

**Tribal Interior Budget Council
Twin Arrows Navajo Casino Resort
July 24-27, 2017**

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Posting of colors: Navajo Color Guard from the Bird Spring area. Mary Irons is carrying the U.S. Flag, Albert James is carrying the Arizona Flag and Catrina Yazzi is carrying the Navajo Flag.

National Anthem: sung by Tricia Benally. Former Miss Western Agency.

Invocation: Otto Tso, member of the 23rd Navajo Nation Council, council delegate from Tuba City.

Special thank you to the local Navajo Nation Lupe Chapter, the Luepp Chapter. Officials: the President is Valerie Kelly and Vice-President Angela Cody and the Secretary-Treasurer Calvin Johnson.

Welcome

Rick Harrison: I'd like to take this opportunity to have a moment of silence and express our thoughts and prayers and thanks for our fallen Co-Chair, comrade and friend, Edward Thomas, Jr. who we all know as Sam.

Vice President Nez: Appreciate each and every one of you for attending this TIBC meeting here on the Navajo Nation. Chairman Allen, the rest of the members, we welcome you to the Navajo Nation. Also our federal friends, Interior employees, our local community members as well. Chairman Allen, first of all I want to say thank you to TIBC members for choosing the Navajo Nation for their meeting. President Russell Begaye is unable to be here.

We're going to be talking a lot about important issues that are affecting us in Indian Country from topics for Zinke and Department of Interior and other items that we are fighting for within our communities. One is the ACA. The other is the Special Diabetes Program for Indians, SDPI. Our Senator from the great state of New Mexico, Senator Udall, has reintroduced the reauthorization so we really need your help.

As many of you know, the SDPI funding will cease at the end of this year, in December, and 20 years ago we advocated heavily in Indian Country the need for dollars to reach our tribes and our nations and with that help we have slowed down diabetes within Indian Country. The data shows that. Kidney disease in regards to dialysis patients has gone down.

Roll Call:

We have a quorum.

Approval of the agenda to be used as a guide. Motion by Navajo and seconded by Western Region.

The two resolutions that we discussed in caucus will be considered in New Business.

Agenda is approved as a guide.

Opening Remarks/Update from Tribal Caucus

Ron Allen: I want to combine opening remarks with the update from the tribal caucus. There's a lot of issues in front of Indian Country and a lot of the issues that we are raising is due in large part to the uncertainty of what the agenda of the current Administration is with respect to Indian Country, advancing our goals and objectives.

So we have a high interest in when all the key officials within Interior are going to be nominated, confirmed and put into place so that we can know exactly who's in charge and what the priorities are going to be with regard to this Administration.

We're gleaning from the budget in 2018 what we suspect are some of the priorities, etc. but those are going to be important issues for us to get a handle on. In Congress they're voting on the ACA act which affects all of Indian Country and it affects our interests and NCAI just told me that the first vote to repeal was rejected and so it did not pass. From my perspective that's good news for us because most of our clinics and hospitals are dependent on the expanded Medicaid particularly as well as some other provisions that are in there even though there are many provisions in there that we do want fixed.

Infrastructure is a big topic that is of great importance to Indian Country. We know about suggestions of an infrastructure initiative out there and for Indian Country it's going to be a big issue for us how Interior's going to assist us in identifying projects and making sure that any infrastructure initiative is structured and designed in a way that is broad to allow all the various components of infrastructure that can help Indian Country achieve our economic and governmental goals. Just using road maintenance as an example, it's underfunded and so there's an example right away without even talking about anything else in the education arena and so forth that is going to be important for strengthening our tribal governmental communities and helping us to have safe environments.

The tax reform initiative is going to be a big deal to us. We know that Gavin is going to come here I think tomorrow so the regulation considerations that he wants to discuss with Indian Country is of high importance to us, proposals on the Hill both in the Senate and the House side have got notions about what tax reform means. What's important to Indian Country is that we are included, that we're a government like any other government and any kind of tax reform that helps us achieve our goals on the economic side and even having our ability to expand our businesses even beyond our reservation borders.

Treatment of Indian lands is a big issue for us. We know that there's a lot of discussion going on right now about changing the rules of 151 with regard to how tribes can continue our mission of reacquiring our homelands. We have a lot of concern about it and with regard to the progress that we've made over the last eight years has been quite successful in many tribal forums, which is inclusive of the tax reform issue where Interior and the federal government can improve ways to clarify tax status of the tribes so that local governments are not going to try to intrude on our tax bases themselves and so that can be an additional revenue generation resource.

Along with the treatment of lands and the acquiring of land into trust, the Indian Reorganization Act has been a topic that some have talked about on the Hill. We're counting on Interior to be a defender of our sovereignty. We've heard the message that sovereignty has to mean something, from the leadership of the Department and so we want to make sure that if there is any consideration of the IRA act that engagement of the tribes and currents of the tribes with regard to the act, that recognizes our sovereign status and is a key piece of legislation that helps us advance our agenda.

The government to government relationship and the consultation policy in our judgment is still in place. We want to see and hear the reaffirmation that that is true. As policy changes and as the Department advances budget priorities, etc. that the Department is consulting with the tribes in every step of the way. We'll be talking later about the realignment and reorganization initiatives, the shuffling of senior officials throughout the Department. We have great concern about that and in the past there's been a fairly consistent practice of consultation with the tribes regarding key officials being designated for each of our 12 regions as it affects our interests. We need people who understand our tribes in the different regions, whether it's Alaska, California, Navajo or anyplace else. Whoever the BIA official is that's responsible for our affairs knows our issues and uniqueness of each of the tribes and areas.

We want to make sure that the budget process is consistent and it's consistent across all 12 regions so that they're all assisting tribes in identifying the priorities so that we here in TIBC in our subcommittees can do a better job of identifying those needs and making our recommendations to the Department. The budget issues are critically important. We continue to be disturbed when we see key line items being zeroed out. One good example is HIP. This is an old tactic in our opinion by the various administrations who zero something out and then tribes go to the Hill and have to defend it and get these key programs restored, which is rather an annoying process in the political relationship between the tribes and the United State government.

We hear from representatives of the White House that there will be a White House Summit with the tribal leadership, similar to what we've experienced in the Obama Administration. That's encouraging because a government to government relationship for the tribes in the United States is federal government wide and so we hope that the Department will take a lead role in collaborating with the tribes regarding what that agenda should be.

In the budget issues I just want to point out Navajo Nation made a request that in that budget a line item that was taken out a couple years ago I think, and Navajo can help me clarify that one, but there was an irrigation program that got zeroed out and that is a big problem for them and they want to recognize that issue.

In our Budget Subcommittee we had a long discussion about the process of how the Department and Agency collaborates and consults with the tribes regarding carryover and surplus money. The issue is that more often than not over the years we're not consulted. We don't know the number, we don't know the process and we're just now finding out that the process that the Department has been using

so we want to make sure that if there's money that is carried over and wasn't used for various reasons that it stays in the region and that the regional directors can consult with the tribes regarding proposed uses of that extra money that was carried over from year to year so that not one dollar goes back to the Treasury with regard to tribal needs.

In the Public Safety and Justice Subcommittee we discussed that we need more transparency on the Justice money and how any new monies are distributed, what that model looks like, how it works so that tribes will know. Will tribes have an opportunity to have input, if we get an extra million or we get an extra \$10 million.

We appreciate some modest increases on road maintenance but with an inventory of somewhere in the neighborhood of \$300 million, \$26-\$27 million is just not going to catch up. Our roads are going to get worse and we've testified in Congress about the safety of our kids getting to school.

The collaboration between OJS programs and DOJ programs and the potential of accessing VOCA, the victim crimes funds, will be a big issue for us in terms of how we can use those funds to meet that unmet need.

We had the need for law enforcement and courts and detention facilities somewhere in the neighborhood of \$2.3 billion -- \$350 million or so is simply not enough. It's a drop in the bucket relative to the need and that is really relative to the safety of large tribes like this one here. We want to continue to raise that and ask that you could help us find ways or advocate for legislation that might help us take those monies, whether the DOJ monies, BIA monies, etc. so that we can use them in a more efficient way to serve our communities in that area.

In education, there were a number of issues that popped up in the education arena. We're still disturbed over the JOM program so when you look at how much money is actually spent per Indian student compared to the non-Indian student, it's embarrassing. My understanding is that the number's around \$78 per child and in the non-Indian world it is \$1,200. We're looking forward to some updates on what's going on with the reorg/realignment initiatives that are being proposed so that at the end of the day is what the Administration's going to do to help us achieve our mission and our goals to serve our people in a respectful way, that we return to truly sovereign and self-reliant nations.

Rick Harrison from Alaska who was elected by the tribal leadership this morning to fill out Sam Thomas's term here on TIBC so he'll be my co-chair.

Rick Harrison: I want to thank everybody for your support. I'm going to do everything I can to move our agenda forward and to the best of my ability to improve the way things stand in Indian country. With that being said, right now times are looking grim, tough with this Administration. I encourage everybody here and our tribal leaders back home. They need to educate, advocate, and dig in their heels and we have to really probably work harder than we have had to in quite some time to secure our funding and make things better. Thank you.

Mike Black: David Bernhardt was confirmed on Monday. There hasn't been a formal announcement out that I've seen as far as when he will be there. I'm assuming he may be there as soon as the end of this week but he is now going to be the Deputy Secretary for Interior. Then Jim Cason will step back into his role as the Associate Deputy Secretary.

We hear that they are getting very close to the Principle Deputy Assistant Secretary. The assumption there is that as soon as that person comes onboard or shortly thereafter, they will assume the role of the Acting Assistant Secretary until such time that an Assistant Secretary gets confirmed.

Gavin Clarkson, the Principle Deputy Assistant Secretary for Economic Development -- Gavin's been on for about seven weeks now I believe, somewhere in that timeframe. He will be here tomorrow to talk to you all about the Indian Trader regs. That's one of his drivers right now, one of his primary focus but he also he is over top of the Office of Indian Energy and Economic Development as well as the Office of Self-Governance.

The White House Council. We have gotten word that yes there will be a tribal leader's summit. I don't have a date or timeframe. So the council itself is being active. A few weeks ago they held an energy summit over there at the White House with the President. I believe it is today there is a finance summit going on with the White House Council. I just sent out a memo yesterday to some of our leadership and Mr. Bryan Rice who was the former Deputy Bureau Director for BIA Office of Trust Services is the Interior representative on the White House Council.

The 151 Regs, you all recall that there was an advance Notice of Proposed Rulemaking put out on Friday to announce that there will be upcoming a proposal for the 151 Regs. There will be a Notice of Proposed Rulemaking coming out as the next step and it will have some general language that they are proposing as part of the Proposed Rulemaking and then there will be consultation on this. I wanted to reaffirm the question that's been raised to me a number of times that we will be conducting consultation based on the language that comes out in the Notice of Proposed Rulemaking. It's going to be largely focused on off-reservation fee-to-trust applications and Mr. Cason has said this to many of the tribal leaders that we've met with here in the past month or so is really looking at the process and looking at the steps involved in the fee-to-trust process for off-reservation and looking at some decision points earlier in the process because there's some tribes that go through this process, spend millions and millions of dollars to get to a no. So those are just some of the things that we'll be looking at and those are some of the things that the Department will be soliciting input on as far as when they get into the Notice of Proposed Rulemaking.

On-reservation fee-to-trust is still going, it's still within the control of the regions. We don't even really get involved up at Central Office on the on-reservation fee-to-trust and I don't anticipate you're going to see many changes there either. And adjacent, that would include contiguous or adjacent properties as well as part of the on-reservation fee-to-trust process.

Ron Allen: If they're changing the rules, there's great concern over how they will interpret the review and whether or not they give greater weight to any comments by local governments or other issues that are out there and whether or not that this criteria is going to change relative to the Department's final decision to take the land into trust. More often than not the non-Indian sector and political sector often do not want us to take land into trust and so we always have that resistance. This is not new territory. So a concern that many of us will have is don't be granting them greater weight. They've always had an audience, they get to have their comments but they don't get a veto.

Mike Black: No. And I don't think that you're going to see a veto in this new process as well. All along off-reservation fee-to-trust because I've testified in the past and Kevin and Larry before me testified to different things about this but off-reservation fee-to-trust applications do get greater deference to the communities that are affected than an on-reservation and that's already part of the process now. So

how that's going to change? I don't anticipate you'll see a lot of changes there but I think it's just a matter of waiting to see what language comes out that we'll be consulting on when it gets out.

Ron Allen: I think the question I have is who's leading this effort? Like who's in charge of this given that we have some vacancies. Who's the main person and who's doing the actual writing?

Mike Black: There is staff from within ASIA and Indian Affairs as well as Mr. Cason and the Solicitor's Office are all involved in it right now.

The next big question that's been coming up almost everywhere I go is reorganization and the Executive Order related to reorganization and the Secretary has been pretty clear when he's testified and been out in different forums expressing his desire to revamp the Department of Interior and make it an improved organization in how we deliver our services. He wants to get the decision making down to the frontlines to where the work gets done. He has been very clear with me and in other places that I've heard him talk that consultation will be part of the overall process.

We didn't have a plan for reorganization when I went out and did the listening sessions. Those listening sessions were a starting point for us to hear from everybody as far as your ideas and your thoughts on how we could become a better, more efficient organization and deliver better services to you. If you look at Indian Affairs, we really haven't changed a lot structurally over the past 20, 30 years but tribes have. There's a lot more 638 contracts out there, there's a lot more self-governance contracts out there.

Tribes have taken it on themselves to deliver a lot of those services. Are we structurally set up to be able to meet those needs of the tribes whether you're a direct service tribe or whether you're a self-governance tribe? Are we meeting those issues and I think many of you in here would probably say no, that we aren't right now, that we need to be able to take a look at that. The listening sessions gave us a lot of information.

