

**Tribal Interior Budget Council  
Draft Minutes  
May 11-12, 2016  
Washington DC**

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**Invocation**

**Roll Call**

Rick Harrison moved to adopt the agenda as a guide. Seconded by Darrell Seki. Motion carried.

Approval of the minutes deferred to tomorrow morning first thing.

**Opening Remarks**

Thank you all for traveling here. I know many of you it takes quite a bit to leave your communities and to travel here, be away from your family so I appreciate that. I unfortunately will not be here tomorrow but Mike Black and Cheryl Andrews-Maltais will be here for me. Mike is testifying before the Senate Committee on Indian Affairs this afternoon. I am going to be going to Riverside Indian Boarding School to meet with kids there and to participate in their graduation ceremonies and so I will not be here tomorrow. I've had some very good visits with Indian Country. I want to thank Chairman Frazier and the Cheyenne River Sioux Tribe for hosting us to see firsthand the challenges that you all are facing on a day to day basis in terms of roads, in terms of schools and the need for school replacement. It was not satisfying for me to go forward with only 10 schools on the school replacement list because we have over 70 schools that are in poor condition and seeing firsthand that while we're addressing 10, it's not acceptable to these kids that are in the 60 other schools that are still waiting.

One of my takeaways from our last meeting was the need for roads and road maintenance and infrastructure generally. ICWA—we're getting very close to moving forward on our ICWA regulations. Fee to Trust still remains a priority for the administration. If there are parcels that you want to push

forward as quickly as possible, please do so. Again, with the coming elections, we know who the Republican nominee will be. We don't know who the Democratic nominee will be yet but we'll see what the next administration holds for Fee to Trust. I signed a federal register notice this morning finalizing the title standards for Fee to Trust so hopefully that'll make it much more clear and user friendly for your realty staff in terms of working with our realty staff to make decisions on land into trust.

Indian Trader Regulations—we're looking very closely at the Indian Trader Regulations to see what we can do to promote the work that we've done on the leasing regulations and the right of way regulations, which essentially preempt state and local taxation when a tribe decides to lease its lands or grant a right of way. We were successful in the litigation on the right of way regulations that was filed in challenge. The Western Energy Alliance sued us on those regulations and we prevailed in the district court at initial phase of the case and then they withdrew their action. That action's been dismissed. We'll likely see another case filed at some point when the department actually works to issue a right of way.

The administration has been working very hard to settle litigation that's brought by tribes against the United States. We expect that before the administration is over, we'll get to over 100 settlements with tribes in terms of breach of trust claims. I say it as much as I can and I'll keep saying it that the leadership around this room, the tribal leadership, you all have proven for the next administration that if you have an administration that works with you that we can accomplish a lot of good things together and so I really hope that when the next administration comes in that all you tribal leaders who are in the room are going to be able to hold up some of the things that have gotten across the finish line and encourage the next administration to work just as hard as to work with Indian Country as this administration has. We couldn't do it without the support of the career staff and the regional directors and all of their folks and so they will stay on obviously during the next administration, as will Mike Smith and Mike Black and every career employee here. I think we're leaving a good legacy for the next administration to keep moving things forward because we all know that there are too many still remaining unmet needs out there in Indian Country.

Ron Allen: I think that your point is well taken that as we are in this election season and we're observing who we think are going to be the two candidates for the president, a lot of us are concerned about it and the transition from the very impressive successes we've achieved in the last eight years under the Obama administration. Those successes have revealed how much more we have to do, categorically, whether it's roads, public safety issues and education and on down the line. I think what's important for us is how we work with you to achieve what we still can over the course of the next eight months. I wish that we will still have a very positive and supportive administration and try to get regulations through, try to improve our position with regard to the budget, etc. It is important for us is to continue to work together to show the true picture of the needs of Indian Country, including the treaty obligations, the trust obligations, the statutory commitments, etc. that all are about helping the tribes become self-governing and self-reliant. Even if we have to look at the worse case scenarios for the next administration, then the question is how do we position ourselves. And I think that what you and this administration are doing is helping us position ourselves. The White House with the Council on Native American Affairs is another good example where you've stepped up the commitment to the tribes at that level.

Sam Thomas: Thanks, Mr. Chairman. I want to underscore a few of your topics that you addressed earlier. Road maintenance is a huge issue out in Indian Country. We would like some increases in that; a request of this body in the last meeting is to do a separate line item to avoid decreases. Public safety is another issue and tribal data. We'd like to have better representation in identifying our unmet need and

unmet obligation in Indian Country. Also in the budget formulation process, there seems to be a miscommunication or a misinterpretation of the unmet need and unmet obligation in Indian Country. Also within your report is identified land into trust. In the Alaska Region, the stay that has been from the 9<sup>th</sup> Circuit Court, we feel that the administration is not doing the best interest of Indian tribes in Alaska by continuing to give the stay past their 60 day timeline of the stay. We feel that the government needs to make some kind of a commitment to the Indian tribes of Alaska when that timeline that the state needs to come forward with a solution versus keep asking for a continuation of the stay. That's my opening comments. Thanks.

Buster Atteberry: We had a brief discussion in the tribal caucus about drugs in Indian Country; there's a lack of opportunity to prosecute non-Indians who come onto reservations in Indian Country, bring drugs in and they leave and there's no way to prosecute them. The Karuk Tribe has just developed an opioid task force so we're going to work with the local law enforcement to address the problem. The Karuk Tribe, sometimes reservation-less tribes like we are where -- we're completely PL 280 regulations, with no BIE funding for schools, for programs. Law enforcement is willing to cross deputize. The issue is funding. With the loss of the economy in the timber industry, our people don't have an opportunity to go to work to make money to go to school. They're completely reliant upon scholarship money and it's sometimes not enough to get the schooling they need. The Karuk Tribe and the community, we're working on prevention, youth activities to bring in local law enforcement to advertise anti-drug campaigns during these activities.

AJ Not Afraid: He requested an update on the revisions on 25CFR175, the electric power utilities that would incorporated through the rights of way section. Crow Tribe is paid up on those parcels and we've requested several times prior to your tenure and your position too to the previous assistant secretary, we've asked that those liens be removed.

Larry Roberts: thanks for bringing up the lien waiver issue. We do have a consultation scheduled at Shakopee, June 6<sup>th</sup> or 9<sup>th</sup>. The thing that we put out there for proposal is that the lien waiver money be used to purchase land so I don't think we were looking at it so narrowly as it couldn't buy a one over one interest. Given that the program was to purchase land, the proposal would be that those funds returned to the tribes, that they be used for land purchases.

Kee Allen: We had a meeting yesterday with Chairman Allen and other tribal members with the Public Safety and Justice Workgroup. Mr. Cruzan was in attendance yesterday and also Mr. Toulou.

There's a lot of funding that is being brought forth by Appropriations, by Congress, but yet it's more on merely just like a competitive base to where the person that or the tribe that develops the proposal wins the grant where we still have other tribes dealing with the same situation. We're trying to look at the need of the actual situation that happens across Indian Country in terms of drug trafficking, violence against women and children, the public safety issue, judicial issue. An issue was the funding request for facilities—jail facility, public safety facility, correction facility, court facility.

The O&M issue will probably come up as well but those are some things that we really have brought on the table for discussion. What is the best way that we will have all of our tribal members across the Indian Country will be able to deal directly with the public safety issue and what is the exact need? How much money would really be effective to combat the issues or concerns that each of the tribe raises because each of the reservations are in different geographical areas as well—rural versus small tribe, large tribe and so on. So those are some things that we're putting together and again.

Larry Roberts: Thank you. I do think that it's something that we're going to continue to advocate internally which is what I've heard from many of you is the grant process. It's the best grant writers that get those funds and we really need to look at a process that affects tribes and I think most tribes around this table have great needs out there and so how do we address that. An idea is a pilot program: if we get plus ups in our budget it always feels like it's a pilot program whether it's for law enforcement or TIWAHE or something like that. There is a suggestion that we ought to be doing a pilot program on operations and maintenance and fully funding operations and maintenance for some locations. How do we move that forward? Maybe that's something that we could either talk further about today or tomorrow or put on the agenda for Rapid City when we convene in the summer.

