

December 4, 2007

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

Facilities Construction

Jack Rever, presentation

Questions: is it possible to put unused money into interest bearing accounts? Jack said that's not possible. Jack said his objective is to start the project as soon as appropriated.

Homeland Security Update

Heather Dawn Thompson

Handouts.

NCAI legislative update

Real ID Act: focused on state drivers' license. 911 commission's recommendation. Tribal citizens cannot use tribal ID to obtain state driver's license. NCAI submitted comments: states need to

The bill is controversial because it's an unfunded mandate. The cost varies from several thousands of dollars. 40 tribes got together in August on this issue. They said even if they don't have the funds now to upgrade their id systems, they should have the option to do it in the future. The idea of a federal/tribal ID was discussed, but the 40 tribes at the meeting were not interested in that. The tribes wanted to issue the IDs themselves.

Western Hemisphere Travel Initiative

Passport issue. Data access was the most controversial issue. Passport required to travel across international borders. This will affect border tribes. Tribal ID cards to be used instead of passports will have to meet a number of requirements. A proposal was floated that tribal IDs would be limited. The 40 border tribes said this is a sovereignty issue: tribal members should be able to cross at any port of entry,

In Homeland Security appropriations bills, there is a provision to delay implementation of the passport issue.

911 bill passed earlier this year. Tribes were added all throughout the bill wherever governments are mentioned:

State Homeland security grant program provides direct funding to tribes. There's only one grant program that tribes don't have to go through states. With that, tribes still have access through the states for the other programs. The state can't put any unfair burdens on tribes to receive homeland security funding. There are provisions in the bill

prohibiting that. If they do this or take too long, you can go directly to DHS. On the State Homeland Security grant program, there is 1% set-aside. Each side only got a .3% set-aside, which is about \$5 million. The minimum is .1%. That's \$1.3 million. The infrastructure of the grant program now says tribes are an important part of the program and they do need to receive a minimum. That gives us leverage to lobby for appropriations. This is a minimum, not a maximum. We are slowly working ourselves into the program.

Question: Darrell Seki said he attended a breakout at NCAI on border and homeland security. Red Lake will need passports. He asked if NCAI could help the tribes on the borders who need passports. Answer: there are two sides to the issue – dealing with Canada and dealing with the US. We haven't been as focused on the Canadian side. Darrell said the Canadian side was difficult.

Question: Chris Chaney said he went to a meeting in Canada last year. Red Lake was a topic of discussion and said there was a frequently counterfeited tribal ID. The Red Card for Canadian Native people is being

The US honors Canadian tribal ID cards as much as US tribal IDs. At a minimum

Comment: the Maine tribes will benefit from NCAI's effort. There is a similar problem with FEMA and declaring disasters on reservations. NCAI requested that tribes are able to declare natural disasters on reservations. There was a change in the Stafford Act to change the definition of tribe so tribes are no longer lumped under local governments.

Question: when can tribes apply for the new grants? Answer: probably next fall. As soon as the grants are available though, NCAI encourages tribes to apply immediately.

Update on Meth and PSAs

NCAI National Meth Initiative

Been trying to increase appropriations for treatment and law enforcement. Launched a national anti-meth media campaign. There are anti-meth ads in Montana and in New Mexico. None of the anti meth ads are Indian specific. With the help of BIA and ONDCP, NCAI has been developing anti-meth ads. In January, the ad campaign will launch. The radio ads will be played on radio stations, will be read in Native languages, and address Indian Country. The ads are not going to be frightening. From feedback, the ads encourage our communities to be healthy.

IT Update

Sanjeev Bhagowalia
PowerPoint

- 1.) CIO View
- 2.) Existing Architecture
- 3.) Transition Plan

4.) Proposed Architecture

Tribal CIO Partnership: CIO has to work with Indian Country.

IT can only automate inefficient processes faster. Done right, IT can really help.

CIO responsibilities: establish measurable goals for using IT and business processes to improve the efficiency and effectiveness of agency operations.

Data within the context of information and knowledge.

Existing infrastructure: right now IA is stove piped.

Resources are across diverse locations. IA does not have good data.

BIA spends 4% on IT. Industry provides 10-25% for IT. Gov 8-11% for IT.

We are a conservative late adopter. Many opportunities are passed over to avoid risk. We need to compete.

Internet Reconnect Project

Security is a challenge.

Challenge:

- Technology forum for tribal and affiliated collaborators
- Clear and coherent direction throughout tribal business and governmental realms for IT and consistent interface with Indian Affairs

Purpose

- Establish a tribal CIO council to address technology issues in Indian Country by engaging tribal technology leaders and IA OCIO, brief TBAC quarterly

Comment: this is part of modernization. It's called technostuctural intervention.

Joe Garcia volunteered to be a part of the CIO team. Rick Gay said this effort ties in well with the Data Management subcommittee. Four or five years ago there was an advisory council to the CIO. Rick was a member of that. This is an excellent way to connect. Sonny said there are 98 nations registered with .gov domains. We need to worry about data access.

Question: there was a reduction to the TPA base to add money to the OCIO budget. What happened with that money? OMB has to research that question and will get back to budget subcommittee.

