

**Tribal/Interior Budget Council  
Draft Minutes  
July 13-14, 2016  
Rapid City, SD**

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**Invocation**

**Roll Call**

Tribal co-chairs. Ron Allen, not here. Edward K. Thomas.

Great Plains Region. Harold Frazier  
Southern Plains. Ronnie Thomas  
Pacific Region. Russell Attebery, Buster  
Rocky Mountain Region. Alvin Not Afraid  
Southwest Region. Helen Klinekole  
Southwest Region. Former Governor Terry Aguilar  
Alaska Region, Sam Thomas. Rick Harrison  
Navajo Region. Russell Begaye and Lorenzo Bates  
Midwest. Tara Mason, White Earth, for Darrell Seki and Chris McGeshick  
Eastern Oklahoma. Jefferson Keel and Greg Pitcher  
Eastern Region. Brenda Fields and Kitcki Carroll

Indian Affairs

Larry Roberts  
Mike Black  
Jim Burckman  
George Bearpaw  
Mike Smith

Helen Riggs  
Ann Marie Bledsoe Downes  
Sharee Freeman  
Jim Schock  
From OST, Deb DuMontie

BIA regional directors

Dan Deerinwater

Darryl LaCounte

Kathy Klein's sitting in for Bruce Loudermilk

Diane Rosen

Eddie Streater

Bryan Bowker

Amy Dutschke

William Tandy Walker

Greg Mahojah for Bill Walker

Sharon Pinto

Stanley Speaks

Bruce Maytubby

Quorum established.

**Recognition of Senator James Abourezk**

John Yellow Bird Steele, President, Oglala Sioux Tribe

It's a tradition amongst our people here to honor an individual once he does something. Today we have Jim Abourezk. He's not a tribal member but he was elected Senator to the State of South Dakota and he was our champion back then when he was a senator and he was the Select Indian Affairs Committee of the Senate. He was on the Select Committee and he was the one that put together the Policy Review Commission that established the operations of the BIA today. And he was our champion back then in both addressing Congress and the different federal departments. Today he can't be here. His son Charlie will be here to accept his honoring and his recognition. I am the Chairman of the Great Plains Tribal Chairman's Association and Gay Kingman here is the Executive Director of our Tribal Chairman's Association. So the two of us, on behalf of the Great Plains Tribes, would like to have Charlie accept this and we usually give star quilts out when we do an honoring and this one means thank you, Senator James Abourezk, 1971-1978.

**Honor song for Senator Jim Abourezk**

**Charlie Abourezk:** I wanted to first of all thank the Great Plains Tribal Chairman's Association, President Steele and Gay Kingman, the Executive Director. This is very meaningful for my family. My father was the kind of person who, when he was a congressman and senator, never liked recognition. I remember one time he got a school for the town of Wanblee on the north end of the Pine Ridge Reservation funded. It was a K through 12 school and he threw in a swimming pool. He added language for an Olympic size swimming pool onto the bill. Nobody does that anymore I guess. Anyway, they wanted to name the school after him and he declined. He said it should be named after one of the tribal leaders and he just...and I asked them about that later on. By the way, the school ended up being called Crazy Horse School because that's where Crazy Horse's band ended up in Wanblee. But I asked him later on why he'd never agree to have anything named after him and he says, 'You know, if you're a public servant,' he says, 'that's your job, to do right for the people.' And he always believed in fighting for the powerless. It was just something about the way he grew up and I think the more alone he was in his position, the more empowered he felt. And when he moved to Rapid City to go to college from the Rosebud Indian Reservation where he was born and raised, he threw in with, he didn't have very many political ideas, but he threw in with a group of young liberals at the college and it just caused an explosion of awareness in himself. And of course he became a flaming progressive, I guess you'd say that today. But I wanted to recognize four of his friends who are here, some of them from California, who came all this way to see this honoring and they had a lot to do with his political development. They're over here in the first row. Thank you for coming. Anyway, he...all his life I think he fought for the little guy and that's the way he sort of ended his service. And I wanted to read this statement from him today.

*First of all, I want to thank President Steele and Gay Kingman who have done an admirable job of representing the Indian tribes throughout this...the Great Plains and this country. I want to congratulate the gathered tribes for their willingness to stand up for their tribal members against those who had stripped tribes of their efforts to make life better for their members. Because of a recent illness, I'm unable to travel to accept this recognition, although I very much wanted to do so. I want to thank the representatives gathered for their honoring of me for the work I've done over the years on behalf of the tribes. I was born and grew up on the Rosebud Indian Reservation in South Dakota. I was the son of Lebanese immigrants who settled in Mallette County. My father came to South Dakota in 1898, returned to Lebanon and married my mother. They gave birth to two of my siblings in Lebanon—Chick and Helen—who when my mother was finally able to leave Lebanon and came to South Dakota in 1920 they came with her to make South Dakota their home. At that time, Millette County was part of the Rosebud Indian Reservation and I grew up with Indian children of my own age and learned what their life was like. It was a valuable education I received by interacting with these children in Wood, South Dakota. When I was elected to the U.S. House of Representatives, representing the 2<sup>nd</sup> District of South Dakota, I immediately joined the Indian Affairs Subcommittee of the House because I believed I could make a positive contribution to the legislation that would affect American Indians. It was when I was later elected to the U.S. Senate and after joining the Senate Indian Affairs Subcommittee that I was able to find a way to make a valuable contribution to that job. The Chairman of the full Interior Committee was then Senator Scoop Jackson of Washington State. Senator Jackson, I learned, did not particularly want anything to do with assisting Indian tribes. He proved that by hiring as a staff person a person who was part Indian who had no interest in advancing Indian affairs, something I learned the hard way as I tried to move forward advancing the rights of Indian people. So I came up with a solution I was convinced would work despite Chairman Jackson's obstruction. I drafted legislation that created what was called the American Indian Policy Review Commission. By definition, it was a two year commission that provided enough money to hire a great number of staff help who would not only review past Indian policy but would do enough work to enable us to propose and pass legislation in the future. It was something that could not be blocked by the Chairman and would enable commission members to both study and enact legislation that would benefit the Indian tribes. We had five congressional members of the commission and five tribal and I want to report I consistently voted with the tribal members when it came to deciding what issues we would study and act upon. Thus, we had a continuing Indian majority on the commission which enabled us to make the commission a full Indian commission. We had money for two years of study and we produced 10 volumes of hardbound books full of the studies and the commission's recommendations for passage of legislation. Each and every recommendation that required Congress to pass on was adopted by the Congress after we introduced those bills. There were several hundred recommendations for the Carter Administration to also enact but Carter failed to pass even one of the recommendations assigned to the Administration. We were able to pass the Indian Self-Determination Act unanimously as well as the Indian Religious Freedom Act. The first and most important legislation that came from the commission was the Indian Child Welfare Act or ICWA. We learned from the research done by the American Institute of Indian Affairs that Indian families were being decimated by the free adoption of Indian children without asking any permission from either the parents or the tribes themselves. I note that there is still a substantial amount of controversy over ICWA but by and large it has worked well. What is important for the tribes is that all of you come together and form your own policy commission in the future. That will surely be a step forward and will give you a basis for challenging the government when its policies are harmful to tribes. I thank you all for this honoring ceremony. I*

*wish that my health would allow me to be here in person today but as you know, we cannot stop growing old. But I'm on your side and I encourage you to continue to push for legislation that will assist your efforts. Thank you for all your efforts and may God be with you. Thank you. Thank you on behalf of the family.*

Move by Rick Harrison, seconded by AJ Not Afraid to accept the minutes. Motion carries.

### **Tribal Caucus Report**

#### **Sam Thomas, Tribal Co-Chair**

During the tribal caucus this morning, we had several issues we discussed in relationship to getting this meeting undergoing and we've established in previous TIBC meetings subcommittees, one was the Public Safety and Justice Workgroup, one was the Transportation Workgroup, Tribal Data Workgroup and then we went into legislative updates and appropriation updates.

#### Tribal Transportation Workgroup

- Target BIA and tribally owned roads to get a clear picture of unmet need in Indian Country. How will data be quantified in the report?
- What will be considered roads on Indian land versus roads that lead into Indian land, state and county roads?
- Tribes want dollars for roads spent on Indian tribal lands roads. BIA needs to clarify the difference between gravel, paved and dirt roads within the inventory process.
- There's roads and transportation facilities that are not related to specifically tribally owned or BIA owned facilities such as in California and Alaska. So to paint a better comprehensive picture of the unmet need out there, we would first want to quantify this part of the equation and then possibly get into the other part of the equation. But the main emphasis is the tribally owned and the BIA owned roads to begin with.

#### Data Management Subcommittee Update from Tribal Caucus

- The committee focused its discussion on the effort to update the Department of Interior's strategic plan and the purpose of the mission of the Data Management Committee.
- The strategic plan—the Department indicated that every four years the Department of Interior updates the strategic plan...long term plan and indicated the goal is to get a place...a plan in place before a new administration takes over so that the new administration can either adopt or modify the existing plan.
- Listening sessions on the strategic plan are tentatively scheduled for next week but an official tribal leader there has not been approved to go out as of today, Tuesday, July 12<sup>th</sup>. This is short notice for leadership to be able to make plans to attend or to participate or comment within those listening sessions. Therefore, the dates probably need to be changed.
- There needs to be appropriate consultation if we are talking about developing a new plan and the Office of Management and Budget needs to be part of this process, not on the outside looking in. There needs to be clarity on the development and attempting to do because tribes are confused and information is not being conveyed clearly or in a timely manner on the issue of the strategic plan. Mission objectives in the plan do not make sense. There needs to be tribal input into the mission statements, measures and objectives. We need more meaningful goals, high level thinking rather than in the weeds detailed goals.
- Measures should be focused on larger level indicators such as unemployment rates, GDP, dual taxation, etc. The plan measures the number of tribes with clean audits and the number of tribes that responded to an audit. The measures do not focus on important things such as foster

care placement or the number of foster kids kept on the reservation. The focus is on Indian Affairs but left its trust obligations to tribes extended across the Department and the TIBC is the Tribal Interior Budget Council charged with advising the Secretary Interior on tribal budgetary recommendations.

- Recommended changes shouldn't be limited to Indian Affairs but extended to the nine other boroughs and multiple offices within the Interior. You need to involve the regional directors to work with the tribes in their regions. Everything should reflect nation building and the Department needs to attend the regional meetings and get OMB involved within this process. Data Management Subcommittee.
- The DMC charter states that the Data Management Subcommittee was created by the Department of Interior Tribal Budget Interior Council, TBIC, as a partnership between tribal and federal representatives to assess statutory and regulatory performance data reporting requirements and determine other tribal program data collection needs.
- Assessments will cover issues related to Government Performance Results Act, GPRA, as amended in other program areas as requested by TIBC.
- The DMC has been tasked with advising the TIBC on strategies and data collection processes and systems to justify budget increases to meet unmet needs and unmet obligations and fully fund budget priorities, support budget formulation, fund distribution, program management and statutory and regulatory reporting requirements.
- The conversation used to center on the Tribal Data Exchange but since the project has been suspended, the committee needs to refocus their efforts on data and roll it into the work that is being done by NCAI Policy Research Center.
- In essence, we're wanting to revamp the Tribal Data Exchange Subcommittee. We want to get away from the hundreds of datasets that tie into program performance to data points or reflective on the tribe's...what tribes want to measure.
- There are two areas of data. Data the Bureau measures to show their performance and tribal data measures. The government is focused on performance based rather than needs based measures. Performance measures are measures used to assess nonprofits not measures you use to assess the treaty and trust obligations of the federal government. It is essential that OMB is involved in these discussions. Similar volumes of data are not requested of countries we provide with foreign aid.
- We have been requesting additional information on the crosscut that was presented by OMB for two years. The starting point for any discussion on the budget is knowing what dollars are actually being spent on tribal programs and services. The OMB says \$2.6 billion and we say \$9 million. That is a huge discrepancy in the budget. On the health side. The Secretary of Health and Human Services participates in the budget formulation discussion. The same is not true on the Bureau side. We need the higher ups at the table to be involved in this discussion. Datasets that the government should be using include unemployment, GDP, incarceration data, etc. At the last TIBC, there was discussion about third party assessment of the budget process. We need to focus more on budgets and less on programmatic updates. Tribes recognize the importance of data to support their funding requests and need the information when they visit the Hill or OMB.

#### Public safety and Justice Workgroup Update from Tribal Caucus

- Each tribe has their own unique public safety needs. The group was charged with analyzing six areas.
- Resources in BIA and the Department of Justice that support public safety and justice including courts, law enforcement, prosecution, legal services, victim services, detention, probation and reentry services.

- Two, review the funding and methodology used by BIA and the Department of Justice. Number three, review linkages in existing mechanisms for collaboration between BIA, OJS and the Department of Justice programs consistent with TIBC resolutions to consolidate funding at a single agency and analyze which agency would be best suited to administer a consolidated program, which funding stream should be included.
- Assess whether statutory changes would be required to address problems in BIA and Department of Justice. Identify administrative changes that would address problems with either Department of Justice or BIA. Federal partners—OMB, Department of Justice, BIA—need to be involved in these ongoing discussions and need to be invited and urged to attend next workgroup meetings for the identified programs.
- Funding. Workgroup made a Freedom of Act request to see what funding and mechanism are available in place at Department of Justice. After discussion with the Department of Justice, BIA and on the Hill, told it would be very difficult to get a funding transferred over to a single agency. Tribes are looking at an option of a 477 type model of funding including this in the TLOA Reauthorization Bill. The intent would be to streamline funding and reduce administration burden with excessive reports. Tribes are reviewing what programs would be appropriate for inclusion in this model. Tribes receive a funding table and focused on funding that is appropriate Department of Justice to tribes. Base funding needs to increase and there needs to be support from the tribal set aside, seven percent of OJP funding and a five percent increase in VOCA funding being proposed in recent legislation. Training and recruitment. Training and recruitment. Our officers seek better opportunities in communities that pay higher salaries, benefits, housing, education, training, etc. What steps can a department take to offer better incentives and wages to law enforcement officers? How can we work to train our youngsters in high school and provide them with information in training how to become an officer? How can we work with the local schools to implement a program to train our young people? Tribes need assistance in being able to pass the exam for becoming a police officer. Facilities. The tribes have condemned facilities who didn't want to wait any longer for the federal government to build their facilities and take a step to build their own facilities only then to be faced with criticism by OJS that tribes are not meeting their standards or specifications such as Red Lake took out a loan, Navajo raised their money through sales tax. So tribal specific issues. Juvenile court separate from adult court, needing funding to support it too. Huge need for emergency alert, Amber alert. Three, statutory laws are outdated and need to be revised.
- Four, need to examine ways to address the number of people incarcerated and repeat offenders.
- Five, need police presence for tribes without reservations. Trust lands should receive law enforcement funding.
- Six, discover carryover for BIA, BIE, AS-IA. Department used to provide carryover report and tribes would like this practice to continue. Employer mandate with the Bureau of Indian Affairs be responsible for payments for tribes not in 638 compacts or contracts to provide the specific funding shortfalls.