Ron Allen: On the Public Safety issue, we have BIA OJS and their funding. One of the things that we've noticed is that we're not doing a very good job of painting the picture of what the needs are for our judicial systems, comparing them to local judicial systems in our communities or our law enforcement programs—everything from the number of cops per thousand versus the number of dispatchers per number of cops to the adequacy of the resources that they have to do the job. When you look at those two programs and how they overlap, Tracy Toulou from DOJ to come over and talk about what those programs are. It was an interesting observation for us that we see these various programs that are important—FBI, U.S. Marshals, Bureau prisons. They all take credit for serving Indian Country in whatever capacity they serve Indian Country. But the three programs that actually reach Indian Country, as you noted and Kee Allen noted, is that they're competitive grants and that does not provide a kind of stability and continuity to address the unmet needs for the tribe's program. So one of the things that we are asking is that we do a better job of interfacing in maybe similar to the 477 programs, maybe some of those resources can be actually transferred over to DOI, BIA so that the tribes have one contract. One of the observations that a number of our participants yesterday noticed is that like the consolidated grant program that they have, which is competitive, it's complicated to apply for it and it's complicated to maintain it and provide the reporting. So it's a matter of how to get those resources into one pot so that the tribes can do a better job at being more efficient with those resources from DOJ to OJS and those operations.

We asked for and we're doing a request for the breakdown of those programs so we know who's getting them. Who's getting them? How many of the tribes are actually receiving those monies and how consistent are they? Are they just one year, three year grants, etc.? And so we're asking for that freedom of information from them. We pointed out that we need to interface with the DOJ Tribal Leaders Advisory Council so that the request that's made to the Attorney General so that she gets onboard with us with regard to some of these suggestions that we want to pursue.

O&M was a great concern to us and it became evident that a number of tribes who have built facilities but then don't have accompanying O&M or maintenance resources for facilities that they built themselves in order to accommodate those needs. There was a suggestion to consider they should be expanding the program for programs like those house arrest systems so that you have equipment for monitoring that may be less expensive.

On road maintenance, LeRoy gave us the update that there is almost \$300 million deferred maintenance, that 87 percent of that \$300 million is actually 51 or so tribes. So it's the big land base tribes where the biggest problem is.

The longer you defer on maintenance, it costs more to repair them back to the appropriate level. We're losing ground. We got more money over in federal highways and then now they've got authorization for up to 25 percent for road maintenance and they seem to be playing off each other counterproductively.

If the Midwest tribes don't have snow ploughs, they can't clear the roads out in order to get to and from which is a big problem for those tribes that have snow problems, whether it's Midwest tribes, Dakotas and so forth. We noticed as we got into this conversation that with public safety or roads, neither of those topics are really in any of the committees of the White House Advisory Council.

Chairman St. Clair, Rocky Mountain Region. The biggest issue is that road maintenance has been funded at a certain level for quite some time and of course tribal roads are growing, there's more roads being built and there's funding for new roads but there's not funding for maintenance of roads. Since we've been allocated, they've been funded at a certain amount for that long and of course tribal roads have increased and then the dilemma that I noticed today was that not only did tribal roads increase but also BIA roads have decreased because we have self-determination and 638 contracts where tribes are trying to assert their sovereignty and yet we're penalized because then it's no longer a BIA road and then we don't get funding for it.

Sam Thomas: The Tribal Transportation Program Coordinating Committee met last week in New York and the executive committee as well as the TIBC Transportation Subcommittee here have a comprehensive report for Rapid City and I think the missing link is Federal Highway Administration coming forward with their compilation of data that they have the Bureau probably doesn't have within their system, such as crash data and fatality rates on highways, etc.

Darrell Seki: In the Midwest Region and I believe Rocky Mountain just spoke, we spend more than half...double what we get annually for our road maintenance and that's just to keep the roads clear and there's not enough money to add anymore roads for the amount of money we get in Midwest Region.

Ron Allen: One of the things that came up is the Tribal Law and Order Act required a report on the status of public safety and judicial systems so we're rather anxious to know if that report is being developed and when we might see it.

Larry Roberts: Yeah. So that's basically the report on unmet needs in Indian Country under Tribal Law and Order Act and I'm going to look at Sarah here. I think that's going through the final surname process. The final report is imminent so I would say within the next two weeks. It has cleared PMB and has to go to OMB. Once we get it back from OMB, it'll go out.

Ron Allen: That'd be great because our assumption is that that report will be helpful for us in terms of making the case and certainly it can be helpful for you to try to make a case for more resources for those purposes. On the budget process we're suggesting that the administration consider bringing in a third party and conducting an analysis of this process.

Larry Roberts: One of the things that we have been successful on together is making sure that tribes retain the authority to tax within Indian Country and that states and local governments do not double tax within Indian Country, especially where they're not even providing services in Indian Country. And so the leasing regulations have helped, the right of way regulations hopefully will help, the Indian Trader Regulations if we can get those moving. The more that we can do to foster and respect tribal sovereignty the further along we'll get.

Kitcki Carroll: Every TIBC meeting we circle back to this conversation about the flaws and the weaknesses in the system. I reminded everybody this morning that this time last year this body passed a resolution to deal with the budget process; our position is that it still falls short from ideal and what we would want to see. There is some ownership on our part. Part of that resolution talked about the regions bringing forward suggestions to further strengthen that process but recognizing the limitations on people's time and resources both at the tribal level and the federal level that just doesn't seem to be getting done. So one thing is I offered this morning is one of the things I'm familiar with from my experience outside of Indian Country is a process called continuous quality improvement. It's CQIP and many businesses use it, other not for profits use it, but it's a process to make sure that you are constantly reexamining your processes to make sure that they are up to date and most efficient and effective as possible.

While we take a principled position against the utilization of grants to fulfill the fiduciary responsibility, the reality is that it's not going to change immediately comprehensively anytime soon. A way to resolve that is for the departments who drive the language of these notice of funding announcements to streamline these and to make a 30 page application a five page application. It would be helpful for the Interior Department to look at the funding that it is sending out the door via grants and find ways to streamline those opportunities to make them less burdensome to go after.

Ron Allen: Another topic is for Interior to consider letting a contract to put together a proposed set of metrics so that we can get a better handle on the consistency of the unmet needs. As the department tried this year to get an assessment of the unmet needs from the various regions, they didn't know what measure to use categorically for different programs. We think that some of them are probably out there, a different kind of metrics like cops programs, cops per thousand, etc., etc. or forestry programs. There may be some metrics that are easily gathered. But many of the categories—social service programs, ICWA programs, etc.—we may not have the right kind of metrics that we need in order to get a better handle on what that unmet need is.

Kitcki Carroll: In communication with the Bureau, the request that I had made is that all members of TIBC be informed of the budget subcommittee meetings post to March presentations regardless of whether they're part formally with the budget subcommittee or not. And the response that I got was is that the communication was only going to the budget subcommittee members. So I just don't think that's correct. I think this full body should be aware of when those meetings are taking place and at least have the opportunity to engage in those regardless of whether you're formally on the budget subcommittee or not.

George Bearpaw: One of the things that we tried to do with the budget subcommittee is to see what their schedule is. Ron and Sam and the rest of the budget subcommittee, I routinely get with them to see what their schedule is and so that's why it's been kind of not pinned down as far as what week that we do the budget subcommittee because of scheduling. The other thing is the Assistant Secretary, Larry's schedule, because one of the parts of the budget subcommittee meeting is to report to him and we try to schedule it to where he's available so that the budget subcommittee can report to him and give him the budget that was designed for that year. But we will try to take a look at establishing a firm week for the budget subcommittee. And the other thing is, it is a good suggestion to send it all to all the membership so that's no problem. I think we can do that.

Kitcki Carroll: We know that the charge for the White House Council is for a collaborative environment for the departments to work together to leverage opportunities, to leverage resources, etc. You were here a year and a half ago or two years when OMB first made that presentation and got everybody's ears up when they touted the 19 point whatever billion dollars. So we're still sitting here a year and a half, two years removed. We have the crosscut in a general way but we don't have the full transparency of the eligibility versus the accessibility. And this came up yesterday during the DOJ conversation when \$120 million of the actual \$420 million that they're counting towards Indian Country funding is actually going to Indian Country.

