

**Tribal Interior Budget Council  
July 11-12, 2018  
Mystic Lake Casino Hotel  
2400 Mystic Lake Blvd.  
Prior Lake, MN 55372**

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**Invocation, Buster Atteberry**

**Roll Call**

**Tribal Representatives**

- Alaska Region, Rick Harrison, Dominic Ivanoff, not here
- Eastern Region, Cheryl Andrews-Maltais, Kitcki Carroll
- Eastern Oklahoma, Karen Ketcher, alternate
- The Great Plains Region, Larry Wright, Jr.
- Midwest Region, Darrell Seki could not make it. Dave Connor, proxy.
- Navajo Region, Perry Riggs standing in for President Begaye, Kee Allen Begay, Jr.
- Northwest Region, Ron Allen. Greg Abrahamson is not here.
- Pacific Region, Robert Smith, Not here. Buster Atteberry.
- Rocky Mountain, AJ Not Afraid, William Snell standing in for Chairman Wagon.
- Southern Plains Region, Ronnie Thomas. Not here. Angela Thompson.
- Southwest Region, Joe Garcia, Clyde Romero, Jr.

- Western Region, Herminia Frias, David Decker

**Central Office**

- Darryl LeCounte, Director, BIA
- George Bearpaw, Director, Office of Budget & Performance Mgmt., Indian Affairs
- Jim James, Deputy Bureau Director, Field Operations, BIA
- Bart Stevens, Deputy Director, Bureau of Indian Education
- Spike Bighorn
- Sharee Freeman, Director, Office of Self-Governance, Indian Affairs

**Budget Officers**

- Alaska Region, Rachel Larson
- Eastern Oklahoma Region, Kelly Harjo
- Midwest, Dolores Reeves
- Northwest, Collette Tafua
- Rocky Mountain Region, Randi Adam
- Southwest, Cheryl Sakiestewa
- Eastern, Vandy Steve
- Great Plains, Ernest J. Pourier
- Navajo, Navajo's present
- Pacific, Connie Wilkie
- Southern Plains, Gerald Haunpo
- Western, Michael Nutter

**Approval of agenda**

Request to add transportation NEG REG update.

Agenda will be modified to give that report after the transportation co-chairs give their update.

Joe Garcia moved to accept the agenda as amended. Seconded by Karen Ketcher. Motion carried.

**Tabled approval of the minutes to July 12, 2018.****Opening Remarks**

**Ron Allen:** We have a lot of issues on our plate without a doubt and we're very appreciative once again of the Shakopee Mdewakanton Sioux who are our hosts here at this meeting.

As we deliberate on a number of issues that we'll talk about as we go through our agenda, from my perspective it's really about how do we move forward in a way that makes this process more effective, how do we move forward in terms of urging and encouraging the Administration to put forward budgets that make sense and that truly reflect the priorities of our respective tribes and communities, the people that we're trying to serve, to accomplish our missions and our goals and objectives across Indian Country as diverse as they are from north to south and east to west and large tribes, small tribes.

I'm in my 41<sup>st</sup> year as the chairman of my tribe, I've seen great growth in Indian Country but that growth has shown how much more we need to do and it's kind of interesting all the successes we've experienced in the last 20 to 30 years. It just shows that we have great needs out there. So I hope that this process will continue to improve and allow us to be able to share what the Federal Government's obligations are to us via our treaties or just statutory obligations, etc.

There's things that have been advocated here with this Administration such as reorganization. We always share our concern about any kinds of reorganization in terms of what they mean to us and what those affects are. There's proposals in terms of moving budgets around. The question for us will be relative to, is it a slight of hand kind of movements that are not in our best interest? So are we being forthright, are we being transparent with regard to those priorities and those issues that are of great importance to the tribes?

I've always thought that we should be partners. The old days we used to refer to as beating up on the BIA as our favorite Indian sport but that's an old joke and we don't want that to be the disposition in our relationship. We want it to be more partnership and how can we work together in order to advance our agenda? I hope that we can find some recommendations and solutions. I know later tomorrow we'll have an update on the process, can we improve the process and we'll make some decisions hopefully together to move that agenda forward.

I'm very appreciative of fact that while the Administration has not advanced what I consider constructive budgets on behalf of Indian Country, Congress has been our friend and ally. And so the growth that we've experienced the last couple of years is because of our friends up on the Hill, both on the Republican side and the Democratic side. They work closely together on that agenda and I just want to say thank you to all of you who do testify on the House side and then work the Hill on both Houses regarding the important issues of Indian Country.

**Darryl LaCounte:** Today I'm serving as the Acting Assistant Secretary for Indian Affairs. Mr. Tahsuda took some time off and so as I said last time, I'd been four different roles that I've been at TIBC with in acting roles and an RD role. Well, this is my fifth so I think I'm leading the league.

Thanks to all of you for being here. I'm sorry that I have to leave this evening and head on to DC. I don't know how long I will be in Washington but I'm willing to do the job until a replacement is found and I've committed to that and you may see me again in November. I don't know how many of you had an opportunity to attend any of the consultation sessions regarding the reorganization.

**Joe Garcia:** One important thing is that a question was posed to John in Albuquerque and that question was, it appears that the BIA has bought into the reorganization the way it was being presented and so posed the question—has BIA bought into this process because you're marketing it and you're presenting it like you all have bought in and there was no direct answer that that's why the consultation was happening. But the other one is they named three priorities and the people and the programmatic functions of the BIA were not in that three. Then the question was posed about water rights and in the Southwest we're really about water rights and we asked if water rights was a priority for the Bureau and for in the Department reorg and the answer was, 'No, it's not a priority.' It wasn't a good session for me because of a few of those statements. Nonetheless, I'm not sure how other sessions went but those points kind of hit the red mark in the Southwest Region.

**Darryl LeCounte:** I'm sorry you had a bad experience there. I will reiterate, this is really up to the tribes. This is up to you whether you want in or out. I've heard it directly from them and so I don't know how an answer to that question if water rights are a priority. That's our job. We don't have any choice when it comes to that. We're going to sit at the table when that time comes and so I'm sorry you heard that answer but I'm giving you a different one right now. They certainly are a priority. The first map that came out, I was very concerned when I saw it because it had carved the Blackfeet Indian Reservation out of at that time I think it was Region 5 and I went, 'We're right in the middle of a water settlement,' and the impacts that would have had on not only BIA but also BOR would have been very difficult to maneuver because we have people in place, we have people hired just to do that and so that was my biggest concern about the first map that I saw. But then the map changed and so it's back to where the people that we have hired to fulfill that settlement are there. And so I'm here to say, Yes, water rights are a serious priority for us.

**Rick Harrison:** So one of the other concerns about this reorg isn't just about whether BIA reorganized but it's also about the whole Department and the relationship tribes have with those other agencies and how that's going to affect that and we're not being invited to the table for consultation on that part of the reorg. It's just strictly about BIA. So that's one concern that I've heard come forward. If we choose not to be part of this reorg and the tribes are listened to and BIA doesn't get reorganized, that's fine but the reorg's going to happen for the rest of the Department and we're not going to be part of that.

**Darryl LeCounte:** I will take that message back and that's a very good point. I appreciate that. You very well should be. As all of you know, you have interactions with just about everybody else in Interior. I can't think of one department in Interior that is not impacting Indian Country.

#### **Welcome from the Shakopee Mdewakanton Sioux Community**

Willie Hardacker, general legal counsel for the community.

On behalf of the Shakopee Mdewakanton Dakota Community and the tribal council, Tribal Chairman Charlie Big, Vice President Keith Anderson and Secretary-Treasurer Rebecca Crooks Stratton, I welcome you here to the community and to the Mystic Lake Center. This is very important stuff, some of the most important stuff that you're working on.

**Kitcki Carroll:** On the reorganization point, there's another element to the comment and the talking point about it's up to the tribes whether they want to be part of the reorganization because there's been a suggestion made on more than one occasion by more than one individual in this Administration that somehow that if tribes choose to not be part of this that that somehow is going to affect the execution of the trust responsibility. So just stating for the record that there should be no diminishment on the execution of the trust relationship regardless of whether tribes do or do not participate in the reorganization because the responsibility and obligation is the same. There's nothing that speaks to treaties or anything like that about reorganization being a caveat to the fulfillment of trust responsibility. So I wish they would stop making that suggestion that somehow that if we choose to not be part of this then somehow we're going to be negatively impacted by service provision and execution of that trust responsibility.

**Darryl LeCounte:** That trust responsibility is our job, that is the law. I'm sorry that that's the way the message is coming across. I think what Mr. Tahsuda is trying to say is, we, including BIA and the tribes have in the past always said, 'We're on the outside looking in. We're not getting the same kind of funding and attention that the others are.' And I think that's what his message is trying to say and I'll

talk to him about how he's delivering it. But I understand what he's saying and he's saying if we want to continue saying that about us, that BLM's funded better than us or BOR or whomever it may be, then maybe we need to participate. I think that's what his message is and I will talk to him and hopefully he will deliver it in a manner that is less offensive. Beyond that, in the Bureau, we just seated a new regional director in Alaska. Mr. James to my right here was just there this weekend, flew in yesterday late, and that position is filled. We anticipate that the Northwest will be filled within, what would you say, Jim, a month or so? And Southwest I believe is still on the street.

I advertised the Deputy Director for Trust Services and I had 22 applicants. Human Resources tell me one of those applicants is minimally qualified, which is a tough place to be. I will take a look at who that person is and if we have to advertise again, we will do that. If we have other options, we will do that.

**Phyllis Davis:** a council member for the Match-e-be-nash-she-wish Band Pottawatomie Indians also known as the Gun Lake Tribe from Western Michigan and the Midwest Region did have our tribal consultation on the reorganization the end of June at Four Winds hosted by Pokagon Band and all of the tribes that participated in that and provided consultation to BIA were adamantly opposed to the reorganization. The President for the MAST (Midwest Alliance of Sovereign Tribes), which is the consortium tribe advocacy for the Great Lakes Area for 34 tribes, they passed a resolution in opposition to the reorganization and that was shared with other regions because we weren't the first.

I think people just felt like this is being handed out and I think his comparison...it's almost like a carve out where they're saying, 'Well, you can decide,' and it's like I don't think really tribes can decide. I think that they're going to figure out how to decide for us. But I think for our tribes in Michigan, they looked at this, the reorganization, the State of Michigan and the Great Lakes became their own and they were separated from the Midwest Region which is Minnesota and Wisconsin and those Great Lakes were isolated, which for me, in current light of Administration and EPA rules and this elimination of rules and regulations, kind of opens the door and a path to more types of things that will impact our Great Lakes, our water and our life ways. So I think those were some of the issues that came up and I just wanted to make sure that you heard that from the Midwest Region and I'm not a member of the TIBC but I am here for the meeting. Thank you.

**Kitcki Carroll:** Just two points. The first on your comment about the applicants for the Deputy Trust Services position. I would just ask that you give consideration to the impact that that has on regions. You have taken somebody who's very valuable to us for headquarter needs, reassigned her back to her home base in Nashville to only turn back and take her again after being there only a few weeks. That's especially important to us after coming off of years of having a strained regional relationship.

The second part, on the reorganization, to clarify that the message is not coming from a single individual. It's a message that's coming up and down from whoever's representing the Department at any given time talking about reorg, that's the message that's being heard. And the challenge is, in many reorganization has already started. Interior has already made the determination to reassign senior people and shuffle them around without the consideration of what tribes think. And to think that that does not have a direct local community impact by taking people who have tremendous expertise and moving them around with no apparent explanation is troubling. I know there's conversation going on right now about the actual formality of the consultation about reorganization but from our position there are already actions already taking place that reflect movement forward.

We still have not received anything formal in terms of a plan to respond to to make consultation more substantive and meaningful. This Administration is making no effort to tell us what the reason is for its own actions. Our Choctaw consultation is coming up here in August. Chief Anderson made the request on more than one occasion that we need something substantive to respond to and we still don't have that and we're a month removed from our meeting where that request was made. So I don't know if we're walking into a consultation without anything really to respond to.

**Kee Allen:** At the last TIBC meeting in Washington, Navajo, we forward two council resolutions. First one opposing the reorganization at that time. The second resolution that I forwarded was the opposing of reassigning regional directors as well because we were given information that the Navajo Region was being reassigned to a different location without notification to the council or to the tribal government.

**Larry Wright, Jr.:** Chairman of the Ponca Tribe of Nebraska and from the Great Plains Region. One of the questions or concerns that we have is if the reorganization was to proceed according to the map that was given to us, tribes from the Rocky Mountain Region would be included with the Great Plains Region and one of the questions that I have is what does that mean for tribal shares and how those are going to be reallocated.