**Larry Roberts:** I want to comment on the tee shirts honoring Article VI of the U.S. Constitution, which is the Treaty Clause and treaties are the supreme law of the land. We're talking about reserved treaty rights and responsibilities and trust responsibilities all in the context of budget; and we want to be moving more towards a conversation of the budget and also wanting to focus on how we can bring a third party in, which I'm completely open to.

We have 190 days left in this administration. We have a lean but dedicated team within Indian Affairs in the political leadership. I started in the Acting Assistant Secretary position in January of this year. I'm wearing two hats essentially as the Acting Assistant Secretary and the Principle Deputy Assistant Secretary so we're down one person there. Secretary Jewell has asked me to be with her at some meetings in Utah, specifically around the Bear's Ears issue. I will be leaving but Ann Marie Bledsoe Downes will be taking the lead for me.

In FY2008, appropriations for Indian Affairs were \$2.29 billion and for FY2008, that was a \$17 million decrease from FY2007. When the administration came into the office, budgets were steady or shrinking for Indian Affairs. Indian Country was being asked to do more with less. And so there's no doubt that the budget climate is difficult. It remains difficult. I've testified before the Congress that our budgets do not come close to meeting the needs for Indian Country out there. But, having said that, the President's FY2017 budget reflects a nearly five percent increase for Indian Affairs whereas a number of different agencies across the federal government are relatively flat lined. So I raise this because the President's budget for FY2017, \$2.9 billion, is a \$138 million increase over the FY16 enacted levels. The tribal leadership around this room and around the country are responsible for those increases in the budget. Tribal leadership has made the case, not only to this administration but to Congress, the increases that are necessary and I will continue in this position to continue to advocate for Indian Country, for increased budgets. Our budgets are not nearly what they need to be to serve our trust and treaty obligations.

For the FY18 budget which we're working on, we talked about at the last TIBC meeting that we have directions to basically remain steady across the budget, to provide the next administration abilities to present the budget in February or March of next year. The Indian Affairs team is proposing substantial increases on road maintenance, on child welfare/social services/Tiwahe, on school construction and broadband. School construction continues to be in a crisis situation. We have more than 60 schools in poor condition and it's completely unacceptable. Also increases for courts and law enforcement and then operations and maintenance funding. In terms of priorities for the administration, restoring tribal homelands continues to be a priority for the administration. Secretary Jewell has set forth a goal of half a million acres to be restored to tribes by the end of this administration. We are at roughly 416,000 acres. I'm happy to say for tribes that are in this region, yesterday I took action to transfer jurisdiction from the Indian Arts and Crafts Board to the Bureau of Indian Affairs for certain properties within Rapid City that had been held by the Indian Arts and Crafts Board. So those properties are now transferred; jurisdiction over those properties is now transferred from the Indian Arts and Crafts Board to BIA.

We have issued regulations under the Indian Child Welfare Act to make sure that that act is implemented consistently regardless of what state court is applying the act. It does a couple of things. One, it makes clear that in every proceeding, every state proceeding on child custody that the state court judge asks, 'Is there reason to believe that that child that is the subject of the proceeding is an Indian child? And if there is reason to believe that the child is an Indian child, the child will be treated as an Indian child unless and until it's determined that he or she is not. ICWA represents the gold standard in child welfare and so the rule is all about keeping families together and making sure that if there is a need for emergency removal that that removal lasts only for the duration of the emergency and no longer. Our rule makes clear that there is no "existing Indian family" doctrine or exception to ICWA's applicability. It also makes clear that tribal nations are the only entities that will decide citizenship of their children and that state courts need to defer to the citizenship determinations of those tribes. Finally, the rule requires prompt notice to tribes and parents of any involuntary proceedings for foster care or termination of parental rights. It also provides a detailed explanation, definition of active efforts

that are required to maintain or reunite that child with their family. And it requires and incorporates standards of evidence that must be met to place an Indian child in foster care or to terminate parental rights. We will be providing trainings to state courts, state agencies and to tribes across the country and those will be starting I believe in August of this year and a notice should be coming out any day on those trainings.

I want to touch upon our internship program, the first year that we've started an internship program out of Indian Affairs. We have some great young professionals with us as part of that internship program here today.

With regard to some of the issues that you raised, in terms of changes for the strategic plan, hear you that we have to give adequate notice and we need to make sure that there's robust tribal engagement in that process. On the Data Management Committee, I heard you about OMB involvement. I know that OMB could not be here for this meeting but they have pledged that they will be at the next TIBC meeting. I touched a little bit on the third party assessment of the TIBC process. I think we're all committed to that.

In terms of the law enforcement subgroup with DOJ and OJS and tribes, I think that makes a lot of sense. I should also say that tribes have requested that the White House Council create a subcommittee or subgroup of law enforcement issues, on Justice issues and so that is something that we are taking a very close look at with DOJ.

You also raised the issue of training and recruitment and background checks and we had the same set of issues that we discussed with COLT yesterday and we want to move forward and maybe replicate some good areas where things are working well in Indian Country. My understanding is at Rosebud they've been able to streamline and actually do their own background checks and get those through the process and so we want to see what we can do to implement those changes over the next 190 days.

**Rick Harrison:** contract support for ICWA – it sounded like you were onboard with that should be paid but I haven't heard anything to change that at the regional level and our budgets are being asked for from the regions so I'm wondering where that's at and how soon we can expect that to be addressed.

I've had the conversation with Hankie and they're calling it a grant program and it hasn't always been a grant program and now they're calling it that and that was what was brought up two meetings ago when Lloyd Miller called in for the Ramah settlement and brought that up and you assured us that things wouldn't be called grants in order to get away from paying contract support costs. And so it's something that needs to be addressed and it should be paid in our opinion.

**Kee Allen Begay, Jr.:** I chair the subgroup of the Public Safety and Justice Workgroup and we had a meeting yesterday. I don't know if it's possible that your office can assist in asking for a specific meeting like this, a summit, specifically discussing public safety. There is a great need out there. But how is that particular message being brought to you of the chain of command from the tribal public safety to Mr. Cruzan's office? So I don't know what the appropriate procedure is, my fellow Tribal Interior Budget Council members. Tribal police, public safety issues include the lack of personnel, the lack of resources, and lack of funding. We are dealing with drugs and gangs across the Indian reservations.

One thing that I would request for maybe a special summit; to hear from the local tribal police chiefs, police chiefs, the police officers and special agents in charge and how the FBI or U.S. Attorney's office

are also helping out these particular areas. Within the Tribal Law and Order Act there's a section in there where there should be a liaison of individuals helping tribes.

What's the appropriate way and what's the appropriate request from the subgroup of the Public Safety. I know it costs a lot to have the tribes come together and host a meeting like this so I would appreciate your input.

**Larry Roberts:** I think it's a great idea. I can't speak today for DOJ or other agencies but I would suggest that we take this back as a request and that I work through the White House Council and the senior advisor to the President, Karen Diver, in the White House. We have had summits on natural resource issues and so this to me makes complete sense in terms of a summit on law enforcement issues someplace...a location to be determined. I'm happy to take that back and then follow up with the subgroup here.

**Russell Begaye:** We were discussing a budget process that's more conducive to uniqueness of regions and to develop a process where Navajo priorities would be Navajo priorities within the BIA budgeting process, whether it's the formulation or any type of procedures that may be considered for 2018. We understand 2017 is pretty much done already; but for 2018, how can we make the budget formulation process more strategic to regions rather than bringing all of our priorities, budget needs here and it changes. So our priority number one may become priority number five for example. We want a process that will be favorable to regions because we cannot do a one-size-fits-all budget. We need to maintain and recognize the uniqueness of each region.

**Terry Aguilar:** Speaking on behalf of the Southwest Region, one of the things that the Pueblos have talked about in this budgeting process is developing that better process. So in the next presentation or next quarter, I know you only have 190 days. I hope we can walk away from this TIBC meeting today with some sort of process that identifies the true need because I know we came back in May or before, in the first quarter we didn't really have a true identification.

**Larry Roberts:** I appreciate both comments in terms of the budget process. I think this relates back to our last TIBC meeting of what is a better process and bringing in a third party person to help us figure out what that process looks like. For the FY18 budget, what we should be exploring here is what you're talking about, making this more productive for tribes. I will also say though that our directions for the '18 budget are relatively stable because it'll be the next administration that presents a budget and so that's why we presented the big buckets that TIBC put forward in terms of law enforcement, in terms of Tiwahe, social services, road maintenance, school construction.

**Kitcki Carroll:** There is a standing resolution that was passed by this body where the first task was for each region to respectively put forward recommendations from their regional perspective about ways to improve that budget process as it exists right now. To my knowledge less than 50 percent of the regions actually completed that task. So for those of you who have not done so yet, I would strongly encourage you to have your regional conversations to offer from your perspective ways to improve that budget process per that resolution. At the last meeting, as the Assistant Secretary is stating, we put forward a motion and passed it to bring in a third party entity to do an assessment of not only the budget process as it exists right now but the activities and the functions of this body as a whole. The most expedient way to probably do that is to work with somebody like NCAI to make that happen quicker as opposed to going through a more formalized process at the federal level. We need some guidance and some direction on that. I don't know if this meeting is the actual space to do that assessment of the process or

if it's a convening of a smaller group of folks that actually touch the budget process more directly starting with your budget folks as well as the TIBC budget subcommittee folks to do that examination and put forward some recommendations.

**Larry Roberts:** We can work offline with our DASM folks and Jackie to figure out what the most expeditious way is. I think we all want to do this expeditiously. I think defer to this group but I think it makes a lot of sense to whoever we're going to bring on, bring them on as quickly as possible and get them talking now so that we're actually in a position at our next TIBC meeting to get some feedback and readout as to where things are headed. So I think a small group makes sense around this table to get this moving.

My understanding of the proposal is that there would be a smaller group here that would be meeting with a third party person that would evaluate the process, somebody outside of this. Not an NCAI person, not a Department of Interior person, some third party that the leadership around this table wants to bring in to evaluate the process and improve this process and the only question is how do we get that person under contract quickly? So that's what we want to do and so I agree that we work for tribal leadership, we take our direction from tribal leadership and so tribal leadership obviously needs to drive that conversation. Tribal leadership around this table, the representatives from each of the regions need to select that third party that's going to help us figure out how to improve this process.

**Kitcki Carroll:** The federal process can sometimes be slower than we would desire so achieving expeditious turnaround is not always achievable. If we only rely on the feds to move this, the administration may be over before we've actually started this process assessment. So an alternative to achieving some expediency is utilizing NCAI to bring in that contractor that we choose to bring in. So that's the suggestion I was making is to get this going as soon as possible before this administration ends and to not have this opportunity pass us simply because the identification and selection of a contractor to do the assessment gets lost in federal red tape and then all of a sudden the opportunity's gone.

### **Legislative and Appropriations Update**

**Denise Desiderio:** I'm the Policy Director for the National Congress of American Indians. We are at that end period of this congressional cycle so we're at that point where there are only about five to six actual weeks of work left. Earlier this year when the Congress started and then in January the leadership in the House and Senate said that their main priority was getting all the spending bills done in regular order but here we are, they're ready to leave for the summer and coming back in September right before the elections and we're at the same place that we've been in the past couple years which is no spending bills completed and ready to talk about a continuing resolution. The negotiations are going to start happening about which faction of the House is going to kind of win on this issue. It would be entirely surprising if they do a government shutdown right before the election so I think they will probably reach a short term continuing resolution but that remains to be seen when they come back in September. We have a short calendar and one of the general rules on the Hill is that if it's not reported out of one chamber by the end of June or July by the time they leave for the summer that it's not likely to get done. So we have kind of stages of likeliness of certain bills getting done that are tribal priorities that we want to talk about but I thought it would be helpful for Amber to start with the appropriations update and then we can talk more about some of the other tribal priorities that we have going on in Congress this year.

**Amber Ebarb:** The budget process as usual is coming to a standstill even though, as we heard at the beginning of the Congress, leadership was focused on passing all the appropriations bills in regular order which would be an unusual scenario for Congress because there are so many competing priorities and ideas about the role of government and the size of government and whether we should be running deficits or achieving surpluses and reducing the debt and who should pay for that. So again, we see ourselves in a place where Indian Country's programs are caught up in that mix. Here is a quick overview of what might be the possible outcomes for the remaining spending bills. This week we have the Interior Appropriations Bill on the House side that's on the floor. The House Rules Committee made in order a number of amendments and so the House is considering a lot of those amendments. On the House side, that chamber has passed four appropriations bills and the Senate has passed three appropriations bills. We have Congress leaving for the political conventions in just a few days so even though there was the goal set to pass the appropriations bills in regular order, that is not coming necessarily to fruition. When Congress reconvenes in September, they'll have to do the business of considering a continuing resolution since it's pretty much impossible to pass the regular appropriations bills before October 1. The different paths that could be taken right now would be a longer term continuing resolution, which is being considered and proposed by some of the more conservative House members. This approach would punt all of the appropriation's deliberation into a new administration. However, the appropriators are more interested in a shorter term CR so that appropriations bills could be considered after the elections and before the new Congress. That would be probably better for many of our programs than a longer term CR.