We are currently compiling the comments that came in and then we will be getting set up to get out and do another round of consultations this time. Based on the information you provided we will come out and do consultations with you all to see what ideas you might have based on the listening session comments. Mr. Cason has been very clear with all of us, there is no plan right now within the Department as far as how they want to structure BIA. They are allowing us to get out and do consultations. We will continue to do that. If I'm not here, I will be passing that baton on to the PDAS or the new Assistant Secretary and giving them the information that I have so that they can move forward and continue that process.

Kitcki Carroll: Regarding the Department not having any ideas or plans about reorganization. We need something to respond to and we need the Department of Interior to tell us what the impact that those decisions are going to have on the delivery of services. Absent that, you're getting very high level type comments about the need to consult about not affecting services.

Along with that, the challenge or the frustration that we have is this constant framing of the personnel moves that are happening right now as personnel only type actions that are being made. It is much more than a personnel action being taken. These have a direct impact on the provision of services to the tribes. So I'm not suggesting at all that the BIA is perfect. In fact I will tell you it is not perfect, it needs many updates and revisions in a 21st century way. To take the position that these personnel moves are nothing but a personnel move and don't require consultation is incorrect. Back on the trust conversation, one of the things that we know is happening right now with this Administration is a

constant message about building strong tribal economies. It's not possible to do that if you don't have the foundation and security of land as the basis for your economic development activities. So that effort by the Administration, by the Department to issue the NPRM and to be making changes to fee-to-trust land acquisitions in that process, the honest part of this conversation is the driver behind this is local, county and state interests—not tribes—local and county, state interests and our relationship doesn't exist with them. It exists with the federal government. That effort needs to be better connected with the communication that we're getting from the Administration about building strong economies.

Mike Black: You talk about it being county and city and state driven in some cases, it's also tribal driven because I've dealt with a number of them just in the six months that I've been up at the Assistant Secretary's office where a tribe may be going 500 miles away from their homelands or their reservation or their tribal jurisdiction and moving into the territory of another tribe and we have tribes that come in and object to that too. Tribes need those opportunities and we need to be able to address it, you need to get that message to the Department and let them know, especially when that consultation process begins. They have been very open and I've been in a lot of those meetings with Mr. Cason and tribes that have come in and met with him. They've been very open and tribes can be very persuasive as to the reasons for this.

To talk just a little bit about the reshuffling of SESers within the Department and the personnel moves: as it's been put out by the Secretary and others, they looked at the SES core within the Department of Interior and looked at where there were needs, where those people were situated currently, how long they've been in positions, looking at where there need to be new ideas. I'm subject of it right now, so is Mr. Loudermilk. Some of those things have all happened and there's others in the room that are subject to this. But it is an effort to really strengthen the SES core and the management of all of the bureaus.

Bureau of Indian Affairs was not the only one that was affected in this. This happened across the board in the Department. People got shuffled. Bruce will be joining the Office of Special Trustee beginning September 3rd. There's a lot of rumors out there right now. Unless you hear it from a reliable source be careful with some of those rumors.

I'm going to do my best when the PDAS or the new Assistant Secretary comes in to give them a download of what I've learned over the past eight years or 30 years about Indian Affairs and the tribes and the structure and help the best that I can to get the information and the messages that you convey to me passed off to them so that they at least get a good start.

Kitcki Carroll: The President or Secretary Zinke needs to issue some sort of executive order or secretarial order speaking to their views on U.S.-tribal relations and what that means to them. Absent that, we don't have anything except for the fiscal year '18 budget and if that's all that we have, that's not a good reflection of where this Administration is on U.S.-tribal relations giving the severe cuts. There was nothing special or unique the way that Indian Country budget was handled, it was just across the board like everybody else. Well, that doesn't reflect a special and unique relationship.

Mike Black: There does need to be some communication coming out and we're doing what I can at least at this point to try and get more information to provide to tribes.

To your comment regarding the listening sessions and the lack of information. We just did listening sessions and not consultation and now we're going to come out and we'll do consultations and you will have more information. I wanted to start getting information together but we need to provide you the org charts for Indian Affairs, we need to provide you the org charts for the Department, we need to get

you an idea how the regions are structured now, we need to get you an idea of what services are out there, where are the primary services that are being provided. I've talked with self-governance last week and some other groups over the past couple weeks looking at our organization.

Look at Central Office. We need to get you the org chart for Central Office and let's look at our programs that we provide out of Central Office. We've got a forestry and fire program up there at Central Office. Is that better suited somewhere out in the field? I look across the organization and I see primarily the forestry and fire services are out in the Northwest so would it be better to take our Central Office forestry program and put them out in Portland or put them out in Boise so that they could be closer to the ground and closer to the people that they're serving primarily?

Kitcki Carroll: I would just say in response since you're directing that to me is that this is different, as you know. Reorg is different. This is an internal matter that in many ways we don't know what we don't know so I understand what you're talking about in terms of not coming to the table with already preconceived notions and positions on things. DOI reorg is a little bit different. The other thing that I would ask that you consider, DOI's reorg effort is not in isolation. The Executive Order on reorganization was across the federal family so Indian Country is in a position right now where we're going to be asked to respond to every single department's and agency's reorganization plans. That's a big bite and that's just reorganization. We're not even talking about the other executive order on regulatory changes and that's across every department and across every agency. So just keep that in mind that even though we're talking DOI specifically right now, those executive orders were across the entire federal family. That's a big ask.

Denise Desiderio: Because this isn't a rulemaking process, are the comments that have been submitted by tribes available prior to you going out to consult? When reorganization was discussed there was talk about maybe getting rid of certain regions. I know we're talking about restructuring regional offices but is that on the table too that maybe there will be a collapsing of certain regions or how those offices will be treated as well?

Mike Black: We are currently summarizing all of the comments that came in. We will make those available. We will make those available prior to the consultations. As far as the regional offices, the agency's offices, any shutting down or consolidation, there's no plan in place right now or even decision points to do that. Right now there's nothing on the table and nothing off the table.

Nancy Greene-Robertson: Mike, what we were suggesting is a workgroup for BIA to help support all this and help you set the table so we can advocate on behalf of both sides and we know the ins and outs of reorganization together and then that kind of would alleviate some of the consultation where we would be right in the middle of it.

Mike Black: I think that's a great idea. Let me take that back. We have to make sure we structure that so it doesn't fall into the FACA arena as a Federal Advisory Committee Act committee. Then there are a lot of different requirements that have to go with that but if we could develop some kind of workgroup. Certainly, you guys should be at the table with us so that's something I can definitely take forward.

Rich Greenwald: We're going to always have issues of funding. But with the meth epidemic and no treatment centers in the Great Plains Region and specifically Pine Ridge, which may be the murder capital of the nation, how can we bring our resources together and try to come up with some initiatives for those areas that are like Pine Ridge, where crime's out of hand and people don't feel safe anymore. Is there something that we can do to start initiatives, try to find separate types of funding outside of the

budget, something that we could do for our areas that are stricken by this high crime rate and this meth epidemic that's going on? And this deal with alcoholism and White Clay shutting down, people thought it was going to get better because they shut down the bars. Now we have bootleggers taking over selling liquor all over across the reservation so it hasn't really gotten better for us but with the shortages and everything is there something that we can do, some initiatives to come together to try to address some of these issues? Also, will those comments be posted on a website or anything?

Mike Black: Yes, we will make those available. I need to touch base with Regulatory Affairs. We generally have a website to post a summary of all the comments. On referring to initiatives, this body itself could propose and develop initiatives that you could push forward as part of the budget process. Law enforcement's a good example where we've done a couple different initiatives over the past eight years that have been fairly successful. The question is how do you expand those? Tiwahe's a good example of that initiative that really has and it has grabbed Congress' eye as something that's been successful and hopefully they have a desire to move it forward. But you can develop those things and then you can present them through this committee, you can present them to the Assistant Secretary, you can present them to the Secretary's office to get them generally into the budget process. Maybe you want to visit with DOJ and we can certainly help facilitate some of this to visit with DOJ and see what funding that they have.

Ron Allen: If the Administration chooses to cap Tiwahe, then they are not trying to expand it to show how it could work across the myriad of tribes out there who can take those problems and use them more efficiently.

Mike Black: I haven't heard where Tiwahe was being capped, but I think if you looked at the fact that we had to come up with \$304 million in cuts in the '18 budget there wasn't room to increase Tiwahe as far as the President's proposal but the House report that came back actually increased Tiwahe in the '18 budget.

Ron Allen: It's encouraging that the House does it and hopefully the Senate will concur but we would push back at the Administration. We shouldn't have to fix it on the Hill. We should be able to fix it in the President's budget. The President is trying to make America great, that's Indian Country too so you've got to get to the roots of the challenges of having strong, healthy communities and that's what that was all about.

A related question is on the one stop shop to try to figure out how to identify and access the crosscut monies that are in all the different agencies so when we challenge BIA and OMB regarding what monies are available to Indian Country, you and they identified it. Anna Naimark is here. We always appreciate that OMB is listening into these issues that tribes have. But the question is that many tribes don't know how to access all those monies or where those monies even are or how they can be successful in accessing them. Your proposal to try to create a one stop option as a resource died and so if you're not going to do it, who's going to do it? My understanding is you don't have the capacity to do it so it's not something that OMB does so you've got to turn to one of the agencies and you're our lead agency with regard to Indian Affairs.

Mike Black: I've heard that concern, but I don't have a good clear answer for you. We do need to sit down as a federal family and whether this is something we raise up to the White House Council as to how we could better do this because it is something that's cross agency -- it's not just Indian Affairs. We are looking at how the funds come down through all of the programs that are made available to Indian Country and we need input from all of those different agencies as far as what's going to go onto some

website, how are we going to make it serve Indian Country better by identifying what funds are available, how you get to those funds, what's the process, what are the requirements and we can't do that alone within Indian Affairs.

Here is an update on the White House Council, whether it is functioning, whether it is not and currently right now, and, yes, it is. You'll see it operate a little bit differently than it did in the last Administration. Right now it is being handled out of the White House. There was a meeting today amongst the White House Council members on finance and there's a number of tribes that are up there for that this week. A few weeks ago they did an Energy Summit with the President. That was all part of the White House Council. So how they're going to be structured exactly I don't know but they are going to be the ones that will be conducting the Tribal Leader's Summit. I don't have much information on that. But right now it's currently not being run out of the ASIA hallway as it was before.

All the staffing is over in Intergovernmental Affairs. We're rolling the BIA management into this conversation.

Office of Special Trustee Update

Deb DuMontier, the Acting Special Trustee

I'd like to thank the Tribal Interior Budget Council for inviting OST to present. It is an honor to serve the tribal leaders in this room as well as the Interior leadership.

For today's topics we're going to look at our executive leadership changes, our 2018 requested budget and our new debit card. So starting with our leadership changes. Starting July 9th Jerry Gidner has been appointed as our Principle Deputy Special Trustee. He brings a wealth of Indian Affairs experience to OST. His latest assignment was with ONRR the Office of Natural Resource and Revenue and he has held various positions within the Department of Interior, with BIA, Assistant Secretary of Indian Affairs, BIE as well as he's had private sector experience. He has a law degree, a master's in business administration and a master's in natural resource policy and management. So he's going to bring a lot of diverse ideas to OST, take us to the next level. And his duty station is Washington, DC. Jim James started July 9th with the Bureau of Indian Affairs as the Deputy Bureau Director of Field Operations and his duty location is Albuquerque. Doug Lords will be starting with the Bureau of Indian Affairs as the Deputy Bureau Director of Trust Services. His duty station will also be Albuquerque. He'll start August 20th. Doug was here Monday for the data workshop. Helen Riggs who is also here, on August 20th she'll be starting with OST as our Deputy Special Trustee for Trust Services and she'll be starting August 20. Bruce Loudermilk will be joining OST on September 3rd in Albuquerque as our Deputy Special Trustee for Field Operations. And currently our Acting Deputy Special Trustee for Field Operations is Margaret Williams.

OST's budget. Our enacted 2016 and '17 budget was \$139 million. Our 2018 requested level is \$119.4 million. That's reflecting a 14 percent across the board budget savings. That will be distributed amongst all our OST programs. OST will focus on the lines of business that will fulfill our mission to make sure that we are meeting our statutory and regulatory requirements as well as supporting the trust responsibilities of the Department. OST is making investments and utilizing modern technologies, processes that will create efficiencies as well as looking at our available resources including developing our staff realigning and then monitoring our natural attrition.

And lastly, we have a new debit card. We use the vendor with Treasury and when Treasury changes their vendor we change so we had a current change from JP Morgan Chase to the Money Network Cardholder. We proactively notified 6,000 of our current cardholders with OST and these are individuals

who have IIM accounts, Individual Indian Monies accounts and they've elected to receive their trust funds via a debit card. The cards were all mailed on June 30th and as soon as those individuals received their cards, if they had funding, they could start utilizing those cards with the funding available. We're still going through this conversion so if you hear from our beneficiaries or if they're having questions or problems, please reach out to our local OST offices, our Trust Beneficiary Call Center. That's my brief overview.

Deborah Benally: I'm Navajo from Navajo Nation. I'm here to talk to you about two Trust Modernization projects that we are working on within OST. The first project is called the Digital Center for Excellence and it's managed by the Office of Trust Records at the American Indian Records Repository in Lenexa, Kansas. This is the entrance into the American Indian Records Repository and the Records Repository is a state of the art facility records storage facility and it is made out of limestone or rock. This project is a result of two mandates from OMB. The project plan consists of six phases. This project focuses on transitioning BIA, OST and BIE paper records into electronic records and we're doing that by digitizing them.

The first phase is the actual physical evaluation of our records and our processes that we currently use at the AIRR. Phase two, OST conducted a pilot for 100 boxes of our most requested boxes of records. The pilot consisted of preparing these records, digitizing them or scanning them, conducting quality assurance reviews and then researching them. Putting them back into our local server system and seeing if we can research and pull these records out. We tested for accuracy, for speed, readability, reliability and retrievability. This is our indexing at the AIRR. When the boxes from BIA, OST or ASEA get sent to the AIRR, we physically receive those boxes and then we manually index them and when we manually index them we go by a folder by folder level and we index each folder that comes into or that's contained within the box and then it's entered into what we call a box indexing or inventory system, search system so we can retrieve those records back when we need to.