**Darryl LeCounte:** I appreciate everyone's comments. Years ago I had to go up on the Hill and testify on how we were going to do a better job of lease compliance with no funding, with a zeroed out balance. Sometimes you get put in these chairs and you get the impossible questions and Larry, that's the first thing that came to my mind when I saw the proposal was, 'What does this do to tribal shares? What does it do to all that?' and I think to echo Mr. Allen and Mr. Carrol, we are unique. We not only serve as a land based organization, we serve people and there are just some questions that are very hard to answer. So I just encourage you guys to keep your voices going and saying what is on your mind. At some point, maybe you will see some value in something that's going on here. But again, I don't think that there is a sinister plan to submarine Indian Country. I think that we found ourselves in an Administration that is looking to make changes, for whatever reason. But I have some of the same questions you have, to be honest with you. And regardless of what decision is made, I'll do my best to make whatever decision is work as best it can and whether it's continue down the path we're on or it's a new path, I think I can commit for just about every Bureau employee that we do what we can with what we have and we appreciate your efforts in talking with Congress and others to get us as much as we can to do the jobs we do. I don't have any better answers than that.

**Buster Attebery,** Pacific Region, Karuk Tribe. We did follow the reorganization and in 2017 we had a Pacific Region meeting out in California and Amy Dutschke brought forward the map and I think it was the original map and I think that original one showed California split. The way I understand, it's been changed since. But there must have been 80 representatives, tribal representatives at that meeting and that was the first time we saw that map. I have brought the information back to my council and that was their question, why and what's it going to cost?

**Kitcki Carroll:** I think you both can appreciate we know that you're the messenger. But this is a public on-the-record forum for us to be making statements that are important for us to make so I hope you receive them in the way in which we're intending them. The irony though in this whole situation with this reorganization is it's being couched on the umbrella of achieved inefficiencies so let's reorganize ourselves so we can provide services better, do a better job. Yet, earlier this year this Administration takes the position that it doesn't see that it has a role in identifying unfunded obligations, which is the way that the Administration would know how well its doing its job in terms of how well it is fulfilling its

trust and treaty obligations from a funding side. How can you have a conversation about reorganization to achieve efficiencies to provide better services yet on the other hand say we have nothing to do with knowing how well we're performing so therefore we're going to dictate that BIA and BIE can't be part of any unfunded obligation effort? This Administration has a responsibility to know how well it is or isn't doing its job, both from how well it is funding itself to execute its non-divisible, non-contractible services that it provides to tribes and how well it is funding its trust and treaty obligations. Absent knowing those two things, how can it ever determine how efficient or effective that it is, which is the mantra of the reorganization plan?

**Gay Kingman:** Thank you. The BIA or Interior has reorganized itself several times and on Monday when we had our meeting, Great Plains Tribal Chairmen's Association and we had some other tribes included—Rocky Mountain and some from the Western Region—we took action and I'm still editing the resolution but we set up our own task force. The first task force meeting will be August 8<sup>th</sup> and 9<sup>th</sup> at Fort Hall, Idaho. This'll be a tribal task force. The second thing we took action to extend the reorganization until after the elections because there's no data out there, there's no information to the tribes.

No one could make any decision on what's been giving to us and then we need to have our own input. And we also took action to request hearings on this, field hearings from the Senate Committee Indian Affairs, the House Resources Committee and maybe Appropriations to have a congressional look at this. This is going to take a lot of money and Congress appropriates that money. So we need to have their input. And then we also requested at this time we're going to keep the Great Plains Region as a region. We will not be part of the reorganization at this time. There's just not enough information on what to do. We will be working on some recommendations as we go along with this task force which will broaden the scope of input from tribes.

**Darryl LeCounte:** I will carry your message back to DC. I remember the first time I saw the proposed reorganization and exactly what you said, Gay, suddenly Rocky Mountain and the Great Plains were together and as most of you know, my real job is the Rocky Mountain Regional Director and I looked at that and I said, 'That's the last job in the world I want.' That would be one heck of a pull.

**William Snell:** The Rocky Mountain Tribal Leaders, we did meet with John and I'm not going to repeat everything that was said here because then it turns into rhetoric but I want to go on record that generally the Rocky Mountain Tribal Leaders is also opposed to the reorganization. However, they want to restructure the BIA in a number of ways through decentralization, strengthening sovereignty issues but also issues around services that BIA's responsible in regards to human resources and trust lands. We are going to be proactive through the task force with Great Plains and other tribes and going to present a strategy that we feel will meet some goals, is coherent and feasible in regards to what we'd like to see the Bureau developed into. John did say that without our input nothing's going to happen with the Bureau and that we would be partners in that. I want to go on record to be able to say that generally speaking Rocky Mountain Tribal Leaders are against the reorganization but restructuring the BIA.

### **Tribal Caucus Report**

**Ron Allen:** So this morning the tribal caucus met. We started off with a public lands infrastructure discussion. There's a lot of concerns around that as well as far as how much money this is going to be, how much is the tribes going to get for these different activities versus how much is the Parks going to get and some of those questions like that; what the money can be used for; if this money goes away

what would happen to those line items? These are some concerns that the tribes have with that money. We also talked about some funding from FY17 and FY18, specifically climate change or tribal resiliency funding. What was talked about was FY17 there was \$10 million appropriated. Nothing came out to tribes as how to access that money until a couple of months ago and we're well into 2018 when \$10 more million dollars was appropriated. So that request came out and we're not sure...is that for '17 money, '18 money, a combination of both? We're concerned about the '17 money getting swept. We're only a couple months away from that.

**Spike Bighorn:** It's going to go to Indian Country. We'll do whatever we've got to do to prevent it getting swept. I wasn't even aware what was happening until I got to DC in early March and to be just as honest as I can be about it, there was a lot of hesitancy within the Bureau because of the Administration's position on that money. But it's going to go out. It's not going to get swept.

**Ron Allen:** That's good to hear and that is kind of some of our fears is that's the hold up on some of this money because of what the Administration's position is even though it's been appropriated. The other money is the Tiwahe funding. Same thing. The base money went out but the specific money for the tribes, the Tiwahe tribes that have those projects haven't received it yet and so they're wondering the same thing.

And they also have a requirement to report to Congress and that's what we're worried about. They have this requirement to report to Congress, this report back and we don't want to miss deadlines.

**Spike Bighorn:** Yes. On the funding aspect, we are hoping to get the money out within the next couple of weeks. We're working on the Feds. Once the money is received as my boss Hankie Ortiz reported at the last TIBC meeting in May, we need to use some of the money to support the implementation of the NACSA program. And so we developed a plan on how that's going to be spent and the money to the sites will go out next week as will the across the board funding that we gave from the last three or four years, across the board funding to all tribes that had ICWA and Social Services programs so the money should be going out now. On the report, yes, we're working on the report. Our Tiwahe coordinator, Mercedes Garcia, has a draft report and we should have no problem meeting that deadline and it's ready to go.

**Question:** I'm not sure about the NACSA component but I know that the '17 Tiwahe funding was enacted and '18 also with specific intent and purposes and regarding the 2017 money, are the pilot tribes going to get the funding that was promised last fall after? We went through a submission process of what they intended to do with the money and we were essentially approved at those levels last fall and we've been waiting since then. But you mentioned this NACSA funding. What is NACSA, for those of us that don't know what that stands for?

**Spike Bighorn:** That's that child protection act that was passed this year that requires for tribes for employees of family and children service programs and foster parents who have contact with kids, they have to have background checks. The Tiwahe pilot tribes, we are concerned and like Jackie said, it's near the end of '18 and we don't have the '17 money and we have to conduct activities and report to Congress which is critical to maintaining the initiative.

The answer to your question is we're going to do the best we can to get to the levels that you had last year. You're referring to the meeting that you had with Mercedes and you worked on your plans and provided those plans to Mercedes and you're just waiting for the money to be distributed.

**Question:** Yes but the amount was increased in 2017 so the amount received in '16 is not what we're talking about. There was new funding in '17 and that's what we had submitted proposals for. There were increases provided in Social Services, ICWA, courts and HIP and also job placement and training. So the courts funding for '17 has gone out and the JPT funding has gone out but the Social Services, ICWA and HIP funding has not gone out. So I just want to I guess clarify that the funding that we haven't received in '17 would not be at the same level as '16 because there were specific funding increases with which we submitted proposals for.

**BIA Response:** If we've got '17 money that's sitting there that needs to get out the door, we'll get it...I'll have my folks work with Spike's folks and we'll get the money out the door. We just got through going through the same thing with Small and Needy and working with Rachel because they're at a handicap right now. They're missing a budget person so it's hard for them to come from this level and down here and figure out what we have to do to get the money out the door so we'll get it out.

**Ron Allen:** And one other funding stream that was brought up was Family and Child Education, the FACE funding. There was questions about where that was at also.

In the Education Subcommittee there was a question about what they call FACE funding. It's F-A-C-E funding and that many tribes were receiving FACE funding but for some reason some tribes did not receive their money and it was taken back by the Department and the claim is that it was taken back by the Department of Interior. I'm not sure who the funding source is but Department of Interior would have had to have been the funding source. But the monies were returned and that was like in the numbers of \$18 million is what was supposed to go out but I don't know how much of it was returned. But the fact that it was taken back is a big issue. Bart, if you remember part of the discussion, that's what it was about yesterday.

**Bart Stevens:** And it was \$8 million not \$18 million and what it was by appropriations law, when that money rolls out or when we receive the money, it goes out to fund those FACE programs and we were funding a higher number of FACE programs. There's a lot of stringent requirements with FACE programs that range from the condition of the facilities, the equipment and personnel that's all involved in that and because of that there are some FACE programs, both Bureau operated and tribally controlled, that drop out of the program, for whatever reason. And by the appropriations law, when those programs do drop out, we since then accumulated a large carryover and it was that \$8 million carryover because of those programs that were out of the program essentially that built that carryover. So it wasn't a shortchanging of any of the existing programs. It was those that left the program and we had to return the money that we were appropriated for those programs.

**Ron Allen:** And lastly, this wasn't actually brought up in tribal caucus but it came up in our Budget Subcommittee but it's along the same lines is the contract support cost funding for FY18 and I was told that Spike might be able to answer this question or Hankie about if there's a shortfall this year on contract support costs, if there's a shortfall report that has come out or anything.

**BIA Response:** The contract support cost report for '17 isn't done yet. We are still collecting the data from that. We don't even have the '16 fully completed yet. We almost have that completed but the '17 report isn't done yet. Now as far as contract support cost funding, maybe Jeannine can help out as to what the budget would be for those programs because if I'm correct, there's a formula that you use

based upon the programs that are funded and so as far as if that formula funding in the budget matches the programs that have been contracted.

**Jeannine Brooks:** Yeah. We do 11.6 percent of whatever the OIP bottom line is. That is how we project what we're going to need because that's the trend that we see in contract support. But I think what we're looking for is until you finalize that report and see the final shortfall, once we get that is when...if we find that we're falling short, that is when we can go back to Treasury and request the additional funding. The new language within the appropriation allows us to go back and request so we have 100 percent coverage. So that was the one piece that we are missing is the fact that when will we know when we're going to be short so that we can get in there, get the money and get it out to everybody. So I guess that was kind of the answer. Ya'll are honing in on finalizing the '17 shortfall and then we would know if we need to go back and request additional funding.

The problem is they can't go back and see what they're short until all the funding has actually been distributed. So we're in a year where we're not getting a final appropriation until the end of May. You can't figure out what our shortfall is going to be until everybody has the money and that's how they run and do their contract support analysis. So we're always going to be pretty much a year behind and have to look and say, 'Okay, if this is where we were last year and we know our funding's still coming in about the same, then we should be able to actually judge and see if we're going to fall short or not and be able to go back and request. That's about as good as we're going to be able to get, I think.

**Eddie Johnson:** I'm from the Sisseton-Wahpeton Oyate, the tribal secretary. I wanted to go back to that FACE question. If these programs shut down, you should have knew that the money was going to be there. Why wasn't it distributed or anything like that with the other FACE programs?

**BIA Response:** FACE programming funding distribution is not like other funding distributions within the BIE where we put things out by formula or by the amount of students served. Each FACE program, regardless of the size of the program, receives essentially the same amount and this was set up for decades. My thought was to get that more aligned to formula driven funding distribution which is if a program is serving 20 kids it doesn't get the same amount of program dollars as a program that's serving 40 kids. So that's part of the issue. We would like to take a look at changing the process but then again that involves changing regulations and statutes and getting the authority to make those changes at a much higher level. The other side of that coin is that... So for that reason we don't roll out additional funding to existing programs. The other side of that coin is that to incorporate new programs is not something that can just be made arbitrarily or even instantaneously just because of those programs that FACE is involved with the facilities. The condition of the facilities... It's kind of like Head Start where they have to have preschool restrooms, the amount of staff, different things for students with disabilities, those types of requirements of the facility itself. So those facilities are not readily available across BIE funded programs so just to create programs or additional programs isn't something that's an option to us.

**Dave Conner:** One other funding issue that we discussed was some Office of Justice and Public Safety money. FY17 there was \$7.5 million appropriated and then in 2019 there was an additional \$2.5 million appropriated and we're wondering how they're going to go forward and implement that, get that out there. We've heard different discussions on that—if it's going to be used on the federal side for hiring people, if it's going to be used for out in Indian Country and in the language it's a little confusing. There's a couple different directions it says depending on which wording you look at. One place it says specifically additional patrol officers in areas hit hardest by opioid epidemics. Another place it says just

to help people affected by opiate addiction. So that's a concern. It's our understanding that that money's intended to get out into the areas and to hire patrol officers and help with the issue but we're wondering if that's how it's going to be perceived, if that's what's happening and how it's rolling out. So if there's anybody from OJS to speak on that, that'd be great.