Included in the booklet of documents, there's an appropriations update that includes the status of appropriations and more information on all the appropriations bills. For the Agriculture bill, the Commerce, Justice, Science spending bill, Energy and Water, a summary of the Interior Environment bill, the Labor HHS Education bill and the Transportation/HUD, all of which have large funding streams in them that are important to tribes. There are a lot of costs to the current dysfunctional budget process. The last time all 13 bills were enacted was 1997. The only time that that has happened since the current budget process has been in place in 1974 is three times. This is something that we are certainly used to, the appropriations process breaking down in the middle of when they should be on target. Usually things unravel due to partisan politics. That does have a cost on the administration of all of our programs and so that's something that I don't know if it will ever be really addressed. There are efforts in Congress to revamp the budget process but there are different views on how that should be done. Of course if there are piecemeal CRs or short term or long term CRs, which each have different sorts of effects.

In the Interior Appropriations bill, it's on the floor this week and about half of the amendments were considered already yesterday, including some that dealt with the land to trust issue. The President's budget proposed about a five percent increase over FY16 and the House, in their version of the bill, provided \$72 million more than FY16 or a two and a half percent increase and the Senate, an increase of \$58 million. Really though we're treading water when you take a look at it; even though we have these relatively significant increases, they are really just keeping us at a level where we're not declining. If you look at the nominal budget from FY2003 to 2016 enacted and the 2017 proposed President's request level and the House and Senate levels, it looks like we're doing a really good job but as Dave Connor points out, if we don't address inflationary pressures, the top level numbers are eating into our base funding level. Adjusting the top level amounts for BIA, we're at a similar level to FY2003, a little bit below the 2003 level adjusted for inflation. So that's something that we're trying to address together. I think some of the strategic messages we have about initiatives with Tiwahe and the importance of public safety and the economic cost of not funding some of these core trust responsibilities, like law

enforcement and education, those are the ways that I think the TIBC makes a big impact in top level messages and those seem to be resonating with the Interior appropriators. They hear the importance of addressing public safety issues and addressing social services and Indian child welfare programs and the housing improvement program but even though we're making some targeted increases in some of these programs, the overall level is still something that we continue to try to address. So that's the general trend that we're facing. This analysis begins in 2003 going to 2016, because 2003 was when the Quiet Crisis report was released. This tracks what progress we've made at least for the Indian Affairs programs since 2003.

Looking at comparisons between the House and Senate and whether that's matching up with the President's budget, we see that road maintenance is getting support finally from the Congress for a moderate increase from \$26.6 million to about \$30 million, which represents a 12 percent increase, although it is relatively small relative to the overall backlog of hundreds of millions of dollars. The Tiwahe programs are receiving support in Congress with social services, ICWA and housing improvement with significant increases between 15 percent and 20 percent over the FY16 enacted levels.

Lastly, the White House's position on the House Interior Bill was included in their statement of administrative policy; it acknowledged the support in the House bill for increased levels for Indian Affairs programs in the Indian Health Service but it expressed disappointment with the non-inclusion of increases for broadband and digital services and increases for the One Stop Support Center that would address tribes' access to other federal agencies' programs. It noted the cutting of the data quality initiative in Indian Country and other climate change programs in the House version of the bill. They also opposed the Section 125 which is the blocking of funding for federal acknowledgement for that rule; the land into trust section has been struck last night but it was also included in the statement of administrative policy. Finally, this is the chart that Assistant Secretary Larry Roberts shared at NCAI or one of the previous meetings just showing our relative progress compared to other bureaus at the Department of Interior. It's important to acknowledge that the Secretary and the efforts of TIBC and the other advocates in the room for improving our standing compared to other bureaus except for the National Park Service. That's the overall status of appropriations relative to TIBC today.

**Question:** What do we need to do to get BIA up above National Park Service?

**Larry Roberts:** As we mentioned at the last TIBC meeting, Park Services' large increase for that year or for that budget relates to their centennial. In terms of BIA increases, you have the Secretary's support, you have the Deputy Secretary's support, and our office, but Secretary Jewell, in almost every trip she takes, is adding an Indian Country component and so you all are doing a fantastic job in terms of advocating for the budgets. We're going to continue to push to get that number higher but Park Services' increase is somewhat of an anomaly. It reflects the centennial that they're undergoing.

**Denise Desiderio:** In reviewing pending legislation, we can classify them in the "ready for action" category, the "should pass, but may not" and then the "discussion draft" bills. In the "ready for action" bills, we've done all of our work and we're ready for these bills to pass going into the last weeks of Congress. There are emergency or exigent circumstances bills, which are getting a lot of attention, and probably should get the attention that they're getting right now and hopefully can pass – these are "should pass but may not pass" because of other issues; and the discussion bills that have been introduced in the last few weeks.

As far as the “ready for action” bills and potential to pass, the first one is Tribal Labor Sovereignty Act. That’s the bill that treats tribal governments the same as state and local governments for purposes of the National Labor Relations Act. This is something we’ve been working on for the last probably two congresses. If we don’t get this done now, we’re not going to get it done for another two to five congresses, just because of the impact that Labor has on this dialogue and frankly, a lot of the misinformation that goes along with Labor’s discussions on the Hill on this. We consider this just simply a tribal/governmental parity act. Some of what we hear on this bill a lot is, ‘Well, I am not allowed to vote in tribal elections so I don’t have a say in the process.’ Well, I live in Virginia, I work in DC and I don’t vote in the DC elections but I work there and I choose to work there.

So we’re trying to tamp down a lot of the misinformation. We need 60 votes on this, and we’re about at 59 and a half. So we have strong champions in Senators Tester, Heitkamp and Heinrich on this. Those are our public Democrats on this but we are looking for that other firm commitment to get this done. Mitch McConnell has promised Senators Barrasso and Moran that we will get this either on a vote or on a must-pass bill so that’s where we’re at on that.

The second one is the VOCA funding, the Victims of Crime Act funding. That fund currently stands at \$2 billion and all that tribes are receiving out of that is about \$2 million. These are the services that can provide medical care, mental health counseling, crisis intervention, and emergency shelters. Right now tribes aren’t receiving direct funding. It all goes through the states so we’re trying to seek direct funding. We did manage in both the House and the Senate appropriations, the full committees, to get a five percent set aside which would be approximately \$145 million. We have identical language in both the Senate and the House but that came over the strong objections of the subcommittee chairs. We think we might be in for a fight if we’re trying to get it on the CR but we think that we have to do that.

The other bill in the “ready to pass” category is the Heitkamp bill, the Native Children’s Commission Act which Department of Interior would be involved in. That bill creates an 11 member commission to study the programs, grants and other services in support of Native children throughout the federal government and requires a report to Congress with recommendations on how to improve services for Native youth. That bill passed the Senate, it just passed out of the subcommittee this morning so I think that we’re likely to get that signed into law by the end of the year.

There are two bills that are health related that could move because of the emergency nature of the bills. One is the IHS situation. Senators Barrasso and Thune and Congresswoman Noem introduced a bill that would improve hiring and staffing at IHS, improve accountability for IHS, and require mandatory reporting of safety issues or concerns. The Noem bill got a hearing yesterday, the Barrasso bill’s already had a hearing. The calendar’s not on our side on that but I think with a real big push that we might be able to get that where we need to and we’re advocating strongly for that bill. And then the other’s the employer mandate issue. We’ve been working with the administration on this since ACA was passed to try to get waivers for tribes on that to no avail. That got marked out of Ways and Means on the House side and they’re looking at language on the Senate side. They think they might be able to hopefully come to an agreement. The problem is that on the House side it got voted along party lines. The closer we get to the election, the harder it’s going to be to get anything passed if it’s seen as partisan.

And then we go into what I call our discussion drafts or our discussion dialogue. Senator Barrasso has a reauthorization of the Tribal Law and Order Act that has a lot of good tribal provisions in it and Senator Tester has a bill that would expand the jurisdictions currently in the Violence Against Women Act and make criminal prosecution available for non-Indians who commit crimes against native youth and also for certain drug offenses. The calendar this year is tight but these are the discussions that we have to

have now to have a leg up next year. Another bill in that category is Senator Barrasso's BIE bill that would make the Bureau of Indian Education an independent agency. What we encouraged Senator Barrasso and his staff to do was reach out to Indian Country. The other one is something that actually introduced yet but it's going to get dropped this week and it's an economic development bill that Senator Barrasso's staff has been working on and they've been receiving input on that I think from up on the Hill and they're going to drop that. It crosses many jurisdictions like the Finance Committee on Tax, probably the Commerce Committee and others.

The other things that we wanted to talk about, the bills that should be moving but aren't. One is the Tribal Self-Governance Act. I know the Department's worked hard on that too. We just can't seem to get that out of the House.

**Larry Roberts:** HR812 was passed a couple weeks ago now. It provides for a pilot project for tribes to manage their own trust assets. Title III of the bill provides for the Department to consult with tribes and provide a report to Congress on the functions and services of OST and also the potential position of an undersecretary for the Department of the Interior. The Department will be issuing a notice in the very near future of consultations with tribes across the country on both of those issues—both the services and functions of OST and also the potential position of an undersecretary for Indian Affairs within the Department of Interior.

Our direction from the Secretary is to consult with tribes and provide a report to Congress before the end of this administration because I think the deadline in the legislation would have a report fall within a year of the passage which makes it difficult for any transition administration coming in to complete that report. So our goal is to consult across the country with tribes on it and to put a report in for the administration and put a report in place to Congress before we leave.

It provides for a HEARTH Act approach for forest management. So just like the HEARTH Act provided for tribes to administer leasing of tribal lands—surface leasing tribal lands—the HR812 provides for tribes to manage forest lands. It also provides for the department to issue minimum standards for appraisals so that if a tribe hires an appraiser that meets those minimum standards and chooses to utilize the provisions of HR812 that the Department will accept those appraisals and will not have to review them so that should make that appraisal process work more quickly for tribes because once those minimum standards are met, then the Department won't review those appraisals. So those are a couple of aspects of the bill and we're excited about consulting on OST and the undersecretary position.

**Kitcki Carroll:** Can you clarify, is the created undersecretary position in addition to or in replace of AS-IA.

**Larry Roberts:** My understanding is that it is in addition to. The Solicitor's office is looking at that language but I was at a conference where one of the attorneys that worked quite a bit with the legislation to move that legislation through Congress and explained it as a position in addition to the assistant secretary of Indian Affairs.

Section 304 doesn't necessarily provide for the termination of OST. That's what we need to consult with Indian Country on in terms of functions. I think the specific language of the report talks about a transition plan and timetable for termination of OST not to occur later than two years after the date of the submission unless the Secretary determines that an orderly transition cannot be accomplished within those two years. That's part of the conversation that we need to have in consultations with Indian Country because there are services and functions that OST provides very well across Indian Country and in our initial conversations with a handful of tribal leaders yesterday about this legislation,

one of the things that we want to include in these consultations is how was the functions and services that OST now provides, were those within the Department prior to the creation of OST? What did that org chart look like, where were those functions and services so that tribal leaders have a good understanding in terms of where those were placed before the creation of OST, where they are now within OST and what makes sense moving forward.

**Deb DuMontier:** We have a schedule of consultations and as long as the federal register gets published appropriately we'll be starting August 22<sup>nd</sup>. The Secretary was pretty clear with her directive that we start consultation this summer and that we have a report ready for Congress by the end of this administration. We've already identified our functions. The legislation itself says functions other than investments, management, and collections which is basically what we're appropriated to do. It will be a Secretary's report so we'll be providing the Secretary's office those recommendations, if that helps. But we've been working diligently on meeting those really tight deadlines.

**Kitcki Carroll:** USET's perspective on this is this was trust asset reform, which is a component of a more comprehensive trust modernization effort. So that continues to be our focus—looking for systemic change in U.S./tribal nation relations. The example of that that's relevant to this body is a movement away from federal discretionary spending as a way to fulfill the trust obligation...fiduciary trust obligation and move to a mandatory type of reality. We know that that's not an overnight shift but that is an example of a principle position that we're taking. But specific to my raising this with you is, as part of that endeavor we've identified some very specific short term administrative proposals in hopes of getting some substantive documentation that we can use in the next administration. One of those is the completion of an M opinion. That M opinion has expanded to include a variety of things. Last report that we got is that executive orders are now off the table for the most part with the waning days of the administration but an M opinion may still be a possible way forward. The whole Indian trader regs piece is a part of that discussion as well.

**Larry Roberts:** About tribal representation in the White House Council, the executive order sets forth how that council is comprised. Secretary Jewell has held a number of calls with tribal leaders both before and after each of those council meetings and at her last call with tribal leaders she specifically asked for input from Indian Country into how to engage tribal leadership more fully in that council. And so she did announce that a path forward that we will be using to have tribal leadership engage in the council is to build off of the concept that actually came from Indian Country with Natural Resources convening that the White House Council helped to host. Each of the subgroups will be working directly with tribal leaders and for the Natural Resources convening it was high-level representation across the administration. So Secretary Jewell was at a Natural Resources convening. The one before that had a number of high-level officials with tribal leadership basically sitting around a table talking about natural resources and how to address issues. There are subgroups on energy, health, environment, natural resources, education and economic development and we're also looking at one for law enforcement. We're looking to get that established. But the idea is that tribal leadership engage on those issues when the White House Council meets and they meet regularly. I think it's three times a year. That whichever subgroup is the focus of that council meeting that a tribal leader from that subgroup be there to participate in that White House Council meeting.

That Natural Resources convening is a model for getting tribal engagement at that level so we're going to really encourage tribal leaders more and more as we have these convenings with the five subgroups so please participate and provide your voice at that level.

**Kitcki Carroll:** We are appreciative of the creation of the White House Council to begin with. Secondly, I appreciate the thought given to the subcommittee option to achieving tribal leader engagement. We still support direct tribal leader participation in the council itself. We feel that the unfunded mandates reformat allows you an avenue forward to get around FACA issues to ensure that this is a permanent council and not a temporary one which would allow for that direct tribal leader engagement on a consistent basis. The reason why we are steadfast in that position is there is only one entity that sees this picture from a complete, holistic position and that's tribal leadership. By that I mean if you are from any respective federal department, you see it through the lens of your federal department and there isn't always that coordination between federal departments. From Indian Country's perspective, we are on a daily basis asked to coordinate across USDA, EPA, BIA, IHS, you name it. My concern is when you isolate their engagement to just a specific issue, you're not allowing that connecting of the dots to occur.