Phase four and five is an actual dual implementation process for our incoming boxes of records as well as our current historical records that we currently store at the AIRR. And this is our records storage at the AIRR. This is how we store our records. Phase six is actually the future. We're actually looking at when we create records or when BIA, OST, ASEA create records we're electronically creating them on a computer.

What are our benefits or who benefits from this? The federal government and the Department, we comply with the OMB directives. For OST we have a reduction in storage costs for our paper records which will now be digitized or will be in an electronic format. BIA and ASIA, there's a preservation of those records as opposed to deterioration in which those records, although they're stored at our records facility, they eventually will fade and so for that reason we preserve them and we safeguard them. Also when we digitize and scan them, there's a clarity of the documents in the images that are scanned. The American Indian Records Repository is that for tribes we can store your records at the AIRR but before doing so we'll need to establish a Memorandum of Agreement after which we want you to know that there's a secured access so the tribes will have access to their records and that if you want copies of your records we can make copies of those records for you.

If you're interested, we also offer tours of the AIRR and then we also offer technical assistance and training on records management and if you're interested in that, contact the Office of Trust Records liaisons.

The second project I'm going to talk to you about or I'm going to present on is the Trust Evaluation System and this is for self-governance compacts. In accordance with 25CFR trust evaluations are required for tribes and consortiums who manage trust programs. OST performs these trust evaluations. Our current trust evaluation process is that we have onsite tribal trust evaluations which are scheduled and tribes are notified. OST then sends three or four auditors to travel to the tribe to conduct these evaluations. The tribe then accommodates the auditors with physical office space to work and our auditors interview and gather documents. This can take anywhere from one to two weeks and we realize this impedes tribal operations and if you don't have the space, it impedes us as well. And then our auditors have to travel back and then we analyze the information. If we don't get the correct information, then we need to contact and there's a back and forth process. For our reengineered process, we've developed a web-based application that tribes can access. Tribes respond to the evaluation questions in this web-based application and then they upload all the required documents. After all the questions have been answered and all the records have been uploaded electronically, then the tribe certifies that they've completed their evaluation. Once the tribe certifies, OST then begins their evaluation. Now we don't have to go out to meet with the tribes and take up space and answer a lot of questions and make copies of a lot of documents. This is all done now electronically.

The benefits are that we're less intrusive to tribal operations, there's a flexibility in completing your evaluations and there's timely feedback and timely evaluation reports that you will be receiving. For OST we're using information technology to streamline our business processes and to be more efficient. There's a budget savings for travel and performance costs. Instead of conducting or completing 25 trust evaluations annually, we project that we will complete more evaluations on an annual basis.

Then at the end there is going to be the certification process that is basically the tribe certifying that they've uploaded their documents and they answered the questions to the best of their abilities. And the flexibility of this is you can upload all the documents all at one time or you can do it question by question. With the Trust Evaluation System, we've developed and tested the reengineered process, we piloted it with nine tribes, and they provided their feedback and we made adjustments according to the information that we received from them.

We have a web page here that has the up to date information regarding this project and then the TES or the web-based application is about 70 percent complete. In September we have the TES Software User Acceptance Testing and then we're still in the process of obtaining departmental approvals for security using Cloud Hosting and Section 508 compliance. We expect to implement and rollout by FY or in FY2018. Here's information. If you want more information, these are the people you can contact. Thank you very much.

John McClanahan

Director for the Land Buy Back Program

Thanks for always accommodating me and giving me some of your time on your busy agenda. I'm hoping today to just give you a quick update on our results so far and then I want to give you a sense of the status of our strategy review for the program.

We've made offers so far at 44 locations and that's enabled us to consolidate 2.1 million equivalent acres for those 44 different locations. We've reduced the number of fractional interests by 22 percent at those 44 locations and we have been able to do that by only using 27 percent of the dollars that are available for implementation costs for things like mapping and appraisals and minimal evaluation. We've achieved a lot of results in a short amount of time and I think have done a good part of the job in getting

tribes in control of land and getting them in a better position to do infrastructure and other kinds of projects which I know as Chairman Allen indicated at the beginning is very important.

I was happy to see the 10th Circuit Court cite the buyback program in a right of way case out here at Navajo as an example of how we've gotten a lot of land in the hands of tribes and enables them to be much more effective with their lands and their sovereignty.

The main thing I wanted to focus on today is the strategy review period that we're going through right now. We've got about \$540 million left out of the \$1.9 billion fund that was established through the Cobell Settlement for land consolidation. New leadership have asked us how we can best maximize the \$540 million that we have remaining. Over the last couple of months we've been talking with tribal leaders, getting their input and studying how we can get the most fractal interest possible. When it comes to how we can maximize the number of interests, one thing we're looking at is the cost of the land. If the goal is to maximize the number of interests, we've got to consider the cost of the land.

The other thing that we've been looking at is the size of the fractal interests involved. If we focus on smaller interests, we'll be able to get a lot more of those. Those are some of the things that we've been considering during the strategy review period to determine what places that we're going to go to with the remaining funds that we have.

One of the other things that we heard about in the consultations was some of the tribes have their own funds that they're interested in using to buy land so the program may not be able to buy all of the interests out there but tribes may have funds that they can put towards purchase so we're interested in how we can facilitate that. We also realize that when we send out offers to a location, about 55 percent of the folks that get an offer decide not to sell and a top reason given for that is they want to keep the land in the family, they may be leasing the land or they may be living on the land. We realize that with those 55 percent of the owners we've got to come up with a strategy that addresses fractionation from their perspective.

One of the policies that we're looking at is how we can facilitate individual landowners who may want to buy fractal interests. During this strategy review period we're trying to come up with ways where we can give the landowners a time period before we send out our buyback offers to use our appraisals to actually buy fractal interests. One of the things that we've heard from tribal leaders over the years is that they would like our appraisals to be used for a longer period of time. And so during our strategy review period we're looking at the possibility of changing our policy for appraisals to seek to use those up to 12 months. The program thus far has had a nine month period and so we're looking at the possibility of adjusting that. That'll help with that goal of facilitating tribal purchases and co-owner purchases as well. So that's a change that we may be making in the future.

The other thing that I want to mention about possible new policies that we're looking at is the continued use of Cooperative Agreements. We've seen increased results at those locations where we have a Cooperative Agreement. We've also heard from tribes that they'd like to get more clarity on what we will and will not fund and so we're likely to come out with some increased clarity on the funding parameters for the agreements but the intention is to keep using those agreements to get local support in reaching out to the landowners.

We've been talking to different tribal groups. We had a listening session in particular out at Tulalip in the spring. We've heard from about 42 or so locations about the strategy review period. We're getting close to announcing some results of that, probably in the next couple of weeks if not sooner.

Question: I had heard a little while ago that the Department was looking at updating the next locations for the land acquisitions. Do you have any information on that and what we can expect or when we can expect that?

John McClanahan: One of the things that is possible as we flagged in the different tribal leader letters and the federal register notice is that we may change the schedule. So in May of 2016 we had identified 100 places roughly where we would seek to implement the program through the end of our current authorization or our current time period which is 2022. As we're going through strategy review period we may change that schedule meaning that we could go back to places that we've already been to so it's possible we may go back to some of those 44 places that we've already been to. Also possible that we would not go to places that were identified back in May. The major emphasis right now that we're looking at is how many interests we can get and one of the ways to do that is by considering land cost and where we can do the appraisal and other work very efficiently. Many of the locations that we've already been to we've done mass appraisal work there where we can appraise a lot of land where there's a lot of interest that can be acquired cost effectively. It's possible we could go back to those places. We're looking to make an announcement in the very near future about updated schedule.

Denise Desiderio: There was a hearing in the House, the Natural Resources Committee, regarding Cobell buyback and I think one of the questions that we had regarding Jim Cason's testimony at that hearing was there were a number of proposals that were brought forward in his testimony and during the hearing that had not been vetted through tribal leaders. Are those proposals and recommendations things that you all are considering? If so, are you going to consult with tribal leaders? It was a little odd to be hearing those proposals at a congressional hearing when they had not been discussed with tribal leaders and he talked about that during the hearing that he had not had any conversations with tribal leaders about those recommendations.

John McClanahan: Yes, in the testimony from Mr. Cason he had an idea that was put forward and he recognized in that testimony that it was an idea that hadn't been through consultation but he was suggesting it. The main idea is how to leverage the existing fund to put forward a concept where the program could acquire interest and then resell those interests to individuals that may want to buy fractional interest. I think there was a recognition that Congress would have to make a change like that. Whether that is that still on the table, I would say in some sense yes because we're trying to find ways to facilitate leveraging our appraisals and other work to allow those folks that don't want to sell to the program but yet may want to buy fractional interest so there are plenty of people out there that before the buyback program comes they can sell interests among one another but it's hard sometimes for them to do that because they don't have an appraisal. So what the program is considering is how we can do a better job of making those appraisals available so that if landowners want to get together and convey interests directly we can support that perhaps because if they're consolidating interests with their own funds, that's consolidation that the program doesn't have to use its resources for and therefore can get more interests. So to that extent we're still trying to find ways to make the remaining money go as far as it can and address as much of the fractionation issue as possible.

Question: I was wondering when the offers were going to come out for Spirit Lake because I know the tribal members have been very impatient.

John McClanahan: Yes. Spirit Lake roughly speaking is early fall I believe so it's something that we've been working with the local staff there on and they're doing outreach so Spirit Lake is upcoming. We'll have offers going out for Nez Perce as well in the near future.

BIE Update

Bart Stevens

I'm here on behalf of the Director, Tony Dearman, who was unavailable. Management update: As with all budget planning processes the BIE is committed to securing our programs that are the meat of the BIE which are our K-12 programs. Taking a look at supplemental programs that are outside that K-12 program is something that we often take a look at when we're making these types of decisions.

We had an excellent Education Subcommittee meeting yesterday that was scheduled from 8:00 to noon but we ended up going most of the day yesterday. We were able to share a lot of information, data, and other information related to the BIE's organization which was what we're referring to as an organization and not the reorg because the reorg has been completed. We were able to share draft organizational charts and get a better understanding of roles and responsibilities of BIE personnel peppered throughout the United States to provide direct services and a more precise way of delivering technical assistance to the schools that we serve.

Professional development is a term that's used to describe those strategies that we execute on behalf of our teachers, school leaders, school boards on how we provide training activities to them that can then reflect in improved instructional strategies and thus better school performance by those schools. A large part of that process is engaging with our tribally controlled schools and the tribal governing bodies themselves that are the grantee for most of our tribally controlled schools and then being able to roll out those initiatives and programs to those specific schools through that tribal relationship that we've built a rapport with. We've created a student health behavioral health specialist at the Washington DC office and I think at the last TIBC she was able to share briefly some of the programs that she's moving forward with.

We just completed a professional development activity for schools, both tribally controlled and Bureau operated regarding the meth epidemic. We're also addressing a significant amount of our schools that are faced with suicide ideation, gestures and unfortunately completions and providing from a behavioral health perspective the training that's needed at the grassroots level with our residential personnel, our home living specialists, supervisory home living specialists, our building leaders and our school leaders which are our first line employees dealing with students and we feel are critically important in identifying those early signs of these types of behaviors. This is something that the BIE has not had in place before.

Another element that was added in the organization of the BIE is the School Facilities, Occupational Health and Safety position manager within BIE under my direct line authority who's based out of Albuquerque. He has a team identified of seven employees but unfortunately we are only able to fill four at this time, that are transitioning or building their capacity at this point to eventually transition into taking a lot of those school inspections, workmen's comp, license checks that federal employees go through every year and taking those roles and responsibilities off of BIA's plate and eventually will fall under the purvey of BIE. This won't happen overnight.

Another thing that's been led by the Assistant Secretary of Indian Affairs was a directive to rollout this committee, this School Facilities and Safety Program which brings together different people within Interior from the Office of Audit and Evaluations to Indian Affairs Safety to our Occupational Health and Safety Specialist as well as representatives from the BIA side to get together to not only plan and strategize next steps in terms of meeting the requirements outlined or recommended to us in different

GAO and IG reports but to design a specific strategy on how we can put in place a program of effective ways of addressing not only the issues that have been reported back to us but then to create an environment where we're moving forward and we're not necessarily responding or being reactive but being more proactive in identifying those specific issues at our school locations so that we can address them prior to them becoming an issue within those schools.

Part of the organization now is that communication specialist that will be able to roll those things out and be able to manage and update our website. The organization is at roughly about a 53 percent vacancy rate meaning that we have about 53 percent of our positions that remain vacant. Tony, you said 53 percent of your FTEs.

53 percent of our EPM funded positions which is ERCs, Educational Resource Centers which were formerly Education Line Offices on the draft org chart. Our school level positions, we had a couple of hundred teacher vacancies that we reported out but we constantly see a turnover at our school level personnel. That's not near as impactful in terms of the large amount of vacancies as are from the ERC level up to Central Office, which are our GS employees. Our school personnel are contract educator employees.

In January of this year we assumed supervision and guidance over our Human Resources Division. And again, this is for federal personnel and we've done many different things since January to streamline the process. We all know of the horror stories that we hear with processing applications, how we determine the qualifications of our highly qualified teaching personnel and building leaders at our schools, which is a little different from any other federal employee. Several things that we've done by taking the formerly BIA Office of Human Capital Management section that served BIE and is now under our purview, under our org chart, is we're able to provide more detailed and direct leadership and guidance and set different expectations and then align or streamline efforts on how we're going to improve how they serve our Bureau at large. In the past we've had delays in security clearance, we've since moved forward with digitizing all fingerprinting using USA staffing rather than school level hiring which increases the pool of candidates that are eligible to fill vacant positions at our schools and at the GS level in our ERCs and above. This helps fill school vacancies more quickly than they have been. We also have a recruitment specialist that is partnering with not only tribes and Indian communities, tribal colleges but major universities that are serving Indian Country to get out word out about the BIE and our recruitment efforts of all our personnel.