The language is interesting and I'm sure you've seen some of it. At the May TIBC we talked with Jason Thompson about it that in 2018 the omnibus did include \$7.5 million. The actual language then was to help people affected by opioid addiction but the precursor language for '18 said to hire additional drug enforcement agents to help tribes in the fight against drugs. But then what's interesting is the '19 language at this point says an additional \$2.5 million for criminal investigations and police services to bring the total to \$10 million for additional patrol officers in areas hit hardest by the opioid epidemic. When you look at the language collectively, and again I talked to Jason about that and he seemed to...he certainly understood the point we were making was that the \$7.5 million this year and possibly \$2.5 million more in '19 if Congress enacts it is essentially meant to assist under Criminal Investigation and Police Services funding out in Indian Country—Direct Service, 638 or self-governance—on protecting people from the ravages of drug abuse and opioids. And so we kind of view that... If you go back eight, nine years or more, this is the largest amount of money potentially available for increasing law enforcement personnel. It's the largest since at least 2010.

We've been having that discussion but we're very hopeful and anxious that this money will get out in Indian Country in a manner that can help. I had an interesting discussion in May with Jason and he said that the subject got on the issue of NARCAN and opioid overdose reversal and it was interesting, it was in the Public Safety meeting and a few tribes were familiar with it but a few indicated, 'Well, opioids isn't really the big problem at our reservation, it's meth.' And then Jason mentioned NARCAN and somebody said, 'What is that?' And so he described the opioid overdose reversal product called NARCAN which can be administered by police, EMTs and trained community members and he said last year that BIA had five saves or five lives saved out in Indian Country. I was sad to report that Red Lake had 55 saves last year. He pointed out a very real problem. The BIA doesn't really know with statistics a lot about what goes on in Indian communities with drug epidemics because even though tribes have to do uniform crime reporting and do, unless the tribe is communicating directly with OJS, it's hard to get a handle on what's really happening out there.

**Mario Red Legs:** As far as what the monies for opioid and drug investigations, there should be a letter coming out here possibly next week explaining everything to the tribes. I think the way they worded it in the document was some of it's going to be used by the BIA to actually enhance the Drug Unit itself because a lot of tribes I think rely on the Drug Unit to actually do the drug investigation when it comes to manpower issues. The other separation's going to be going out to tribes and asking for their input in what they want to see in their locations.

When I was out in Michigan just last month talking with the DEA and the FBI and a lot of the tribes out there, it was amazing. When it first came to us, when we started looking at NARCAN, we started actually giving our officers training in it of course and issuing them NARCAN kits, one. But now, even the DEA right now, they're looking at maybe our officers should be carrying at least four themselves. There's money associated with that as well because those aren't cheap. Everybody has come out with it. The rationale for actually adding the additional NARCAN is not only just for the person that's suffering from the overdose but the exposure of the officer as well or fellow officers, just depending. It's starting to become the bigger issue. I think at one time when I used to work the Drug Unit back in the early 2000s and such, each area is a little different on what their needs are. Meth in some areas, crack cocaine in

other areas and now heroine which I would never ever guess would have ever touched Indian Country but it's here and we're trying to address that issue as well and opioids is a big issue as well too. And I think just listening to Charlie about it, there should be something to help clarify this hopefully by next week to all the tribes in a letter.

**Ron Allen:** Lastly we talked about TIBC tribal participation reimbursement. The main concern there is just to make sure everybody's getting reimbursed. We understand there's a variety of ways right now that people are getting reimbursed. My opinion is I don't think that's a bad thing. Whatever's easiest and works best for the individual or the region. We just want to make sure that everybody's getting reimbursed. And that's all we talked about in tribal caucus. So do you want to respond to any of it or I think we probably touched on everything already.

**Jim James:** I am and when Rick's mentioned that I just want to make sure that if there are issues with that, please let me know. We should be doing that pretty much as a matter of routine and timely just like if it was Darrell or myself traveling.

I guess there could be some issues potentially for some people. It's how it's being interpreted how it needs to be done. I know some people are getting it through their contracts and doing it that way. Some are getting it through the regional office. Some are saying they have to do it personally and get 990'd which is more problematic I think and I don't think individuals necessarily want to do that for the most part. So that's the biggest issue and just making sure everybody is...has one avenue or another to get reimbursed.

And Rick, I would just suggest that if there's one method that works the best for you guys, let's all do that, whatever it is.

**Kitcki Carroll:** I guess just bottom line we shouldn't have to be 990'd for our participation here at TIBC nor should we have to be asked to use the very overly bureaucratic process of federal travel as the other solution, which is what the two solutions are being put on the table for us is either 990 it or we'll do our system for your travel, your lodging and all that sort of stuff. And quite honestly, you guys are terrible at that so I'm not interested at all in using the federal system for my travel. So we just want reimbursement for the time that we spend here. It's pretty black and white to us and it shouldn't be overly complicated but this has been a bear for us... There was a point, Mr. James, that our region was refusing to even give us reimbursement until Director Maytubby came onboard and fixed that but now we're having more issues again because of what we're understanding to be consistency in practice issues.

**Comment:** Our region what we do is we have a cooperative agreement with the Rocky Mountain Tribal Leaders Council and then they work with each tribal rep to get to these meetings. It works out pretty slick.

### **Policy Update**

**Jackie Pata:** There's only five months left of the 115<sup>th</sup> Congress and of the five months we know that we're getting into an election season, that Leader McConnell said that they were going to have an August recess. They weren't going to have an August recess even though the House was going to have an August recess so that they will be in session sometime during this session and they plan on working appropriations to try to get the appropriations work done during that time period. And then we know

that they'll be out for an October recess for the election cycle. And so that doesn't give us a lot of time to be able to get things done. And as we know already, we got a couple of the confirmations done. Of course the ANA Commissioner Jeannie Hovland was confirmed and at NCAI have already set up a meeting to have a conversation with her. She's very excited about being the ANA Commissioner. Of course Tara Sweeney has been confirmed. She has not been sworn in yet. It was my understanding that it'll be later this month that she'll be sworn in and be actively engaged in working directly with tribes and the Administration.

The big thing that the Congress will be dealing with between now and the end of the elections of course is the Supreme Court nominee. As we all know, Justice Kennedy announced that he would step down as of July 31<sup>st</sup>. They will be looking to want to get somebody appointed so they can actually start at the beginning of the Supreme Court sessions. The President announced earlier this week that Judge Brett Kavanaugh was his nominee for this vacancy. NCAI and NARF are readily working through the caseloads where that he has had any indication of working on tribal cases. Now he hasn't had any major opinions that he's written himself but he has been a party to a number of other decisions that have given us some indications one way or another of what his leanings are. And of course we're also working with members of Congress to keep them well informed as we move forward. So we'll continue to let tribes know as we do a review of his record.

The big action that's going to be happening in Congress right now is of course moving forward with the Farm Bill. That was probably the biggest action of the summer. The Native American Farm Bill Coalition worked very actively and as we know, in the House the Farm Bill passed on June 21<sup>st</sup> by a vote of 213 to 211. It was a very partisan vote because of the SNAP issues and the work requirements related to that. And if people want more details about those work requirements I can share that with you. But there was some provisions in the House bill that was included specifically for tribes and most notably was the 638 provision for the Tribal Forest Protection Act. This is really key for tribes because we really want to get a foot in the door with USDA on 638 self-determination programs. We're looking to the Big Brother of DOI and HHS to actually work closely with USDA and because the Administration was a little concerned about what is that, what is 638 and how do we administrate it? We informed that it was a contract like any other contract. We had conversations with the Secretary himself and the Secretary's office. He was very supportive of 638's concept and made sure that he let those within the Administration know that they would not be opposing 638 expansion to USDA. So with that, when we worked on the Senate bill, we were not able to get the 638 provisions in the bill because we had a little language tweaking that we needed to do. We are looking for 638 in the SNAP as well as 638 in the Forest Protection...in the Tribal Forest Protection provisions. And because SNAP is just off the table because of the higher volatility of the political problem in the House side, we still are looking to getting a foot in the door on 638. We did get a 638 self-demonstration project for food distribution program on the Indian reservations. That's the FDPR procurement piece. And so that is another area that we will be trying to hope that our partners here at DOI will be helpful with USDA. And we got a number of other provisions.

Right now what we're doing is we're preparing for conference which means that we're looking at the differences between the House and the Senate versions and we're trying to see how we can shore them up with both sides of the aisle and both Houses so that we can get a little bit more even for Indian Country.

The next piece of course is we've been going to all of the Department of Interior reorganization meetings and trying to track what's happening. I think we talked about that a little bit already this morning here so I won't make that redundant in any way. But we do know that the next four

consultations will be in Southern California, Oklahoma, Alaska and Mississippi. In addition to the requests that have come in from the Great Plains and other areas to be considered for consultation. We also think it's really important that tribes are engaged in consultation beyond just the BIA tribal programs and services because there's opportunities for tribes to be able to engage in other things such as Parks, co-management and other areas.

When it comes to appropriations, just some general information. The House and the Senate have both passed their mini-buses and they've included the following appropriations bills—the Energy and Water, the Legislative Branch and the MilCon VA bills. The House passed its defense appropriations on June 28<sup>th</sup>. The Senate said it's going to be working on its NDAA bills. On the committee work, the Senate's passed all 12 bills out of committee on a bipartisan basis and the House has passed 10 of its 12 bills out of committee. It still needs to pass Labor HHS Ed and Homeland Security.

**Amber Ebarb:** I'll just do the Interior approps. The House is scheduled to take up its Interior Environment bill next week and as we discussed in the tribal caucus, most of the deep reductions that were proposed in the President's budget were rejected. The increase for the House side, BIA overall budget was a 1.3 percent increase over '18. That's \$40 million over enacted in FY 2018. The Senate version has a smaller increase--\$11.4 million. And you can see there will be some differences between the House and the Senate in what was increased. Those differences will need to be worked out and in a conference later this year but as Jackie mentioned, it's not clear how much bipartisan work can happen on appropriations even though we've seen faster progress made on appropriations bills in the Senate. It is the first time that the Senate has passed out its Interior bill in a while, I think since 2010. So there was a lot of energy behind getting appropriations work done. At least we have the Interior bills in both the House and Senate and there is some language too on the reorganization that was included in the Senate Committee report. We discussed that in the Budget Subcommittee yesterday, read out the specific language calling for improved consultation with tribes before they spend the money. They didn't hold back the money but they're calling for improved consultation with tribes on the reorganization. But the comp table that Jeannine Brooks sent to us and we've included in the booklet is something that you can take a look at to see what those differences are between the House and the Senate versions in their budget tables.

**Jackie Pata:** And then moving on to the VOCA funding. As we know and reported out to you before in the FY2018 Omnibus bill that was the first time that we received some direct funding from the Crime Victims Fund. Tribes worked really hard to get that. That bill included a three percent set aside for tribal governments which meant about \$133 million of new funding for Victim Services in Indian Country. And the Department of Justice has actually recently sent out their grant solicitation. Yesterday NCAI had a webinar about that grant solicitation because they're trying to distribute this \$110 million to tribal governments and get that out in a real quick process. This funding can be used for a wide range of physical, mental, emotional and financial trauma of crime victims but the application deadline is just around the corner. So the deadline for phase one is August 6<sup>th</sup> at 9:00pm Eastern time and only the tribes that meet this deadline will be able to access this funding. And we are really trying to be able to make sure that we show that all this money is used. There was some concerns whether or not tribes actually had the capacity to use up those funds in the time that was allotted and that's going to be critical because we're still fighting on the Hill for additional money in subsequent years. So as I said, we had sent out the webinar. Amber should have also sent you all an email with information from that webinar so you can see all the handouts from that webinar. You can also look online at NCAI's YouTube channel and website and you'll be able to actually watch the webinars again.

This is from the Department of Justice but it's actually the Crime Victims Fund. And then in addition to that we're now working on fiscal 2019 appropriations and both the House and the Senate have included five percent set asides for tribal governments in that fund so that's important to us. The House added the funding via amendment sponsored by the Native American Caucus, Betty McCollum and Tom Cole, over the objections of the House Judiciary Committee. So that means that when we get to the final package, we need to be watching really closely to be able to make sure that that funding stays intact. If we get that funding with that set aside, it would mean that we would have \$130 million under the House proposal or \$220 million under the Senate proposal. So this is a really big deal for us and something that we really need to pay attention to during the appropriations process. So I wanted to make sure that you're all aware of that.