### **BIA Carryover Update**

**Mike Black:** Regarding TIBC carryover, we try to largely leave any funding with the regions so that they can deal internally within each region for the issues they have. About four or five years ago we quit pulling the carryover money at the end of the year. Every year that funding was getting pulled back and then it was being allocated and reallocated by Central Office. We made the determination that that money needed to be handled by the regions for their specific tribes, what it was allocated and appropriated for. So we left that money there but we were finding we still have in some cases substantial carryover and we have a lot of needs out there in Indian Country. So we have started in last year, in 14-15, we took the carryover money. You'll see on the report, what we designate as carryover is around June of each year this past couple years and this year we designated June 4<sup>th</sup>, any available funds which is prior year funds, in this case is the 15-16 year funding, would be deemed as carryover and would be withdrawn from the regions and pulled up to Central Office for reallocation and distribution to the needs of various tribes across the country which in many cases or most all cases couldn't be met by any individual region. Those numbers aren't very large, which is a testament to the regions and the tribes out there making sure that they're getting all of the money out.

We do not touch the TPA funds, the tribal funds such as welfare assistance, social services dollars, contract support costs, tribal base dollars. Those are not considered in the carryover and they are not withdrawn. It is generally all the regional office operational funds probably make up the brunt of that. Usually carryover occurs from having trouble recruiting, and with vacancies we have salary savings that have created somewhat of a carryover issue for some of the regions so they have some funds that they haven't had obligated up to that point. The 2014 and '15 funds which was last year's carryover which amounted to about \$1.7 million and 50 percent of those funds were allocated out for tribal needs and the other 50 were allocated back to those regions that had shortfalls in certain program areas; self-determination was one of those areas identified in this, self-governance compacts, direct service tribes.

Everybody receives these funds and is considered for these funds. Go to page four. We're talking about the 15-16 funds. Right now it looks like we're sitting at around \$1.6 million. We have not withdrawn all of the funds. As of mid-July, we've got 83 percent of the funds reallocated to tribal needs. So by June 2016 we had \$19.6 million in requests that were submitted for that \$1.6 million so you can see that we can't meet all of the needs and requests that come out there. You see the \$1.566 was identified as carryover. Larry and I will have some discussions when we get back to the office, see if there's any needs we haven't been able to meet and something that we can possibly move forward. Those tribes that have approved carryover requests, we are notifying the regions.

Undelivered orders: this means that those funds that have been obligated into a compact, contract or grant that have not been drawn down yet and we're sitting on about \$203 million in UDOs as of May of this year. There's a multitude of situations and reasons for that which affect why a tribe hasn't or has been unable to draw down. It could be sanctions, we might have issues with tribal government disputes, some issues whether or not the contract requirements have been met and some financial information. We track the UDOs on a monthly basis.

Some regions are much better off than others are far as how much is sitting there but also there's a note down there at the bottom that does identify that a number of those large carryovers are due to road construction; road construction projects that are in process and a lot of you know how long a road construction project can go on for two to three years. There are reasons why some of that money is sitting there but we've made a concerted effort over the last couple years to really address that and bring that number down and it has come down pretty significantly. In some cases we found that some tribes didn't know they had money there to draw down so we're trying to get our regional staff to make sure that we're reaching out to everybody to make sure they understand there's money there that they can draw down for their certain programs.

**Kitcki Carroll:** What is the methodology to determine of the requests that come in what is being awarded? And is there any preference being given to if a particular region is generating a surplus that's available for going out for those dollars to go to needs within that region or does it just go into one national pot and the needs are based upon priority in a national pot?

**Mike Black:** Basically all the requests go into a national pot. There's no preference given to any region. The total is \$19 million due to large requests of up to \$2 or \$3 million, which is just something that we couldn't fund under this. There are large number requests and we get some requests that some tribes, they just want \$15,000 to be able to go out and buy a new records management system or something like that. We try to be able to meet those needs as best we can. And really a lot of it is basically what was submitted as a justification for the request, talking with the region, seeing what that real need is out there. Some of them are based on different emergency situations that have happened out there that this is the only way that they could be able to address it.

**President Begaye:** Thank you for the response on the methodology. I just want you to consider the former Bennett Freeze area.

### **BIE Budget Carryover Update**

Vicki Forrest

I'm the Deputy Bureau Director for BIE and the Director of BIE School Ops. I'm not going to go over all that again for you guys but I'm the Deputy Bureau Director for BIE and I'm thrilled to be able to talk about BIE's budget. In terms of carryover, the way that Mike described BIA carryover is the same as our carryover. So it's good for two years. When we get the appropriation we're sometimes unable to hire or we get it late so in that regard it's the same. I also wanted to talk about UDOs. It's the same for BIE. I think 99 percent of our money goes out to schools in grants and so the UDO line shows grants, contracts, any way that we obligate funding and so the funding is sitting there so I agree with everyone talking about encouraging all of you to drawdown those funds. I've been with BIE for four years. We have never taken or reallocated funds we have because they're at our schools. We try to work with the 55 or so BIE operated schools and then for the balance ensure that money gets out to tribal schools. So

that's not been a practice of BIE since the money is sitting with the school and we continue to meet with them weekly in terms of getting their balances spent.

ISEP, Transportation, tribal grant support costs—those have an attachment to them called forward funding. Although we received the money in FY2015, in the fall we're not allowed to spend that until the next July to coincide with the school year. Our school years begin July 1 as yours do. So for BIE and tribal schools, they contend with the school year, a fiscal year and a calendar year.

In addition to the funding we get from the Department of Interior, we also get funding from Department of Ed. That funding is for IDEA and Title I. Typically those programs are much more restrictive in nature, there's McKinney-Vento which is for homeless children. There's Striving Readers program. There's professional development, there's professional development for special ed students, there's related services for special ed students. For any of our schools, including tribally controlled, they may have 20 to 30 different lines of accounting that each have a very specific purpose. If we can't use those for that purpose, for the Department of Ed, that money goes back. GAO has mentioned BIE several times in the last several years. One of the issues is oversight of school spending. While we want to get the money spent, we also must ensure that it's spent appropriately. As part of our transformation we're trying to hire staff and a large part of what they do is ensuring that they give schools the help they need to spend appropriately.

If you go to each one of our areas, we're segmented by function—Navajo, BIA operated and tribally controlled—they each do things differently including distributing funds. We also have a well-documented lack of training across BIE. In the last couple of years, the Interior's financial system that BIE schools have to use is called FBMS and we standardized the use of that with schools and consolidated the work there so it takes a lot of the burden off the school staff. When we use any kind of financial system, if people aren't trained, if a school has a high turnover, it's hard to get bills paid, to get books ordered, to get the things that kids need. The related services for special needs children are so critical to get out and they may or may not have the appropriate training. We're trying to work with the 55 or so BIE operated schools to assess that. In the reform, we have spending plans for each one of the schools that align to their school budget they developed at the beginning of the last school year. My goal has been in BIE to take the business of Interior off the backs of the schools so that they can focus on the classroom.

### Comments

**President Begaye:** Request made for the budget documentation to include include the discretionary funds that each school seems to have and we'd like to know what amount each school is carrying. We would like to have information on that so we know what school...that way we know the schools that have these large excess dollars that they use for travel, for conferences and other things at their discretion. We'd like to have that included.

**Comment:** School housing across the Indian Country—BIA schools, contract schools and so on. Within our area, within Navajo, some of our schools, their housing are in bad shape, with 40, 50 years old housing. When I ask: How is BIE addressing that? I'm referred to HUD or in our case Navajo Housing Authority and others that deal with housing. But how could those carryovers be utilized for creating or constructing housing for teachers in certain areas? Could that be done?

**Comment:** Request for how much is sitting in Washington, how much is in Albuquerque, how much in Minneapolis and whatever else places you guys have offices? We need to know all that.

**Vicki Forrest:** Should be able to get information in a couple weeks.

## **Day Two**

### **Invocation, David Claymore**

#### **AS-IA Carryover**

Chris Miskovich, Supervisory Financial Manager

Our process is we get funding appropriated to Indian Affairs. Our funding is then provided to the department in reimburseables and agreements and it's based on the enacted amount. So at year end close accounting adjustments are made and the remaining balances are available for funding. It's considered carryover. So reconciliation of the agreements are done as of September 30, 2015 and they're completed in February and they are closed out. That is our reconciliation and that's when we determine the carryover amount. From that we pool the funds to the Office of Budget Performance Management in the second year availability and we use it for administrative programs and we'll provide to specific programmatic purposes and it's reviewed by a case by case basis. Request for carryover funds are submitted by administrative programs on the Request for Carryover Funds form. So for our '15/'16 funding, our carryover amount is \$3.4 million and then that will be used for ongoing IT, Regulatory Affairs contracts and our unfunded rental costs. Any questions?

**Kicki Carroll:** Can any of that IT money carryover be used to get the one stop shop up to snuff? Are there any of those carryover IT dollars can be used? We're depending upon Congress to fund the one stop shop piece. If you have remaining IT dollars, the one stop shop is a functioning website and IT related item. Can you use any of those monies to fulfill the completion of the one stop shop on your website?

**Response:** We can use some of that carryover money for projects like that or initiatives but we have in the past, this last year for maintenance we have used some of the funding that we had available for just the maintenance of the one stop shop.

**Kitcki:** The one stop shop is not a useable resource yet because it's not complete. There's a discrepancy between the touting of it as the place to go yet the functionality of it is less than what we desire so if there is surplus dollars here for IT perhaps that could be a consideration to get it where it needs to be.

**Response:** one of the things with the one stop shop, I think your proposal is something we should explore but we also want to keep on the table that we're asking other agencies to step up for the one stop shop and provide funding so that it's not all on the back of Interior so we'll continue that path as well.

**Kitcki Carroll:** To the same extent that we are advocating for OMB to provide greater transparency as a resource tool for the functionality of the White House Council of Native American Affairs, recognizing that Interior Department is the entity that chairs the White House Council of Native American Affairs, it would sure be helpful for that one stop shop, since that idea has been rolled out to Indian Country, to actually be completed because the rationale for creating that is absolutely a good one, that there's lots of confusion about what is actually available via resources through all the federal departments and

agencies and bureaus, etc. Having that resource would be extremely valuable. Along the same lines of OMB providing the crosscut transparency for the Council, it would seem necessary to have an up and running, complete one stop shop resource as well to go along with that. Even though there is a desire for other departments to pitch in with their fair share, it is something that should be driven by Interior, it is on your website, it is you guys who have been touting it. If there are monies to make that happen, we'd make that request.

### **Day II Opening Remarks**

**Larry Roberts:** It's great that we have not only a full quorum here for the council meetings but we have a lot of the public in attendance here because we know that all the issues that we're talking about at the end of the day directly impact Indian Country. On the carryover issue, we don't want to have any carryover; we want to get as much of this money out the door as possible to Indian Country. That is our goal. And so we're always happy to report on carryover and where things stand but our goal ultimately is to get this all out to Indian Country. I cannot be here for the full day, but will be here as long as possible. We have 17 interns with us who are bright superstars of Indian Country that are in college or graduate school and a little bit later this morning you all will have a chance to hear just a very brief introduction from them all in terms of where they're from and what they're doing. This is the first year that we've done this program and we want to keep this internship.

### **2016 Update, 2017 House/Senate markup, 2018 Results**

George Bearpaw, Chris Miskovich, and Jeannine Brooks

**Chris Miskovich:** This is our five appropriations that we received from Congress this year. Normally it's four. They added a new appropriation for contract support cost so that money that was originally in Operation of Indian Programs was then set aside with its own appropriation. So within the Operation of Indian Programs, we broke them out by activity with Tribal Government, Human Services, Natural Resources, Trust and Real Estate Services, Public Safety and Justice, Community and Economic Development or Executive Direction and then Bureau of Indian Education which then totals up to our total OIP funding from Congress.

We had a continuing resolution that was distributed and it included the contract support costs under the Operation of Indian Programs. However, when the final operating plan came from Congress, they broke that out into separate appropriation. And then we got the funds, we distributed everything but they did not give us that contract support costs warrants on the first go round at the end of January.

The warrant is essentially when they make the money available for us to then distribute out to the programs as well as the fund centers. We had to work with Treasury to establish a new warrant and then distributing the funding. They finally approved our request at the end of February and then gave us the warrant so we then could distribute the money to the contract support costs line. So that did cause delays. It was at the end of the February but we weren't given the paperwork and the proper authorization until the following week so that's why there was a delay in when they said they signed off on it and then we received it. And then the paid processes and procedures were updated and caused delays in getting funding out and at the same time we had change over in staff and then we had new staff which had learning curve and caused delays as well. Going forward we're trying to shore up all our processes so these delays are not in future. And then with the contract support costs, since the

appropriation is new and it's established, there won't be delays in getting the funding distributed out going forward.

**Kitcki Carroll:** Are you guys now, from a procedural standpoint, not factoring in CSC; is it now separate completely from everything else of consideration for funding because the way it's being handled now?

**Response:** Yes. And we're going to be handing a handout, a comp table that kind of shows the '15 enacted to '16 enacted and it's also going to show the House and Senate mark.

**George Bearpaw:** We'll start with the House and Senate mark. The House finished up their work on any of the amendments. We haven't had a chance to look at the amendments to see whether any of those affect us. The other thing that I think they mentioned was just going forward with the '17. I think a CR is going to be expected. It's an election year. The only question mark that we have is probably how long that we're going to have a continuing resolution. The other question mark is on the new administration. We've got several things that are just going to be on hold until the new administration comes in and see what they want to do.