If agencies are unable to even identify the actual dollars that tribes are securing, how can you have a conversation about collaboration and leveraging resources? It's unacceptable that OMB has yet to provide the detail of that information. Secondly, this ties again to this whole data conversation. We are being put in a position where we keep being told data to justify; yet the entity that's having these conversations can't tell us the detail of where this funding is going in specific terms. One of the things that we're talking about on our end is a congressional letter to OMB asking for that detail.

### **Report on the Budget Subcommittee**

Ron Allen

When we went through the process, we made it real clear and as reported to you that we were not going to go through an exercise to reduce the budget. Our view was that we were very interested in working on the budget from the perspective of a '17 base, what the President had asked for and then if we were going to get eight percent what would we do. As you remember, we said that eight percent for all TPA programs that go directly to tribes, whether it's direct service contracts or compacts for self-governance. We emphasized roads improvement, public safety, and court, so we added money into that on top of the eight percent. We increased Tiwahe and wanted those targeted 11 tribes to be successful. We underscored the point that those programs that were relative to the Tiwahe program, which is inclusive of HIP.

At the eight percent level we focused on a number of core programs for tribes and the Bureau; like small and needy tribes and some support for the BIA, for instance, in GSA rentals, and the national Tiwahe coordinator. But then also at that eight percent level fully funding the Tiwahe initiative for full support for the pilot effort but also in the 2018 budget considering some additional pro rata increases. That was at the eight percent level. At the 10 percent level what they really did was move everything up by nine percent but that allowed an additional 30 some million dollars to put forth the Tribal Jobs Recovery and Relief Proposal which is a general TPA increase first brought up at November TIBC and adopted by TIBC that November.

We also underscored above the eight percent for public safety, courts, incarceration, detention, O&M and the maintenance. We emphasized those areas that needed more resources. And BIE, Haskell & Sipi, tribal grant support cost, scholarships.

Larry Roberts: I want to emphasize what I shared earlier which is the direction that we're getting is the '16 and the '17 budget and then are there bigger, more programmatic things where we should bump up. For example, an easy one for the Secretary is BIE school construction. When I look at your list of roads and jobs and public safety and courts, that's where I'm trying to think of thematically how do we lump those together for part of our request.

**BIE Update**

Ann Marie Bledsoe Downes

I am a member of the Winnebago Tribe of Nebraska. I was serving and am currently serving as a Deputy Assistant Secretary in Indian Affairs. I am responsible for oversight of the Indian Energy and Economic Development Office as well as the Office of Self-Governance. We underwent some transition a little over a month ago in the Bureau of Indian Education and I was asked to step in as the Acting Director. I was also a tribal college president for my tribe.

In the past month and a half I've been balancing going out and meeting with tribes with helping implement and manage the daily operations of the organization along with implementing the reorganization. We're moving forward on the reorganization and we're starting to staff up the offices of the Associate Deputy Directors. The three ADDs have been on staff for a while and they're now identified by their activity so BIE operated or tribally controlled and then because we have 60 some schools at Navajo, making sure that they have an ADD.

We have around almost 40 positions settled and will continue to interview and hire to build out what will be the Education Resource Centers. Our goal with what we're doing in the Education Resource Centers is to really flip that model and make it much more kind of business customer service model so that as teachers and principals and superintendents need resources, they're able to go tap those Education Resource Centers for the things that they need.

The goal is that teachers and administrators are going to get what they need from our resource centers and be able to better deliver in the classroom. The professional development is a really critical component.

So we're spending a lot of time in the last week and a half talking about those transition plans and creating processes for that and making sure that as we build out we're not negatively impacting the current operation. This is what we're calling Phase 2 of the reorganization.

You may all be aware of the GAO report on the lack of safety inspections and the conditions of our schools so we wanted to get those people who are operations side positions, we wanted to get those people in early so we'll be adding them now.

Having the school operations under BIE is going to be a really valuable tool so that we make sure the testing is purchased in a timely way, that teacher contracts are executed in a way that's consistent with an academic year schedule and not just sort of in a regular pattern or practice of an organization that might work on a calendar year or a fiscal year. Then we'll also be training those folks so that they're particular to the needs of schools. HR folks for example will be trained in looking for how to hire excellence in teachers and what kinds of things to be looking at for administrators and things like that.

We have some other partnerships that we're working with to really help make sure we have quality educators in the classrooms. The National Board Certified Teachers program is...we are offering that to our teachers. I think we have 400 and some signed up right now. It takes about three years to get through the entire program but this is a nationally known program and as teachers complete components of the program successfully, we're offering bonuses to them and that's one way of assuring that we have teachers who are really skilled teachers but also skilled in their subject matter area. I think phases two and three of the training are really focused on that.



One of the things that's happening right now is the No Child Left Behind has been reauthorized as the ESSA—the Every Student Succeeds Act—and they're conducting tribal consultations right now and I think that's a really important opportunity for tribal leadership to talk to Department of Ed about what their expectation is for states to include tribes. Under the new ESSA AYP—Adequate Yearly Progress—won't be the measure anymore, it'll be something else but what the something else hasn't been decided yet and BIE will have to decide that and we'll be soliciting input from all of you on what that's going to be.

So as we go through this reorganization we're making sure we're getting the best talent we can as we bring new professionals in. The final thing on that that we've recently started to make our ADDs and other administrators aware of is the Office of Personnel Management has a hiring excellence series that they've worked really hard. This is an issue that I guess is common across federal government in making sure that we are attracting and securing the best talent across the board.

Adequate Yearly Progress will not be the metric that we will be using going forward in the future and we also use metrics in our department strategic plan and we're in the process of revising that. So we'll be setting a metric for BIE going forward in the future and we'll need to revise our metrics that are part of that. We'll be coming out to tribal leadership trying to seek input on what you think a good way to measure our progress is and whether that's through these state plans that get developed or some other measurement, we definitely want to hear from you.

We're moving forward on our TED and SIE grants and making sure that those Tribal Education Departments and tribes who are looking to move towards a tribally controlled model have support at looking at tribal education codes, what we call alternative accountability workbooks or their own assessments and measurements of student performance in their schools, ways to make sure that curriculum is inclusive of native language and culture and creation of education committees in tribal communities.

So Miccosukee has set their own standards and we met with a tribe in the Midwest Region who's also interested in setting their own standards and I know Navajo is looking at setting their own standards and so every tribe in this room or in Indian Country that has BIE schools should be looking at that because you have Secretary Jewell and Secretary of Department of Education interested in approving those and moving forward so that tribes are in control of the standards of their schools and that we're teaching to those standards.

Kee Allen: housing for teachers. I think in order for the BIA to retain and have qualified teachers what needs to come with it is housing. Just like in the public safety we just provide funding for services to be provided to the nation where we don't fund for jail facilities or court facilities and whatnot. Same way with education.

Sam Thomas: I recently I heard that NAIHC and NIEA and NIHB were all working together on a joint housing initiative effort. So we're having this conversation right now about educators but then this same conversation goes on in the realm of doctors and medical staff in our communities and then the housing piece. So those three national orgs I believe have some sort of collaboration going on where they're trying to tackle this housing issue together rather than individually. That's all the information I have on that but I think that absolutely ties to this conversation.

Kitcki Carroll: You're going to look into what is the inventory status of housing for the various schools?

Yeah. I'll find out whether that's already included or not and if it isn't, make sure that we have some process for doing an inventory for that. And to the extent we can fold that into our current planning we will do that and probably reach out and find out a little bit more details on this because it might make sense then for our contractor to get feedback from these folks so if we're talking about how we're going to solicit more funding or use resources that that's folded into the conversation. So that's how I would see going forward.

### **Resolution on Commerce, Justice, Science Appropriations bill**

Ron Allen: We do have something we can handle. So we passed out a resolution. So earlier we talked about the...up on the Hill is a bill being considered for the Crime Victims Fund and we mentioned how that on the Senate side they incorporated Indian tribes to be included in it at a five percent set aside and so this resolution would come from us to basically...to the House side that they would include that same provision on the House side. This would be a big win for the tribes with regard to public safety and judicial programs. You can see at the very end about the whereas...second to last whereas you can see the numbers that we're projecting that would be in that bill. The question is if the body is comfortable with approving this resolution.

### **Day 2**

**Minutes approved:** Buster Atteberry made a motion to approve the March minutes; seconded by Rick Harrison. Motion carried.

**Public Safety Funding Resolution:** Kitcki made a motion to approve the public safety funding resolution; seconded by Rick Harrison. Motion carried.