And then of course another big funding area for tribes right now is the discussions around opioids and the various pots of money that are happening there. Once again this issue is really an issue that has a lot of bipartisan support which is really good, particularly because it's affecting all communities, not just Indian Country. It's affecting all communities and so there's a lot of approaches to be able to deal with this. At NCAI we held a roundtable at our last two meetings and we've been hosting webinars related to different topics that tribal leaders need to know about. What's happening with pain management? What's happening with the litigation that many tribes have joined into? And then what's happening with the federal resources and the programs that are available to receive funding. And so we had SAMHSA, IHS, DOJ, BIA, others, USDA, all have sources of funds for dealing with the opioid issue. But the grant application for these resources under the Tribal Opioids Response Grants are currently open and the deadline is August 20<sup>th</sup>. And this is a \$50 million program to help address the opioid epidemic in tribal communities by increasing access to culturally appropriate and evidence based treatment including medication assisted treatment using one of the three FDA approved medications for the treatment of opioid use disorder. And so wanted to be able to make sure that tribes were aware of that and you are all planning on applying for that funding.

In addition to that, in Congress we're trying to make sure that tribes are included in the future opioids legislation and so tribal legislation has been included in both chambers to address the impacts of our tribal communities. And many of these bills will focus on ensuring tribes have direct access to what they call the 21<sup>st</sup> Century Cures Act. That's the act that passed late in 2016 and originally tribes didn't have access to that. There's been bills that have been introduced like the Mitigating Meth Act that Danes introduced or the Tribal Addiction and Recovery Act that Mullin introduced and the Opioid Response Enactment Act that Baldwin introduced. These bills also make sure that tribes are going to be included and to make sure that we have direct access to the funding, that we don't have to go through other sources to get the funding.

**Comment on Opioid Funding:** I serve on the Tribal Technical Advisory Committee for SAMHSA and the last discussions I had with Mirtha Beadle is that the \$50 million is available and it's up to the tribes to decide and layout how they're going to use that. It's pretty flexible and so for a consortium that's also available. So they have not really defined a funding mechanism or distribution mechanism so I think that if USET wants to submit a proposal that defines as a consortium for all the tribes who are members of USET or the number of tribes that you have in mind, then you should do so. So it's available.

**Jackie Pata:** Yeah, I would check with Mirtha first though because I do know even though they have identified as you said what that allocation would look like and they're expecting the majority of tribes to apply for it and what doesn't get applied for then is available for other use later. I think tribal consortiums they've already figured out how to work that through so whether or not you're an

organization, not a tribal consortium, might be the question so I would check with Mirtha on that because I think that's just a little bit of a difference. And I don't have an answer to that, I've just looked to see. But I do know that they were trying to make it fairly easy but still dealing with their federal due diligence and responsibility. So that's an opportunity for tribes that you really should just be taking advantage of and planning for that.

And then there's also on the Senate side there's the Opioid Crisis Response Act which is the Senate Bill 2680 and that passed out of the HELP Committee earlier this year. It actually has a five percent set aside from the 21<sup>st</sup> Century Cures Act and state opioid response grants that would be for tribes. And so there's about 50 bills in Congress, in the House right now just having to deal with various opioid pieces that we're trying to track. The majority of them, actually almost all of them, don't have any special set asides for tribes so we're really looking at those few bills that actually do really work to have a set aside for tribes.

There are hearings and roundtables that are coming up real quickly here. Tomorrow there's going to be a roundtable on school infrastructure needs for Indian Country examining the opportunities for success. Chairman Payment, the reason why he's not here today is because he'll be participating on behalf of NCAI, I know that there will be someone there from BIA also. That conversation is really going to happen around the BIE school construction and the proposal from the Department for the infrastructure funding for the school constructions. And then there will be another roundtable next week which President Keel will be participating in on. This will be a bipartisan of the majority and the minority of the Senate Committee on voting rights and the challenges for tribes on that. And then they will have a legislative hearing and business meeting which was today on the Lytton Rancheria Homelands Act and also the Leech Lake Band of Ojibwe Reservation Restoration Act. Next week we're expecting that they will have a hearing on the Senate Bill 3168, the Indian Water Rights Settlement Extension Act which that bill would actually make the Water Rights Settlement Fund permanent, something that we've been asking for. And then of course this is a major priority not just us but NARF and the water working group. And then also another bill, Senate 3060, removing the prohibition of operating distilleries in Indian Country. This is a really, really old piece of legislation just sitting out there that prohibited those in the Northwest from creating any kind of distilleries on an Indian reservation so we're trying to deal with that. So those are the things that...the current things if anybody has any questions, please let me know, any other questions on anything else. Thank you.

### **Transportation Subcommittee**

**Dave Kelly:** I'm one of the subcommittee chairs for the Roads Subcommittee. LeRoy couldn't make the meeting today or at all this week. My counterpart Mr. Dakota Longbrake about a week ago, last Friday they had a couple tornadoes that touched down over there in the Eagle Butte area and they were affected so he's over there doing clean up and assessments on behalf of his tribe and the surrounding communities there. Sheldon Kipp and Robert Frazier who are both employees of the BIA from BIADOT down in Albuquerque, we're going to make this quick.

These are our topics for the Road Maintenance Survey online. We have talked about that a little bit the past couple meetings. FY2018 Road Maintenance Budget status, Road Inventory Statistics, Data Trends and Information, TTP Status and Update, Port Reporting Summary.

This is the status of the Road Maintenance Survey.

- ▶ Status of RM Survey (On-Line)
  - Respondents: 125
  - Repeats/Duplicates: 4
  - Tribes with BIA Miles: 97
  - Tribes with other than BIA Miles: 24
  - Total BIA miles of respondents: ~25,109
    - Total BIA Miles: ~29,105
    - Percentage of all BIA roads: 86.3%

In Oct./Nov. 2016, the Great Plains Region of the BIA working with the tribes in the region begin developing an on-line survey to “analyze, record, and develop data for road maintenance budget needs”. This was necessary because there are no current mechanisms to record or track activities and needs of tribes for both BIA road maintenance program and other maintenance needs of tribal roads (and other state and local governments). The purpose of the survey is to improve RM funding and develop in three areas, 1) efficiency; 2) increased funding, and 3) improved road maintenance service to Indian Country. It was designed to be sent to all tribes who operate a road maintenance program (regardless of funding source). The Budget staff at the GPRO processed the data and provides week updates on the results of the respondents.

Summary, there are a total of 125 respondents as of the week of July 6, 2018. Of those 4 are repeats or duplicates from the same tribe. Of the remaining, 97 are tribes that have miles of BIA roads that are coded as ownership = “BIA”; and the remaining 24 are tribes that responded to the survey but do not have any BIA roads but have either tribal or other public roads that they maintain. Of the 97 tribes that have “BIA” roads, their total mileage of these roads is approximately 25,109 of the total “BIA” miles across the nation of 29,105. This equates to 86.3% of the BIA miles are represented with the current respondents, even though, only 125 of the possible 310 respondents have taken the survey. This basically means that the remaining ~3,996 miles are located on tribal lands of about 204 tribes.

- ▶ Status of RM Survey (On-Line)
  - No. of Top 52 Tribes (with BIA miles) that have not responded to survey: 7
    - Total miles: 1,578 miles or 5.4% of total BIA miles
  - Respondents from Agency/Region operations: 18
- ▶ Supplemental Information:
  - 75% of the BIA miles are not paved (Senate Report 114-75)
  - There are over 1,000 BIA-owned bridges that also require routine maintenance.

One of our measures of identifying the inventory locations where the most BIA road mileages were located was to track the top 52 tribes in BIA Miles or the amount of the mileage represented by these tribes. We referenced these tribes as the “Top52”. If we look only at the Top52 tribes that have not responded to the survey, we count 7 tribes. Considering that this survey is all voluntary, we have been able to get an acceptable representation of BIA miles from our current respondents. Obviously, it would be nice if all tribes responded to the survey even if to indicate that they have no BIA miles or other miles for that matter that they have a responsibility to maintain. The number of miles represented by the 7 tribes is approximately 1,578 miles or 5.4% of the total BIA miles (29,105). In addition, we had a number of respondents that were from BIA Agency and Region staff where the work is performed by the BIA and not contracted by the tribes. As an example, the Navajo Region with its 5 agencies performs or causes to be performed the maintenance of all BIA roads at the Navajo Nation. The number of Agencies/Regions responding to the survey is currently at 18.

Supplemental Information: Included in Senate Report 114-75 of 2016 Approps Bill identifies that: “Only 8% of 14k miles of tribal roads are paved and that 75% of the 29k miles of BIA road are gravel, earth, or primitive; and

Current funding levels do not meet the true needs on Indian Country thus limiting economic growth and safety improvements, as well as adding to backlog of maintenance projects. Directs the DOT to work with DOI on the transportation infrastructure needs facing Indian Country and propose steps to make improvements.

A comprehensive review in progress and to be completed after the closing date of the survey.

This is the FY2018 Road Maintenance Budget status. The FY2018 Road Maintenance funding is established at \$34,653,000; with \$1,000,000 set aside for “to improve the condition of unpaved roads and bridges used by school buses transporting students, and \$1,000,000 for road maintenance in support of implementing the NATIVE Act (P .L. 114-221 ).” This leaves \$32,653,000 to allocated to eligible Regions/Tribes for recurring road maintenance needs on BIA roads. Approximately \$32,099,000 have allocated to Regions/OSG; the remaining will be made available to the Regions/OSG in the fourth quarter.

This describes the FY2017 year end miles of BIA, Tribal and ownership of Others. Performance data for FY2017 is listed and the targets for FY2018 are included.

- ▶ Road inventory statistics (miles)
  - BIA Roads (*existing*): 29,105
  - Tribal Roads (*existing*): 16,984
  - Other (*existing*): 98,360
- ▶ Performance data (FY2017 Final)
  - % of BIA roads in acceptable condition: 14%
  - % of BIA bridges in acceptable condition: 69%
- ▶ Performance data (FY2018 Target)
  - % of BIA roads in acceptable condition: 13%
  - % of BIA bridges in acceptable condition: 69%

After several continuing resolutions in FY2018, after March 23, 2018, all TTP and RM funding was allocated to Regions/OSG. Safety awards for FY17 and FY18 were combined in one announcement and was just released at the end of last week. See <https://flh.fhwa.dot.gov/programs/ttp/safety/ttspf.htm>

Program Online Reporting Tool (PORT) Reporting Summaries: Overall I don’t know how many applicants they received but I do know it was pretty competitive. This is the PORT, Program Online Reporting Tool as set by statute.

The FY report to Secretary’s Fixing America’s Surface Transportation Act mandated annual collection of TTP project and activity data including jobs created and retained, 23 USC subsection 201c6c. Federal Highway and BIA developed the Program Online Reporting Tool (PORT) to help collect the data. PORT is built around an approved tribal transportation tips, data already provided by tribes. A complete annual report consists of a financial PORT, a non-construction activity report and a project report for each

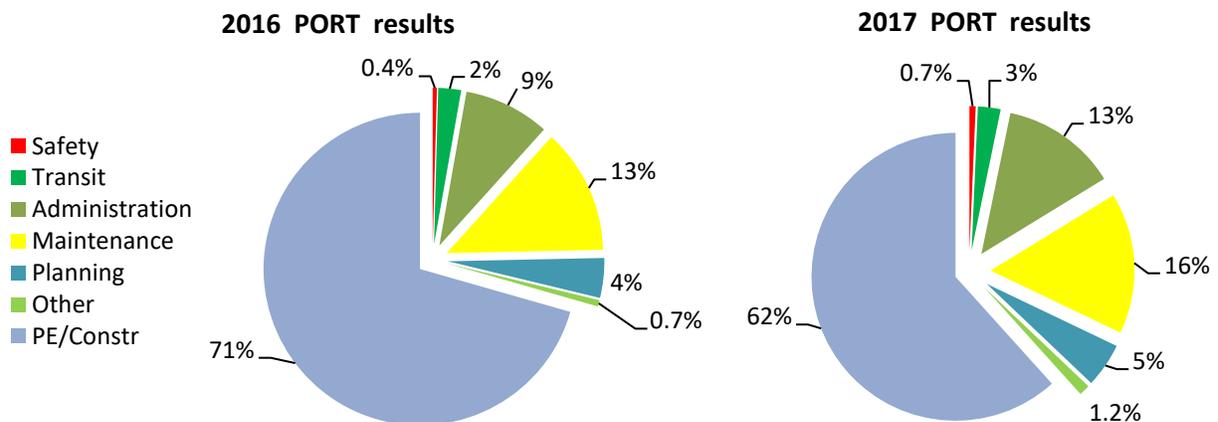
active project. Reporting periods for a fiscal year October 1<sup>st</sup> through September 30<sup>th</sup> and we get a reporting submittal period of 90 days until December 31<sup>st</sup> when everything has to be finalized and turned in.

This is the FY16 and FY17 at a glance.

