \$500 K was spent on the items laid out in the email. Majel responded to Nile Cesar's question: the charter lays out how the DM subcommittee membership is selected. The protocol for the TBAC determines membership on the full advisory council.

Navajo said the DM charter is good and clear. The DM charter and work is long past due. The people on the DM subcommittee is mostly made up of staff. We need tribal leadership. Ron Allen submitted his name for the tribal leadership position for the DM subcommittee. Majel Russell said this data collection effort is important and the tribal leadership on this committee should reflect that importance. Navajo asked to be able to participate in this committee.

List of tribal leadership co-chair:

Ron Allen, Navajo: Speaker Morgan, Wallace Coffey, Loretta Bullard, Ron His Horse is Thunder, Mike Cook (USET) alternate.

The travel funds 5 people and that's it.

Ron His Horse is Thunder moved to nominate Loretta Bullard to be the tribal co-chair for the DM subcommittee. Seconded by Wallace Coffey.

Leslie Lohse nominated Ron Allen to be the tribal co-chair. Darrell Seki seconded.

Jackie suggested that at the discussion on tribal co-chairs

Break

Contract Support Costs Update

Harry Reinboldt

Policy Includes:

- Three pools
- Established stable recurring CSF for tribal contractors (no longer annual pro rata dist)
- Permanent tribal/BIA CSC workgroup

Stable CSF

- Established recurring funding using actual FY06 Indirect costs need
- Paid full indirect in FY07
- Paid DCSC for the first time at 1.87% of need (based on salaries)
- Tribes will receive the same amount in FY08 and beyond unless new appropriations are available

CSC Workgroup

- Established permanent workgroup
- Tribal reps from all regions
- Tribal reps from self-governance
- BIA rep from CO
- BIA rep from RO
- Meet at least once a year
- Monitor implementation of the policy
- Make recommendations for modifications
- Current issue: timing of start up distribution

Tribes should be receiving the same level for FY08 as they did for FY07.

Question from tribes: there was concern about the National Business Committee's actions and how it affects the rates set for CSC. The latest example is that NBC is going to deny some of the council costs for conducting these programs. This cost was a standard practice before, however, NBC is unilaterally making decisions that affect tribes' CSC funds. Ron Allen suggested there should be an advisory group to NBC on tribal concerns. There was a suggestion that the CSC workgroup work with NBC on these issues.

Comment that USET passed a resolution opposing NBC's unilateral policy change.

Education Update

North and South Dakota Settlement

Initiatives

- Education enhancements: purpose is to improve reading and math outcomes
- Re-emphasis on standards based instruction and alignment of curriculum and assessment
- Utilization of scientifically research based core reading and math programs
- Reading First
- Native American Student Info System
- Web-X training for school improvement corrective action and restructuring
- Virginia Turnaround program:
- E-rate applications: Sonny, the CIO, has improved E-rate application process.
- Focus program: targets schools that are close to AYP. Money goes to research based practice vendors
- FACE

- 21st century learning centers. Dept of Education program.
- Improving residential care for students
- Residential Execution Placement Program: two new offices, one in SD and one in Navajo
- Collaborative Informed approach to improve operation and management of facilities
- Actively engaged with schools and tribes on alternative AYP definition
- Improved partnership with the Department of Education
- Systematic approach in financial management
 - Budget formulation, reconciliation and execution
 - Financial reviews and accomplishments
 - Monitoring to ensure timely funding distributions

Operation Safe and Secure Schools

- Challenge: to create and support a safe and secure environment in which all children can learn and achieve.
- Solution

Rodney Bordeaux said the students are bringing guns to school in his public schools. Perhaps BIA schools should take actions similar to what public schools are taking.

Educational Enhancements FY 2008

- Four areas were identified

NASIS

- Accomplishments
- NASIS data was the source for ISEP funding calculation and the initial run was complete June 2007
- All BIE locations are entering student demographic, enrollment, attendance, and special education data in to NASIS.

AYP

GPRA: for schools that do not make AYP, GPRA target measures help show smaller improvements.

AYP is very broad, but BIE is using NASIS to better understand each class and the various issues for each school.

Administration

Went over improvements in budget and finance and execution at BIE.

NASIS information is available for tribal leaders if they want it. NASIS is very specific to BIE. The CIO said the database is not available to tribal users yet. Mary Jane Miller

said OMB criticizes BIA all the time about how many teachers there are for BIA and tribal schools. Can NASIS report info on tribal schools as well as BIE schools? Answer is some tribally controlled schools opt not to give more than the required data. Maybe NASIS can include more info from tribally controlled schools.

Lunch Break

Modernization Initiative

Majel Russell presentation

Volunteers to start a task force: Carl Artman, Gloria O'Neal

Joe Garcia tribal response

Comment to include the large land based tribe. It's been too long waiting for the BIA to do this for us. One of the key issues is how well we communicate everything we're doing.

Majel Russell said another dear tribal leader will be going out soon describing the outcome of the regional meetings held on modernization. The data management effort is important to the modernization effort. Majel asked how the group should be formed? Majel said it should be inclusive as possible but workable. Does it have to be one workgroup?

Navajo said they were pleased with President Garcia's presentation.

Artman said we have to look at how to improve customer service. We may not always have money to rely on. This has to be about BIA delivers services. Self-governance provides a lot of examples of how to improve services. The Great Plains and Alaska have very different ways of doing things. Wallace Coffey commented that he's encouraged to see the new young energy at the AS-IA's office. Leslie Lohse said we need personal accountability within our tribes. We can't chase federal dollars around. We have to make that happen within our own tribes. We have to be self-determining and we have to hold the federal government accountable as well.

Majel Russell said modernization is very complex. It is a very daunting task. Each of the regions go back and figure out a workgroup and all the tribal organizations that are interested figure out a mechanism to determine a number of representatives on this. She suggested each region determine the 2-3 reps and the issue and regional orgs. Tribal caucus should identify a target date. Jackie Johnson said

Office of Justice Support Update

From a policy standpoint, the Senate committee on Indian Affairs has sent out a far reaching concept paper on reforms for the criminal justice system in Indian Country and

in PL 280 states. He went over the reforms included in the SCIA paper. He mentioned the Denver Post front page series on criminal justice systems in Indian Country. Going to use a recruiting firm to bring in Indians into the workforce. Exploring what other federal agencies can do when there are shortages at BIA. For instance the Bureau of Prisons. The jail systems are turning into a penal system. Community responsibility for public safety is critical: if you have 75% unemployment you're going to have a lot of crime. We need to work together. We need to adopt and develop the community policing strategies for our communities. He invited the core leadership of the OJS to attend the TBAC.