### **Carryover Discussion**

Mike Black

Previously, Central Office at the end of the fiscal year would sweep all of our carryover and bring it up to central office and then take a look and there was a process to request special project funding. We've eliminated that and left that with the regions the past few years where the regions would control their own carryover within the regions and be able to work with the tribes out in those regions.

Last year it was around July or so we did sweep the balance of the carryover that was left and that was to ensure that it was obligated. We have a lot of different needs, from youth projects, environmental projects that were just short a little bit of funding, certain regions or certain tribes.

All of you when you come in to meet with me or with Larry or anybody else, a lot of times we have funding requests that come into our office that we don't have necessarily a pot of funding that we can apply to it, emergencies. I am looking at the carryover right now. We haven't swept anything from the regions as of yet but we will be looking here in the near future to take a look.

There's not a lot of carryover there. Last year I think BIA left \$1,000 on the table, which in the big picture of a billion dollars a year, that's a pretty good stat for us to be able to say that we were able to use every

dollar of those funds. There are winters where we get bad storms and blizzard conditions and if we're sweeping that carryover, it doesn't give the regions that ability to be able to do that. But it does allow us if we have some carryover within one region or another that we're able to take a look at on a broader basis to be able to apply to some of those projects.

Remember, this is two year funding. We call it carryover but it's actually 15/16 year funding so it's still eligible in '16. There are some restrictions as far as what it can be used for. It can't be used for salaries and there's a couple other minor things in there but all in all it does give the regions and the tribes within the regions that ability to request additional funding.

We have some priorities around youth this year that I'm really pushing. We're trying to expand our youth program and youth conservation corps projects out across the country. We're trying to establish some new ones.

Kitcki: Is central office leaving the dollars at the region?

Mike Black: The regions have their current year funding and every region can attest, I put them on notice, actually I put a deadline. That was the cutoff for them to have all of their carryover spent or I was going to start pulling it back. I've extended that a couple months just because there are certain things, it takes a while for the procurement process and others, regions have sent in what I call kind of exception requests saying, 'Hey, please don't take this. We've got this in the hopper so we need to be able to do that.'

A request was made for a carryover report.

Mike Black: we can certainly do that. In fact, I can have something prepared for the July meeting.

Ron Allen: The first item this morning is the discussion on the proposal for 2018. We put this back on the agenda just to make sure if there's any further conversation about the different priorities that we identified yesterday. Is there any further... Remember now, we underscored and emphasized road maintenance and public safety and then a series of other issues that we thought were important for Indian Country as we heard from the regional priorities that came out of our March meeting. Comments or suggestions we can send to Cheryl and Mike and back to Larry before they make decisions. They'll be making their decisions by the end of this month.

Kitcki Carroll: In tribal caucus, this body put forward a motion to contract with an outside third party not connected to this group on the fed or tribal side to do a CQIP process of continuous quality improvement assessment of the current budget process, BIA process, to identify its strengths and weaknesses and to put forward some recommendations.

We recognized that in the fiscal year '18 budget process there was an effort towards improving it but our position is that it fell short from the preferred process. At the March discussion every region seemed to have submitted a different way. About seven or eight months prior to the March testimony, our region spoke numerous times to our strategy. At no point did we hear pushback to what we were proposing. With our first kickoff budget formulation team meeting in Nashville in August/September timeframe, we started moving forward with that very format. About a week or two prior to the March testimony, after we submitted the results and outcomes of that effort, we got pushback from central office that they were not going to accept our submission because it wasn't per instruction. So we

reconvened and decided to submit our two priorities. We were perplexed about why ours wasn't accepted and kicked back and we were forced to resubmit but then others were submitting in a way that was off of the budget formulation instructions.

Mike Black: I think it is a good idea. We can have them come in and they can take a look at the process but do they really understand our process? Indian Country is kind of unique in the overall budget process and the priorities and how we incorporate TIBC. What exactly do we want them to look at? How would we look at this? How would we improve this? What are we asking for an outcome from this contractor? These kind of contracts get to be really expensive so I want to get the biggest bang for the buck that we can out of it if we're going to do it.

Kitcki Carroll: As long as the process forces all these different areas to compete with themselves, you're never going to end up with a final product that we want. So in order to make some significant advancement forward on the budgetary process, you have to factor that limiting reality in. Your colleagues over in IHS, they have 25 line items that they're asked to prioritize every year. You've got 125. They just deal with the issue of health. You deal with multiple issues. So the process doesn't respect the fact that there are different issues that are unrelated that are competing with each other.

Even if we could all snap our fingers today and have all the data that we would ever dream of to support all of the programs that we have, does that mean that that's going to translate into the necessary funding for these programs? Not necessarily and that's what the limiting factor is because they're forcing all this into one pot where it needs to be broken apart to be most respectful. So there has to be some balance between a process that as you state that reflects current limitations, what the federal budget process is all about, how it's dictated and mandated and all these sorts of things, but we're hopeful that through this assessment that we do come out with something that's far better than what we have right now.

Mike Black: The biggest voice in this process is you, is largely this body here. I've seen that shift especially over the last six, seven years as this body has gotten to carry a lot more weight in that process. The regional process that we have to develop the priorities for the regions, should incorporate not just the tribes but the regional director and the superintendents looking at each of their priorities and how this all feeds in. But we really do try to make sure that we've got the deference and the input from all of the tribes into this process.

Ron Allen: There was one other request for a contract and that was coming out of the data committee. We had suggested that the Bureau consider hiring a contractor to identify all the appropriate metrics that you would measure the various programs that the Bureau and the tribes provide that are in the line items so that when the Bureau reaches out every year to the tribes to get their priorities, you also lately have been asking for the unmet need. So whether it's public safety, roads improvements or any of the, schools, etc., that we have the appropriate metrics so that we know how to give you a report on what the unmet need is. We're suggesting that we start identifying those metrics and then that would be part of the guidance that comes out of the Bureau to the regions and subsequent to the tribes.

George Bearpaw: The scope of work is going to be very important. It needs to be very specific as to what TIBC wants, what we need to review by the contractor. So that's going to have to be worked on and to be worked in accordance with some type of committee process with TIBC so that we can review that. The other thing that has not been mentioned is we also got a recommendation on the roads and maintenance to put it in a separate line and I know it hasn't been discussed here but we're also

reviewing that as well. Larry's talked to the department about that possibility and so we're having some internal review of that and analysis of how that would affect the roads program if that were to happen. So those three things are on our list for the next meeting.

Dave Conner: To be able to retain the \$220,000 for use under the data management committee for a contract of some sort. In other words, do we need to protect it so it doesn't disappear by the July meeting? We should try to tap into those unrestricted or unobligated monies to do a contract.

Once a contract was identified and the scope of the work and what it would take to get a contractor to do that, the metrics idea much less the idea that Kitcki was proposing on an analysis of the process, the budgetary process. Since we don't know what it is, there was a commitment to continue that project, that data project but...so it got parked. So I don't know if there's a motion, do you want to make a motion that we try to use those monies if they can be identified?

Darrell Seki made a motion to recommend to the Bureau to contracts for two projects—the metrics project and the continuing quality improvement project. Kitcki seconded the motion.  
Motion carried.

### **Tiwahe Update**

Hankie Ortiz

I met with the TIBC subcommittee and we provided a lot of information. They've asked us to come here and talk to you a little bit about the funding specifically—how much funding we've received, where it's gone and kind of what our plan is with regard to the funding. And we also discussed some of the things that the Tiwahe pilot sites are doing.

Tiwahe is an initiative that was intended to be a five-year initiative with the first year being 2015. It's an initiative where we identify specific pilot sites and we provide funding to them to look at their programs in a different way. The initiative is really focusing on family and communities and intertwining or braiding these different programs together so that they can function in a different way. Most often programs come down to tribes on a specific line item, they're contracted that way and they remain in these siloes as these programs are carried out.

In 2015 we received funding in three pots of money; in social services we received \$5 million and Indian Child Welfare Act received \$5 million and for job placement and training e received an additional \$500,000. With that funding last year we gave each of the Tiwahe sites an increase in their contracted amount by 50 percent. Whatever they had in their base funding in 2014 we gave them an increase of 50 percent. We did that for both social services and ICWA.

So then with the remaining portion of the funding, we distributed that across the board to all tribes.