Fiscal Year	2016	2017
TTP Funds Available	\$410 M	\$414 M
TTP Funds Expended	\$267 M	\$298 M
Jobs Retained	1,519	1,587
Jobs Created	5,973	4,732
Active Design/Construction Projects	970	840
Additional Project Funds Used	\$264 M	\$104 M
Estimated Project Costs Total	\$2.8 B	\$2.73 B

Fiscal Year	2016	2017
Safety (non-construction)	\$1.16 M	\$2.08 M
Transit (non-construction)	\$6.29 M	\$7.58 M
Administration	\$23.78 M	\$38.80 M
Maintenance	\$34.73 M	\$47.26 M
Planning	\$10.99 M	\$14.89 M
Other Non-Construction	\$1.75 M	\$3.66 M
Active Design/Construction Projects	\$188.78 M	\$183.9 M
Total	\$267.48 M	\$298.17 M

Administration maintenance. Look at what they put out in 2016. \$34,073,000. 2017 look at the jump there. So we're supplementing our maintenance program stealing from our construction dollars which really hurts because the majority of us don't have the construction dollars in the first place to go as far as we'd like to go but without proper maintenance we lose our initial investment into the construction that we already have. So there's a big jump from \$10 million to \$14 million. Other non-construction and active design construction projects it was \$1.75 million. If you look at 2017 \$3.66 million. Projects it was \$188 million and in 2017 \$183 million.



**Question:** So you're using Federal Highways money to supplement BIA maintenance monies, is that correct?

**Response:** Yes. It actually shows the need that we are really short with funding if we have to use this amount. If you notice the total on the bottom is \$267 million and in 2017 \$298 million. This is what we were working with yesterday trying to create that pie chart but you'll notice maintenance is at 13 percent. See where it's at? Now look at the 13% for Maintenance and 71% for PE/Construction once we go to '17. See we jumped up three percentage points from 13% to 16% for maintenance which means our money, our construction dollars went down from 65% to 62% and we ate it up in the maintenance column. This is a PORT report secretary's note. This is the annual report by tribes, BIA, Federal Highway indicate what amount of tribal transportation program funds are being expended on road maintenance and it is as much as 34 in FY2016 and 47 in FY2017 on TTP facilities. A portion of the TTP facilities are BIA roads and tribal roads. So we're onto our Road Subcommittee actions.

#### Road Maintenance Subcommittee Priorities

Priorities:

- Emphasis on the non-reporting "Top52" to improve representation of data.
- More comprehensive review of data from respondents and what it appears to indicate.
- Develop a uniform and consistent plan on how to get Tribes/Agencies to report good data and start developing a guidebook for information collection (and associated approvals from DOI).
- Seek Road Maintenance software that will provide for/or enhance the ability to manage the road/bridge maintenance activities in the field and for future reporting purposes.

We would like to encourage you folks to have your tribes report. The more tribes we have the better data we have, we can build a baseline from that data.

One of our major goals right now would be to get that maintenance software even though I have spoken with LeRoy and Sheldon and some of my other counterparts that I deal with through transportation.

We can't force the tribes to acquire the software. Our maintenance personnel who are equipment operators, truck drivers, laborers can come in and use this tool. We still have a more effective reporting requirement other than what's being used today which is basically an old level of service that is pretty much obsolete but according to 638 we're still required to use it and a lot of our deferred maintenance numbers that we do report to the agencies are not always accurate. They're more of a guesstimate, a swag if you want to say. So by getting the software I think we have a better chance of getting the numbers to where they need to be.

**Joe Garcia:** Thank you for the time, Mr. Chairman and the subcommittee. This has to do with the disbanding of the Negotiated Rulemaking Committee and what's important is this chronology. We were ahead of the game. That's when we were supposed to submit the proposal but all that dead time after the Administration took over, there was no activity for the subcommittee because the DOT would not engage. And so aside from that we were pushing and we were pushing. We got letters from many, many organizations. I think USET submitted one, ATNI, All Pueblo Council and other entities submitted letters to DOT to get them to re-engage. This is the expansion of 2018 what's transpired. We were able to re-

engage after a lot of effort and we were able to get another meeting going. So in January we met and then in February we met at the same time at our own expense for the tribal members during the NCAI executive session. And at that time we reestablished what the Negotiated Rulemaking was all about and DOT agreed that they were not doing the right thing by not negotiating or by not engaging. We set forth a plan of what we were going to do which would be negotiated rulemaking as we know it. The proposed rule deadline was March 3<sup>rd</sup> and we never made that deadline because DOT did not engage.

And so the last document that we proposed as the Negotiated Rulemaking Council or Committee is what DOT was supposed to work on and alongside with calling another meeting or having telephone conference calls or webinars they never did that. And so all of this stuff, no activity, no activity and we engaged around April, engaged the self-governance groups to write letters and so they reengaged in June. There was a webinar, a call and the tribal leaders, the representatives called on the webinar and we were put on mute only. We could not respond to anything that DOT was saying and that's downright disrespectful.

And so we could not say anything about what they were proposing. We just heard what they said and so right after the call we had our own call and we discussed what was going on there but what it led to was another meeting in June, first part of June with DOT so that we can redo or reinvigorate our efforts for doing negotiated rulemaking.

Well, when we got to DC at the Department of Transportation, we were met with the entourage of DOT representatives legal team and what they proposed to do was submit to us their version that they had worked on in a bubble and they basically disband everything else that we had worked on together in February. They had their own new timeline for when they were going to propose the rule, submit for proposal. Tribal members, including myself, said, 'We can't take it. We can't take it. That's not what negotiated rulemaking's about and the law and the Fast Act said we are to use negotiated rulemaking as per the Negotiated Rulemaking Act.' And that's when the Negotiated Rulemaking Committee really fell apart. And the tribal members, the representatives, we stood our ground and said, 'You're not going to do that to us.' So now we have follow up items and our congressional people are going to be involved in it now and I think it's got to be something that we can't just let them run over us and we play dead because this negotiated rulemaking is important and self-governance for transportation funds is important. So we have some strategies on how we're going to move forward but that remains to be seen on what happened and I think it's important that you all know that there was a blast alert sent out and if I can find it here...that was the blast alert that was sent out.

**Comment:** I also sit on Negotiated Rulemaking with Joe and one of the things under the statute that this negotiated rulemaking was authorized per statute under the highway bill. The problem is they didn't allocate any funding on how to do it and that was the biggest challenge.

And so they didn't have any funding for holding meetings but that shouldn't have been a reason for why we had no action one whole year. And so that set us way behind and so now they're trying to rush through to propose regulations that we don't agree to. It's what they're proposing, not what we as the tribal side is proposing. So that's where we are and so I hope that we gain some kind of support from all of the entities and the tribes. And the tribal leaders that are representatives on this NEGREG team did support and we all signed off on it but I was the co-chair and Chief Rhodes as the other co-chair are working now with the rest of the team to see what else we can do to follow up. So that's where we are..

**Jackie Pata:** Yeah, I just have a quick question, Joe. You said that the DOT's about to propose the regulations and that you guys haven't agreed to but what's their timeline? Do you know?

**Joe Garcia:** Well, their timeline is that they want to propose it by the end of July. And then because we didn't agree to that, they proposed another date but the proposal date that they put forward is in August and so we don't have time to really work together to finalize the proposal much less how are we going to get it to the tribes for their comment and feedback back because that's one of our charge as the representatives. And so what we're proposing is the new strategy that we asked congressional delegation and the appropriate people that wrote the Fast Act to extend the time for another year so that'll give us more time to work through the dilemma that we had but also really use the negotiated rulemaking as it's designed and the intent of the bill. So that's where we're at so I thought it important that we relay it here in this body. Thank you.

### **Public Safety and Justice Subcommittee**

**Ron Allen:** Kee Allen's schedule didn't allow him to get there in time because he came in late last night. So we met and we had a call-in and Kee Allen called in as well to get an update on where we are. OJS did call in. But the majority of the conversation was oriented around DOJ and how they are restructuring their enforcement programs. So that raised some issues for us with regard to the value of our enforcement subcommittee and those who care about law enforcement and judicial programs so that we can collaborate both with any increases on OJS money which includes that opiate monies. We need to work with them on coordinating those resources relative to the DOJ resources and how they're planning on using the money. One of the things that was alarming to people was they were consolidating '19 monies into a particular category and the concern would be whether or not that the process for applying for those programs is going to be the same, whether or not any of those monies are going to be moved around for designated purposes, etc. So that was one of the concerns we had. The other one was relative to the Victims Crimes Fund monies, that \$130 million.

August 6<sup>th</sup>. So that was an issue for us as well. And as everybody knows, we just need to get a place marker and we can deal with the details later. We don't want to lose that opportunity. We were asking questions about why it was going from this year \$130 million to next year \$119 million so we need to get a better handle on what's the formula, how does that formula work with regard to that program.

We didn't have a chance to talk about other priorities with regard to detention facilities, incarceration facilities, O&M issues and some of the other issues that we have been discussing here in the Public Safety program as well as the collaboration.

There was an increase on a number of the programs. It's a fair amount of money for enforcement programs over at DOJ. So that was mostly the crux of the conversation yesterday.

**Kee Allen Begay:** I want to apologize for not being here yesterday. Based on the report and the discussion. We need input from tribal police chiefs and elected officials to guide our advocacy in the Public Safety and Justice Subcommittee, including documentation and tribal resolutions. Mr. Allen, I appreciate his taking the lead at yesterday's meeting for me not being here. So that's all I want to add onto the issue about the public safety. As for Navajo we're dealing with equipment, O&M, housing and so on. All we get specifically is the direct funding for salary, nothing else attached to it.

**Ron Allen:** Okay. Thanks, Kee Allen and no, we're not letting you off the hook. You volunteered. So we'll tee up a list of issues that we need to discuss with regard to OJS programs and the profile status of our enforcement and judicial programs. You mentioned the housing, ONM and the lifespan status of equipment, vehicles, etc., dispatcher equipment and so forth. So we need to find out that. I would add a couple other areas. We need to know the status of the incarceration agreements for those tribes who don't have incarceration facilities or detention facilities, they usually contract that out so we need to know what the status is of those resources and agreements. And then a lot of our incarceration facilities are having problems with opiate and substance abuse problems with regard to treatment and so what is the solution. I do know and have heard about the problem they're having to transfer incarcerated individuals out of an incarceration facility and then transfer them to an IHS facility for treatment and then bring them back and re-incarcerate them which is kind of an awkward thing to do. I know that's happening in a lot of different places in Indian Country. So the DOJ coordination we still need that to be discussed including the distribution of those funds. We have a good day or two of conversations that we need to have with those folks so we'll try to coordinate that list of issues if you agree and then find a date that works. Jeannine, you have something to add to this conversation?

**Jeannine Brooks:** Yeah and I know we've had trouble in the past getting all the necessary federal sides to that discussion. We do now have Gina Tyner-Dawson who works for the Assistant Secretary's office. She is the liaison for DOJ now. She is the one that got them as far as the phone. We thought we were going to have them here live. It turned out their grants and budget meetings were this week as well, just like I got stuck on Monday so they could not make it in person. They have made a commitment to come in November to the session.

**Jackie Pata:** Yeah, I have one thing that just came up and it wasn't talked about in the committee but I just wanted to give you a quick heads up and this is not directly DOI related but DOJ related. So we've been working as you know to try to get tribes access to the TAP program dollars that would actually help with the whole issue of having access to the NCIC databases. So what we found out right now is that the Senate bill is taking \$3 million of the tribal funding at the COPS funding, the COPS law enforcement hire and equipment training to create a funding stream for the Tribal Access Program, the TAP program. And we didn't ask for that to be structured that way, DOJ didn't ask for it to be structured that way. We don't know how, why it got structured by taking one money out of another to pay for another but because law enforcement's consistently a top priority for TIBC and certainly for tribes, we're prepared to send a letter up to the appropriators to say that, 'While we support funding for both initiatives, we do not agree that you can take money from the COPS program to pay for the TAP program,' and just want to make sure that you guys don't see a problem with that because we've been fighting hard to get access to the databases but not at the expense of COPS I don't believe. So are you guys okay with that?

**Ron Allen:** She's seeking the full body position that the proposal to reduce our COPS equipment funding by \$3 million to pay for this TAP program is not what we want and it's not. To summarize, the Senate is proposing to reduce COPS funding by \$3 million to pay for the TAP program. We just put up the funding table so you can see it. They're not zeroing but they're cutting \$3 million off of the COPS program.

This is Virginia Davis' analysis. The DOJ funding table is similar information but she moved the COPS funding to the same line so you can see the comparison year over year and theirs did show some lines being moved around and COPS would be moved to, Tribal Assistance, something like that. But the issue right now is the fact that the \$3 million TAP funding is going to be coming out of COPS funding, which would decrease law enforcement.

**Jackie Pata:** Right. And we're saying that that's not acceptable and DOJ should find money and has a responsibility to find money to fund access to the databases outside of this but not to decrease the COPS funding and I want to make sure you guys...

**Comment:** Now I realize. It's the third column that they were showing yesterday because they were showing moving COPS down into Tribal Assistance and you end up with \$93 million. It was a slight of hand. So it was a bit misleading. We said, 'We want more details on what you're trying to do.' So this information from Virginia is much more helpful for us to have this conversation.

**Jackie Pata:** We've been asked by various groups to support this effort, this proposal from the Senate. But from the tribal perspective we want to make it really clear that we have to protect COPS money and I just wanted to make sure that you guys were good with that.