Ragsdale recommended TBAC endorse the CIO advisory committee. *Motion to accept the tribal CIO advisory committee adopted.*

Pay Cost Resolution from Chandler AZ 2005 Discussion

Some questions on pay costs: yes the BIA calculates fringe benefit costs as defined by the department for federal government employees that the gov must pay as part of the salaries. The money is requested of the department. The department can choose to accept the increase. That goes forward to OMB which can accept it, reduce it, or deny it. Congress didn't allow any increases for fringe benefits in 2007.

Are tribal fringe benefits budgeted for? The fringe benefits are not part of the calculation. It's a very specific accounting practice. The only other fixed costs that are included other than salaries or benefits is for GSA rent. That's the only other fixed cost, if it's approved. The tribes do get extra pay

3rd Question: Congress is the one that excluded the tribes. That was not BIA. BIA was not given. They were only allowed 50% of pay costs in 07 and no fringe. They cited this for federal employees. BIA provided the funding to the tribes pay costs at the same rate that the federal employees received. For 08, 07 was added.

BIA tried to get the provision changed that excluded tribal pay costs in 07. What happens in 08 is still pending.

All funds for 07 were distributed.

Regions submit salary info from the tribes, which serve as the basis to calculate pay costs. All of that is calculated at the same rate that the feds get.

There was an increase in the 08 budget at the same rate as the feds.

The last question is part of the litigation.

Darrell Seki said Red Lake hasn't received the pay costs. MJM said under the CR, TPA base funding included the full pay costs. Because the CR came in March, BIA had already issued too much money because the CR allow 50% of three quarters of a year for pay costs.

Dave Conner said Red Lake has received zero pay costs for 07. Sharee Freeman said pay costs may not be out. Her finance staff will issue a pro rata pay cost in 07. OSG overpaid in TPA at the beginning of 07.

Another question:

MJM: When BIA is allowed to budget for fixed costs, that's not on top of BIA's number. It comes out of programs.

Agenda Items for March meeting:

Strategy for FY 2010 needs.

Subcommittee will work through natural resources changes in priorities. Will add fish and wildlife, EPA/NEPA (base funding, not congressional earmark).

Action Item on next TBAC:

- 1.) Gerry Gidner checking with NBC on negotiated rates.
- 2.) TBAC subcommittee will work on tool to show how effective we are as TBAC. Come up with some sort of a monitoring tracking system to show what we got and didn't get. We need to credit the secretary when we deliver and show if we've lost ground.
- 3.) Modernization working group. TBAC will work with NCAI. There needs more clarification from TBAC with Majel and NCAI.
- 4.) Data Management Subcommittee. Need information from OMB on specific data needs.
- 5.) Data Management elected Ron Allen as co-chair: Core team,
 - a. Pam Norris, Shoalwater Bay
 - b. Cyndi Ferguson, Jamestown
 - c. Eugenia Hobucket, Quinault
 - d. Ron Allen
 - e. Navajo, Speaker Morgan
 - f. Wallace CoffeyAlternates
 - i. Alicia Gassman, Sitka
 - ii. Deedee Nelson, Chickasaw Nation
 - iii. Gerry Hope, Sitka
 - iv. Mike Cook (USET) alternate
- 6.) CIO Tribal Advisory team. Joe Garcia will work with CIO.
- 7.) Need to incorporate into agenda an effort to collaborate with Jack Rever on how to address construction problems. Pilot programs could be used. Strategy to increase funding for tribal leases.
- 8.) How do we increase resources for IT to an adequate level to catch up with the low end of the spectrum for resources. This falls within modernization.
- 9.) How does IA and OST IT work together? This could be a single office instead of two separate offices. Ron would like a report on how the two offices will collaborate and eliminate duplicate functions and staffing. Carl will bring back in March – put it on the agenda and report out. Rick said the next meeting Ross should present budget priorities as part of the national meeting. The subcommittee should meet with Ross prior as march will be to late – we can have a subcommittee meeting in Jan. Ross said the spike in IT has been increased to do onetime work. It's not recurring.
- 10.) Update on whether OST and IA are working together on IT activities.
- 11.) Status report on pay cost analysis. This will be included in litigation.

- 12.) Need to discuss economic development. Surety bonding should be included.
- 13.) Would like a list of subcommittees and members on the subcommittee. It will be attached to the directory.

March 12-13

May 20-21

August 11, 12 - 13 with alternate as 6, 7-8th. First two weeks of August. Tuesday, Wednesday, Thursday, Friday.
Location: eastern region offered as the site.

December 8, 9-10 in DC.

Gloria O'Neal updated TBAC on how to get the info out to AK tribes from BIA and TBAC. Feedback included ensuring that BIA continues to maintain JOM and TPA. There was a lot of discussion around creating jobs for Native people.

Navajo asked when tribes will receive FY 2010 budget instruction. BIA doesn't have the targets yet. That will come in January/early February. BIA will meet with the budget subcommittee to come up with beginning budget. The format for the March meeting is still pending.

Ron Allen said the budget subcommittee and full TBAC asked for a report on the pay cost issue. That is included in the action items.