Because we had not received an increase in ICWA or social services in a long time, we thought it was important to share those increases with all tribes. So across the board for tribes that had been operating and contracted for ICWA and social services in 2014, they received a 21.4 percent increase for ICWA and for social services they received an 8.07 percent increase. We distributed those funds across the board in 2015. Then in 2016, this year, we received funding again in social services. We received an amount of \$4.3 million and then we did not get any more money in ICWA and we did not get any more money in job placement and training.

In Indian Services we only received an increase in social services and that was the \$4.3 million. But we did receive increases for Tiwahe in tribal courts at \$5 million and law enforcement special initiatives which we have been referring to as the Recidivism Project. We received an additional \$3 million. So that funding is being distributed a little bit differently. For example, the tribal courts are going out and doing assessments at the Tiwahe sites and they're identifying specific needs of the courts and providing funding to help meet those needs. For example, if a tribal court needs a prosecutor, they'll give them funding to hire a prosecutor or if they need a guardian ad litem, someone to represent the children in court cases, then they'll give them the money for that; presenters to present social services cases on behalf of social services, those kinds of things.

There's an evaluation that's done and then that's reviewed with the tribe, specific needs of that tribe is identified and that's what's funded with the tribal court funding. With regard to the social services funding, we are looking at adding two Tiwahe sites this year. The tribal sites have been identified as the Pascua Yaqui Tribe and the Fort Belknap Indian Community. And so we are in the process right now of meeting with those tribes. In fact, I just got back from Montana. On Tuesday we met with Fort Belknap Indian Community all day and we provided an orientation to them about what Tiwahe is, what kind of funding comes with it, what are expectations we might have and what are things that they're going to have to do if they want to participate as a pilot site.

We're going to go out there to them and we're going to meet with them. In 2015 when we invited the first four pilot sites, there were four of them so we brought them all to DC and all their representatives and we provided a similar orientation at that time for those four tribes. In addition to that with the funding we received for Indian Services, we're going to be looking at procuring a research and evaluation contract.

We've been talking to everybody about what we're doing and what our goals are and where we want to go and one thing everyone always wants to know is how do you show success, what have you done so far, what are you doing with the money, tell us what's going on. We have measures for all of these individual programs. We are soliciting a contractor to help us to identify the best ways to research and evaluate these initiatives so we can show success.

Our goal ultimately is to show success on these pilot project sites so that we can request additional funding for all tribes. We've been reaching out to a couple of universities like the University of Montana, University of South Dakota with regard to their social services programs and looking at opportunities and options where we can partner with organizations that have this skillset to help us share these best practices that we identified within the tribes.

We're still building it and it seems like it could be something online where people can access and there'll be different places to seek this kind of training, not just one location, because it might be difficult to get to Montana.

So those are the things we're doing in '16. In FY '17 we have proposed \$12.3 million for social services, \$3.3 million for Indian Child Welfare Act, \$1 million for job placement and training, \$1.7 million for the housing improvement program and \$2.6 million for tribal courts. So with regard to that funding we hope to add additional Tiwahe sites. We've requested to add five additional Tiwahe sites in FY '17.

For HIP we want to improve housing conditions and access to suitable housing at all the Tiwahe sites with a special emphasis and focus on veterans and families so that children are in safe living environments as they grow up and our veterans are taken care of.

The Association of Village Council Presidents serves 56 Alaskan Native villages and they represent over 59,000 square miles of area so they've received \$1.2 million, a little bit over that, and in their plan one of their greatest priorities is to create a resource center to serve as a one stop facility that will house many of the services that are offered to the village members so that they can all go one place and know where those resources are located. The focal point of that center is to centralize services comprised of tribal resources which include cultural, environmental, tribal, natural resources and family services like social, educational, human and judicial. They have a model that they...a tribal model that encompasses the ceremonial teachings, customs, beliefs and foundations that govern the Yupik people in their every life and that are relevant for sustaining a holistic life. So the teachings of the model intend to restore a sense of calm and pride to the nation by incorporating those traditional values and practices. One way that they've done that that I've seen is that... I went up there. In Bethel, Alaska, they had a Violence Against Women Act training and they included tribal judges, tribal leaders and law enforcement all in the same place at this same training talking about violence against women and really violence in families and how they were dealing with it and it was a really amazing experience.

The Red Lake Nation which is located in Minnesota operates a self-governance program. They've received \$968,707 total for Tiwahe funding overall and they have identified three sets of outcomes. One is reducing the rates of substance abuse, child/elder abuse and neglect, suicide/poverty/family violence, unemployment, incarceration and recidivism. Number two, strengthening families in the areas of mental health, substance abuse, education, family services, workforce development and cultural teachings. And number three, strengthening the number of economically stable and healthy families engaged in their communities, their culture and achieving a sense of connectedness and belonging.

So with regard to Spirit Lake, Spirit Lake is located in Fort Totten, North Dakota in the Great Plains region and so far under Tiwahe they've received \$1.2 million and their vision is a one-child welfare system. They want to create a comprehensive tribal department of social services to provide child welfare and economic assistance programs to tribal members. So they want to focus on four areas. Number one, they want to implement family center practices that engage families and focus on permanency. Number two, they want to improve access and delivery of services. Number three, they want to create a stable child welfare system. And number four, develop a community wider response model to child welfare issues. One of the primary goals of the tribe is to strengthen their infrastructure in order to eventually re-contract the social services program which is something that the BIA...they turned their social services back over to the BIA so we've been really working closely with them because they're still running the 4E part of that which is the ACF portion of social services and we're running the BIA portion. So we've really partnered with them. They've also brought in the Casey Family and they've developed a capacity building center for tribes and they want to complete their business process mapping so they're working very hard on that and the Casey Family has been an integral part of that. With assistance of the Casey Family Programs and the North Dakota Subcommittee for ICWA and Region One, they're working towards the development of a collaborative plan to recruit more Native American homes in that region and they're willing to assist the state in the process statewide. They've included a team of foster parents, foster home developer and a director to present at a panel about the benefits of this type of collaborative interaction.

The fourth tribe is Ute Mountain Ute which is located in Colorado in the Southwest Region and they have received \$734,000 under Tiwahe. Their vision they call Tour de Ute is to create a one stop Tiwahe center that centralizes their services at Ute Mountain Ute providing culturally relevant services that incorporate tribally specific practices, traditions and approaches for intervention and prevention services that are pivotal to their plan. There are seven different key elements to their plan.

One of them is called 'Walk in Our Moccasins'. It's a facilitated process of a collaborative dialogue to help the participants really understand the tribe's needs. They developed a film that really focused on the youth and the issues that the youth deal with and that's been important as part of their storytelling. They're telling the story of their youth and they're using that as a way to look at developing a vision and strategies for approaching those problems that the young people face in their communities. They're looking at tribal led and place based solutions.

Darrell Seki: We are one of the pilots on this Tiwahe and Red Lake was one of the four pilot tribes selected for the Tiwahe. We are grateful for the chance to improve the lives of our Red Lake families through improved services and grading our service programs together to become more efficient. We've been busy and had Tiwahe coordinator hired to develop the Tiwahe team which meets regular. We've completed our Tiwahe plan of operations. We are right now finalizing a set of performance measures with the BIE that'll stand up to scrutiny from the OMB and Congress and which could be used by other tribes. We're using our juvenile facility which had been vacant for a decade and we now call the facility Children's Healing Center. To provide alternatives to incarceration for our youth we started a welding course, like the lady said, because there is a need at Arctic Cat and have graduated about 20 people, some who are already working and now we had meetings with the public and we are moving forward on this initiative. We thank BIA and the TIBC for supporting Tiwahe, expanding pilot sites and strengthening Tiwahe for everyone in 2018 because the project we have in Red Lake has helped our families and our youth and I just want to say [Native language] for TIBC and BIA for selecting Red Lake and other sites because if other tribes are selected, they're going to find out that this really is a one step...big step for tribes here. And throughout Indian Country and Alaska tribes it's a good opportunity if you get selected. It's fun to listen to the coordinators and the people that work behind the scenes and it's... I like hearing when they do a presentation to our meetings and what they're doing and for the youth.