We are streamlining the process of how funds are distributed throughout the Bureau, whether that's through BIA operated programs or through tribally controlled schools. We know in the past there's been delays and not necessarily delays from the BIE but delays in receiving funding from the Department of Ed, which we receive about \$250 million a year which flow through the BIE Central Office out to schools for those direct service programs, students with disabilities, title programs and so forth that are funded by the Department of Ed. Along with that we want to be able to assist our schools and let them have access to what they need to have access to be able to draw down money and to enter their facility information into maximum. We are moving forward with an IT migration. Part of the migration is pulling all adults off of that ENAN network and let it be a student network which will increase the bandwidth for those students to be able to access what they need to complete the high stakes testing that's required.

This also ties to how funds are distributed. Schools will be able to access the system, enter PRs and other required documents. Tribes will be able to have better or more immediate access to drawing down their funds.

As I mentioned briefly, the organizational chart is under final review.

We partnered with the National Board of Certified Teachers. Those of you familiar with education, the National Board is a prominent national organization that has proven results in improving instructional delivery and student outcomes because teachers are nationally board certified and not necessarily state certified so there's more rigor in meeting those requirements. Partnering with the National Board has put the BIE in the same realm of public schools that have been partnering with them for awhile.

We're also working with the Chief School Officers in each individual state which gather nationally and up until a few months ago, CCSSO focused on individual state superintendents in each of the states in the United States and the BIE wasn't a part of that, even though we're like a 51st state. We have a different way of doing things but nonetheless we're still in charge with educating students. So we were able to build a rapport with CCSSO to be involved in their national activities which assists us in developing our SEA responsibilities, our State Education Agency responsibilities with the Department of Ed, which has evolved to us being able to develop a state plan just like any of the other states in the United States that set specific target goals and objectives and definitely tribal input and consultation and other stakeholder input is a part of that process.

Tommy Lewis: I'm Superintendent of Schools for Department of Dine Education at Window Rock. We had a productive subcommittee meeting yesterday. We discussed a lot of issues on BIE educational programming including funding, the reorganization, school facilities and many other things that are very important. On Navajo we have 66 out of the 183 BIE funded schools throughout the country. On their organizational chart, it shows that we have our own Associate Deputy Director's Office and that office is located in Window Rock that oversees the 32 schools. Through these reorganizational efforts it's become apparent that many times things fall through the cracks. The problem all along has been that tribes seem to be left out of the discussion.

From the Navajo Nation we feel very strongly that the federal government has an obligation and that we submitted documentation and resolutions for the record that hopefully this body here can recognize that education is ever so important. That is what builds nations. That is what builds communities and so if we're going to meet situations at our Indian communities regarding land, environment, water, education, health -- education is key.

Darrell Seki: The 2017-2018 Congress is flatlining JOM because they believe the student count is incorrect and the Bureau was directed to report back to Congress by the first week of July. Did BIE accomplish this and what is being done to address this problem so Congress will increase JOM funds?

Bart Stevens: The Director of BIE testified recently at the Senate Committee on Indian Affairs and provided an update to them regarding the JOM count expressing that counts weren't entirely accurate for many different reasons. There are mechanisms in place that we could do to tap into public school data, to track through identifying Indian students not necessarily federally recognized but identifying students for impact aid and title programs that they offer within their public schools. We've also reported to the Senate Committee on Indian Affairs that we would partner with the U.S. Census Bureau and those meetings have begun but we as Indian people understand that those numbers aren't entirely accurate either. Oftentimes if a census person visits Indian Country in those isolated locations, if somebody's not home, they usually don't go back and we understand that. We would tap into not just those resources again but tap into tribal leaders because we believe that more accurate data is within your tribal rolls to identify those students. JOM identifies descendants of tribally recognized members. A collaborative effort is needed to pull an accurate count.

Comment: I think the priorities should and must be with the federally recognized tribes. This is Bureau of Indian Education money and therefore this is the money that government set aside for the programs and services in education of federally recognized tribes. We need to take it in an incremental approach and starting with the tribes being able to provide our own valid census numbers to the BIE as a way of working that into a workable product as well as demonstrating to Congress and the appropriators, these are real numbers starting here. For us to have to worry about just census and self-identifieds, that becomes complicated and we shouldn't be expending our limited resources on trying to identify when the real need is here and has been here for 30 years with tribes and tribes that we represent that are already in the federal system.

Bart Stevens: I agree. That's why I mentioned that part about it being a collaborative effort because it's definitely going to take a collaborative effort. I don't think we can rely on any one source of data other than the data that we receive directly from tribes in my opinion but I'll roll that message up and I think that's an excellent suggestion on an approach to get an accurate count.

Great Plains Tribal Chairman's Association: My question is regarding the reorganization. We objected to the first reorganization and now under this new Administration they're talking reorganization. I'd like to request the TIBC Education Subcommittee revisit the reorganization.

Bart Stevens: This was discussed in the Education Subcommittee yesterday. The current organizational chart that's pending signature was what was rolled out under the previous Administration where an assessment of the BIE was completed, the blueprint for reform was created by the study group that was identified by Arne Duncan and Sally Jewell.

I'm really not in a position to speak to how we got to this point but what I am and what I told yesterday to the group was that we can definitely bring forward that piece again. Now the current listening sessions were DOI wide reorganization which we went to several different locations along with our sister bureau BIA to those listening sessions to understand that piece. I also understand that there are some disagreements with what BIE has in place now. So what I promised to do was to roll that up to Mr. Dearman and see if that's something that rolls up to the Department yet again or what the process would be identified working through the Assistant Secretary's Office and rolling it up to see if that's something that's revisited or not.

Great Plains Tribal Chairman's Association: We have extended an invitation to Mr. Dearman and we look forward to having him come out and talk to him about this. For example, the Cheyenne River Sioux Tribe in South Dakota has to report to Turtle Mountain for one of the sites.

Kepner-Tregoe, Budget Process Assessment

David Sandahl and Leo Jolly

We did a preliminary presentation to you in May 2017 that showed some of our initial findings. We're going to revisit those quickly and then talk about recommendations and what we think should be a phased approach for getting this to an improved state for how you do your budgets.

So the big ask was for us to do a quick assessment on TIBC and the process for how the tribal budgets come together and are presented to the federal government, to identify areas of opportunity for improvement and then to make recommendations around that of the kind of initiatives you should put

in place to get that improvement in the budget process, present those to you at this meeting here and then have a final report formal to you by the end of the year.

So with that, the approach we took was to interview tribal representatives, BIE representatives, BIA representatives to get understanding from them of their background in the process, their feelings and recommendations and to look at how the process has gone to date. That effort took place from April through mid-May.

Our findings were as we talked to people around the country in various roles from the tribes, from the regions, from the Central Budget Office and TIBC is that the process is a process from our perspective that doesn't work very well and one of the reasons it doesn't work very well is that it's inconsistent in the way people understand it and the way that it's used. So for example we learned there's no particular onboarding process. There may be one here but not in another region, in another place so the people who are participants may or may not naturally know what's going on at any given time. The baseline, how do you know what you're comparing to, is sort of essential to budgets. Where are we, what did we accomplish, have we done well this year, is it going the way we think it should—is unclear. The tribal advice sometimes gets lost.

And the executive branch wants advice, in this case it's given to the Department of Interior. There's a very long period of embargo where the President and the OMB and the agencies are making their decisions before the budget request finally comes forward and many things can happen in that budget process that are unseen to the public, unseen to those who may have been giving advice upfront, don't really emerge until the President's budget is announced. So that lack of visibility can be very frustrating for organizations like TIBC. The information on current year budget execution was also very uneven. There are real variations between regions and tribes. The fact that there's inconsistent information going back to what a process should be means that the process is not effective. The lack of clarity permits variable influence.

Budget Process Improvement Recommendations

Our first recommendation very straightforwardly is with TIBC on behalf of the tribes in relation to the Department of Interior: ***define very clearly for everyone the multi-year budget process***. There are dozens of diagrams of what the budget process looks like. There should be one that this organization, this association, this council owns. This is the way we look at the budget.

At any given point there are three budgets active—the one that's being thought of for two years from now, the one that's in the Congress that's been proposed and the one that's actually being executed. That has to be broken into the pieces that you can influence. You should ask: How did our influence work? How could it be made more effective?

Second recommendation is to ***find who owns that process***. Any process to run well needs to have someone who's in charge of the overall approach responsible to its stakeholders. So we say there are specific steps for each year, each of the three years. The process itself is consistent in its use and application and that there's a very clear communication flow. So at any given point, any interested party could know where we are with respect to the current budget year, where are we with respect to the budget that's being proposed, where are we with respect to what the Congress is currently doing so that information is available to all.

And then the next major point, **define process governance**. Simply, who makes what decisions, who is empowered to make the decisions that shape first of all the advice that's given in making the budget, how that information is acted on and also the accountability and timing for follow up after.

Third recommendation, **train to that defined process**. We talked to several people who were brand new to the process and really just feeling their way, we talked to some others that had been doing this for a decade or more and were fully familiar. Everybody should start from the same place, that there are clear consistent expectations for everyone. We noticed as well on our interviews that different onboarding, different involvement procedures are used region by region so one of the things we wanted to do is to define best practices—what are the things that work best—and make sure that those are implemented across the country for all tribes.

And finally that training modules are available on demand. It should certainly be a human interaction but it should be possible for someone who's interested to find the training materials online, study, ask questions and so on. Budget people like to think in terms of annual process obviously but there should be an annual nationwide kickoff in which everyone can participate. Obviously this is a webinar type thing that would be worked out in advance with the Department and with TIBC. Step by step guidance.

Kepner-Tregoe likes to talk a lot about what, why and how. What is it? Why is it important? How does it work? So every step is defined in that way. That there's a presentation like via webinar that all can access and again that that be available afterward so anybody who missed it could go back and look at it, catch up on any of the details.

Improve budget comparisons. First of all, what is being provided during the early part of the budget cycle is advice from the tribes via TIBC to the Department that then goes into this embargo process before the President's budget is proposed. So one of the things we would recommend is that that advice be compared to what the actual President's budget recommendation is, which may be very different. As you can see from the last Administration to this, the recommendation is very different. What the Congress is doing, which is also these days very difficult to track sometimes and finally, how is the budget actually being executed—the budget that was enacted by the Congress, how is it actually being carried out?

Then explore **current law and current services concepts for budget baseline**. What does current law provide for the programs that affect the tribes? What does it say should happen? What would a current services level be? Current service is a particular budget concept that's been in use for 30 or 40 years. It ought to be at least examined for use in terms of how the tribes advise and what they should expect from the budget that's in place.

Define the true funding obligation. So you see Tribe 1 in a particular region, for example Region A, and for a program. What's the current level of funding, the single dollar sign? What would the funding be to meet all obligations if all treaties, legislation and administration actions were taken into play? So for every program for every tribe what's the current level of funding, what's the funding needed to meet the obligation? That builds up. So across all programs for all tribes in this particular region. This would be a region, all tribes and then finally putting it altogether to assemble it for all regions.

Summary

So that's the basics of our recommendation. We thought this could be divided into two time phases. The first one is to define the budget process, the multi-year process—who owns it, what it looks like, who's

responsible and what the timing is and along with that the training so that everybody is on the same page, everybody can participate consistently, that the involvement is effective. And then the second major phase would be to both look at the budget baseline—what's existing practice, current services and current law—and then to define needed funding, current funding by tribe, funding to meet the obligation and addressing the gaps and the actions.

Comment: In our region we do a pretty good job with our webinars and working with our budget director and so we come out of our region with a real good document but where the gap is. If you had any recommendations on details but where the gap is when it comes into the hopper with all 12 regions and then we come out with our priorities not at the top. And so somehow there's got to be some solving the discrepancies that exist among us and there's no right or wrong. We're just all different and that needs to be considered.

Kepner-Tregoe: I'm of the school of make very clear what's actually going on now so it shouldn't be mystery to anybody what's actually going on now. So where there is a gap, what is that gap? If you've done well and your formulation and have those priorities compared to someone else's. But the first difficulty we find with the process as it exists is that's not possible. It can't be seen. You may have a very good approach for your area, for your region, at your region. It may lose out. One of our purposes here is to make sure that as the process moves forward that the decisions that are made are shared decisions. Everybody sees what's going on, they understand what's going on. We use a definition of consensus is not that necessarily everyone is in complete agreement but they agree to support the outcome, they can see how the outcome was derived. And I think one of the things we would hope that this improvement of this budget process would bring is everybody can see more about what's going on, see what the needs really are.

If I take it a step further, that there could be more effective advocacy because one of the things that is clear is while as the Department of Interior, BIA, BIE have certain things that they must do for the President, the Congress will do things that it must do, where are the points of influence, where can advocacy take place to get better outcomes? I think the basic answer to your question is have a better process so that within Indian Nations, people can see, they can see what's going on and can have a good conversation that's comparable. Along with that, to David's point, one of the earlier recommendations is around defining that governance to be clear on what the decision making process is that's fair across all on how you overcome those gaps and how priorities are being set. Without that clarity and the advocacy, I think that's part of the challenge you see today. It's not clear how decisions are being made to set those priorities where those gaps are.

Gay Kingman: I would like to see more detail on answering that question because, for example, tribal courts. Not all tribes have tribal courts and those of us that do put it as a high priority but when it goes into the hopper with all 12 regions, many times it gets knocked way down. How do we make the process fair for all—the large tribes, the small tribes, the full service government tribes?