**Comment:** And Jackie, could you put in there to accept the House version?

### **Education Subcommittee Update**

A better understanding of TIBC's structure, provide suggested actions on the appropriate times, advance notice communication in order to create comprehensive agenda, supporting documents, increased inclusion into the budget formulation workgroup and need clarification on what comprises the BIE formulas. I think the budget formulation that was presented by Raina covered a lot of that and we were pretty happy. It was a pretty comprehensive report. We had the talking points and we had a presentation of Resolution 18-070 which I gave to Rick and that's input into the BIE budget process.

Request that the TIBC Education Sub Committee be proactive and advocate for improved budget processes for Tribes and schools:

- BIE GPRA Goals need updating.
  - To assist with justification for funding the BIE GPRA goals should be updated so they are more accountable and easier to develop reports of progress. The goals need to be SMART goals that are meaningful and measureable. The goals need to be developed in conjunction with tribes, schools and tribal education departments.
- Request for 1A funding for educational task group meeting similar to the self-governance tribes.
  - The tribes and tribal departments need to be able to discuss issues and concerns regarding budget processes. Open dialogue needs to happen because each region has their own specific needs.
- The funding formulas need to be a realistic funding request.
  - To assist with justification for funding the budget request should be needs based.
- Performance based budgets.
  - To assist with justification for funding performance based budget should be requested. Used for the purpose of funding stated. ICEP funding is utilized for budget shortages for facilities, school lunch programs, transportation, etc.
- Uniform reporting.
  - To assist with justification for funding a uniform reporting system needs to be developed to protect the funding.

- Funding the tribal education departments.
  - To assist with tribes with the development of tribal education departments the recurring funding needs to be identified. Some grant funding that did assist in the past has been refunded and was competitive.
- BIE strategic plan.
  - The strategic plan goals are overall but the objectives and tasks need to be regionally developed as one plan does not meet the specific needs to the tribes due to geographical locations.
  - Tribal input into the next stages is needed.
  - Communication on what is actually happening with the BIE strategic plan.
  - Funding should be in conjunction with and support the strategic plan.
- Better communication.
  - Increased and better communication needs to be a focus. The tribes and schools are not getting information or getting it at the last minute. BIE communication plan needs to be consistently utilized by all BIE employees.
- TIBC Education Subcommittee.
  - There should be meetings prior to the TIBC process in the regions to discuss education specifics. Each region such as the Great Plains should have time to understand and provide input into the process.
- Tribal data.
  - To assist with discussion making and each tribe needs a uniform data report that provides information to the stakeholders—TIBC, BIE, BIA, etc.
- There was a proposal to move the JOM funding in adult education but discussion was more information was needed so we decided to table that.

Per my notes, a couple things I wanted to point out that was discussed. Each region include an educational component into the regional meetings. I mentioned Raina Thiele that did the budget formulation and there's quite a bit of input into getting more and better communication with the tribes and the regions, be it through face to face meetings.

Look into other funding besides ISEP. The Cobell funding. There was discussion about the Cobell funding and some of the tribes indicated that the eligibility requirements were a bit stringent or complicated. There was concerns over the BIE reorganization. Again, with the reservation-less tribes there's a high percentage of Native American students that attend public schools. The funding there is limited.

**Bart Stevens:** Another piece that was brought up was the body of the Education Subcommittee. This group that was gathered at the subcommittee, the only members that were there from previous meetings was Mr. Garcia and the two of us as chair and then Kelsey was there and there were some others but it seems the larger group seems to be a different group every time so we're almost starting over again and you're there too, sorry. There are several that have been consistent but that's a small number and the majority of the group seems to be almost changes with either who gets the information to be a part of that or how that all works or where we're at—being here, being in DC or when we were at Twin Arrows and the body definitely changes. We talked a lot about what the recommendations came out of the last meeting and I take this as an opportunity to provide information and answer questions, provide some clarity. Buster had some questions: is it a tribal leader designee or a delegated authority for people that come to the committee or is it just anybody that comes to the table because we're

making motions, we're voting. I'm not as the Fed side but the tribal people are and so if the body changes, are they representing a specific tribal leader? I think maybe some bylaws that need to clarify the membership and what authority they have to participate in those voting activities. So that would I think help us to at least maintain some consistency regardless of how the group or what part of the group shows up.

**Debra Bordeaux:** from the Rosebud Sioux Tribe Education Department. On issue was prioritizing education funds under the BIE in terms of ISEP versus transportation versus administrative costs. At the last meeting the Oglala Sioux Tribe brought a request for increasing ISEP by 30 percent because they're having to use so much of their ISEP dollars to pay for other areas and that was an issue that was discussed yesterday as well is for ISEP they're having to cover for short falls in facilities, operation and maintenance and because they don't get enough money there they have to take from ISEP to cover those costs.

The same way with transportation. Then the other area that impacts is food service that's a reimbursement and that's funded under USDA. When you talk about the funds for what you're doing in other areas, those things need to be taken into consideration. Just basic cost of living increases for ISEP will make a difference for our schools.

If facilities, operation and maintenance was fully funded, then they would be able to use ISEP for what it's intended for. The same way with transportation. That was one of the things that was supposed to happen at the last Negotiated Rulemaking Committee for education in 2005 was to find another formula for transportation to address all those extra trips and finding a way to fund or work with USDA to have funds appropriate to feed students at school.

**Bart Stevens:** I just want to provide additional context of what she's speaking to of what Kelsey's comments were. We were talking about the surveys that BIA does and BIE and how this body determines what the top 10 priorities, top five or whatever and that's the context that this discussion was. We weren't telling them to necessarily put one line item over the other. I went further to talk about the budget exercises that BIE goes through and talked about all of our line items are extremely important to us and we do everything we can to protect all that we have in terms of the budget exercises that we go through and that when tough decisions have to be made, absolutely, we're going to hone in on not saying that other line items are less important than others, it's just that the exercise needs to be completed.

We weren't moving forward with anything different but it was all revolving around the surveys and BIE's lack of participation in the survey.

## **Day II**

**Joe Garcia made a motion to approve the minutes, seconded. Motion carried.**

### **FY19 and FY20 Update**

Jeannine Brooks

On FY 18, we received apportionment on the 21<sup>st</sup>. By May 29<sup>th</sup> my shop had pushed the funds out to either the region or Central Office programs and self-governance got theirs on the 1<sup>st</sup> of June. I know Central Office programs are working to get the funds out. We've had a little discussion on that where we

had a hiccup in Indian Services. But we also know that tribes are saying they don't have some of their funding yet in some locations and we realize that this is an awarding official issue and George and I have committed that we're going to go back and we're going to meet with the self-determination folks to see what we can do between them and our CFO to get some kind of help to get around this so we can get awarding officials moving quicker to get everybody their money faster so we can try and get this stop out of the way.

The other thing was pay cost that was brought up by Dave Conner. I had a mini session out here with my budget officers last night where we talked about pay cost and I am going to do something to address this. Hopefully we can get this cleaned up and get everybody the pay cost that they're waiting for. I thought we had cleared up '17, Dave.

ON FY 19 we have the House and Senate marks. We talked a little bit about this at subcommittee. There are actually 20 items where the House and Senate differ. Those are things that'll have to be conferenced. It is under the Comp Table tab. It isn't a bad deal because once I was able to actually get some analysis in on this the difference between 15 of the items is that the House just wants to give us more money than the Senate does. So at the bare minimum we will get those lines restored to what the '18 enacted level is.

What they'll have to conference on now is if they're going to give us an increase above the '18 level. So at least we don't have to worry about those being shorted any funding. There's five lines that we are in danger of losing but those are executive direction. The Senate proposed to restore all executive direction funding but the House did not restore executive direction central or region or administrative services central or region. They didn't restore the GSA rentals or the Assistant Secretary support lines. So those are the ones that are in jeopardy now. What those come out to are executive direction central -- Darrell, DBI accounts, etc. Administrative services central is George and I, the CFO office, your acquisitions people, all of that are underneath there.

Administrative services, that's budget, finance, property and contracting which we're already short.

Yeah, so those are the programs that were in danger right now of under conference having the actual reductions hit that were proposed for '19. Otherwise it looks like they pretty much restored everything and we should be getting news back. As Jackie pointed out yesterday, and Amber, in our budget subcommittee meeting, they're supposed to go to conference next week so hopefully by some wild chance we might actually have a budget in October instead of waiting until March, April, May for a budget. So we won't know what to do with ourselves with an actual October 1 budget but we're all hoping they're going to come together and make it happen.

For FY2020 we had a very positive session recently with DOI. The whole atmosphere and demeanor of the meeting was different than any of the sessions we've had before. Cason encouraged that we share everything possible with this group, even with the embargo give all the general information we can up to violating the embargo. He said, 'We know we can't give the actual numbers but everything we can possibly provide we should be providing to you guys so that you're informed and you know what we're doing with this budget process.' This is a very different attitude coming out of this Administration and it was a very positive effort. We are once again in a reduction scenario for 2020 as we anticipated. We had to provide two scenarios in how we submit. One a higher reduction and one a lesser reduction. We put that forward. We're required to put it forward and say what our strategy is and how are we supporting the Secretary's initiatives when we go forward. And our strategy is sovereignty means something and

we've tried to focus us much as possible on the priorities coming out of this body. We tried to hold them harmless as much as possible or not apply anything at all anywhere we could within the parameters of what we had to do.

And we pitched to him and he actually supported that and he said he saw our strategy, he said it actually looked like a lot of thought was put into what we put up there instead of what he had seen in the past coming in. He gave us some ideas on how to package it to make it go beyond Dave Bernhardt and to the Secretary, that they might latch on and see it as a positive thing and move forward with what we're requesting. He said he would like to look at taking our budget and making it not so cumbersome which is something we've all said around this table as well and he directed the POB staff, which is his budget shop, to meet with the appropriators to ask, 'Do we have to have 127 lines when we submit to you? Can we roll this up?'

We would still keep all this information in house so we know how to distribute in the formulas and all of that but for making budget decisions like we've talked here, why can't we just look at it terms of tribal government, human services, community development and that would also give us better flexibility on how we want to distribute that once we get the funding. Then that would be something that this body could do is determine where the funds are going to go. We have that.

And in preparation for that I think as we go through the effort today with what Raina's going to pull out, we need to really think about that part so that if this does happen, what are the categories we would like to see to present to Congress so that it fits what we want to do. So if this change is going to be made, let's put some real thought in it. Do we just want to do it at the budget activity level or do we want to change some of that? Because when you get to tribal government, there's not a whole lot there if we want to do like the priorities that we were talking about, we'd have what, about two lines in there to prioritize and that would be it. You have Aid to Tribal Government and Roads.

**Question:** When you say activity level, you mean like tribal government versus human services?

**Jeannine Brooks:** Yes. That's the budget activity level. Everything underneath those, those are sub-activities when we get down to the things that we actually do our budget by so the activity levels are tribal government, human services, community development, natural resources, real estate. Those are all called budget activities.

Our initial 2020 submissions to the Department is on a review by POB now. We had that first meeting so that we could regroup for the final and get our tips from him on how to go forward. But in the meantime we have the initial submission. It was submitted on Tuesday up to our POB analysts who are looking at it now and giving their advice back and forth as well. We will package that all back up. I believe we will have full pass back we usually get by August from DOI. Once we have our meeting with Bernhardt we'll get a pass back and tell us what we actually get to go with and then in September we do the OMB submission. So that's our current status on 2020. We're at the departmental level and going back and forth with them right now.

**Ron Allen:** And it does beg the question, 'Why do they make us do this when the consistency is what Congress wills,' which is usually at a better, higher level than what the Administration proposes for Indian Country. And so... I guess maybe one of the questions that we can deliberate on and talk to people who are more political strategists, why do they force us to go through this process? I've been working this process for a long time myself with the rest of you and are equally frustrated but there's a

political process that is in place, has been in place for years and it's this political game of managing the budget between the Congress and the Administration. The Administration proposes, the Congress takes it into consideration and makes adjustments and we are caught in between.

I've always noted that our job here, we're an advisor to the Secretary with regard to what is going to be in the President's budget. That's our role. We advise and we champion and we advocate and try to get the Secretary to promote a better budget for us and then at the end of the day we're usually not happy with it and we go up on the Hill and get it remedied. We go to our friends on the Hill, both sides of the aisle and that's where end up. So when we look at the budget over the course of the last 10, 20 years, you see us kind of inched up with certain dips. '96. Dave always brings up '96 was a nasty dip, 16 percent or something like that. But for the most part it's been inching up for different reasons. And part of the question, I know that Amber always does this analysis in terms of how well we're faring and then you compare that with the inflationary rate, did we really gain or not. Jackie you work with different outfits who actually do this analysis between how budgets are proposed and this relationship with the Congress to try to get our arms wrapped around that part of this political process as we try to champion for a better budget. And one of the things that we also usually try to bring here is the DOI Assistant Secretary for Policy and Budget. So that person you guys got to get it through that office before it even gets to the Secretary, before it gets over to OMB and you go back and forth with OMB so there's that strange triangle I guess within just the Administration unless anybody else is involved with it from the White House perspective. So I just think that we need to get more knowledgeable about the process to try to be better advocates. I'll turn it over to you, Jackie, and I know Buster has a comment.