### **Drug Enforcement Update**

Gary Cunningham, Supervisory Special Agent for the Division of Drug Enforcement

The Division of Drug Enforcement is comprised of 27 agents, four supervisors, one associate deputy director, two intel analysts and three law enforcement assistants. Those 27 agents and four supervisors are spread out throughout the United States stationed on different reservations. However, just because an agent is stationed on a reservation does not mean he is directly assigned to that reservation. Each agent has an area to cover which may cover numerous reservations. Our four regions that we have the United States broke down into is northeast, northwest, southeast and southwest and I am the regional agent in charge for the southeast division and I cover from Albuquerque to Maine. Then the other three regions are broke down...we have a regional agent in charge in Billings, one in Phoenix and one in Rapid City, South Dakota. It looks like he has salvaged my PowerPoint. Under CFR25 the Bureau of Indian Affairs has an inherent responsibility to enforce drug enforcement on Indian Country. Like I mentioned, we are doing that with 27 agents. We have an annual budget of \$7,750,000. \$7 million of it is for the drug enforcement side. \$750,000 of it is for school resource officers spread throughout Indian Country. The mission of the Bureau of Indian Affairs Division of Drug Enforcement is to provide justice services and technical assistance to federally recognized Indian tribes and communities and to respect and



protect sovereignty throughout promotion of self-determination, protect life and property, maintain order and justice, prevent crimes, reduce recidivism, support tribal justice systems and provide safe, secure, humane correctional services.

The Division of Drug Enforcement is a central office managed program. Office of Justice Service has special agents in charge in nine districts throughout the United States. This map shows you where they are all located. Field Operations Director is responsible for administrating, developing and implementing organizational objectives for the Division of Law Enforcement, Corrections, Drug Enforcement and Indian Highway Safety. These programs integrate key national goals, priorities and values. Field operations programs also provide technical assistance to 36 BIA direct service programs and 152 tribal programs relating to public safety and a commitment to continuous improvements to meet organizational missions. The Division of Drug Enforcement partners throughout the United States with other drug enforcement agencies such as the DEA, Homeland Security, Customs and Immigrations, the FBI and local and county drug task force. We try to get our agents partnered with those agencies to do a force multiplier type situation. Also when we partner with larger agencies, it helps open up other avenues of investigations for our agents. When I was mentioning how many agents we have, we do have 29 spots but right now we're currently down two agents. We have two vacant positions. And we also have one roving canine officer who was stationed in Muskogee, Oklahoma, but we send him on several details to where he is needed for a canine patrol. Our agents focus on complex narcotic investigations, gangs and human trafficking. We provide drug related training and narcotics investigation training to tribal law enforcement programs. The division provides analytical support to track drug cases, evaluate intelligence and trend data on drug related issues impacting Indian Country. Here's a map showing you where we have our agents located throughout the United States. You'll notice we have three down on the border, the south border, at the Tohono O'odham Reservation and then we have agents stationed all across the northern border.

These numbers are just the Division of Drug Enforcement arrests and investigations. Now these may be worked in partnership with some of the tribal drug programs but these are state, tribal and federal cases that the drug agents have worked that impact Indian Country. Now when you do a large scale investigation with drugs, the U.S. Attorney may take some, some may fall back into tribal court and then some may be pushed into the state court and these numbers are reflective of all those. Here's the amount of drugs that have been seized broken down by years. Methamphetamine still remains probably the largest drug that we combat. However, heroine is making a comeback, especially in the northeast. It's becoming quite an epidemic. Training and technical assistance is primary function of the BIA Drug Enforcement Division. During the past year DDE has provided training to numerous tribal law enforcement programs on topics including drug interdiction, confidential source development, search warrant preparation case management and conducting drug operations. Our upcoming initiatives for this year—to assist training field staff on proper administration of naloxone. Naloxone is a drug that is administered to somebody who is experiencing an opioid overdose and the BIA has partnered with IHS and the ONDCP from the White House to get all BIA sworn staff certified and to get them a kit to be able to administer this drug. What it does is it blocks the opioid from the receptors in the brain and helps bring somebody back, some people say from death or near death. However, it's not a fix all.

You have a certain amount of time to get them medical attention after you administer naloxone. Child endangerment investigations, pursue additional cases involving children being exposed to dangerous substances, people and activities, prescription pill abuse, pursue diversion investigations and partner with IHS to address the pill problem throughout Indian Country. A lot of the heroine use that we're seeing now that's starting to come on is due to people get addicted to an opiate painkiller—your

hydrocodone, oxycodone, anything like that—they get addicted to that and then if we do an investigation and we take the supplier away that's supplying those pills, well, there's such an addictive trait to those pills that people start looking for another avenue for a high. So that's where heroine is coming in. It's an intravenous type drug so there's needles used. Where there's needles used they're not necessarily dropping them in their hazard box and addicts are sharing needles so therefore the spread of disease.

DDE is also committed to human trafficking investigations. Human trafficking is not human smuggling and I've got a slide about that just a little bit later. We teach them search warrant writing, confidential informant development, how to utilize your undercover agents, interdiction operations with canines and teach them about human trafficking operations and provide technical assistance to the tribal officers. Again, methamphetamine is still the highest drug that we combat on Indian Country. It started back 15 years ago I could say when I got in law enforcement that methamphetamine exploded and become an epidemic. Unfortunately, even though methamphetamine is still at that level, that's where heroine is headed right now. Drug cartels target Native American communities and reservations because of the jurisdictional issues. Tribal police are underfunded, understaffed.

Synthetic drugs have been a big deal and I know any of you that's been in a convenience store have seen the little packets of...they're passing it off as potpourri but what's happening are young people and I guess older adults alike are taking this stuff and they're smoking it. But what it is, it's a foliage and then they take it and they spray it with a chemical and then they package it up and it's legal to sell in a convenience store because every time you get ahead of the game and change the laws on it, they just change the formula of making it just a little bit to make it legal again.

But we are being successful in prosecuting this through the Analog Drug Act which basically states if it mimics a drug, then we can prosecute it under that act. So this is...it's been taken out of a lot of convenience stores but it still is a big problem. It's called K2, Spice and it has funny...it may have Scooby Doo on the package or a purple gorilla, there's no telling, but they package it to target the young people. Heroine, as we've been speaking about, is an increase on the reservations.

Tribes in the northern U.S. are seeing most of the heroine use but it has been found in pockets. I know some of the tribes south of Phoenix are starting to see some heroine also. In 2016 all of our officers will be trained in the naloxone. IHS has provided the training and the naloxone for each BIA officer to carry. This is some cases that I broke down for you just to kind of let you know the kind of cases we are working throughout Indian Country. Just this past year on the Mescalero Apache Indian Reservation a case resulted in 34 targets being arrested, 22.4 pounds of methamphetamine seized, .22 pounds of cocaine, a vehicle worth \$6,700 seized.

This case was a wiretap so our agents are writing very complex affidavits to get permission to tap somebody's phone and one of our BIA agents was utilized as the undercover agent during this whole operation. Very successful operation there at Mescalero. The Northern Cheyenne Reservation, we had 19 targets arrested, 4.48 pounds of methamphetamine seized, 16 firearms and \$32,300 in U.S. currency. The Eastern Cherokee Reservation, we had 43 targets arrested, 7.8 pounds of methamphetamine, a half-pound of marijuana, 83 tablets of illegal prescription pills, \$37,682 in U.S. currency and there again was a Title III operation. Now when I stress the Title III operation, the agent that's applying for that Title III has to write an extensive affidavit to be able to get a judge to sign for that so that is...he has to basically type up his whole case that he has done to that point to get permission to do a wiretap so it's a very complex and extensive thing to write. The Red Lake Band of Chippewa, White Earth Ojibwe, the Spirit

Lake Indian Reservations. This was a huge case of a heroine case up north. We had 41 targets arrested, 2.2 pounds of heroine seized, spanned over six states, 83 tablets of illegal prescription pills. They specifically targeted Indian reservations and there again, another Title III case. The Ak-Chin and the Gila River Reservations in Arizona, a man and wife was targeting the reservation so there was two targets arrested, 2.1 pounds of methamphetamine seized. The methamphetamine tested 100 percent pure and a BIA officer was the undercover officer on that operation.

Human trafficking is not smuggling. We're getting people that are using young girls and holding them against their will and forcing them to be prostitutes. We have started doing some large scale human trafficking operations at some of the casino hotels and you may do a human trafficking operation and you may arrest 10 prostitutes but if you save one girl that's doing it against her will or a foreigner that's been kidnapped or even a young native girl then it's well worth the time that you're having to mess with the misdemeanor charges of the prostitution.