I think some of that was mentioned with the strategic planning from the department side. They're going to go to a certain point and then see what the new administration's going to do with the strategic planning process. For '17 the President requested \$2.9 billion, increase of \$137.6 million above the '16 level. The House mark was \$2.87 billion and the Senate was \$2.85 billion. That's \$65 million less from the House against the President's budget and from the Senate side it's less \$79 million. For the new tribes money, it was only funded in the Senate and not the House. The small and needy, it was flat in the House from the '16 mark. It was more in the Senate.

Road maintenance, both the House and Senate have come up with the \$3 million bump up in road maintenance. Tribal government program oversight, increases were not accepted in either the House or the Senate. Social services: both the House and Senate funded increases but they were not at the requested amount. The House was \$1.8 million less than what the President wanted and the Senate was \$5 million less than what the President wanted. Indian Child Welfare: the House proposed a decrease of \$437,000 from the President's budget. The Natural Resource Management, there wasn't very much of an increase to any of the big amounts or the big lines. There was some increases, one being the Irrigation, Operation and Maintenance. The Senate did accept an increase of \$1.5 million. Rights Protection Implementation: the House accepted the increase from the President's budget. The Senate only accepted a partial increase. Tribal Management Development Program, the Senate accepted a partial increase but it was still below the President's budget. Fish, Wildlife and Parks Project, the House accepted a partial increase. The Senate proposed an increase from the President's budget.

Safety and Justice, Criminal Investigation. They actually funded that above the request, both the House and Senate. Increases: \$3 million for the House and \$5.2 million from the Senate side.

**Navajo Nation:** I have a question on the Public Safety and Justice. Tuesday we did the Public Safety subgroup and we discussed the funding methodology and the allocation. So specifically what information do you guys receive in getting funding for each of the tribes? A lot of time this funding doesn't usually get down to the needy. Navajo Nation is taking the initiative to build facilities but yet we're given a hard time if we have complied with the BIA. How could you give us a recommendation if we could be able to include operation and maintenance and housing and facilities and even education into public safety? This is just strictly directed for personnel funding but there's a lot of restriction and a

lot of policy that comes with it. When it comes down to getting it down to the tribe, they have to go through so much paperwork and so many hurdles just to get a little bit of funding and by the time they receive the funding, start the whole process again. We're trying to get away from applying for them in the form of grant or a competitive base.

**Larry Roberts:** In terms of your questions about how we can improve the process to get funding actually utilized by tribes to address each of these needs, what is helpful is a better understanding in terms of those hurdles and what would actually work to streamline the process so we can raise those type of issues to OMB about getting the funding. I know that these should not be going through grants.

**George Bearpaw:** Tribal Justice Support, we had a lot of discussions last TIBC about the \$8.2 million that was late in restoring for '17 in the President's budget but both the House and the Senate restored it to the '16 level so they did see the need for that. A lot of it, most of it is targeted to the 280 states court development and funding so they did restore it for both the Senate and the House. And I'll try to speed this up. The community development... Can we start at the next chart?

**Harold Frazier:** We need court funding. We're dealing with an epidemic of meth, drugs in our area. A prosecutor's been funded at \$140,000 for the past 10 years. We're struggling, us tribes that have jurisdiction, that do have courts and it's sad that the government put us in a position where Indian against Indian. So I kind of have to be opposed from the Great Plains Region, for tribes that don't have jurisdiction to get any Justice money. It should be funded to the ones who have jurisdiction, that have courts, that have their own laws.

**Larry Roberts:** We are continuing to advocate for increased funding for tribal courts and we will continue to do so. As I mentioned, yesterday that is one of the issue areas that we are asking for as part of the '18 budget and I will say that Congress acting on Indian Affairs budget, the more support you can get across the country, all the members of Congress, the more likely you're going to see those increases in funding. Many of us here from the Department of Interior have been to a number of tribal court and other facilities including Cheyenne River and so we know the need is way beyond what's being funded.

**Harold Frazier:** Last year I wrote a letter to the BIA, I requested \$150,000 more for a prosecutor and we were told that we had to do a court assessment first. And that court assessment was complete. All we're getting out of that court assessment is \$10,000. How much did the BIA spend on that court assessment? It was probably a lot more than \$10,000. BIA did one in '07. That assessment said, 'Cheyenne River Sioux Tribe is lacking funding and what funding they receive they're handling it correctly.' But nobody wants to look at that assessment because that assessment said we need more funding. This assessment was done by a Republican who told me, 'You don't need more money. More money would be a waste in your court system.' So I think if the BIA is going to be handling our money, because every dollar that Congress funds is for the Indian people and the Bureau of Indian Affairs is there to manage it for us and they need to quit treating us like kids. With education you said two weeks I'll get an answer so hopefully in two weeks I can find out how much that court assessment cost.

**Chris McGeshik:** Overall I think what we're looking at with this budget process is that there isn't a tribe out there that doesn't have needs or an area that we feel that's a priority that isn't a priority when it looks at the national ranking from what we submit as a group. That's where we talk about the unmet needs and unmet funding that we do try to address. I want to make sure that everybody's aware that no matter what tribe it is, the difference that we're requesting sometimes individually within our regions is

an area where we have needs; roads takes a big hit all the time but when we're back in our communities, the last thing sometimes that we're worrying about is what's going on with our roads because it's our kids that are the ones that we have to deal with on a daily basis and it's public safety and security that we as tribal leaders have to make decisions on basically every day sometimes. We have small tribes and large tribes; this process does not help or benefit each and every tribe that's out there. No matter what the decision is made here, 'What am I going to leave here with to go back and talk to the other tribal leaders and say, "This is what we accomplished, this is what we left with".' I don't see anything coming out of the meeting that is something written down saying, 'This is what we accomplished' and we have tribal leaders here that want to go home and say, 'Hey, we sat here in this meeting and we spent this amount of money.'

Think about how much money it takes to put this meeting together. Look at how much money is being invested right here to make these decisions and on a quarterly, monthly, annual basis, we could fund probably a small tribal community. But if we don't sit here, we don't get our voices heard. I want to know what we're taking back to our tribal communities. I really want to see where we're going to eventually sit down and say, 'Here's what we're going to talk about, here's what we're going to address and these are the decisions we're going to make.' I think we need to come up with a format where we're going to sit here and get something resolved finally. Pose some questions, pose some ideas that are out there. I can sit here and look at all of this stuff but frankly I'm telling you, I do not see where this budget, whether it's 2010 to 2018 has impacted or protected all of the rights and responsibilities that the federal government has to provide and endure with all our tribal communities within the Midwest Region and probably nationwide.

I'd like to be able to go home someday and say, 'Hey, this is what we accomplished and this is what we received, this is what we're working on, this is the process that is going to be looked at and changed to benefit tribal communities throughout the nation.' I'm reading the strategic plan, I'm trying to identify areas of the Department of Interior and I can tell you this just from what I've seen in the strategic plan, it lacks continuity across departments as far as looking at trust responsibility, treaty obligations because all of us tribes signed treaties with the U.S. Government, now let's see where we're going to go in the future with the Department of Interior's strategic plan to identify that within each and every one of those agencies, not just the BIA. That's all I have to say.

**Sam Thomas:** These next two to three presentations will show the evolution between '16, '17 and '18. You'll see some proposed action on how we're going to move towards the betterment of compilation of data to do the prioritization for each individual region.

**Chris McGeshik:** We talk about data and we have a sheet for each and every one of those line items but yet we haven't received it. It'd be good to have that ahead of time so that we can look at that. Because as a Public Law 280 tribe, we do have a need in our tribal court systems and we do have that, we have authority, we do regulate our own tribal membership and there is a need there as well. But you don't see that because you're not provided that information overall as to what occurs in Public Law 280 states and frankly if it were up to me I'd get rid of the Public Law 280 state classification and let all of us tribes be sovereign completely because that money there is going to the states and then we have to sit here and fight for money with the states as well to get that and they're taking their administrative cut out of that so that comes down to a program to tribes in these Public Law 280 states, and then we get what's left. That's not fair to us tribes either. There's just a lot of things that all of us tribes don't understand about each other sometimes that is good information.

**Larry Roberts:** I think we have at the last TIBC and this TIBC have talked quite a bit about improving this process and bringing a third party in to help us improve that process. I think that that's something that everybody around the table wants to accomplish. But I would take issue with the fact that there's nothing that tribal leadership can take home and tell their members about what's been accomplished at these meetings because you have the highest levels within Indian Affairs, you have folks here from PMB and if you recall our discussion yesterday, the budget for FY2008 was \$2.29 billion, the President's budget and today the President's budget is \$2.9 billion and that doesn't just happen because OMB is feeling generous or the Secretary's office is feeling generous. It's happened over time because of the advocacy of all of the tribal leaders around this room and the increases, while they are not enough, we are seeing increases in our budget comparatively when you look at other agencies across the federal government and that is because of the advocacy of the leadership around this room and it's important to have tribal chairmen as leadership around this room to hear directly so we do take this back. It is the input that we received from the last TIBC about the priorities, so law enforcement, education construction, tribal courts, Tiwahe, social services, healthcare, those are all the things that we took from the last TIBC and have put forward as part of this budget process. Now do we know sitting around this table where that will all turn out at the end of the day? We don't because it falls on Congress to approve the budget at the end of the day. But I do think we are making, you all are making a difference. I do think that there is value in each of these meetings. I do think it can be greatly improved. I think everybody agrees with that. But to say that there has been no improvement when in 2008 Indian Country was taking a \$17 million cut to a point where we're almost at \$3 billion for our budget, I think that credit is to the tribal leadership around this room for making those changes and we're going to continue to advocate for increased budgets for Indian Country.

**AJ Not Afraid:** I just had a question before you left the slide on the Public Safety and Justice and maybe this can be reported at the next TIBC meeting as well but the Great Plains had a question on how many tribes are getting the public services and justice with tribal courts and corrections and maybe that can be reported. Also is the CI and police services, is that funded out of TPA or DOJ?

**Jeannine Brooks:** CI&P program, that's a BIA program, it's not a DOJ program. It's not TPA. Once upon a time it was special programs and pooled overhead so it's not TPA.

**AJ Not Afraid:** Okay, how many tribes get funds from there then? That would be helpful in the prioritization from region to region. And my last question is how is that distributed, is there a distribution funnel also and how that's brought down to the tribes at the regional level? That would be helpful too as maybe a report at the next meeting.

**Larry Roberts:** Yes, we will have that all for the next meeting.

**George Bearpaw:** The Community and Economic Development, the House accepted the proposed increase, the Senate did not. Executive Direction and Administrative Services which is the Assistant Secretary Support, the House and Senate did not accept any of the increases. Regional Safety, Management, the House accepted the proposed President's budget, the Senate did not. Intergovernmental Obtainments, House and Senate did not accept any increase in that line.

Going to the Bureau of Indian Education, Tribal Education Departments, the House proposed increase of \$1 million, the House did not. Student Tribal Transportation, Early Childhood and Family Development, the House accepted the requested increase, the Senate accepted a partial increase but it was below the President's budget. We had a problem with the next two lines. The Facility Operation and Maintenance,

especially with the Senate. We did get the increase but it looks like they were transposed and so we've been working with the Department on trying to get that corrected. I think the advice that we've received to this point is to do an Effect Statement to try to get some response from the Senate side to take a look at that to make sure that they're aware of the transposition in those two lines.

I think you've got a comp table that shows those specific amounts but they're transposed to different lines. So we are trying to work with the Senate on that. The other one is just the next one over—the Juvenile Detention Center Education. We're also not clear on that \$500,000 that was eliminated on the Senate side so we're working with the Senate to try to do an Effect Statement to see what...to get some clarity in what they're proposing, whether they're eliminating it or just what the situation is. So we are working on that with the Senate. Johnson O'Malley Assistance Program, TPA, House and Senate did not accept any increases in the JOM. Scholarship and Adult Education, the House requested an increase, the Senate did not authorize any increases. Special Hiring in Education, House accepted increase, the Senate did not. Education Program Management, House accepted increase, again the Senate did not. Education IT, the House did not accept any increases, the Senate did accept an increase but it is below the President's budget. They did plus it up for \$2 million. Contract Support Cost was totally funded along with the Indian Self-Determination Fund at those levels that were proposed. So those are funded from both the House and the Senate. Construction, Education Facilities, Improvement and Repairs, Senate reduced funding even below the '16 level of \$5 million. Resource Management Safety of Dams, the Senate and House did accept the President's budget amount of \$2 million increase. Other Programs, Facilities and Improvement, the House and Senate accepted requested levels of \$1 million.

**Gay Kingman:** On the school construction, wasn't there was some funds moved over to BIE under school construction and if so, can you tell me how much that is or if Congress accepted it?

**Response:** So for school construction we have the list that we just published for the 10 schools that were...we just sent those 10 schools \$350,000 for their planning funds. That was this year.

**Gay Kingman:** In the new budget, in the '17, aren't they moving some funds out of construction over to or under BIE?

**Jeannine Brooks:** This moving is the staffing, it wouldn't be the actual construction funds. It's just the people that manage the education construction program. They are physically being moved to BIE to be managed under BIE instead of the Assistant Secretary. So it's not the actual construction fund.

**George Bearpaw:** All of that is under the restructuring and since we're providing a report on the budget we could also provide a report on that as well.

**Kee Allen Begay:** The Navajo Nation appreciates the previous approval of construction facilities on the Navajo Nation but what we're lacking is if we want to attract qualified teachers, instructors. The thing is that when you build a facility, what needs to come with it is housing as well.

**George Bearpaw:** I think we can provide some information on that too, specifically to your question. I don't think we've got that information now. Just to conclude my presentation, we'll get into the construction. Again, the Education, Facilities, Improvement, I think I've already gone over that. At the bottom, the other Facilities Improvement, the House and Senate did accept the request of \$1 million, a plus out. The next chart, the Indian Land and Water Settlements, both the House and Senate funded below the President's request minus \$6.1 million from the House and \$5.7 million minus from the

Senate. Both the House and the Senate did come up with additional money for the Indian Guaranteed Loan Program of \$1 million.

**Comment:** Is it in the future that maybe out of this TIBC that we see other Interior budgets so that we see what they're getting funded for because those budgets we also could be as tribes looking to seek monies out of there, whether it's National Park Service or other types of federal entities that we can look at. For example, we're dealing with a water settlement. If it doesn't get any funding there, how does that impact this project itself? So I guess in the future, how are we going to look at that and maybe look at more information from that?