Kepner-Tregoe: That's what this is meant to get at. This is sort of abstract but put programs you know along that top. So say it's tribal courts, say it's transportation programs across the top. For each tribe what are those things that are available or being used, what's it currently funded at, what should it be funded at to meet the full obligation so that what we hope to show here is where are those places where something should be happening that's not happening but also to make clear to everybody what is happening so it can be easily seen. I think there will naturally be different interests and the question really is, what's a fair judgment of how those interests should be served? The other very important distinction I want to make is the difference, which I think everybody understands but it's very important

to understand, what BIA asks for may very well never go further than what they ask for once it gets to OMB or once it gets to the Congress. The real determiners of what's in the budget is the Congress. So the hope is that seeing it this way, seeing where the gap is between what has existed and what should exist is also a foundation tool for good advocacy. If the Congress said in a treaty and legislation, 'This is what should happen' but this is what's actually happening, I think there's a very good basis for advocacy.

Question: We've been working on this budget process for a couple years and this in itself looks, I would say, a little convoluted in that going back to the same process when I first began, the budget process with BIA has changed three times and I think this is one of the goals that you're trying to make it consistent, correct? Within the State of New Mexico the state has on the web where you have a form that you can use. You know exactly what it is and I hope that we're able to get to that process here too because we need to be able to track what happened in prior years. For the past budget system, I have no idea what's been passed and there has to be a better way of tracking it.

Kepner-Tregoe: I'm of the opinion that anything can be measured and anything can go in form. The question is what shapes what goes into the form. The idea that everybody be treated consistently and be treated equitably and also that there be a clear understanding of what is being done currently versus what the need is. So that's not simple and that will take some time to do. To get to the point you're talking about I think is an important outcome. The more important outcome is that there be fair treatment and that the full obligation be met. And the other thing I would say is that along with that, when we are looking at this, the real question is, what part of this is controlled by the federal government, which is basically the agency, the President and the Congress and what part is controlled by Indian Country? So you've got a lot of control about what advice you give to BIA basically and how you give that advice, you have a lot of control about the conversations you have within the community to say, it should be this, it should be that and what's fair, what's the right thing to do, how are our priorities best expressed, which goes through the Department, goes through OMB, goes to the President, goes to the Congress but there are other points of access. Not OMB, maybe the President a little bit if there's a Cabinet Secretary of Indian Affairs but certainly the Congress and being in a place to be able to say, 'In Arizona here's where the gap is, here's what the need is, here's what needs to be addressed,' and have them address that as well. That's where real choices will be made.

Kitcki Carroll: This issue of the problems of the budget process comes up every single meeting so seven years, three meetings, that's 21 meetings. From my vantage point there is nothing more important that we should be talking about than this budget process because I remind everybody that's what this body is about. This is a budget committee and sometimes we get sidetracked in all these other discussions but we are here to talk about budget and I think we too often forget about that.

Is the existing process one that can be sharpened and refined or do we need to build from the bottom the way that we want it? The preference is for each individual tribe to have the opportunity to put forward its priorities. Absent that is for each region to have the opportunity and that's kind of part of this process but it still leads to a national rollup. But what happens every single year when we do our testimonies, after everybody's gone through the process of identifying their priorities, regions raise their hand and talk about what was not prioritized that is important to them and that gets to this whole consensus piece. We've got to find a way to accept that this is a national effort to find a rollup effort but it doesn't take away from your individual advocacy efforts on behalf of your own tribal nation. But within this body it's a national effort.

It's imperative to quantify the unfunded obligation. It needs substance and some data behind it to be accepted by others. Do we fix this current budget process or do we create a new one?

Regarding FY '20, the budget guidance that is in place right now has a starting point of September of every year. This is the last meeting prior to the fiscal year '20 process actually is supposed to being started so there's a timing issue in terms of the recommendations here and what we do here and the start of a process that actually starts in September. One of the other things that we talked about in the Budget Subcommittee yesterday was about the process leading up to the rollup.

Regarding the multi-year framework, part of this is governance and who makes the decisions. The Budget Subcommittee has owned that for quite some time and one of the things that they are pressing for from this full body is some guidance on how recommendations get handled. For example, when we are asked to propose priorities in the event that there's a five percent budget increase, you have two approaches. One extreme is to say, 'Well, if we identify these five things, then all of that five percent increase goes to those top five things,' because from our vantage point that's the way you have impact by funneling dollars in a very specific way to those...what would end up being those high need areas. The other extreme is you make some arbitrary decisions that aren't relative to what the rollup produced and then something in the middle. Where we are right now is somewhere in the middle. A portion goes to what is identified as those national rollup priorities, another portion of it goes to these other things that come up in discussions around here.

But I think the better thing to do, if we're really looking to have the greatest impact in the greatest areas of need is what gets rolled up in where those high need areas are. If that's not correlating, there's a problem. If there is an opportunity for a five, 10 percent increase, you would assume that the areas of greatest emergency and greatest need are those with the most unmet need.

Also, there are safe assumptions that can be made to measure the unfunded obligation. One of the things that we use is social services as an example. We could use some regionalized standardized norms about social service workers and caseloads, use population, land base size, and other things to estimate the true obligation compared against what that current funding need is.

Kepner-Tregoe, Leo Jolly: You talked about budget year 2020. There's no way you're going to get this improved in time to get that started for this next round. From our perspective those two phases will probably take you between six to nine months to get clarified and ready to actually implement. In terms of do you start from scratch or not, our recommendation here is in this Phase 1, to think about starting with a clean slate in defining what the ideal process would be for you and then looking at your existing processes and what of it can fit and what needs to be developed new within it. There are components of your existing process that are probably best practices you want to keep but let's understand what your ideal state is and what of those best practices would fall into that future state. And then be ready by this time next year to implement that to affect your 2021.

Ron Allen: We need to reflect on your observations and suggestions about what we can do and what makes sense in terms for this body with respect to this process. There's not enough time to try to create a new system. This originated in 1996 with Kevin Gover in the Clinton years and it's challenging. What's most important from my perspective is the consistency of the ask of the Central Office to the 12 regions with regard to how you identify those priorities and how you bring those 12 regions and their sets of priorities back and for recommendations on how to advance them into a budget that will always be constrained. At the end of the day, we are an advisory council so we make recommendations. We do come up with five and 10 high priorities that crisscross all of Indian Country but we are so unique. What California needs is different than Navajo, what Navajo needs is different than Alaska and you're going to have things that are not in the top 10 that are going to down between 90 and 110 and those are

important priorities and the Secretary has to pay attention to that because he or she has the trust, legal, treaty, statutory, moral obligation to every tribe. So it's a complicated process.

I think what's most important and I think we need to deliberate on your suggestions but what's not in here is how to improve the mobilization to get better participation by the tribes. 228 or so in Alaska, 110 or so in California and then we go crisscross the different regions, it's complicated. Even Navajo with 110 chapters. We want better participation, we want better identification of what those needs are but one of the things that the process needs to improve on is the identification of what the unmet needs are so that we paint a backdrop to the Administration and to the Congress what the need is so that we can reflect on \$2.5 and \$3 billion. If that backdrop is really \$100 billion, whatever the number really is, and what I'm interested in is the Bureau assisting the tribes in identifying the metrics and standards at which you would measure consistently on these different programs.

We must justify asks – if we think construction for schools needs \$200 million, what is it based on?

How do we improve the process? In my opinion, trying to start from scratch with the 12 regions and the 24 representatives and we would have to go back and consult with our respective tribes to make sure they agree with what we're concurring with. That's a very time consuming, challenging task.

Kepner-Tregoe: Yes, you can't just stop. The budget process will go on whether you're in it or not so in that sense you can't just remove tribal input from the process. In the short term there are some things we recommended that could be adopted for this next cycle pretty quickly. Some of the informational things, some of the best practices. I think that could be done in a relatively short amount of time and have that into this next cycle. The broad communication thing's not a new process but to your point that everybody's on the same page to start so that we're starting from the same place and along with it the hope that there is better involvement, there's more engagement, more people are participating in this because they can see everybody can be involved in it.

That's ultimately part of what the last page gets to as well. Can I see as the representative of the tribe whether we are being fairly treated or whether we're being effectively treated by all the different programs to which we should have access? Answering that question is not a trivial one. I don't think it's something to be done in a month or two months but it could be done in the course of a year. You suggested an approach that might work to get at it. What's the real need there? What's the real need? Is it \$2 or \$3 billion or is it \$20 or \$30 billion or is it \$100 billion? I don't think anybody knows today and I think it would be very helpful to have it laid out in a very clear way what is the obligation based on treaty, based on law, based on administrative practice; what is that obligation for each tribe, program by program.

Comment: Instead of having 12 topics on the budget subcommittee, we should focus on fixing this budget process. I think in the short term and I just heard a comment last week in self-governance and it was from a separate region, I think it starts with our federal partner making sure that the process as it exists right now, that people are held accountable to it.

Jennifer had a recommendation to have a national kickoff meeting before that September process starts. Once the BIA issues and updates their budget guidance for fiscal year '20 to hold a call for everybody that takes this seriously to jump on that call so we all hear the same message at the same time. That's the Budget Office, tribes, the regional directors, their budget staff, etc., to make sure we're hearing the same message at the same time. The accountability part of that is to make sure each region is abiding by what that budget guidance says and that circles me back to the comment that I heard last

week. We may not come to a complete agreement on all of its elements but if we can come to a place of consensus feeling that at least a majority of our interests are being reflected in the final product, that's a positive.

In your TIBC bound book, there is a section in the back which is the Priorities vs. Enacted tab and that gives you information on what we proposed versus what was ultimately enacted and it goes all the back to 2010 so that information is in there so you can see what this body proposed, what was proposed, and what ultimately was enacted. During our budget subcommittee discussion yesterday what we asked for is, the enacted is what Congress ends up doing so that's not the correct comparison for this space. The correct comparison for this space is what the President produces relative to what tribal leadership proposes. That's what we need to see and that gets us back to our earlier conversation about our resolution about this Administration putting forward a budget that reflects tribal leader priorities and input. There is some concern right now on the table about that not happening and fiscal year '18 was the first expression of that, that it wasn't in line with what tribal leadership put forward as its priorities.

Kepner-Tregoe: Yeah. I'd also say just to the point of having a subcommittee and how much can you do at once, one of the things we recommend is that you have a working group of people who are interested in this topic that's part of this body so that it is budget process improvement as it's conducted by this group, there's short term stuff, there's some stuff that will take longer to do but it's a continuing focus of how do we improve that process.

Ron Allen: What I'd like the body to do if you would is reflect on these observations and comments by David and Leo and the comments among us. So the question for us is what do we do with this? So if we establish a workgroup to try to work with these folks on trying to finalize the report itself so that we have a document that we can use that will be useful for us in terms of trying to improve the process. So why don't we do that. The reason I'm kind of moving us along because I've got one more presentation that's supposed to only take about 10 minutes or so and I know the people want a little break before the reception coming up here around 6:00. We appreciate your hard work. We appreciate you reaching out to the tribal leadership and all those of us who were involved in this process and we will take this material and take it to the next step so we can wrap it up. Okay, thank you.

Self-Governance Update

Sharee Freeman

I'm the Director of the Office of Self-Governance. The main question is, what's in the self-governance compact line? We're going go ahead and explain that and then explain also how increases come to self-governance tribes and what happens when they get increases.

From the budget book, you can see where the self-governance compact line is. This is a place where self-governance tribes consolidate their funding in one place. The Office of Self-Governance is the allottee for these funds so when money arrives in the Budget Office, they can immediately transfer those funds to my office and we can get it out to our tribes fairly quickly. It's not an appropriated line, it's all of the self-governance tribes base funds that are transferred to this line.

And when I talk about base funds, it's whatever a particular self-governance tribe has decided they want to make, what funds or what programs they want to go into the base. A program increase for self-governance tribes happens when there's an increase provided by a program. Oftentimes a program will decide how they want to handle the program increase. Some say it's going to be pro rata, some have a methodology that they use, some distribute it and it's supposed to be distributed the same way for self-

governance tribes as for self-determination. There's no real difference in terms of pro rata or methodology or however else they do it.

Self-governance tribes can either take their increase if the program is not in the base they can take it directly into that program that's not in the base, if they have it standing out on a different line on say the ICWA or Social Service or Scholarships line and other times they can take the money and then decide to roll it later into the base or we can identify for the program office that the tribe has it in their self-governance compact line, it's already in their base, we know what that number is. If you're going to hit that with say a two percent or a five percent increase, we can tell them what that number is, they can run the percentage on it and then give that money to us to provide to our tribe.

"Internal transfers" are an internal process of more tribes coming into self-governance or tribes that are in self-governance deciding that there is a particular program they want to put that in the base. If "internal transfers" for a line is negative that's when a particular tribe or tribes have decided to turn a program back to the Bureau.

As an example of how an increase would work, let's take climate change. BIA issued a federal register notice for tribes, told them that there was money going to be available for a plus up, tribes applied, and were selected. BIA consulted with our office as well as with the regions on the increase process—how was it going to be rolled out, what was going to be done. Next a Google site was developed for all of us to be able to see, OSG as well as the regions, what the tribal funding distributions were going to be. BIA then sent award letters to the tribes, to the region as well as to OSG, we were copied on the letters that went out to the tribes saying what the amount was, what the tribe was doing, whether or not there was an amendment needed in order for the tribe to do a report or provide certain information back to the Bureau. We did amendments on occasions depending on whatever it was the tribe was doing for the climate change money and the award letters are then retained in our compact as well as the contract files. That's probably one of the better ways that increase has come into self-governance and worked closely with our office and closely with the tribes and closely with the regions in terms of what is expected.

Another example is tribal courts. When we first started this exercise with OJS with tribal courts we had a bit of a problem, we talked with them and they've now made a good all-inclusive effort and they're very good at communication now. They identify what tribe is getting an increase, they send us an award letter telling us what the increase is for, they send over the federal execution document for the tribe and if there are any conditions in particular that the tribe has to meet they tell us what that is. We either put it in what we call an ATO and we would put what the amount is, what year it comes from, if there are conditions that are related to it, if there's a percentage of how they came to the methodology of a percentage or whatever the methodology is for the tribe. That helps us and helps tribes know what they're getting, what the increase is, where is it going and what they're expected to do with it.