Here's the Indian Country targets as far as human trafficking. Some human trafficking cases that we've worked in the past we've arrested nine prostitutions, four arrests for human trafficking violations, one minor human trafficking victim was taken into protective custody. This breaks down our arrests for solicitation. We also are getting the United States attorneys onboard to file federal charges on the pimps, if you will, or the people that are forcing these girls or working these girls even if the girls are willing. If we can catch a pimp, the U.S. Attorney's offices will generally file a pandering charge on them. That was it. I hated to run through it like that but I don't want to run over into anybody else's time. If there's any questions, I'll do my best to answer.

### **Strategic Plan**

Peter Probst

I'm the Division Chief for Formulation and Performance. It's time to update our strategic plan again. About every five years we come out with a new one. It's mandated to come out within a year of a change in administration and so with the upcoming elections and that cycle it's time to update our strategic plan.

We are having consultation sessions coming up in July. But we wanted to get the word out now that everyone should be aware that we will be holding consultation sessions. We're going to be holding webinars with conference calls and information the last two weeks of July.

Right now on the department's website you can find the current strategic plan. We approached the department and asked them for additional guidance in terms of what they expected for this upcoming strategic plan and their anticipated changes and their response was, 'Well, with the change in administration, they're not going to know until they get a chance to meet with the transition team.'

So they're expecting to start working with the transition team in November with additional guidance coming out after that but for this to be submitted on time, we actually have to start our process much earlier which is why we're starting in July to try and collect that information and then they've asked for our substantive changes by November 1<sup>st</sup>. The strategic plan hierarchy is pretty much the same as it's been for the last couple of iterations. You've got mission areas with goals, strategic objectives and then your key performance indicators. One thing that everyone may not be quite as familiar with is kind of the breakout of all the bureaus within the Department of the Interior and how many measures they have versus whether they're shared metrics or dedicated ones just for that particular bureau. We have

more measures than any other bureau with the exception of USGS and I would argue our measures are a little bit better than theirs because a lot of theirs are customer satisfaction measures which have a nebulous value at a certain level.

This is the strategic planning schedule. They're working towards publishing it in February of 2018 and the main timeframe that we're looking at right now or the most significant one that's upcoming is providing our feedback to the department in time for them to have discussions with the transition team when they come onboard. We need to submit by November 1<sup>st</sup> any proposals for changes to the strategic plan and that includes whether we're going to change performance measures. I know within some of the bureaus, BIE especially, they've been looking at changing a lot of their performance measures. Exactly how many of those will wind up in the strategic plan I don't know at this point. They have two currently. One they've been consistently reporting on, the other one's been a challenge for them. But this is the deadline that we're trying to work towards right now and this is kind of what's driving all this. So this is what we're looking for in terms of proposals or feedback in these July sessions.

The schedule is the week of July the 18<sup>th</sup> and July the 25<sup>th</sup>. Those two weeks we'll try to set up tribal consultation sessions and so we're trying to figure out a schedule with Larry to see if he wants to be involved in the meetings with the tribes. We want them to be involved so that they can hear what some of the responses will be from the tribes or recommendations rather. It'll be a webinar.

### **OST Update**

Our topics today we're going to discuss briefly are FY 2017 budget and then some of the projects that we've been working on this year—the Tribal Methodology Project, some of our administrative facilities, some of the collaboration we've done there, the strategic planning which before lunch we had a conversation about that and then also financial education and an update. In March we discussed a little bit more about 2016 and 2017 but just to recap on the OST side for budget we've been at \$139 million for 2015 and 2016. For 2017 we requested additional funds—\$1.4 million above that—and the \$139 million what we've been using that for in some of our programs, of course it's OST's responsibility, we manage, we invest and we disperse funds. Our portfolio is at \$5.1 billion. About \$5 billion we're managing and investing for tribes—250 tribes—and those are individual portfolios. We have about a billion that we're managing in a pooled account for IIM—Individual Indian Monies for 400,000 accounts—and we just posted for last month an interest rate of 2.8 percent which for a savings like account that's really good.

We've been hovering around three percent so it's a good investment for IIM account holders. Some of our other programs that we have—field operations where we're co-located out in the field with the Bureau of Indian Affairs, part of the Comprehensive Trust Management Plan of 2003—to provide a beneficiary focus. Also the evaluation services, appraisals—everyday course of business appraisals and also for land buyback. And we also have an office—the Office of Historical Trust Accounting—and when you look at our 2017 budget, if you recall from the last presentation—we reduced OHTA by \$3.4 million. We've settled about 86, 87 of tribal trust settlement cases now and the methodology behind those settlements has been prepared and continues to be supported by OHTA.

One of the project's we've been working on is we call it the Tribal Methodology Project and it's an online evaluation tool for streamlining the trust evaluations. We have nine tribes and consortiums that have been involved in the development of this since the very beginning and they've jointly worked recently with a software developer. We currently have 96 tribes and consortiums that compact trust programs.

Moving on to strategic planning, the department's given us some guidance at looking at the five year strategic plan for the Department of Interior. We also have an OST strategic plan that we started in 2014 and we've been looking at that as well and updating it. The nice thing about looking at strategic plans, particular the Department of Interior, it's our opportunity not only for OST but also the department to look at what are crosscutting issues, where could there be potential duplication and the department does take that very seriously.

Financial education, a priority of the Special Trustee. We had that Gen-I event—Generation Indigenous Native Youth Symposium at the Pueblo of Isleta the end of April. It was sponsored by FINRA. That's the Financial Industry of Regulatory Agency. They regulate brokers. We had over 300 registered individuals, 200 adults, 104 youth that came from schools across the area and we really focused on the approaches for youth in getting opportunities in education and the role of financial education. We had multiple workshops and panels. Question was asked on who managing the Cobell scholarship. It's the Native American Graduate Center.

### **Budget Update**

George Bearpaw

The '16 enacted was \$2.8 billion, \$195 million above the 2015. The Office of the Operation of Indian Programs was \$2.3 billion which includes the BIE increases which is an increase of \$90 million over the '15 enacted levels. Construction was \$194 million, an increase of \$65 million over the '15. The education investment was close to a billion dollars at \$852 million. I think that was the largest pot of money that was increased in '16. It was \$14 million increase for Indian Land and Water claim settlements. Contract support costs was \$277 million, increase of \$26 million from the '15. The Congress moved to put that in a separate line and so we have tried to establish all of the contract support costs and also the ISD funding into that separate line. Late appropriations affected our distribution this year. We didn't get the appropriations until December and there were a few more weeks, in fact almost a month before OMB came up with our apportionments. Contract support costs, when it moved into a separate line, we actually had to get a new warrant established for that line and we had to request it from Treasury. We went back and forth with Treasury on the form and how to actually get the new warrant which caused some delay in our contract support costs distribution. We did not get the warrant until I think around March the 24<sup>th</sup>. So it really delayed a lot of the distribution processes that we had in place. The other problem that we had with that warrant was when we distribute the money early on, it was under a continuing resolution so because we had to get a new warrant, we had to go back to that distribution, readjust those amounts because they were the '15 amounts and bring them up into a '16 new warrant and new warrant line. And so there was a lot of adjustments that we had to make and it took a lot of time for staff and I'm really proud of the staff for doing all the work that they did to analyze that and to see what solutions that we had to get that done.

The '17 request was \$2.9 billion. There's an increase of \$138 million over the '16. The Operation of Indian Programs is \$2.4 billion and again it also includes the BIE amount and it's \$128 million over the '16 level. Construction was \$197 million, increase of \$3 million over the '16 level. Tiwahe, there's a total of \$21 million set aside for the Tiwahe initiative. \$12.3 of that is for social services, \$3.4 million for Indian Child Welfare, \$1.7 for housing. And housing is something new that's been incorporated into the Tiwahe initiative for '17. \$2.6 for tribal courts and \$1 million for job placement and training.