**George Bearpaw:** That's been brought up before in crosscut budget items from the other bureaus also as well as other agencies. I think that's what they've been requesting. I know this body's been requesting that from OMB to show more information even from other bureaus and other agencies. So we will try to provide as much as we can from the Department of Interior and we can include that in the packet, as much information as we have specifically on those type of fundings.

The last item I have is just some other concerns we have with the Senate. We're trying to work with them on internal transfers and fixed cost increases which is pay cost. The Senate wasn't really clear on what they're actually giving us so we are doing some Effect Statements and try and get more information to make sure that we've got adequate funding from both the House and the Senate on Fixed Cost and Internal Transfers.

**Russell Begaye:** How do we respond to this report? It seems like the best way would be to look at some of these items and for the body to send a supporting resolution to both Houses with the possibility of getting increases with certain areas that's important to us as nations. Thank you.

**Jeannine Brooks:** Yes, that's the way most of the money comes through is because of what you guys do in going and letting your congressmen know what you need and what your priorities are. On our end, we have to do Effect Statements which George is mentioning. When we get this, we have to go down and anywhere they've taken away what we've requested, we have to send back an Effect Statement where we tell them what the impact of what they are doing is going to be. So if we do our side of telling them this isn't appropriate, we need you to go forward with what we requested but on your end absolutely. The more you can talk to your congressmen and tell them what a mistake it is to take that money away, that helps boost it as well. That way we can work as a team to try to get our money back on the table. This body too. If you want to do something as a resolution, that's powerful too. You have NCAI that goes out and does its thing, we can be just as powerful sitting here from this group doing the same thing.

**Larry Roberts:** This body obviously passes resolutions at every TIBC. This body could do that for those issues. As a federal agency we can't lobby on specific legislation but your idea is one coming from specifically from you as a leader to the other tribal leaders here on resolutions and Congress needs to hear your voices.

**George Bearpaw:** Just to add to that, that also gives us information for OMB and for the Department if we have to highlight something that comes from the tribes so I agree with Jeannine that that's very important that those resolutions be done and directed to both the House and the Senate.

**Rick Harrison:** The Small and Needy Program was developed for tribes; in the Lower 48, they received \$160,000 and Alaska, \$200,000. And it's near impossible for a tribe to operate on that alone to begin with and we've been advocating for that to be increased for several years. In the Green Book, that it's been changed to \$155,000 in Alaska and \$135,000 for the Lower 48 tribes. I'm wondering how that happened. As far as I know, there was no legislation to make that change, there was no tribal consultation to make that decrease.

**Jeannine Brooks:** The green book shows just what we've been able to fund it at are those levels. That's not what we're striving to fund it at. By asking for the increase, it's supposed to bring us back to those original levels at \$160,000 and \$200,000. Yes and I will make sure that that is corrected in the upcoming Green Book.

**Rick Harrison:** Is the full amount being requested so that it can be appropriated?

**Jeannine:** We have gone through that and we do have the layout from our Indian Services folks of what it would take and what the request should be in order to get us to that point.

**Russell Begaye:** Thank you. I'd like for the body to consider a motion for this body to oppose the decreases that have been presented because it is contrary to treaty obligation and trust responsibility of the United States government and for Congress to oppose any decreases that's been presented. Thank you.

Seconded by A.J. Not Afraid. We'll go ahead and carry forward with the resolution, and consider it this afternoon.

## **2018 Results**

### **Jeannine Brooks**

We received all the regional submissions after your meetings. We created a table that shows by line item within the comp table, how many regions supported increasing funds for what lines. While we don't want to do a priority ranking, we have to figure out some way of figuring out what we're going to ask for because we can't ask for an unlimited amount. We should be able to, but we're limited by what our guidance is.

With this we created this matrix that shows you how many regions participated in that final column. We were able to see on the matrix how many regions supported what line so it helped them to make decisions when they were making decisions at the subcommittee level. We had to work with what we were going to do for DOI submit. So you have what each of the regions requested, how much money they put on each line. Most of them ranked for us. Some did, some did not. If they didn't give us a formal ranking, we had to assume it by wherever they put the bulk of their money into and then we created the charts which was also part of the package and the deliberation books that everybody used so they could see by region.

We were trying to avoid the regular old method of priority ranking. This provides AS-IA a look from a regional perspective of what was important to tribes. It's a way to consider the information, although it's not perfect yet; we're trying to get away from rolling up so an individual regional priority doesn't get lost. It's helping put another edge of analysis into it.

In the unmet need portion, the methodology is different among the different regions. Some didn't provide any unmet needs report, some did an excellent job and gave us everything we asked for. If they put a dollar amount on that line, I knew exactly how many positions would be on hire at what amount of money, what they were going to put in place, what kind of training, everything to figure out exactly how they arrived at that dollar amount. Others put a dollar amount in and just gave a brief, 'We need it because we need to build up the program,' and that won't work.

What I would like to be able to do with an unmet needs report is be able to run that alongside. OMB provides guidance on the budget and we're capped. I would like to be able take a good comprehensive unmet needs report to demonstrate certain caps do not work for Indian Country. The message would be: Here is the limit, but this is the true unmet need in Indian Country, so here is the disparity.

We are discussing how to improve how we are working with the tribes in all of our locations to include everybody, from self-governance tribes to direct, that everybody is there, and get as much information as we can to give good strong unmet need reports.

We are going to work with the programs as well to try and get better standardization that will be easier for us to respond to. Alaska and Pacific Regions used a survey tool to work with their tribes to get the information they need to populate. We are looking at that to see if it's something that's easier and better to work with and more user friendly for tribes to do than the tables we send out to try and get you tribes to work with. I am working with my original counterparts to try and come up with, in the short term, something that's easier and better for everyone to use while we try to come up with a completely different way of doing formulation.

The timeline is for me to step through this process by October 1; I have to have guidance and guidelines for the regions out by October 1. I've been with BIA for 32 years but this particular job I stepped into in June of last year and I was told the next month you're going to stand in front of TIBC and give them a new way to do formulation. So basically I had 30 days to say, 'Okay, what is it we're supposed to be doing,' and try to work with everybody by October 1 to have something new in place. This is what happens when we take three months. We're back at that same place right now so the reality of us having a good process by October 1, good guidelines that everyone can follow and understand is not reality but it's something we need to start working on right now if we want to have it in place for 2020.

FY '19 I think we're going to be using the current process. We're going to have to try and refine it so it gets better information that we can actually use, but by FY 2020 I want a better process. We have talked about bringing in an outside contractor and that's fine if we want that for a mediator and that's good. Also the budget subcommittee from this group should be working on this. We need to get started now. I notice all the other subcommittees seem to meet before these sessions but the budget subcommittee does not and yet this is supposed to be a budget entity and I think that needs to change. We need to get those folks in, we need to communicate more, we need to have more meetings, we need to dive into this, start brainstorming and coming up with what's going to work. And I would also plead that we get some more members on that subcommittee.

**Terry Aguilar:** I'm also part of the Indian Health Service Budget Formulation and it's the same process, but in the IHS process, we can go to each region and gather unmet need. This is what the Fed's have said we're going to need.' Last year we were able to say, 'we support Alaska, we support the Great Plains, we understand your number.' We were able to do that. We were able to propose an overall unmet need number. We may not get funded but we had that. We're not going to get it but we were unified. We were at these meetings where we got to hear each specific region.

**Jeannine Brooks:** We fully agree and that's the things we were talking about: we need to get together and start looking at how different folks handle the budget. I'd be interested to see the IHS. I know George worked for IHS so he should have some idea how they do it.

It's kind of interesting you mention about IHS. They've actually contacted me in the last couple of months curious about our budget formulation process saying that I think some of the TIBC members were talking about the changes that we've made in the last couple years and IHS was interested in that. So I guess it's a sharing of methodologies here.

**Kitcki Carroll:** IHS only deals with 25 line items and they are 25 line items about the same issue of health. We're dealing with 125 line items across a multitude of subject matters which makes this a much more complicated process which is at the core of the problem of what we're trying to address here and how we go about budgeting. I appreciate the information that we're receiving today, but we should have received it earlier.

### **Introduction of Interns**

**Larry Roberts:** This is our inaugural class of interns for Indian Affairs and we have a number of them serving in the Central Office but we also have one in every region and they are doing a fantastic job. They're working one on one with the regional directors and this is the talent that's coming up through Indian Country that every tribal leader here should be not only proud of but asking for their phone numbers and resumes after this presentation.

### **Report on Priorities versus Enacted**

**Jeannine Brooks:** The other requested information was a layout of what the TIBC priorities have been versus what we actually requested through the Green Book versus what was enacted. We have the table for dollar amounts as well as a chart that shows you a comparison. It was interesting when we put this together. You start to see the trend in FY '14 where we started getting more. Congress is starting to catch up with us and I think that's due to a lot to the tribal folks going and doing their lobbying piece. So it is painting a good picture of how we have evolved with this process, which is what we have been talking about here.

This is the top 10 ranked priorities from 2010 through 2015 and where we requested funds on those lines compared to the prior year enacted. You have your prior year enacted, the request and then what actually got enacted for that year for each one of these tables and it takes you all the way through.

### **Strategic Planning Update**

Melvin Gilchrist

Good morning. Very briefly, the strategic plan update is called for by the Government Performance Results Act Modernization issued back in 2010. This Act outlines the process for updating the plan as it applies for the next five years. It's updated within one year after the presidential inauguration. The plan will cover FY2018 through FY2022 and it will be released in January of 2018.

Strategic level goals provide a roadmap for the Department as it relates to performance managers by providing information on progress and impacts. It provides information on the budget, planning and decision making. BIA currently has 22 strategic plan measures tied to the strategic plan. Those measures

are tied by mission, goals and strategies. Currently BIA is tied to three missions. Number one, we celebrate enhancing America's great outdoors, strengthening tribal nations in insular communities and ensuring healthy watersheds and sustainable secure water supplies. As an example, under mission area two, strengthening tribal nations in insular communities the goal is to improve the quality of life in tribal and native communities. The strategy is to create economic opportunity. Our current task within BIA is to inform our stakeholders in Indian Country of this effort by providing an opportunity to listening sessions and tribal consultations formally in 2017. After the listening sessions this year which were developed to receive comments, inputs and to look at any potential revisions to current measures. Those comments and suggestions will be consolidated and provided to senior management within BIA as well as the Secretary's office. This is a key step for preparing the presidential transition process next year which will include tribal consultations, which will include a more formal step by step process to have an offering for the current administration of the new administration. Key players in Indian Country are tribal leadership, regional directors, and Central Office program managers.

**Chris McGeshik:** On page 27 it has sustained fish, wildlife and plant species by protecting and recovering the nation's fish and wildlife populations in cooperation with partners including states. I think some of that language in these areas need to also incorporate tribes even though we have a separate tribal designation and if you went further on in those next two paragraphs we could also look at including tribes instead of just state and local agencies as well as looking at the tribal cultural and ceremonial uses for these resources. Tribes should be impacted or discussed at each one of these areas, not just the tribal area that's identified.

**Harold Frazier:** If you look on page 34, with the BIA road system, currently 17 percent of the entire system is of acceptable condition. Your goal is to maintain 17 percent. What's going on there?

**Jeannine Brooks:** Yes we know the goal should be 100 percent but the reality is what money we have to work with. So when we take this and we put it into the context of the Green Book where this information gets used with the budget, that's what we show them. 'We can only manage 17 percent of the roads with the funding you give us. However, if you were to give us X more dollars, we could get that percentage up to this level and this level.' So we use it as a stepping stone and that's how performance is supposed to be used. If we set it at 100 percent, all we'd show them every year is that we failed. We know that's where we need to be within terms of strategic planning we need to lay the roadmap of, 'This is why you need to give us this much million more dollars so we can get that percentage up.' And that's why it's designed that way.

**Harold Frazier:** Cheyenne River Sioux Tribe has 310 miles of BIA roads. We get \$2.2 million. BIA is not taking care of the BIA roads. I think your strategic plan should be to get at 100 percent acceptable level. Our roads not only impact our daily lives but also our school kids. On Cheyenne River they have to go over 40 miles one way—80, 90 miles a day. That's 180 mile round trip every day driving on these roads.

**Terry Aguilar:** Is there an opportunity to provide some more tribal input on this in terms of creating another column where tribes can set their own benchmarks or set their own standards and then provide that as another justification when presenting this to Congress or whoever we're presenting it to, so they see the tribes are saying what their benchmarks are.

**Kee Allen Begay:** On making communities safer, page 33. Whose data and statistics of each of the tribes are being utilized in these particular percentages? Then the other area is page 40, up here is supporting performance measure, mission area engaging the next generation. How can BIA in public safety start

engaging the younger generations at the high school level? Could we appropriate some funding to roll them into getting into a public safety career or judges or lawyers? Here it says that a number of young people in 50 cities participate. I thought we were talking about tribal reservations. We need all these attending down at the reservation level. Communities, villages and on the reservation -- I think that's what really needs to be focus on this particular strategy.

**Kitcki Carroll:** We need clarity about how to provide input on the strategic plan. Also the Department has responsibility for clarifying what and whose measures these are. Most reflect trustee responsibilities and some are measures about nation rebuilding, development progress, etc. and I think that that's not clear in what we're seeing for the current document. Suggestion is to not base a strategic plan based on budget realities. It should be an aspirational document for where you want to be within the next five year period, 10 year period.

**Jefferson Keel:** When we talk about the strategic plan, we have to be confident that the Secretary or that the administration is going to request a certain amount of funds to be put into the budget. Understanding that that's beyond your control, that you get what OMB tells you you're going to get next year. We have to have a realistic budget request for 2018, a 100 percent budget or a needs-based budget. IHS a few years ago looked at the needs-based budget and the need for healthcare is somewhere about \$18 to \$20 billion and it's going up every year. I don't know what the real need is for the BIA, for the Interior, but I know that it's more than three billion dollars per year. We need that figure so that Congress understands what the real need is and that OMB then can relate that into a realistic document. Right now we go over this and our frustration every meeting comes to the top and we talk about how much we don't have and how much we need. We sit and argue about things that we don't have any control over. I just believe that we ought to have the data that allows us to get to a realistic needs based budget.