**Jackie Pata:** I just want to say that I get what you're saying. I think it's even more challenging particularly because these budgets that have come out of the Administration over to Congress clearly have been even stated so as just being messaging budgets so it makes it even harder when they're not being deliberate about actually coming up with a realistic approach but an approach that actually represents their interest levels. So it's a little bit even harder.

**Ron Allen:** And that's part of what I'm talking about with the strategy. There's a message. They're sending a message. Are they committed to the mission and the purpose of advancing the tribes' agenda? When you look at the five year plan with regard to the Department of Interior and you go over to the second that deals with Indians, there's this mission and there's goals and the budget doesn't match up with that intent.

**Rick Harrison:** Jeannine, I just wanted to go back to your conversation you had with Cason. At the subcommittee meeting I thought you mentioned something about his frustration with the process as well and the exercise you guys have to do and it gets restored and all this stuff. I thought you said something about him supporting or wanting to put forward an over target budget.

Yes, he did instruct us. Of course I can't go into details but he did instruct his POB staff that we would be authorized to do an over target request within all of this.

### **Budget Formulation Workgroup Presentation**

Raina Thiele

We've been working on this for the past four months at least. We've had numerous meetings, we've had a whole lot of discussions and back and forth with different versions of this document. And so it really has been a wonderful process and I just want to say thank you to everybody who has participated

because many of the folks in this room have been really active in voicing what their opinions are on the process and how it's worked up until this point and how they think it can improve. And there's just so much knowledge in this room of folks who have been involved in this process for years and years, some since the beginning of TIBC. And so it's really been a wealth of knowledge that we could draw upon to try to figure out how we can make this process better, how we can streamline it and how we can ensure that the recommendations and all the hard work that tribes do to submit surveys and their priorities, ensuring that that has impact and is as impactful as possible in the ultimate President's budget as well as the ultimate enacted levels that Congress puts forward.

Look at the tab called 'Recommendations Report', here in the booklet. This Recommendations Report is basically the long form of this presentation. So if you have questions, if you need clarification while we go along, feel free to refer to this report and hopefully again folks have had a chance to skim it or just to kind of take a look at it.

I think most folks in this room I worked with at some point in the past or spoken with at some point in the past but my name is Raina Thiele. I am the founder of Thiele Strategies, LLC, which is a consulting business. And previous to my current role I was in the Obama White House for about seven and a half years. Five of those years was at OMB working on a variety of different issues so I have a lot of experience in the federal budget process at that level and working with departments like Department of the Interior, Department of State, EPA, etc. After that I switched over to White House Intergovernmental Affairs where I was President Obama's tribal liaison for about three years.

On this first slide you see up here I have a chart and I think this is a great place to start as we get into this discussion because this is the top 15 national priorities selected by tribes over the past 10 years. So you can see it. There's a lot of consistency, which is great because that means that folks are prioritizing similar programs every year and it really helps us to predict and to assess what the most important areas are for tribes.

So the way this is going to work is that I'd first like to do an overview, review some of the goals and also the methodologies so folks know how we went about this process. And also I want to acknowledge that, as Rick mentioned, he has been heavily involved in this a long with the entire Budget Formulation Workgroup, NCAI has been very heavily involved in this, we have Amber and Jackie up here, Jeannine has been heavily involved in this as well as her colleagues. So it's really been a very comprehensive process that has drawn upon the input and the expertise of all these folks. After that I'm going to go into the findings and the recommendations which is really the meat of this presentation.

You can see that I've numbered these items here and that's one through nine items. That means that today what I would like us to do is we're going to review the findings, we're going to review the recommendations and ultimately for each of these items we will hopefully be able to approve them in kind of one set.

So for that first one, two-way vertical communication, we'll have a discussion about it, we'll review what the recommendations are and then after we do that I'll ask for an up or down vote so that we can get through each of those items.

So the first six you can see up on this list from two-way vertical communication down to impact of TIBC's recommendations, those are sets of general recommendations based on best practices as well as

feedback and input that we've received from different levels, very substantive feedback from the tribes and those who've been involved in TIBC.

Seven and eight are two of the sort of more major process change options that have been requested by the Budget Formulation Workgroup.

Overview: There has been quite a bit of concern expressed by the members of this body in the efficiency and the efficacy of TIBC, of the process and of the outcomes. So this was really to look at how do we improve the process, how do we change the process if that's necessary and also how do we make the recommendations that come out of this extremely important body, how do we make those recommendations more impactful.

There was a lot of participation in this particular project. A lot of the folks in this room I had the opportunity to sit down with and interview either over the phone or in person so thank you very much for your input and the time that you took to do that. I also conducted interviews with current government officials, former government officials. There was a lot of feedback the tribes submitted last year with the FY2020 Tribal Survey and so I was able to look over about I believe 180 feedback forms, many of which were very substantive and extremely helpful as well as research on historical documents so the minutes that TIBC has posted on the NCAI website as well as the protocol of TIBC.

So here is the list of the first six.

- **FINDINGS & RECOMMENDATIONS**
  1. **Two-Way Vertical Communication**
  2. **Formulation Methodology & Tribal Workload**
  3. **Buy-in & Participation**
  4. **TIBC Protocol & Management**
  5. **Comprehensiveness of Budget Exercise**
  6. **Impact of TIBC's recommendations**
  7. **PROCESS CHANGE OPTION 1**
  8. **PROCESS CHANGE OPTION 2**
  9. **DECREASE METHODOLOGY**

### Decisions on Formulation Workgroup Proposals

#### **1. Two-Way Vertical Communication**

The first of the findings up here is two-way vertical communication. This is the flow of communication between sort of all levels of TIBC. That's BIA headquarters, staff who are on the TIBC and of course the TIBC membership themselves as well as the regions and of course down to the tribes. A big portion of the feedback that I received from tribes was that there was not enough engagement from their TIBC reps, there was not enough engagement with the headquarter level, the regional level was kind of hit or miss how folks felt about that but also there's kind of a breakdown in communication of course between headquarters and regions sometimes which tends to happen when you're understaffed and there aren't clear guidelines for when to communicate and what to communicate. In terms of the Federal Government and the recommendations that we have in this category is to create a communications protocol for pushing news from the headquarters to the regions and to the tribes.

There was a lot I will say concern I supposed of about not having relevant information about the President's budget when that's released, if there's a continuing resolution that's enacted, if there's an appropriations bill that's enacted. There wasn't a lot of contact made with the regions or with the tribes about those different milestones and folks really want to kind of see the process comprehensively and sort of know what's happening along the road and how the TIBC recommendations are really faring in that process. And that just hasn't been happening as much as it could be. Also, each of the regions kind of does business differently, which is great because each region is of course very different. But, there were some consistent pieces of feedback which said, 'We don't have enough communication at the tribal level with our regional representatives.

## 1. Two-Way Vertical Communication

### Findings

#### Federal

- Not always consistent or timely information flow between HQ and regions.
- Lack of updates on appropriations process, President's Budget, etc.
- Regional budget reps sometimes conduct their work differently (i.e. some do not run in-person meetings, convene phone meetings).

#### TIBC Tribal

- Not always consistent or timely information flow between TIBC reps and tribes. Insufficient BIA staff capacity to outreach to Tribes in Region.

### Recommendations, Federal

- Create a communications protocol for pushing appropriations news from HQ to regions (including Office of Self Governance) and to tribes with a comparison to the tribal priorities (appropriations enactment, PBR release, CR enactment, etc).
- Include 1-2 all-tribes call/s to review the final national priorities as well as prior year priorities in relation to enacted levels.
- BIA should issue a Dear Tribal Leader letter at the beginning and end of the budget formulation process.
  - NCAI should facilitate distribution of TIBC materials and recommendations by circulating budget updates, the meeting summary report, and the contact list of TIBC reps at the same time as BIA HQ/Region. A "cheat sheet" should be available to the tribes which puts budget information in consumable terms.
  - NCAI should facilitate an all-tribes call when TIBC finalizes its recommendations. This would be in addition to the calls hosted by TIBC federal and tribal partners.
- Update the Budget Guidance to specify that each region will host at least one *in-person* budget meeting per formulation cycle.
- Update guidance to phase out needs-based terminology.
- Need a principals' statement saying that we respect each tribe's right to interact with the USG. Each tribe is sovereign.
- Designate a federal POC in charge of confirming that media and communication are happening in compliance with these updated standards.
- Consider creating a website to host information and trainings and/or a shared drive between HQ and the regions where all trainings, materials, etc, can be accessed easily.

### TIBC Tribal Recommendations

- Develop protocol on TIBC Tribal representatives' responsibility to communicate to tribes in their region

- i.e. all Tribal TIBC reps should work with the intertribal organizations in their region to ensure that they are briefing their fellow leaders at least twice per year, once in the fall at budget formulation kickoff and once in the fall with rollout of the TIBC recommendations.
- TIBC Tribal representatives should designate one member in charge of confirming that media and communication are happening in compliance with these updated standards.
  - Need to identify a new terminology that replaces “needs based” to full fill the trust obligation, e.g. fulfilling effective operations.

#### Decision on 1) Two-Way Vertical Communication

- Kee Allen and Tino Batt move and second. Chairman Joe Garcia called for the question.
- Eastern Region supports the recommendations with the caveat that the above points be incorporated.
- Vote in support. Motion carries. (Great Plains abstains.)

## **2. Formulation Methodology & Tribal Workload**

### Findings

- Need to specify if tribes are expected to formulate based on their interpretation of their priorities or if they should adjust based on the current political environment.
- Survey is too complicated & cumbersome to complete in the time frame provided.
- Tribes perceive the survey as a repetitive annual exercise.
- Many tribes feel there are too many line items.
- Line items connection to program dollars received by tribes is sometimes unclear.
- Nature of line item funding unclear to many tribes (grant versus formula)
- Certain regions struggle with outreach (i.e. Alaska, Northwest & Pacific).
- Need more training for low-capacity tribes.
- Unclear how to appropriately reflect the different interests of Self Governance, 638, and Direct service tribes in the TIBC recommendations.
- Unclear understanding of unfunded trust obligations.
- Many small tribes don't have 10 programs that receive BIA funding & struggle to identify top 10 issues. Other tribes prefer not to limit the number of programs they identify as priorities.
- Undefined process for increase/decrease scenario (this will be addressed at the end of the document).

### Recommendations on 2) Formulation Methodology and Tribal Workload

*Survey Recommendation:* continue to utilize the preferred program survey process with the updates recommended in this section. The 2020 priority survey yielded largely positive feedback from the tribes.

### *Recommended Adjustments*

- *Nature of Priorities:* TIBC should clearly specify the underlying nature of the budget formulation priorities exercise by adopting the following approach.  
*It should be made clear to Tribes that the priorities they submit through the TIBC process reflect their priorities (however they choose to formulate them) versus a melding of their priorities and the priorities of the current Administration or Congress's priorities. TIBC should account for current political realities through a framing exercise in the final national rollup report.*

- Each region should distribute the prior year's survey to each of their tribes who provided a prior year response when they distribute the updated survey.
- Do not require submission of success stories every year (but provide optional space).
- Make clear to the tribes that they are opining on their priorities 2-years out (what changes can they anticipate and adjust their priorities accordingly?)
- Re-assess the inclusion of certain line items and consolidate line items under the activity headings. BIA should also provide formulas for the TPA programs. This approach would still allow tribes to prioritize among the sub-activities and would give headquarters better information about how tribes prioritize among the activity headings.
- Add more information about the nature of different line items (i.e. grant, formula, etc) to enhance clarity of the program and tribal eligibility.
- Identify which programs are used by all 12 regions.
- Do not ask the regions to perform the 5% budget increase/decrease scenario. That should be handled at the central level and be based on a formula that reflects the priorities voiced by tribes (see section: Increase/decrease Scenario Options). Central office should be required to communicate recommendations to the Tribes in a timely manner.
- TIBC and the tribes should investigate the historically prioritized 5-10 year BIA programs and develop a robust strategy to advocate for their protection.
- Explore opportunities to directly negotiate with OMB or DOI Principals on the top priority programs.
- Do not require tribes to prioritize ten programs. Allow tribes to prioritize as many or as few programs as they feel is appropriate.

#### *Program Capacity Needs of Tribes*

- Pursue measures to understand the full needs of tribes to effectively carry out their operations. Work through the BIA regions to compile a set of standards around each of the consistently top 5 BIA programs and ask tribes to compare those figures against their current services levels. and/or
- Hire a non-Federal actuary, economic analyst or researcher to assist tribes in each BIA region perform an assessment of their needs, beginning with the top priority programs.

#### Decision on 2) Formulation Methodology & Tribal Workload

- Joe Garcia made a motion to support the recommendations with the clarifications; seconded by Kitcki Carroll. Motion carried and the recommendations were approved with clarifications, which are reflected above.

**Question** was asked about timing of report and implementation.

**Ron Allen:** the final report will be an articulation of the decisions we made here. For the most part all the decisions will be made here other than the tweaking of maybe some articulation or some clarification that may not be as clear.