Another example that was a little bit trying for all of us is scholarship funding. Several years ago the Program Office provided a pro rata increase using the tables in the back of the Green Book for a particular year. If a tribe had consolidated scholarships in their CGDP or Aid to Tribal Government or in that self-governance compact line, it was most likely they weren't going to get an increase unless the program decided to work with OSG to break out the numbers and in that case they did and so we were able to break out the numbers, they were able to identify the percentage. We did the calculation together with them and then rolled that into our tribe's agreements. I can't tell you what happens with self-determination tribes but I put that question there because maybe somebody could tell us.

Jeannine Brooks: I'm a Deputy Director. From looking at her examples there and the things that did work, we know we need to open up better lines of communication. We know the origination of this question was actually from Great Plains and they asked if we were double dipping with self-governance tribes. Did they get money on the self-governance line and did they also get money when an increase came to a program and that is not the case. That line is nothing but a transfer from an increase into the line or it's a new tribe coming into self-governance. That's when you see the increase. The thing that we see is a lot of times when we do get increased funding our programs forget that they have to include those self-governance tribes. They forget to look in the back and see, 'You know what, these self-governance tribes do already exist within these programs so we need to make sure we think about that.' We need to have stronger lines of communication. We're trying to think of ways we can improve this. The written requests for program increases. In talking to self-governance tribes, maybe the criteria should be laid out in there. If we're going to get an increase in a program, what are the requirements going to be to share in this so they could be prepared? It should state, 'This is for self-governance and non-self-governance tribes,' so everyone's aware if they look at the Green Book who gets to share in this.

When possible, tribes should be consulted on the criteria used for increases. We do that when we can. Trust does that when we know we're expecting an increase. There is an issue with the Rights Protection Group and going over criteria for distribution. But we need to be consistent. A lot of times we have to do the write up really quickly. OMB will give us money, and ask for a quick write up. Maybe once we know we requested an increase in funding, maybe we go there and outline, 'These are the funds that we've requested for the year. This is how you participate, this is who participates.' Is this going to be a pro rata distribution, is this going to be a proposal based distribution, so everybody will understand and know how to share in it. So these are just things we're thinking of. How can we do this? How can we do it better? Any other suggestions we're willing to have. I think we need to do a better job communicating and making sure our self-governance tribes are included.

Question: When the dust settles on whatever appropriation has been allocated and now it's enacted and you look at it if it's your program that contracting tribes, self-governance tribes, direct service tribes all access that money. So if you get an increase of X then there's...it's just a formula so it just seems like it automatically triggers all interested parties in terms of the formula for the distribution.

Jeannine Brooks: It should but what I have been hearing is a lot of times tribes miss that there's an increase that they could have participated in. They had no idea it was out there, they don't know who to contact to receive it. We have had some cases and I'm not going to call out anybody here but where they have actually said, 'I'm not going to include self-governance tribes because I don't know how to get the data from them to report on this to OMB.' So we want to make sure this kind of thing does not happen and that everybody understands that self-governance tribes can participate in this increase and this is the information you need to provide and who you need to contact in order to.

Dave Conner: Sometimes programs within the Bureau, when they're contemplating new funding increases or new programs and they have to put it in the Green Book, that there are many examples that I could cite one by one that have been brought to the TIBC table before where the Bureau staff did not think about self-governance tribes because they were in the back of the book when they were contemplating an actual programmatic increase for all tribes that were in there. And a number of them are current examples going on right now. Jeannine and Sharee and that, they know this but the issue of getting this at the BIA agency level—Trust Services, Real Estate, all these different levels—we need to work on that because there are some real issues where the Indian Self-Determination and Education and Assistance Act, self-governance amendments are being violated.

Ron Allen: Okay. So the key issue here from what I'm gleaning from this is number one, making sure that all tribes know on the self-governance side, there's no double dipping. They get their share, whatever the share is in whatever program it is, however it works and there is a formula. But we just need to improve the communication when appropriation is done and now you know there's an increase, then everybody has to be informed so that whoever's coming up with the formula, who's working the formula for the distribution has all the tribes on the list and it's based on whatever their numbers are, however it's structured.

Jeannine Brooks: Yes. We can give an example. Hatchery money just came up and OSG reached out to me to ask how self-governance tribes receive the hatchery money. I reached out to Trust Services and I got Dave and Sharee talking so we could figure out what is the normal criteria he measures for non-self-governance tribes that he would need to ensure so that he can distribute this funding. It's a matter of communication. I think we need to do better about it and the programs need to realize that self-governance should be considered in everything that they do.

Justin Parker: As a tribe compacts and goes self-governance and their funds become base transfers, that's one aspect of it but what happens in successive years if increased funding or new programs that become available to new funding and you could have that sitting there for however long. When does that base transfer to self-governance line item after it's already been sitting there for a number of years?

Jeannine Brooks: That's what Sharee was talking about. Usually it's the self-governance tribe determines when they want to make that base. Now if it came to you as one-time funding but it's been recurrent and it's base funding for everybody else, that tribe should say, 'This needs to be made base,' and that becomes a base transfer at your regional budget office. You contact them and let them know, 'This need to be base transferred.'

Justin Parker: So it's up to that individual tribe to make that request. It doesn't happen at the region or at OSG. Okay. So the second question in all this and regardless if you're a self-governance tribe or a 638 tribe, one aspect that's kind of missing here is when there's increases, where does the communication come down for the tribes? So there's a lot of communication that needs to happen and this is part of the other point I was making at the listening session at NCAI with Mike and Loudermilk when we were back at NCAI last month is that whatever plan you come up with, you don't have that communication line going between Central Office and the region and OSG, that's one thing but you've still got the tribes that you've still got to communicate with and sometimes we don't get the increases or know what they are until we see the money showing up as an amendment. So at some point we should add a point in there about communicating with the tribes as well.

Jeannine Brooks: That was on my slide and why I said the communication between tribe, agency, region, all the way up the ladder needs to go and as I said, I don't know if it's that we post it on our websites and let you know. Keep looking at our website because if an increase is coming, we'll have it here. I'm looking for solutions here as well. How do we make sure that that communication is getting all the way to the tribal level so they know there's money there that they should contact someone to participate in?

July 27, 2017

2017/2018/2019 Budget Overview

George Bearpaw, Director of Budgets and Performance Management for Indian Affairs

The '17 the appropriation date for that was May 5th of this year. When it was passed, we had a lot of delays with the apportionment and also the warrants being issued in order to distribute the money. In fact some of the warrants and the apportionments didn't get to us until the end of June so we didn't have much time to really get it out to where they needed to go as far as the funds but we did manage to get all the base funding distributed so they're all out as of today.

The '16 enacted was a total of \$2.79 billion. The budget requests was a total of \$2.9 billion. The FY17 omnibus that was passed, the actual enacted was \$2.86 billion and the comparison with the omnibus and the '16 enacted was a plus of \$67 million.

The 2018 President's request. The request for 2018 was \$2.48 billion. It's an overall decrease of \$303 million below the '17 planning level. The actual instruction was to use the 2017 planning base, the CR amount, which just basically goes back to the 2016 amounts. The overall decrease for Operation of Indian Programs was \$181 million. This includes additional investments in infrastructure, maintains funding for energy development and the programs were actually looked at, the initiatives. The instructions that came down was that we have to take a look at nationwide programs and not demonstration type programs. So a lot of those were eliminated in this budget. There was some plus ups in this budget, roads being one of them. \$1.2 million for deferred maintenance for the roads program. Indian irrigation ONM for the Navajo Indian Irrigation Program of \$2.6 million. Indian Irrigation Rehab Survey and Design, \$2.2 million. Dams got a plus up of \$4.3 million. And then BIA Facilities, \$2 million for all of the deferred maintenance for the 127 regional and agency facilities.

The total bottom line is \$303 million decrease. There's some good news. With the House committee markup, they did restore a lot of those amounts that were reduced. The spreadsheet gives you the '17 enacted amount, the 2018 request, the House bill and then the bill versus enacted which is \$9.6 million increase. But if you compare the bill versus the actual President's request, it's restoring \$381 million in those lines that were reduced.

Kitcki Carroll: Just want to make sure everybody understands that \$303 million decrease is not the real number. The real number is 23 percent worse and it's \$375 million, which is the actual decrease from enacted fiscal year 2017.

George Bearpaw: And we did take that under advisement when we discussed it on Tuesday so it is noted. The 2019 status of our submission. We did submit our budget for '19 on July the 7th.

Getting down to the items that the focus on this '19. Again, it's the infrastructure and energy development and they are looking at programs that stretch across the nation as far as distribution of funds and what those line items actually do across the nation. A lot of the demonstration type programs that do not touch all tribes, they're looked at being eliminated just like they did in '18. That concludes my presentation.

Kitcki Carroll: One request I want to make and I know that Anna is in the room from OMB. For fiscal year '18 there was a memo issued from Mr. Mulvaney from OMB about the opportunity for a five percent investment for departments to propose an increase above. We talked about that during our Budget Subcommittee discussion on Tuesday. The challenge that we heard is that that was a last minute request that came and really didn't put the Department in a position to respond to that in a strong way so I

would ask that OMB consider that if it's going to be making those sorts of opportunities available and requests that they afford departments and agencies ample time to respond to that to really put forward those types of targeted investment requests and that's just based on what I'm being told in terms of the turnaround time.

Anna Naimark: That was for fiscal year '19. For the budget process that's ongoing right now it was guidance that went out to the Department and it was a bit later this year. It usually comes out in the summertime even though the departments often start in the spring and that kind of has to do with both the fact that it was a transition year and so things happened a bit later and our budget got out a bit later and the appropriation for '17 was a bit later so it was a bit behind but your point is well taken and I think folks will be working on getting budget guidance out earlier next year.

Kee Allen Begay: The Navajo Nation council gave you a letter from the Speaker requesting the BIA, Department of Interior and other federal programs, this is Public Law 87-483. So I just want to continue to ask for the TIBC committee to support that Navajo Nation's request regarding the NIIP.

Ron Allen: What we need to do, Kee Allen is...because we're trying to keep this thing national in scope, it references statutory obligations so what we might want to do is reference that we expect the budget to reflect statutory obligations as well that are unique to a tribe or region, etc. so that way we cover it and then we could use your letter to use as an example that need to be included.

Kitcki Carroll: On the table is the budget process should start with such things as TPA, it should start with statutory obligations. There needs to be a workgroup established specific to creating a revised or new, whichever we decide, budget process that includes anybody that's around this table that really wants to do some work around creation of a budget process both from the tribal side and the federal side if we're going to move this along.

Ron Allen: This will be addressed when we give the report on the Budget Subcommittee.

Budget Subcommittee Report

Rick Harrison

On Tuesday we had our Budget Subcommittee. We reviewed the budget reports. We started with the carryover and surplus reports. One of the things that came out of that is creating a calendar on when the regions are supposed to report to them, when they're supposed to report to Central Office and those timelines so we can figure out adequate time for us to weigh in on that on what happens with those to ensure that none of those dollars get returned back to Treasury and more specifically that they get used in the regions. We looked over the comp tables on budget requests and also the bar graphs going back to 2010 comparing what we've requested and what's been enacted. Through that process we also looked at what we requested and what the President put forward to make sure what he's doing is in line with our priorities. We talked about the OMB crosscut. We haven't heard anything about that for awhile. We still think that's important. We still want to know where the Indian Country funding one stop shop is so we either know how to access it and we can direct people to it or we can identify that it's not getting to Indian Country, one or the other. We discussed defining core tribal programs. This came up with the exercise that OBPM staff had to do with putting a budget together with a five percent decrease, a flat line and a five percent increase and needing guidance on where those decreases should come from and if we should define core tribal programs or just give specific guidance on how to go about decreases or if we should participate in the decrease activity.

Also coming out of that was the talk about getting guidance from this body to the Budget Subcommittee in the April time period when we actually do the budget on how to apply any increases and/or decreases at this point with some specific examples. If we have an increase, do we give it all to the top 10 priorities, do we give it to five priorities, is it weighted—one gets more, two gets a little bit less, so on and so forth. Do we spread it out over everything? Do the top 10 priorities get the majority of the increase or do we start with keeping current funding levels as a priority, we make sure statutory obligations are met and then take what's left over and apply them in a manner. This body needs to give us direction on how to do that.

I think it's something that we need to take back to our regions, talk about with our tribes how they think that that should be applied. We don't actually have to have the items until March but it's something that we need to keep on our minds and talk about again in November and make sure we get that guidance by March from this body.

Kitcki Carroll: I recommend that we create a working group specific to the budget formulation process which then also captures the budget formulation guide.

I think the budget formulation guidance document has been predominantly a federal document that gets distributed out to tribes. This workgroup should work in partnership with the feds to modify the guide. As part of that Budget Subcommittee discussion we talked about including a broader timeline that captures all the three budgets that are moving at one time, giving clarity to the Budget Subcommittee about how those decisions are made -- whether statutory obligations first or TPA first or a percentage allocation that we're going to do. The workgroup could come up with some ideas and some options for the full body to consider.

For the longer term, the guidance and the recommendations are not going to be implementable for the most part for the fiscal year '20 process. Fiscal year '21 would be the goal for the longer term strategy. That's my proposition in terms of the next step to actually put some action behind this conversation.

There are significant enhancements that have to be made to the survey vehicle that was used the last time around for it to be more reflective of what we've been talking about. That's the responsibility of IT. We need a commitment for IT to be part of this process.

Rick Harrison: We need to identify who's going to be on this workgroup, set some target deadlines in terms of having some drafts available, set a date for when we're going to have the national fiscal year '20 budget kickoff call that is open to everybody and that I would hope that the BIA side mandates that all of the regional directors and the budget officers are on that call so everybody hears the same conversation at the same time so when they move into their September 1 meetings and start executing on these that everybody's operating on the same understandings.

Jeannine Brooks: On the need for better data, some of those performance measures are not built to be able to establish the dollar amount needed. They're trying to establish whether it's making impact and so those wouldn't be useful in the form of making a budget necessarily.