**Kitcki Carroll:** We've encountered challenges with quality data and there are many factors that inhibit us from having the data that we're talking about. There are things like housing units, social service workers, law enforcement officers, teachers, etc. What is a reasonable FTE count for the number of citizens within this number of square acreage, etc.? That estimate would exceed \$2.9 billion and could be done immediately, notwithstanding our challenges with data and systems to collect data. There are some standard rules of thumb about what makes an economy and a community strong.

Some of your economists, researchers, and analysts could take a month and make estimates to figure out a number that's close to what the budget should be. Then BIA could fill in the gaps with data and individual unique circumstances given regional or tribal nation interests. For instance, how many youth are in this community, how many teachers should be there, how many schools should be there, what's that number? How many law enforcement officers should be there? How many judges should be in that court? How many courts should be there? You could go on down the list and come to a better number than we have right now.

**Larry Roberts:** BIA has put together some needs based reports for law enforcement and courts. We ought to do similar reports for other issue areas as well. And we're also looking at needs overall for school construction because we have over 60 schools in poor condition right now and the budgetary process that's going forward where we're still building schools from a 2004 list is unacceptable. We are putting together a process of showing the dollar amount to bring these schools up from poor condition to good condition based on the data that we have. School construction is a crisis situation. It's unacceptable in Indian Country. There are 10 schools that we address on the new list that have not

received funding yet but we need to get all of those schools in poor condition in acceptable condition. So we are addressing this in certain subject matters but we do need to do a better job across the board of even if it's an estimate of rough needs.

**AJ Not Afraid:** Do you have a document that can provide the information of what it takes to adequately provide trust services to tribes in comparison to the actual budget?

**Larry Roberts:** So I don't think we have a document that comprehensively looks at that. We have documents in progress or that have been put out there on specific subject areas. But it is something that, especially for social services, for roads, for other needs we ought to be compiling the best information that we can to put out there as an unmet need.

In terms of unmet needs, I think the budgets that we get from Congress are funding detention at about 50 cents on the dollar. So the documents that we do have on that are publicly available but we'll make sure that TIBC has those documents as well.

I think we need to talk as a group in terms of how to prioritize that type of work because, for example: the labor force report that we're supposed to put out every two years, – we are a service agency, we are not a data collection agency and we're not equipped to do those types of things. The time that we spend pulling together data takes away from other people's time. I agree with the purpose and the goals. We need to figure out how to prioritize that work for those types of reports. We have it for law enforcement, we have it for courts, we're going to have it for school construction. I think I've heard social services, I think I've heard roads. I think I've heard comprehensively yes but we need this body to prioritize that work.

**Kitcki Carroll:** There was a point that you guys were deficient in having a BIA economist. And then when you guys rehired and filled that vacancy, and the first task on that person's plate was to get that labor force report done. Our region didn't find that labor force report to be very valuable. But to your point about you are not a data collection agency, I understand that 100 percent. Many of our tribal nations don't have the necessary infrastructure and capacity to collect all the data that they're saying they need to justify spending. However, I know an economist can do this. It doesn't require getting data from us but it's just to look at what makes a strong tribal community. What type of infrastructure and capacity is necessary, even just at the basic level, and what type of dollars is associated with those FTEs and infrastructure requirements that you identify. That doesn't require collection of data from us. It requires an economist looking at economies in a very holistic way and then to create some general understanding to apply to a framework. That could identify for tribal nations the basic level of infrastructure necessary, which costs \$6 billion and we're funding it at \$2.9B, for example. Maybe this is a task that an economist could do. I'm not putting all of the onus on the Feds but all of us to do some creative thinking about how to better tell that story and get the information to tell that story.

### **OST Update**

The Trust Asset and Fiduciary Trust Management is a very dynamic and complex business. The Indian Trust Asset Reform Act that was signed by the President on June 22<sup>nd</sup> is really a great opportunity for OST to evaluate our functions and also OST's future. The Federal Register notice and the tribal leader letter has already been signed by the Deputy Secretary Mike Connor announcing the consultations.

The legislation itself requires us to have a report submitted to Congress within a year so we knew we did not have a lot of time before we got started with the consultations and since it's been signed, we expect it to be published next week.

Consultations: we'll be started August 22<sup>nd</sup> in Albuquerque, August 26<sup>th</sup> Minneapolis, August 29<sup>th</sup> Seattle, August 31<sup>st</sup> Billings, September 7<sup>th</sup> Tulsa, September 9<sup>th</sup> Sioux Falls, September 12<sup>th</sup> will be Palm Springs and September 19<sup>th</sup> will be Washington, DC and that'll also be a telephone consultation as well at that time.

**Eldred Lesansee:** I serve as the Director for the Office of Appraisal Services with OST. I'm a state certified general appraiser and a member of the Zuni Pueblo Tribe. The Office of Appraisal Services, our issue is to provide high quality, independent, objective appraisal services prepared in accordance with nationally recognized appraisal standards and practice, achieve highest quality of appraisal service providing the cornerstone for sound real estate business decisions made by and in behalf of trust beneficiaries.

The Office of Special Trustee for American Indians, OST, was specifically created to improve the accountability and management of Indian funds held in trust by the federal government. OST is there to provide oversight, reform and coordination of the policies, systems and practices used by various agencies to manage Indian trust assets. OAS plays a vital role in this mission. The regional operations divisions performs impartial, unbiased objective real property valuation services, they provide valuation consultation and technical expertise. We assist the BIA Division of Indian Self-Determination by monitoring Title I contract activities. We also assist the Office of Self-Governance by providing technical assistance supporting Title IV self-governance compacts.

The Land Buy Back Program Evaluations Division or LBBPV also performs impartial, unbiased, objective real property valuation services. They provide valuation consultation and technical expertise to tribes. They also assist the United States Department of Interior's Land Buy Back Program in the coordination of cooperative agreements, memorandums of agreement, memorandums of understanding entered into between DOI and the tribes.

**Harold Frazier:** If a tribal member from Cheyenne River wanted to sell their land to another tribal member or to the tribe, that appraisal price is still going to be in the neighborhood of \$1,200 to \$1,500 like it was with the buy-back program?

**Eldred Lesansee:** There are two factors playing in this. The time—whether the market's changed since the time that the buy-back program has done the valuations and whether there's new sales to be used in the valuation. That would trigger a different potential change in the values.

**Harold Frazier:** Well, when you get \$500 a month income and all of a sudden you got a check for \$100 and some thousand, what are you going to do?

**Eldred Lesansee:** That's a personal financial decision. We will give you feedback. So in fiscal 2002, a Secretary Order #3240 approved the appraisal services to be moved to OST from BIA. OST created the OAS director's position at that point and also created the Office of Appraisal Services. Since the Cobell settlement and the buy-back program for tribal nations was established, the land buy-back program was established within OAS. We have four teams. The Immediate Office Team, the Land Buy-Back Program Valuations Division, the Regional Operations Divisions and we also have a Quality Assurance program

and that program is headed by Eric Griffin who is the Quality Assurance Officer. The Regional Operations Division is comprised of 12 regional offices and they're co-located with BIA and/or nearby BIA.

The Land Buy-Back Program Valuations Division is headed by Iris Crisman and she has four teams—the Administration and Contracts Team, the Appraisal Review Team, the Master Appraisal Team and the Valuations Program Manager Team. And the Quality Assurance Officer is funded by the Land Buy-Back Program but reports to the OAS director. 20 years of progress. OAS has designed and implemented the appraisal track being real time status reporting, data management system named the Office of Appraisal Service Information System or commonly known as OASIS. We've consulted with tribes and implemented a uniform tribal shares formula for our appraisal programs, integrated and developed an in-house data log system for processing appraisal requests, output of statements of value reports and mass appraisal models and the storage of electronic records. So all our appraisal reports and reviews are uploaded into OASIS for access by BIA and tribes that have access to OASIS. The other things we've completed is an implementation of mass appraisal methodology and this maybe the first in the federal government that we're aware of. We're also first to integrate database software systems including ArcGIS, AgWare, Trust Asset Accounting Management System or TAAMS and Prognose to complete our valuation services.

The 93-638 Tribal Appraisal Programs – we have 34 in total, 28 of those are tribal programs operated under self-governance compacts. OAS also serves Awarding Official's Technical Representatives for Title I contracted appraisal programs through performance of monitoring and technical assistance and we also support the Title IV compacted Tribal Appraisal Programs. At the request of tribes we also provide technical assistance and technical consultation to the Office of Self-Governance.

First our priority is to hire and train 12 Native American appraisal trainees and enhance the service and communication with internal and external stakeholders and to effectively manage our appraisal workload. We had some success; back in 1998 we had about 3,000 appraisals in backlog. Today or at the end of May 31<sup>st</sup> of 2015 we had a balance of about 286 I believe. We're at 183 appraisals in backlog and we're working hard.

The other priorities we have is fill our vacant Review Appraiser positions and also to collaborate with the OAS regions to incorporate the use of mass appraisals by making necessary adjustments to the models and to fit regional operation value requirements in those models.

Memorandum of Understanding: I'd like to establish a memorandum of understanding to serve as a Service Level Agreement to identify the roles and responsibilities of BIA and OST-OAS to improve communication and partnership and to define the roles and responsibilities for each party in the appraisal request process.

**Question:** Do you have any criteria to determine the worth on the cultural site if it's on an individual's land or how do you do that?

**Eldred Lesansee:** That's a complex one because the appraiser's mission is to estimate the economic value of a property and sometimes the market recognizes those cultural or intrinsic values or special values to a group of people or to the landowner and sometimes the market doesn't recognize that. We try to look for sales that have those influences to take into account those extra values that might in the transaction.

For commercial properties we do retail, office space, movie theatres, we've done convenience stores, post office, beauty shops and laundromats. It's a great variety. We do a great variety of type of properties in Indian Country. Indian Country is so vast and different.

**AJ Not Afraid:** When it comes to natural gas, you would also have an appraisal for that, correct?

**Eldred Lesansee:** The Office of Valuation Services has a team called the Division of Mineral Evaluations.

### **BIE Management**

Ann Bledsoe Downes

My update is primarily focused on the programmatic although I do touch a little bit on budget. In 2016 we are working towards making use of the budget investments that were made in BIE. The most significant portion of that was in the construction area. We rely heavily on our DASM and our BIA partners to execute those activities.

We have an increase of \$2.5 million this year which is part of establishing our school operations division.

We are going forward now on hiring our school safety specialist and that's in response to the GAO report on school inspections. We'll also hire a couple of HR specialists as well as some grants management staff.

And this is the effort to stand up the basics of our school operations divisions in the hope that Congress will invest in FY17 in a broader school operations division for us.

We had forward funding in '16 for our tribal technical colleges for the first time so we had a \$5 million increase. Reverse funding is a huge burden on the schools and on tribal governments who are also providing much needed funding to those TCUs.

This is our movement from on location to function under the Associate Deputy Directors—one for tribally controlled, one for BIE operated and one for Navajo and then the educational resources are what we're calling school solutions teams in these ERCs. We're about halfway through staffing those ERCs. We're in a pretty intensive HR process to make sure that we have offers.

Our third focus area or priority for reform is highly qualified teachers and principals. We're partnering with the national board certification. Teachers who have completed that certification, there's statistical impact on the classroom and student achievement goes up when you're working with national board certified teachers.

Those numbers haven't shifted much but they come in in cohorts as components are completed. We're around 300 and some teachers right now who are participating in that. The additional thing that we're doing under meeting our goal of highly qualified teachers and principals is partnering with the New Teacher Project. They did an assessment of our hiring practices, our recruitment strategies, our retention strategies and have made a number of recommendations to us and I reported last time that we were just beginning the implementation of those recommendations. They had recommendations around new website development, new recruiting strategies, how to streamline contract renewals and some leadership development opportunities.

We have revamped our website. If you go on, you can see a map and look at where there are hiring availabilities across BIE whether they be in DC Central, out in the offices, ERCs or even at the school level. We've also started bievacancies.com where individuals can sign up and they'll get an email letting them know each week what the new postings are. We have about 2,000 folks who have signed up for that. And then we have an internal facing website with the support of TNTP called the BIE Talent Portal.

Under the Every Student Succeeds Act, the high qualified teacher label is no longer the standard that will be used. It's replaced by highly effective teachers and the goal is to ensure that every student has access to the best teachers. The students who have the least access to the most highly qualified teachers are often in rural or low income areas and the goal of highly effective teachers is to reduce that gap. We're identifying where our gaps are right now in BIE and developing a plan for how to address those gaps. And under ESSA we're required to have that plan established and begin implementing it by the school of 17-18.

Our priority around tribal self-determination; I recently made several visits to our tribes that are either SIE, Sovereignty in Indian Education grant recipients or our Tribal Education Department grant recipients, to continue to express support for those grants and help identify where BIE needs to provide additional technical assistance. These tribes are working on things like revising their tribal education codes, looking at new accountability workbooks.

We're very close to crossing the finish line on the Navajo Nation's accountability workbook which will be a historic event—32 schools under one assessment system for the first time or 60 some schools under one assessment for the first time. Also went out to Hopi, Tohono O'odham and Gila River and some really great meetings there on how those tribes are using these funds to promote tribal self-determination in the educational arena in their tribal communities. Santa Clara Pueblo just took over one of their schools and they are the fourth school to go tribally controlled under Secretary Jewell's tenure. The final focus area under our reform is under partnerships and it's at meetings like this with tribal leadership. We did a webinar, did the Tribal Education breakout session, trying to communicate our progress on the Blueprint out to tribal leadership, answer questions.