Everyone needs to remember, we tried to do this for the fiscal year 2020 budget exercise and we missed the deadline. So what the agreement was is that we would do this for the FY 2021 budget process which starts in September. Our next TIBC budget meeting is not until October. So if we want our recommendations considered for inclusion in the FY21 Budget Formulation Guide, these decisions have to be made now prior to that. Otherwise the implementation of this won't happen until FY22. So that's

what the timeframe has always been; can this get done in time to give our recommendations before the guidance comes out where the budget process starts basically in September and we're not afforded another TIBC meeting unless we do it by phone call or something like that.

**Raina Thiele:** Chairman Allen, just to throw out a timeframe. What if we said within the week, within a week of this meeting we'll have the draft updated, then we'll have a week for folks to opine on it. How about that? That's two weeks out. Is that going to be enough time for you to start updating the survey?

**Ron Allen:** I think at a minimum that's what we need to look at. That would work for me. Within the timeframe of one week from today's meeting we'll have an updated report. And then we can get it out to this body, give them a week to look at it and give you feedback.

### Lunch Break

### 3. Buy-in & Participation

#### Findings

- Sporadic participation of TIBC Tribal Reps
- Sporadic or poor participation from tribes in survey
- Sporadic, low level, or poor participation from federal partners
- Misunderstanding of TIBC's role among members
- Lack of tribal confidence in survey tool & outcomes
- Lack of understanding of budget process

#### Recommendations

*Valuing the Process:* Need to ensure that all TIBC members value the formulation process by updating TIBC protocol around subcommittee membership, voting members, participants, quorums, and standards for TIBC representative/designee participation. Increased accountability would increase quality and consistency of participation.

- It would be advisable to reduce the number of meetings (recommend consolidating the March and May meetings into one longer March or April meeting while maintaining the Regional priority identifications and providing a final recommendation to Secretary).
- Each TIBC meeting should address logistics for the next meeting: identify which federal officials should attend and the primary goal of the next meeting.
- Need to ensure that the Subcommittees are reporting out only when they have a decision point that needs to be resolved by the full committee.
- Need to ensure that the goals and purposes of the non-standing subcommittees are clear. Once their short-term missions are achieved, they should be dissolved. (i.e. Ed Subcommittee was created to examine the budget impacts of BIE reorganization.)
- Need to ensure that marketing the importance of the TIBC process to tribes is more consistent (interaction with the regional intertribals and taking advantage of regional gatherings). Regions should each map the target events in their region and the manner of engagement that is to take place.
- Need to ensure that the tribes are involved in selection of their TIBC rep and feel a part of the process and respectful of the government-to-government relationship. Create a transparent process for selection of TIBC reps (nomination period, voting methodology, quorum of tribes).

Distribute the list of TIBC reps along with contact info to the tribes with all blast emails from the federal TIBC representatives and NCAI.

- NCAI's role as a technical assistant to all tribes involved in TIBC should be made clear.

#### Federal Participation Recommendations

- Ensure that federal partners make a commitment at the beginning of every budget year to provide the appropriate level of engagement at the TIBC meetings, including OMB.
- Co-chairs should consider submitting a letter at the beginning of the formulation process informing federal officials of the dates of the TIBC meetings and the level and timeframe of federal participation requested. The co-chairs should work with BIA, DOI Budget/Policy officials and OMB to ensure that they receive an affirmative response from federal officials.
- Federal partners from each of the budget programs (especially the priority areas) should use TIBC as an opportunity to report-out on the programs, budget, etc.

#### Decision on 3) Buy-in & Participation

- Motion by Kitcki Carroll and seconded by Chairman Joe Garcia to accept the recommendations in this section.
- Motion carried and the recommendations were approved with clarifications, reflected above.

### **4. TIBC Protocol & Management**

#### Findings

- TIBC subcommittees and workgroups struggle with clarity of mission and membership
- TIBC has expanded beyond its original mandate
- Unclear how subcommittee work feeds into budget recommendations
- Lack of dedicated support lead for TIBC
- Sometimes Unclear Focus of full TIBC meetings
- New members in need of orientation

#### Recommendations on 4) TIBC Protocol and Management

##### *New Member Orientation*

Recommend development of orientation program for new TIBC members. Create a training webinar for new members or returning members that offers an overview of the federal budget process, a historical accounting of the work of TIBC and TIBC Protocols, and any recent changes. Utilize USET's budget training video as a tool for new members.

##### *Meeting Facilitation, Tracking, and Follow-Up*

- Recommend that TIBC identify coordination gaps that exist between the roles of TIBC, BIA and NCAI and expand NCAI contract (or request contracted assistance) to cover those gaps. (i.e. additional assistance to the TIBC Chairs and Subcommittee Chairs to plan meetings, track full subcommittee membership and participation, draft agendas, and facilitate/coordinate the workload of the various TIBC components).
- Ensure that the role of TIBC is articulated at the start of TIBC budget formulation process and meetings (i.e. Advisory body to the Secretary of the Interior).
- Ensure that the budget process is clearly delineated for reps.

#### Decision on 4) TIBC Protocol and Management

- Motion made by Chairman Joe Garcia and seconded by Chairman Buster Attebery.
- *Motion carried and the recommendations were approved with clarifications, reflected above.*

## 5. Comprehensiveness of Budget Exercise

### Findings

- Categories of DOI money that tribes receive outside of BIA are not included in the survey
- BIA/DOI funding only covers a portion of the federal trust responsibility
- BIE and BIA processes are separate and not well coordinated

### Recommendations

- Submit a request to the Department of the Interior that requests a whole-of-agency budget consultation that includes FWS, BLM, NPS, BOR, etc.
- Develop a strategy for better coordination across agencies that provide a part of the federal trust responsibility. Submit a request to the White House, OMB, and DOI requesting that the White House Council on Native American Affairs establish a budget coordination subgroup headed by OMB that will coordinate with the agencies subject to E.O. 13175 and create a pathway for whole-of-government Indian Affairs budget consultation.
- OMB should report out on the updated status of the tribal crosscut annually at TIBC's March/April meeting.
- BIE Survey needs to be well coordinated with the BIA survey. The BIE budget should also be reviewed more fully at TIBC meetings.

### Decision on 5) Comprehensiveness of Budget Exercise

- **Motion to approve made by Kitcki Carroll and seconded by Chairman Joe Garcia.**
- ***Motion carried and recommendations were approved with clarifications.***

## 6. Impact of TIBC's Recommendations

### Findings

- Message of connection between the budget recommendations and the enacted budget levels is not getting to the tribes.
- "Black hole" for information submitted with no clear follow-up mechanism
- Hill Engagement & Advocacy is lacking
- Engagement with federal officials is insufficient
- Strategy for communicating disconnect between appropriated amounts and TIBC's recommendations
- Unclear to tribes who TIBC is delivering the recommendations to

### Recommendations

- Develop an outreach and briefing strategy to better communicate with federal officials. TIBC tribal co-chairs should immediately brief the new AS/IA on the work of TIBC and arrange for a consolidated or individual briefing with the heads of all relevant DOI departments.
- Clarify to tribes in the budget formulation guidance where their information will end up. Make clear to tribes that the AS/IA, the Secretary, and the Director of OMB will receive the information.

- Recommend that NCAI facilitate Hill and OMB engagement for TIBC co-chair, including a request to have one co-chair testify on the TIBC recommendations annually. Recommend that NCAI facilitate TIBC tribal representatives' requests for Hill meetings/witness slots during the appropriations process.
- Recommend that NCAI facilitate briefing calls/email broadcasts on the outcomes of the TIBC process. These calls would be in addition to the calls hosted by BIA.
- Recommend that BIA send a Dear Tribal Leader letter at the beginning and end of the TIBC Budget formulation process.

#### Decision on 5) Impact of TIBC's Recommendations

- **Motion to approve made by Chairman Joe Garcia and seconded by Kitcki Carroll.**
- **Motion carried and the recommendations were approved with clarifications.**

#### **Recommendation Option 1, Bi-Annual Process**

##### **I. Move the annual TIBC Preferred Program priorities survey process to a bi-annual process.**

Instead of requesting that tribes submit a priorities survey to BIA annually, create a new policy in which tribes are asked to complete the survey once every two years. The consistency of tribal priorities over the past ten years shows us that tribal priorities do not change often enough to necessitate an annual survey.

Under this new policy the FY2021 budget process would proceed as normal, and this new schedule would go into effect in FY 2022 or FY2023. Although BIA would not request that tribes fill out the priorities survey in the "off-year", they would provide all tribes the opportunity to update their priorities during a non-formulation year if desired. Significant changes submitted by tribes would then be incorporated into the off-year national rollup.

TIBC would not be disbanded during the interim year, but workload for tribal representatives and federal representatives would be significantly reduced and would create flexibility for more thorough tribal outreach in preparation for the next bi-annual survey. The Regional Tribal meetings would still be required to assess the consistency of priorities and discuss strategies to recommend to TIBC.

This approach would increase the value and strength of TIBC's recommendations. It would give tribes additional time to complete and update surveys, increasing participation, and make the recommendations from the bi-annual exercise stronger and more highly regarded by federal officials. This approach would also lessen the workload placed on tribes and federal officials.

#### DECISION

- **Motion to approve as amended with confirmation at a later TIBC meeting. TIBC resolved to allow tribal reps time to bring this recommendation to their regions for input by the March 2018 TIBC meeting.**
- **Chairman Buster Attebery moved to approve this approach and it was seconded by William Snell.**
- **Approval of the concept/tabling of final decision carried. Navajo abstained. Great Plains abstained.**

#### **Recommendation Option 2: STAC with TIBC as Subcommittee**

## II. Elevate, Refocus and Narrow TIBC's Mission.

Request that the Secretary of the Interior create a tribal advisory committee through Secretarial Order Establish TIBC as a subcommittee under the new Advisory committee. The policy work that currently takes place within TIBC and its issue area subcommittees should be realigned under the work of the Secretary's Committee and the work of TIBC should re-focus around its technical budget responsibilities. A mechanism for free flow of information between the policy and budget functions of the Secretary's Committee should be established. TIBC should create a proposal around how they would like the Secretary's committee to be structured.

This approach would lessen the bureaucratic nature of TIBC, reduce the workload for tribal participants and federal officials, and create a more efficient, effective, and focused mission that would help increase tribal rep and federal official buy-in and the strength of the formulation recommendations. This approach would ensure that TIBC receives high-level Secretarial involvement in their budget formulation process, similar to the HHS STAC.

### DECISION on Option 2

Motion to approve was made by Chairman Joe Garcia and was seconded by William Snell. The Motion carried and the recommendation was approved on a conceptual basis with details to be worked out and approved at a later TIBC meeting.

### **Increase/Decrease Methodology Options**

#### I. Weighted Allocations:

- a. Recommendation: TIBC should agree on an increase scenario formula that can easily be applied to future increase scenario exercises. An equitable and priorities-aligned approach would be to treat increases in the following manner, with the flexibility to adjust the final numbers based on budget subcommittee deliberation:
  - i. 0-5% Increase scenario: hold all programs harmless and provide for an inflation adjustment for CSC and TPA/TPA-like programs. Of the remaining increase amount, distribute it in a weighted and program size-adjusted manner across the top 5-10 priorities.

NOTE: It is strongly urged that the Budget Subcommittee consider this relatively simplistic approach to distributing increases as a starting point. An effective means of evaluating the real impact of these increases is to work with BIA to translate each program's recommended increase into concrete terms (i.e. a \$1.5 million increase to road maintenance will enable tribal nations to improve X miles of road, leading to safer driving conditions).

- ii. 5%+ Increase scenario: It is essential that that this process holds all programs harmless and increase for inflation and population growth. Of the remaining increase amount, distribute it in a weighted manner, among the top priority areas.

### ACTION from TIBC on Increase Methodology

Given the simplistic nature of this proposed increase scenario, the Budget Subcommittee will evaluate different options for specific allocation of increases to TPA, CSC, and TPA-like programs.

### **Decrease Methodology**

**ACTION from TIBC on Decrease Methodology**

TIBC will not officially refuse to engage in the decrease scenario exercise but reserves their prerogative to make this decision on an annual basis.

See the full report here,

[www.ncai.org/TIBC Budget Formulation Improvement Project FINAL REPORT WITH DECISIONS.pdf](http://www.ncai.org/TIBC_Budget_Formulation_Improvement_Project_FINAL_REPORT_WITH_DECISIONS.pdf)

**Old Business**

There are two action items that we implemented for this meeting. At the May meeting we did the subcommittee recommendation that the chairs only report on issues needing decisions from the full TIBC as opposed to updates so we've started to incorporate and do that in our agendas. The second one was an agenda item requested for Department of Justice funding and the Victims of Crime Act tribal set aside. So we did that in the Public Safety and Justice Subcommittee meeting. Those were action items that were fulfilled and Gena Tyner-Dawson did a really good job coordinating DOJ input and so we're looking forward to that continuing in the future meetings too.

**New Business**

- BIA intends to do the kickoff webinar again and that should be happening in October.
- Request for both Budget Officers and Regional Directors to attend TIBC.
- Location for 2019 TIBC summer meeting. Fairbanks, Alaska was chosen.

**Meeting Adjourned.**