Kitcki Carroll: As an example, for roads, if you may show that you are currently being funded at 10 and your need is 1,000. The process would show that you're currently funded at 10 but the obligation is at 1,000. But under the DOI strategic planning session the roads goal is set at 13 percent of BIA roads will be maintained. So if they maintain 13 percent of roads across Indian Country, the performance marker says they met it at 100 percent and the justification that was given was those measurements are based

upon expected appropriations. We are trying to get to what the unfunded obligation is—\$400 million or whatever that number is.

Ron Allen: Data Subcommittee includes: Ron Allen, Brenda Fields, Kitcki Carrol, Jennifer McLaughlin, Kenneth Reinfeld, George Bearpaw, myself, Buster Attebery, Kelsey Moran and Andrew Webb.

Additional members to work on budget process improvements:

Navajo Nation
Southern Plains
Great Plains

Teleconference will be held and open to the TIBC body.

Public Safety and Justice Subcommittee Report

Kee Allen Begay

We did a presentation yesterday morning during the tribal caucus. The two proposed resolutions, the proposed bill, the methodology report that was given by the BIA Office of Tribal Justice with Mr. Kevin Martin back in November and then the presentation PowerPoint given by the National Congress of American Indians staff yesterday. We need to consider the 280 tribes, the direct service tribes, the 638 tribes and some of these tribes don't have direct service of Public Safety. I've been requesting each of the regions to provide your direct input and recommendations about Public Safety issues.

On the two resolutions which I'm requesting of this body to support, one of them is to consolidate a funding method that that provides similar to the 477 process which allows the consolidation of funding.

We also got a presentation from a program called First Net. This is a national level program to implement broadband telecommunication at all 50 states and other territories. This program is going to implement the infrastructure but should your state decide, the only time that the state will provide funding is when we will be utilizing the service. It's very important for each of the respective tribes, whatever state that you're from, each state has their own single point of contact because right now they're in the stage of the states are reviewing the plan and after the review of the plan that's been given by the awardee which is AT&T. If the states and all those organizations think that the plan is sufficient and it's good for the state, then the governor has the option to either opt in or opt out of the particular plan.

Mr. O'Neal gave a presentation of the updated budget from the Office of Tribal Justice within the BIA. There was also another report that was on the agenda, the Executive Order that the current Administration has proposed. We wanted to know how the current services directly to tribes are reorganized, including the Office of Tribal Justice within the BIA and the Office of Tribal Justice Service within the Department of Justice.

Lastly they did a brief update on the Tribal Law and Order Act which if you look through the Tribal Law and Order Act there are several funding requests that are established within the Act. So based on the report that was done several years back it indicated that the implementation of the Law and Order Act that the bill and how the service was to be deployed, it needed at least a billion dollars' worth of funding to provide the service within the Tribal Law and Order Act but with the current funding at the level of 2/3rds of that which is only \$370 million, there's a greater advocacy that we need to advocate to the current Administration and/or the Senate and the House of Representatives.

PS&J Resolutions

The first of the two resolutions is 'Supporting the Robust Tribal Funding in the Commerce, Justice and Science Appropriation Bill' whereas and therefore be resolved that TIBC urges Congress to support the seven percent set aside of the OJP funding for the Indian Country Public Safety, Law Enforcement and administration of Justice and the five percent tribal allocation from the CVF as it works to finalize the fiscal year Commerce, Justice and Science Appropriation Bill. And further be resolved that the Justice Department should conduct government to government consultation with the Indian tribes to determine how best to allocate appropriation funds to meet the various needs of the tribal justice system including funding for the tribal law enforcement, court detention facilities, Indigenous council, victim service, juvenile justice, rehabilitation/reentry programs and crime prevention efforts. That's the first resolution.

The second one is the 'Tribal Integrated Public Safety and Justice Fund.' Therefore be it resolved that the Tribal Interior Budget Council supports action by Congress to develop a vehicle for the Tribal Integrated Public Safety and Justice funding to give the tribal government the authority to consolidate funds from different Public Safety and Justice programs into a single coordinated comprehensive program, reduce administrative costs, streamline reports into a single compliance model that would be monitored and executed by the Department of Interior.

The competitive funding that the tribes are allowed to compete for and then once you receive this funding, you know they only last about two to three years and then from thereon it's on the tribe to continue to fund that program. Otherwise if the tribes don't have sufficient funding that particular program just goes away.

Kitcki Carroll: I'm not stating a position of support or opposition for this at this point but I do want to remind everybody that I feel that there is more coordination that has to be done. There is a Department of Justice Tribal Leaders Advisory body that exists and there is a VAWA workgroup/taskforce that exists. So if there's going to be fundamental changes that are made, I think we need to be coordinating with our tribal leaders who have been spearheading these efforts over the years to make sure that we're not inadvertently causing some challenges to their efforts.

Transportation Subcommittee Update

Leroy Gishi, Dakota Longbrake

We have been working on gathering data that will support the budget process specifically for road maintenance. Mr. Dakota Longbrake is the existing chair. To co-chair with him they've nominated Mr. Dave Kelly from the Oglala Sioux Tribe and Michael Lomayestewa from the Hopi Tribe. They've both been notified and they accepted.

There's a construction program side, which, deals with improvements and is funded through US Department of Transportation through a six year authorization. The FAST Act goes through the year 2020. The road maintenance through DOI appropriations is on an annual basis. It is significantly less in terms of the amount of funding that's available to it. But it also has a scope primarily being maintaining BIA roads that are out in Indian Country.

The accomplishments so far include developing a plan of action, which was approved by the council. Recommendations include four priorities. A separate line item for the road maintenance budget which was addressed in the last meeting in DC. Data collection, the need to be able to collect data on a

volunteer basis and how do we do that. Emergency fund pool to be able to address emergency needs. Include the deferred maintenance data in the annual budget report. And last part of the accomplishment is developing a survey, a volunteer type survey on data collection.

The Great Plains Region Office is providing assistance on that with the subcommittee and the co-chairs in being able to develop a process that we can report. The 2017 funding level that was authorized in the FAST Act is \$475 million. There is an obligation limitation, which varies percentage wise from year to year and it's dependent upon how the largest recipient of the Highway Trust Funds that we work with, how they manage their dollars during the year. And this past year in 2016 it was \$5.7 million. Prior to that it was \$5.1 million. This year, it's \$7.2 million. Dakota did the math and the result of that difference with that increase in the obligation limitation percentage results in almost the same amount of money that we received in 2016 even though we went up in our authorization by \$10 million from \$465 million to \$475 million.

There are set asides under the law. The tribal shares portion is in the database that's published online at the Federal Highway website and the BIA Indian Services website as the breakdown of the funds that go to each tribe. Planning is again all the funds that go specifically to the tribes. There's an admin amount that we share with Federal Highways. Safety also reduced. Those numbers would be about \$9.5 million if we didn't have the obligation limitation impact so it's \$8.8 million. The bridge program did receive an increase from two percent to three percent. Every year we allocate all the funds under that program and the result of that is we're seeing our number of deficient bridges dropping each year.

Road maintenance has been an emphasis, and we received \$30 million this year in our road maintenance budget as opposed to \$26 million in 2016. Congress made this increase but they put some provisions on it in terms of how to allocate specifically the portion that is the increase, the \$3 million plus dollars. This is the first increase that the road maintenance program has seen for a long, long time. All of that directly links back to the work that was done in TIBC. Everybody here has done an excellent job. \$4 million was an increase of around 15 percent. Thank you. Absolutely, I support that statement certainly.

Congress gave us an additional \$3 million plus but they wanted us to be able to concentrate on the distribution of the additional dollars on two specific areas. One of them is to take a look at the roads that are out there that are in the what we call the level of service condition. We track those on a quarterly basis and on an annual basis and we have five levels that we call them levels of service—excellent, good, fair and then poor and failing are the last two.

Congress wants it focused on roads and bridges in poor or failing condition. The Bureau is directed to consolidate reporting requirements for road maintenance contained in the House and Senate reports and do it within 60 days. That report has gone forward. If you look at the House and the Senate report, there are specific things in there that they had specified were their concerns with regard to the program. They were anticipating early on prior to the budget passing that they wanted to provide an increase and what they wanted to see us do with those funds. One was of course focused on the roads in poor and failing condition, specifically school bus routes and then to begin the process of consolidating the reporting requirements under those two reports to the House and Senate.

They noted 16 percent of the BIA roads are in acceptable condition, 67 percent of the BIA bridges are in acceptable condition. This comes from the reports that are generated on an annual basis as part of the performance measures and GPRA that is reported on an annual basis. They also indicate they have a

concern for deferred maintenance. When you're looking at construction, eventually you have to maintain those roads.

Those two backlogs—deferred maintenance and construction need—are very important and they're both very large in terms of the amount. This includes all public roads on tribal lands and is in the area of \$75 to \$77 billion. When you look at the road maintenance, deferred maintenance, it's closer to \$390 million dollars. The last is safety and emergency access to remote and isolated communities in terms of where we have a lot of the rural areas, we have a lot of schools out there and obviously long distances that people have to travel when they're on roads that are associated with delivering and picking up children at school and home.

Question: With GAO, Oglala participated and we brought all of our schools together and we asked them for their maps, their school bus routes. The one thing with BIE, they have a definition of unimproved roads so some of our children live off the highway that's not BIA or off a state road but they live off the highway and they're makeshift roads maybe through a field. The definition of unimproved road would not get us any money. We made that a point to GAO that it's not a BIA road.

Roads Subcommittee: We discussed this in the subcommittee. Which roads are going to be eligible for it? If we got \$3 million or more, it's going to be limited to BIA roads that are bus routes in either poor or failing condition. At the local level that's going to come down to a choice between certain routes. In our reporting back, if a tribe got \$30,000 more of road maintenance money, we chose to put it into this route but we definitely need to emphasize that—if we were given this much more money, we would have a certain number of additional routes we could fix.

Question: Can you distinguish if the is road a bus route or not? We talked about adding one more field, one more column to the inventory whether a road is a bus route.

Leroy Gishi: The GAO report was finalized on May the 2nd. I had eight recommendations. Six of them were transportation recommendations and of that six, three dealt with the inventory, specifically with the highway trust funded program which we call the National Tribal Transportation Facility Inventory which is the big database that houses everything. And then three recommendations dealt with the deferred maintenance reporting.

The title of the report is 'Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies.' It started off in January of 2016 as 'What Are the Tribes and the Federal Agencies Doing to Assess the Condition of Tribal Roads in Indian Country.'

The recommendations that they made in regard to the inventory was that they wanted us to relook at it in consultation with our stakeholders—the tribes, federal highways—to reexamine the data and to eliminate fields that do not serve an identified purpose. Since 2012 we have a statutory formula that uses very specific data and that data comes generally from a table that is not only verifiable but consistently gathered. For instance, the database for population is a database published by the Indian Housing Block Grant at HUD.

The second recommendation was for purposes of management and oversight, find ways to improve the coding guide. And then one was to develop a process to monitor the data and specifically to target erroneous data.

Develop and maintain documentation supporting the unit costs. Unit cost is really important. There are a lot of suppliers that are local that you can get estimates from in terms of gravel and estimated cost for how long it takes you to haul and that part. All those things are things that we can do.

Develop a process, number three, for more complete and accurate reporting occurring under existing authority of the road maintenance program. This is the one recommendation that we had a problem with and recommending that back because we're working through a process here that allows us to be able to do that.

This third recommendation is consistent with what's already taking place here but we wanted to make sure that we established that we were not going to go in and change any contracting requirements that are associated with Public Law 93-638, that it would be a process that would certainly be negotiated and worked through, consultation with tribes and so forth. So that was the one area that we did have a problem with the recommendation.

The law has required that the BIA and tribes report and develop a four-year plan, what's called the Transportation Improvement Program. That plan identifies projects that are out there. These are actual dates, which can be adjusted, but for the most part they follow closely what the tribes are planning on doing from a cost and preparation standpoint.

Under the FAST Act, under the highway trust funded program, Congress required any entity who uses funds that are provided by USDOT to report specific information on obligation and expenditures by activity, by tribe, by fiscal year, by funding.

We're required to report data and we're starting to get actual expenditures and numbers that we can associate with it. So essentially what it's saying is that tribes are utilizing their construction dollars to maintain roads when in fact as indicated by the comment over here it might have been better used to improve those roads so that we wouldn't have to maintain them. But obviously all those, like I say, are in sync and one program works in sync with the other and although they're separate, they have to be viewed that way.

The main point of this is that road construction money: \$41 million of it tribes chose to use for road maintenance. The road construction basically loaned the transportation program \$41 million. So \$41 million that could have went towards paving went towards blading or other maintenance activities. \$41 million came out of the construction to supplement road maintenance. It also shows performance-based data. If you increased road maintenance by \$41 million nationally, tribes have proven that they can spend \$41 million on road maintenance. That I think is the takeaway.

Question: When transportation construction has to supplement road maintenance does it get reimbursed to construction?

Leroy Gishi: No, it does not because the funds are established as a full amount and the discretion to use it as the law indicates is you can use up to 25 percent of the funds that you receive for construction or \$500,000 whichever is greater but it comes out of that same amount of money. The whole idea is it provides discretion and the ability to use it in the area where the need occurs.

The increase is as a result of what's in the authorization. \$475 to \$485 million for next year. Beyond that, from a tribal perspective, the only thing that would impact that would be the population database that's associated with the formula.

Education Subcommittee

Tara Mason

The first thing that we accomplished on Tuesday the 25th, we started at 8:00 and we did not adjourn until 4:30 but we approved the purpose of the TBIC Education Subcommittee. One of the pieces that we added first and foremost as our bullet is a purpose statement to just note that Congress has declared education is a federal trust responsibility and this is supported by the language in ESSA, the Every Student Succeeds Act.

Moving on from that we really looked at and had discussion about the BIE reorganization and some of the processes there and where we are. We reviewed the org chart. We looked at and had questions regarding JOM and scholarships and how those are in TPA and looking at how the flexibility of those dollars are when they come to the tribe and how they're being prioritized there. We want to look at the data because it comes down to the methodology on how priorities are made in education.