Everybody wants to be like Montana and then BIE was there to sort of talk through the role we played in networking with those state education departments. We have a strong partnership with AIHEC and promoting tribal colleges. I am supportive of the comment earlier about the training of appraisers at TCUs. We're starting a professional development project with NIEA right

The Center for Alternative Dispute Resolution is going to help us with a pretty historical meeting we're going to have next week on bringing the BIE employees together in Riverside, California to Sherman Indian School, a full two day time of getting together saying, 'How are we going to operate together? How are we going to operate across functions? Assuming all of this comes under BIE, what does that transition look like? And what do we do if it doesn't? What's our Plan B and how are we going to work together under this new organization and how are we going to really implement?'

The reorganization piece is the moving of the boxes. That's starting to be in our rearview mirror. Now we're really working on the reform efforts which are the focus areas and changing the environment of BIE. How are we going to work to make that our focus every day and how do we navigate solutions within the bureaucracy that we work within?

**Comment:** Today we've been talking about construction and that being a concern because we're trying to recruit educators and administrators within the schools. In regards to the recruitment and New Teacher Project you're talking about, we have two really good resources that BIE currently funds and that's Haskell and SIPI. Haskell offers a Teacher Education Program and it's only Elementary Education but that's a resource for tribes to utilize

And so is there an opportunity or is there any new strategy to be added to really strengthen and really reinvest into those Teacher Education Programs at those two facilities to really market to our community members and our tribal members to become educators? Our teachers are mainly White and to me as an educator, that was one of the things that I was proud to be at my school because I never had an Omaha teacher.

**Ann Bledsoe Downes:** That's a great opportunity. We don't have the answers for how that's going to work and how Haskell and SIPI can be responsive but at this induction meeting they're going to be prominently highlighted, both the presidents from both of those institutions, to help us answer that question and a couple others about how we do better in our BIE schools to make them prepared so that they're coming in as students ready to take off and not doing all of the work to get them ready for college prep classes.

**AJ Not Afraid:** Where would that Resource Center be located?

**Ann Bledsoe Downes:** Each Educational Resource Center is assigned schools and I don't know that list off the top of my head but I could find out if you told me the particular school which ERC owns them.

**Comment:** During the implement of this reorganization it was brought to the attention that an update for the injunction. Was there an injunction placed on the reorganization?

**Ann Bledsoe Downes:** We are not implementing. Of the 15 ERCs in our plan, four ERCs are not being stood up. But the others are.

**Harold Frazier:** When you talked about school construction, we submitted questions because nine of the 10 schools were in one area and we have not gotten answers to our questions, which were submitted back in September/October. We did file Freedom of Information. We wanted to know who was on the selection committee, what was the scores of each application. Earlier you mentioned a webinar with NCAI and many NCAI tribes don't have BIA schools. So are you coming to the areas and having these webinars where there are BIA schools?

**Ann Bledsoe Downes:** That's part of this effort. I've been to intertribal meetings. I'll be at the Great Plains Tribal Chairman's Association meeting tomorrow. I've been to Southern Pueblo Governor's, the MAST meeting. I'm just trying to highlight our effort to improve our communication efforts. That webinar I will say is available on the website though so despite it happened with the support and help of NCAI it is publicly available as a resource that they're providing to all tribes who would want to or stakeholders or community members who want to see and get that update.

**Harold Frazier:** Okay. I heard that there was increases for salaries at BIA schools. Why wasn't the tribally controlled schools given any increases for salaries for teachers? Here in South Dakota they recently passed to give public schools a \$7,000 a year increase and that's going to affect a lot of our tribally controlled schools because many of them mirror that pay scale of the State of South Dakota and where

would you rather go? And in our operation and maintenance of our schools we're funded at 47 percent of our need. So are you coming up with any ideas on how that could be increased?

**Ann Bledsoe Downes:** The teacher salaries come out of the ISEP program line and I'm not aware and I don't know that the ISEP increase has been allocated to teacher salaries. I don't know that that has happened. We're dependent on additional appropriations to increase our O&M. One of the things we're doing is advocating for that at the same time which initially wasn't folded into our plan but it is now. So we're advocating for more funding.

**C.J. Clifford:** From the Wounded Knee District down on the Pine Ridge Indian Reservation. I've been involved in a lot of the issues that have taken place with the Bureau of Indian Education and it has not been good for our tribally controlled schools. There's many concerns that have not been addressed and I think even at this level and it's been pointed out several times now throughout the past couple days that you're not reflecting the true need where it needs to happen. If NCAI's program is not consisting of the majority of our schools but you're taking their input; on the other hand, we've been forgotten for too long. We've been part of the lawsuit that's gone on here in the Dakotas for the longest time now and at this time with the reorganization, we're under the understanding that we're being left alone at the moment which is okay with us because we have plans for ourselves and we would like to have our plans supported by you. When BIE began, it used to be the Department of Education or Bureau of Indian Education Offices and when it made itself its own leg being the BIA, that wasn't done through proper consultation. My question, what is true consultation? I have elected officials within my school districts that when they go to Washington the doors are closed on them and they said, 'We only talk to elected officials from the tribe.' That is not good for us. That's not good business for the Bureau of Indian Education, Bureau of Indian Affairs, Department of Interior. If that be the case, as an elected official from our tribe, would it be okay that we demand that the Secretary be here for official consultation?

I would like to see my elected officials from these schools be recognized not only here in the Dakotas but throughout the nation.

**Ann Bledsoe Downes:** I'm happy to meet with yourself or whoever you designate as the officials to work on education issues. I'm happy to do that.

**C.J. Clifford:** Okay. Good. But what I'm asking for is if one of my school representatives goes to Washington to brief you on situation in my schools, then I need you to have open doors. Consultation is heavily weighed with 51 percent government constantly all the time, even the negotiated rule making committees that are formed and the policies and regulations that are put forth are based on what the government wants not what the tribes or the tribal needs that we have being recognized. Even for that, to go another step further, we have the opportunity as Indian people to determine these policies and regulations to benefit us but yet we've run into many roadblocks in the government system.

There are many concerns in Indian Country here in the Dakotas that need to be heard at this level and higher levels and I appreciate it and I would appreciate your support in these endeavors that we put forth in Indian education from the Dakotas. This is a treaty obligation they have. The Bureau has a trust responsibility and we are underfunded and we do need them, we want them to reflect the true need not what they think we need. Thank you.

**Roads Presentation**

**Leroy Gishi:** Bob Sparrow who was asked to talk about self-governance rulemaking had a family emergency on Tuesday and called me and asked me if I could do this. We want to update you on the status of the negotiated rulemaking with regard to a new self-governance program at U.S. Department of Transportation.

The FAST Act is the current highway authorization that has changed the program in a number of ways. One of the areas that it has is it developed and established a Tribal Self-Governance Program at U.S. Department of Transportation. It means that all programs that are in USDOT including the agencies such as the FAA and FTA and Federal Railroad as well as the Federal Highway Administration, NHTSA, all of those are programs that sometimes are made available to and can be made available and there are tribal programs that are in those agencies. This process is looking at a methodology to develop a self-governance program at USDOT so that opportunities for tribes to be able to enter into agreements, into compacts and of course the annual funding agreements within those programs. This was established in the FAST Act. The deadline for that is, as far as the publication of the regulation, is September 4<sup>th</sup>, 2017. They can extend it for up to 180 days which they probably will have to do that just anticipating what's going on because they have had some difficulty getting things up and running.

They sent out a notice for nominations on April 25<sup>th</sup>. It was published in the Federal Register and they received nominations through June the 9<sup>th</sup> of 2016. All locations, tribes located in all 12 regions were identified and they're looking at their rulemaking committee to be comprised of tribes within the regions that the BIA uses which they've adopted with their transportation program also. And they got nominations also from regional tribal organizations as well as the self-governance workgroup that works within the Department of the Interior.

They are anticipating that they will have a Federal Register notice published this week or next week in terms of identifying who the committee members are, announcing the first meeting that they will be having and most likely that will be in Albuquerque.

This is a new direction that USDOT following suit of what the Indian Health Service over at HHS has done and so did the Department of Interior and so it will be a new beginning for tribes to become involved in programs that are outside the normal programs that they have been used in that it was highways and bridges. Now you're looking at a lot of other areas where tribes can be involved. The idea they've quoted many times is a one stop shop for tribes to be able to enter into these agreements.

The two co-chairs for the subcommittee are Dakota Longbrake from Cheyenne River in the Great Plains Region and Mr. John Smith from the Rocky Mountain Region.

**David Kelly**, the Director of Transportation for the Oglala Sioux Tribe.

The proposal that you're going to see in the PowerPoint was developed within our Great Plains Region. We had a small meeting held in Pierre at our rural water facility and we invited every single tribe within the Great Plains Region to come and voice their concerns. Out of there we had 14 of the 16 tribes show up to be represented because they understand the road maintenance has always been a hot topic, hot issue and we all deal with it in one capacity or another whether we're a little tribe or a large tribe.

We gathered data we already had; and we've got to give credit to the bureau. The regional bureau that actually worked with us from the Great Plains Region. They did an outstanding job along with LeRoy's team and his staff down in Albuquerque.

I've got to commend you folks for stepping forward and finally recognizing road maintenance is a very, very big issue. It's not a construction program and by creating the committee which you did today, that really moves it forward because over the past 10, 15 years it's had a little light shined on it and then it would be kicked back into the dark. And at this time we'd like to take this opportunity to take advantage of what you guys have given us. This is still a work that we're working with but it's our presentation that's in part with the committee that has just now been developed.

**Dakota Longbrake:** Transportation Director for the Cheyenne River Sioux Tribe, the co-chair with John Smith of the subcommittee on road maintenance.

We've looked at a lot of data over the last six months, looked at different strategies on how to present that data, what to do on a national level so more data is getting out there to show a better picture of where road maintenance truly is. One thing that we really want to stress is there is a difference between road maintenance and road construction. Road maintenance is preserving a structure as it's built right now. It's not improving the structure per se; it's just holding it the same. If you have a road in excellent condition, road maintenance job is to keep that road in excellent condition. There's definitely a difference between the construction and the maintenance end of our program.

The mission of the subgroup: our road system is a lifeline for not only tribes but everybody around us. Unfortunately in Indian Country our road maintenance has been lacking and it's been lacking for my whole entire lifetime.

The road maintenance is going to protect the investment of tribes, of the government, of whoever's building those roads. Asset management is what comes to mind when you start thinking about road maintenance and that is the mission of this group is to protect the investment from the construction side of things of what we're putting into these roads.

Our purpose: we have taken it on, with the committee's recommendation, to aid in looking at the data, and try to present a different picture to everybody of how the road maintenance program is performing, what we need to do to perform better. We met yesterday. There were probably 20 to 30 people in and out of our meetings. We came out of there with basically four points.

- One, we want to maintain what happened in March is to make road maintenance its own budget activity here in TBIC.
- Two, establish an emergency maintenance pool.
- Three, make reporting requirements a required activity for all tribes.
- And then number four, include the deferred maintenance report into the Green Book.

Comment: this presentation was specific to road maintenance but from our region, many items need specific attention that are not getting the attention it needs: education, law enforcement, etc. The budget process doesn't afford proper consideration.

**Sam Thomas:** one recommendation was pulling road maintenance out, and we aren't sure if that would be beneficial or detrimental. Mike Smith said that was done before and it wasn't successful.

**AJ Not Afraid:** Made a note that TIBC made a motion to take out the Roads Maintenance line item out for its own budget activity and it was adopted already at the March TIBC meeting.

**George Bearpaw:** The question remains – what are the benefits to taking out this line item.

#### **DOJ/OJS update**

Mike Black

Will post documents and updates on website.

#### **New Business:**

##### **July 2017 Location**

Moved and seconded to hold the next July meeting at the Twin Arrows Navajo Casino and resort. Motion carried.

#### **Resolutions and Actions**

Three resolutions were adopted.

##### 1. [Supporting Tribal Nation Building, Growth, and the Upholding of the Federal Treaty and Trust Responsibility in the Department of the Interior Strategic Plan](#)

This resolution calls for the strategic planning initiative to hold the federal government accountable for honoring the trust and treaty obligations funded in the federal budget, including through the use of measures that reflect nation-building. The resolution resolves that the FY 2018-FY2021 DOI Strategic Plan should reflect mission driven goals and measures (currently 22) that have a higher level focus and that focus on tribal nation rebuilding and growth. Motion was made to adopt the strategic plan resolution by Kitcki Carroll and seconded by Rick Harrison. Motion carried.

##### 2. [Supporting Enactment of Legislation that Would Exempt Tribal Governments from the Employer Shared Responsibility Mandate](#)

The TIBC passed this resolution because the employer mandate will cause Tribes throughout the United States economic hardship sufficient to require termination of tribal workers and tribal programs necessary to meet the needs of tribal citizens, including programs for tribal elders and youth. Motion was made by Rick Harrison and seconded by Jefferson Keel to adopt the employer mandate resolution. Motion carried to adopt the resolution as amended.

##### 3. [Opposing Any Decreases to the Bureau of Indian Affairs Budget in the Interior Appropriations Bill](#)

This resolution if the tribal caucus of the TIBC opposes any decreases proposed at the Department of Interior level, in the President's budget, or presented in the House and/or Senate Interior appropriations bills, which are contrary to the trust obligations to tribes. Motion was made by Kitcki Carroll to adopt the budget resolution, seconded by Chairman Atteberry. Motion carried.

4. Instead of a resolution, the request from the Public Safety and Justice subcommittee for a meeting. Motion made by Kee Allen and seconded by Kitcki Carroll. Motion carried. The request is for a meeting

including BIA OJS, tribal law enforcement staff, and tribal leaders to discuss recommendations from the Public Safety and Justice TIBC Subcommittee.

5. There was a motion by the Transportation workgroup that passed 7-2 by voice vote. They were advancing four recommendations: 1.) Elevate the Road Maintenance line item to a Budget Activity Status within the Indian Affairs Budget Structure; 2.) Create an Emergency Maintenance Pool to provide flexibility to Tribes so they don't have to tap into their construction money; 3.) Impose a standard data collection system on all Tribes; 4.) Create a Deferred Maintenance Budget Request. Request 1 had been adopted at a previous TIBC meeting.

Need to address at the next TIBC:

OMB participation

DOJ/OJS attendance to assist with some of the PS&J subcommittees.

**Meeting adjourned.**