Education is a priority for many of our tribes and nations and so when we start looking at how are these dollars allocated and how are we really meeting the need of education in our children and our students in higher education, we're going to have some further discussions and be able to present on some of that.

We have a resolution and that will be distributed and discussed when it comes to new business.

We've had these discussions for the past day and a half in many of the subcommittees -- looking at the President's budget versus what has happened in the House and looking at the increases and trying to restore where we're at with the slight one percent increase. We have a resolution in support of moving forward with the increases and rejecting what has been presented in the Green Book.

We need the data because without those numbers we can't really make full recommendations of what the true need is in JOM and how they are underfunded. We need to gather and have an actual plan on how we're going to gather the JOM numbers.

Ron Allen: It seems to me that whether it's JOM resources or ISEP formula, whether or not it's effective or sufficient to run these schools and the scholarship program. I have no idea how we're measuring the success of the scholarship program and getting more and more of our students in college and I think it primarily targeted at undergraduate and not post-graduate.

And then last but not least just as an opening set of conversations at construction. I don't know what the inventory status is of our schools, maintenance, the upgrades, replacement. So it seems to me we need better information. I would think that we here at TBIC and our budget committee needs better information to be able to help champion better budgets and justification for better budgets for our schools and all of our education programs.

Bart Stevens: There needs to be a system in place on how that happens and how that monitoring occurs but I'm not aware of an existing system that's in place today that does exactly that. The BIE is in the process of developing a data dashboard that tracks all this data. But again, the request in the participation and the cooperation from tribes to provide data on how those TPA dollars are used specifically for scholarships is part of that plan moving forward for the BIE. In regards to JOM, we spoke about that yesterday in my presentation and quite extensively in the subcommittee meeting. I have

really nothing to add other than what we've already discussed. So if there's a different specific question on what we can provide in terms of information for that aside from what I talked about yesterday about updating the student count, partnering with tribes, the U.S. Census, looking at tribal enrollments with the cooperation from tribes in getting a more accurate and detailed count of those Indian students in all schools.

Kee Allen Begay: The majority of the school funding appropriation for construction, there's no funding specifically for housing. So we're talking about rural areas, tribal lands. There's got to be a solution to resolve housing on tribal lands at these community schools, BIA schools, locally controlled schools.

David Taliemptewa: I'm a Hopi tribal council representative, former BIE employee. But I just wanted to add onto the discussion on education in terms of housing. Hopi is essentially in the same situation. It's hard to recruit quality teachers when you don't have the housing necessary to house them.

Harold Frazier: The resolution should include ISEP. We need an increase in that funding because that's where we hire our teachers. And one of the things in South Dakota, the state legislature just recently raised salaries of their teachers by \$7,000 a year. Our grant schools can't compete with that.

Russell Begay: Navajo Region we are working to improve the 53 percent graduation rate, I believe 30 percentage points below national level as expressed in the resolution -- we believe it's the quality of teachers that will raise that level up. Loan repayments for teachers will attract good teachers to our nations. Housing is another that will bring quality teachers. On the health side, we have an advisory committee on the building of health facilities—hospitals, clinics, so forth and renovations that exists over on the health side. Also, put on the table that we should have an advisory committee that will advise BIE, DOI when it comes to funding facilities for our children.

Bart Stevens: We had some discussion about quarters specifically and as the federal co-chair of the Education Subcommittee I brought forward a suggestion to invite DFMC to come and meet with the Education Subcommittee to provide clarity or direction or understanding the process involved with how rental receipts are calculated, the comparisons that are done with quarters, explaining to us the process so that we're all on the same page in understanding why those rental amounts are what they are.

Also understanding the need for improvement and repair of these quarters and how that works with the rental receipts that are generated so we, yes, have high rates that are based on community comparables but those rental receipts should all go back to the school for those routine maintenance or whatever is needed at the quarters level understanding that when you're working with dilapidated conditions in some cases those rental receipts don't begin to cover those costs.

Ron Allen: So I just got news from DC that the full appropriations and the Senate met today to discuss the Justice program and the VOCA funding, the direct source funding to tribes for Victims of Crime Act funding was approved in the Senate. The Senate has a cap of \$2.6 billion so with our five percent set aside that would be \$180 million directly to tribes. Right now we're not receiving any of that funding and it's all going through the states. The House cap is \$4.6 billion so that's \$230 million. So between the two, if the House and the Senate conference we'll get somewhere between \$180 million and \$230 million for tribal governments. And the other part of that Senate bill was the seven percent that we've been asking for, the discretionary funding from all of OJP programs and that's also in the Senate version so we've managed to get it from both the House and Senate versions. We'll see what happens with the budget process but this is good news for our Public Safety programs.

Carry Over

Bruce Loudermilk: Typically all the funding that we have that has not been spent previous years would be swept up to the Central Office. That has not happened and we're not planning on that at this point in time.

What's going on right now is that any kind of funding that the regions haven't spent to date is still at the regions and the regions have been instructed to go through and work with the tribes within their region to come up with a spending plan to make sure that those funds are spent accordingly to address local needs and local priorities. I know we're working on the reports. We're trying to compile that information but we still have a number of outstanding expenditures and obligations that we're still reconciling through at this point in time so that's kind of where we're at at this point in time.

One of the things that we've been doing in the Bureau of Indian Affairs is making sure that we've been going out to the regions and that they're staying on track with their spending plans, creating spending plans and being more efficient in the use of those dollars.

When it gets to the end of the fiscal year we always have things that are kind of lagging behind so we are looking at how we're going to reconcile that and to make sure that if there's any outstanding obligations that those get cleared first. So the reconciliation process will go on for a little bit of time. But the fact of the matter is that shouldn't negate the fact that the tribes should be engaging with the region and vice versa to start looking at identifying and developing what the priorities are for the tribes within the region. That can start early.

Kitcki Carroll: It might be the current position now for regions to spend their dollars at 100 percent but that has not always been the directive. There's a formality to this process. As it relates to the carryover monies that you have two years to use, there should be a report issued regionalized but then also a national rollup about what that carryover figure is.

On the IHS side we've seen folks on the Hill refer to that carryover figure as an overfunded amount to Indian Country as an expression of a lack of need. So there is a clear lack of understanding or manipulation of that number to suggest that that carryover balance from year to year is somehow reflective of a lack of a need. We want to see what that carryover balance is at the end of every year. We were told there's a special provision within the law as it relates to the BIA that after a five year period there is discretion about how to then use those previously returned monies to Treasury that come back to you and we were provided a TMIP report about where those expenditures have gone.

The conversation that we've had in the Budget Subcommittee is to be aware of the decisions about where those dollars are being used which we understand have to be for trust related services before those decisions are made. If there's a process that identifies priorities and there are surplus dollars that come back for decisions to be made about how those funds get allocated, there is existing information that speaks to where those dollars could potentially go.

This TMIP expense report for the periods of '12-'16 you're saying that no monies have been returned? That total figure is \$71 million. The number reflected on this report is \$71 million so that came from somewhere.

BIA: That's for everything. That includes BIE and BIA. That's our expiring funds. They go and five years later they get rolled over and they come back in TMIP.

We need to come up with a better process so they can share in it so we reduce the amount of expiring funds we have and we have gotten much, much better. We used to see \$7 million, \$11 million up as far as \$14 million come back in TMIP. Now we're seeing about \$4 million is about what the balance is coming back in TMIP. So we've gotten much better on taking care of the funds and getting them out there as opposed to them going back to Treasury but we're still not all the way there.

Kitcki Carroll: For Roads, a \$3 million increase is what we got which was a 15 percent increase. Even though expiring funds may be less than \$17 million, \$4 million times four is about that figure, and that Roads increase we just acknowledged as a big win. No dollar should be returned.

BIA: One thing to keep in mind though is if we do want to repurpose it for something like that and pick a priority and put it to, we do have to go back to the Hill if we are going to reprogram more than one million dollars in funding. If regions have been moving money, which we do, we reprogram all the time, once we exceed that million-dollar threshold we have to ask for congressional approval.

The other thing that we've talked about in the Budget Subcommittee is that TMIP's not going to last very long. They're already using that for rescission so we've got to be really good at making sure the carryover is very small and also that we don't see anything fall off the table.

Comment: This body expects the same level of detailed reporting around carryover funding for BIE as we do BIA at the very most for transparency. In our budget committee we talked about putting a timeline together on when these things have to be reported and submitted. We want a quarterly update on the dollar amounts from the previous year, the second year monies.

Bruce Loudermilk: We can go through and we can start working to make sure that we're timely on reporting and that we start developing a methodology in the reporting system that we can work through your body here to make sure that you're getting the information you need.

Navajo Nation President moved that the carryover from the Central and regions be placed into: 1) road maintenance 2) law enforcement 3) scholarship, 4) natural resources. Those four areas are where we have the greatest need and greatest potential for development. Seconded by Southwest Region.

Discussion on motion: The priorities for an area are not the priorities for other regions, so Eastern cannot support a resolution that would be taking monies away from other regions including our own and be prioritized without having a consensus. Rick Harrison's suggestion that we apply these dollars to the priorities that TBIC has already identified would be the fairest way of doing that if we have to make a decision today. As the Northwest delegate, cannot support either.

Motion failed.

Navajo Nation President made another motion to let the regions do based on their priorities. However, the Central Office carryover be applied to road maintenance, law enforcement, scholarship, natural resources. Seconded by Southwest.

Discussion: A comment was made that if we're going to do it, we should use that given year's priorities that were indicated through the process that we're using. The 2019 priority ranking results for all regions are social service, Indian Child Welfare, scholarships and adult education and tribal courts. A comment was made that part of the budget formulation/guide process that we pick up this surplus

carryover piece to this and directly tie that to the very process itself. I ask that we try to factor what's going on right now into the broader process to capture that if there is to be monies left on the table, before they go back for anybody else to make any decisions other than us as tribes, let's try to tie that to a process where we've already put forward the effort to identify what those priorities are for that given year.

His motion was that we've got four categories that he identified. The Southwest was proposing to modify it and use the '19 priorities. Rick Harrison suggested we use '18 priorities but they're very close. Or we could use '17 money too: FY'17 priorities were scholarships/adult education, aid to tribal government, tribal courts, criminal investigation/police services and social services. If you want to be consistent with the money that's being set aside, it's be the '17 and those would be those four priorities.

Motion to amend to use Central Office carryover monies for the FY 2017 priorities. Seconded. Motion carries.

On the original motion to recommend these top five priorities for '17 (scholarships/adult education, aid to tribal government, tribal courts, criminal investigation/police services and social services) to be used for the carryover money that expires this year. Motion carried.

American Indian Alaska Native Tourism Association

Camille Ferguson, Executive Director, [Link to presentation](#).

AIANTA is a nonprofit organization based in Albuquerque, New Mexico. Our mission is to define, introduce and grow and sustain American Indian Alaska Native and Native Hawaiian tourism that honors and sustains tribal traditions and values. We serve the 567 federally recognized tribes and non-federally recognized tribes across the United States.

We provide educational and technical resources, research and development, we form and nurture partners with our federal and private partnerships, we raise public awareness and provide a national voice on Indian Country tourism and then we also provide leadership at the level to where we can actually have a voice of change.

But we also have legislative support that had supported the Native Act as a whole and here is a list of our legislative supporters. We just found out just recently as we read the House report, community and economic development recommended including the \$45,447,000 for community and economic development but the important part for us is that the program increase of \$3,400,000 as recommended in community development central oversight to the implementation of the Native American Improving Visitors Experience Act. It still needs to go through the Senate.

Old Business

- **Approval of the July 2017 Minutes:** Motion made by Cheryl Andrews-Maltais, seconded by Micheal Dallas. Minutes were approved.
- **Recommendation for appointments to the Transportation Subcommittee.** Nancy Greene-Robertson moved to appoint the co-chairs Dave Kelly and Michael Lomayestewa, seconded by Kitcki Carroll.

New Business

Future dates for TBIC. Our recent TIBC summer meetings were in Rapid City, Albuquerque, Billings, Spokane, San Diego. We were at Bar Harbor, we were in Oklahoma.

- TIBC decided to target Great Lakes region for 2018 July meeting.

Resolutions

- 1. Title: Supporting the Federal Treaty and Trust Obligations in the FY 2018 Budget**
 - a. Action taken: adopted.
 - b. This resolution opposes the deep cuts to federal Indian programs in the fiscal year 2018 Budget Request, requests the issuance of an executive order on U.S.-Tribal relations that recognizes and upholds the nation-to-nation relationship, calls on Congress to reject proposed cuts in the Administration's budget, and urges the Secretary of the Interior to issue a Secretarial Order outlining and affirming trust responsibilities to Tribal Nations.
- 2. Title: Supporting the Federal Trust Responsibility for Indian Education**
 - a. Action taken: adopted.
 - b. This resolution reinforces that Indian education is a trust responsibility, reviews the cuts proposed to Indian education in the President's FY 2018 budget request, and urges Congress to restore all the proposed cuts to such programs.
- 3. Title: Supporting Robust Funding in the Commerce, Justice, Science Appropriations Bill**
 - a. Action taken: adopted.
 - b. This resolution urges Congress to support the 7% tribal set-aside of Department of Justice Office of Justice Programs funding for Indian Country public safety, law enforcement, and the administration of justice and the 5% tribal allocation from the Crime Victims Fund.

Two resolutions were considered but not adopted.

- 1. Title: Tribal Integrated Public Safety and Justice Funding**
 - a. Action taken: Resolution was tabled, but with the instructions from TIBC to vet the proposal more extensively throughout Indian Country, including DOJ Advisory Committees and VAWA grantees and stakeholders.
- 2. Title: Support for Completing Construction of the Navajo Indian Irrigation Project ("NIIP"), Public Law 87-483**
 - a. Action taken: resolution was converted to a letter in support of the NIIP, but adding that other tribes also have tribal specific statutory obligations that should be funded in the federal budget too, with NIIP as the example.

**Benediction by Kee Allen Begay.
Meeting adjourned.**