Education \$1.1 billion investment. \$47.4 million of that is for classrooms to improve the instructional services, teacher quality. Expanding multi-cultural childhood programs. And there's a lot of work that's going to be done and has been done already with enhancing broadband and digital access to kids on the reservation. Post-secondary education \$12.4 million, \$2 million to Haskell & Sipi, \$6.6 to scholarships and adult education which is a high priority for TIBC, \$250K for special education, higher education, \$3.6 million for JOM and half a million dollars for tribal technical colleges. All these are increases. Education construction \$138 million, \$45.5 million of that is for replacement schools construction, \$11.9 million for replacement facilities construction, \$7.9 million for employee housing and \$73.3 million for facility improvement and repair.

Public safety and justice, investigation, criminal investigation and police services \$198 million, \$432K over the '16 enacted. Tribal justice support \$8.2 million and I know they're going through some tribal consultation on that. I believe it ended in April on the use of some of those dollars from last year. There was an increase...it is a decrease of \$8.2 and there's been a lot of questions to us about why it went down. The reason being is because in '15 or rather '16 there was an increase of \$10 million. It was a special earmark and we did not have enough time to match that when we went through the '17 process so it looks like it's a decrease but there was actually an increase of \$1.8 from the '15.

And natural resources is \$215 million with an increase of \$23.7 over the '16 level. Just some items on the '17 process.

If it would be helpful, I'm sure we could provide a summary over the last couple of years of what the tribal priorities were versus what was actually enacted.

Comment: I think that would determine if the process is working. Did the increases go where this body prioritized?

George Bearpaw: we can actually do a three year comparison of where we've got the increases and I think Peter's done that before and we can give that to the TIBC.

On what Congress enacted in 2016, it was about \$194 million and about \$106 million went to Indian education programs. About \$64 million for education construction to complete the old 2004 priority list which had been identified as a priority, \$42 million for other BIE programs including fulling funding tribal grant support costs which are like contract support and also elementary and secondary education programs. There was an increase for JOM. But a lot of the \$194 million, about \$106 went to Education. There was \$6 million for Natural Resources and \$2 million for Rights Protection and \$4 for Forestry. There was \$11 million for Tribal Justice Support and that included that \$10 million that Congress added in to look at innovative ways to improve Tribal Court programs including tribes that are in 280 states. There was \$4.5 million for a new Indian Energy Resource Center to be located I think in Colorado to help tribes better access mineral and energy resources on tribal lands. There was \$12 million increase for Tiwahe initiative in the areas of Social Services, Law Enforcement and Courts. And then the \$26 million referenced for Contract Support. So I didn't mean to interrupt but that's the rundown on the \$194 million that they added.

Kitcki Carroll: I would like to put forward a request that on a consistent, every single TIBC meeting basis, that your office provide us for the three or four years that are at play, what this body proposed, what the President's proposed budget ended up being and what the enacted was. That way we can follow the process about what we said, what the President accepted and then what was ultimately enacted by

Congress and that's for an individual year. And then what we can then compare against is '16 funding: '15 funding levels, '16 funding levels, '17, proposed '18 and see that as a rollup summary snapshot.

And regarding the \$10 million for tribal justice support, we should not have lost that.

Ron Allen: FY17's not done yet. We can still work the Hill and basically try to persuade the Hill that it needs to be included back because of the argument, we're going to hear some more with the update on Public Safety, to make the case. Now we may lose that argument but we still have an opportunity so the window's not closed yet because we're in '16, we're fighting for '17, right now we're preparing for '18. So the opportunity to try to push back. So George basically said they lost the argument with OMB.

That's where they lost the argument so it didn't get in the President's budget. They got an increase, they got a net increase from '15, they got a net increase. That's the \$1.8. But we lost that \$10 million which they put in for a special initiative and we all agree with you that it would be nice to be able to hang onto it so we can use it for Public Safety agenda. So we need to go to the Congress with the argument that we've been making the last two days and try to make the case that we need that money to upgrade our Law Enforcement and Judicial programs.

Kitcki Carroll: What was the process that drove the scenario that put the Bureau in a position to not satisfy OMB's request?

George Bearpaw: You have to understand that this is a special earmark and normally this doesn't happen to all the other lines. Congress identified \$10 million that we did not request for '16. We did not request that. It was a special earmark identified by Congress to bump up the Tribal Justice Support. And so when we got that, again, there was not enough time to really justify another \$10 million in how we were going to use that. So we could not meet the deadline to get that in our budget. And in the Pass Back Conference or the information that we had provided for the pass back, we tried to include that but again, like Ron said, we lost the argument with OMB.

Peter Probst: A lot of this was timing based. If you recall for 2016, we didn't get our enacted budget until December, late December, and that was right as we were doing our pass back with OMB and that \$10 million we weren't aware of. It had never been part of our budget submission for 2016. It didn't go into the DOI submission to the department, it didn't get to submitted to OMB because it wasn't part of the priorities in what had been submitted forward. And so when Congress put it in, it caught us by surprise and we were trying to play catch up and saying, 'Look, OMB, we know you've already given us our...we've already given you our proposed budget for '17 and you've already given us our pass back but we'd really like to keep this additional \$10 million.' But they'd already given us our numbers at that point and they weren't willing to entertain letting us keep money that Congress had put in that hadn't gone through the full process and so we lost that argument. But it was really a bad timing thing for us but there wasn't much we could do because it came in at the last minute.

George Bearpaw: Mr. Chairman, just to add a little more insight into the \$10 million. Secretary Washburn did fight quite a bit on that. In fact, he went back several times and requested the \$10 million and the last time that he did that, it was twice, OMB said, 'Okay, we'll do that. You give us an offset,' and Larry saw all of those other priorities that we had...that TIBC had given him and he said, 'I can't do that.' So that... He did a lot to try to get that \$10 million back into our budget for Tribal Justice Support and I give him a lot of credit for that because he went back twice for it.

Rick Harrison: This is a good example for the Bureau to have the needs based budget in all the areas so when things like this come up they can respond at a moment's notice with a budget and the need out there to justify monies like this.

Ron Allen: later on in the agenda Kee Allen is going to give us an update on our subcommittee and that should engage with Larry and Darrin and etc. on how that money will be used. I guess from my perspective it could be part of the argument for more money. It's going to reveal a lot of deficiencies.

Okay. We've got work... And meanwhile we need the tribal leadership to engage with the Hill, with both Houses, both appropriations committees. The Interior bill is going to be one of the last ones passed. If you guys haven't been watching over the last number of years, because the Republicans cut the EPA budget, they hate EPA so they argue over it and then that's what drags it down, not Interior and so it'll be one of the last ones that's actually passed so we have a little bit of time to engage with them on some of these priorities such as Law Enforcement.

### **Public Safety and Justice Workgroup**

Kee Allen Begay, [Presentation](#)

Good afternoon. I did volunteer to be the chair of the subgroup of the Public Safety and Justice subcommittee. The report is just going to be more of an update of what we have been doing, the meetings that we have had. We've had several meetings, a teleconference and meeting up with the DOJ and OSJ.

There were six areas that we were asked to review as the workgroup with several tribal members that had volunteered to take part with Mr. Ron Allen being part of the group. It includes analyzing, reviewing and summarizing.

We will continue to work to identify specifically where the problem is but my recommendation to the workgroup to request input from each of the regions, specifically from each of the tribes because we are all in a different geographical area of the United States.

The first goal is to analyze the resources in the BIA and DOJ that support Public Safety and Justice including courts, law enforcement, prosecution, legal services, victims unit. This is where they're indicating that IHS or HHS maybe needed to be at the table. And then detention, probation and reentry service and then we had a report by the drug enforcement as well so a lot of the tribes have indicated that there's a lot of drug activity that are happening on their reservation.

The methodology that is used by BIA and OJS and DOJ: at Tuesday's meeting we had Mr. Cruzan and Mr. Toulou at the meeting and they provided their input.

We started communicating with OSJ and DOJ, they provided us documents to give us an idea of the methodology that they're dealing with and how they appropriate this funding. Questions remain. Who actually made the determination of how much money goes to these areas, the tribal public safety and judicial programs at the tribal level.

Another area is the request to the Department of Justice working with NCAI for what grants are provided to tribes.



In summary, what was identified are the five areas here based on when we've started and where we're at right now. We are still in the process of getting additional information.

Since I volunteered to chair, I am moving forward in working with Amber and Mr. Allen to see what are some areas that we continue to deal with and especially making contact with DOJ and BIA, the key individuals, to get the information.

### **Facilities Update**

Darrell Laroche

I'm the Director of the Office of Facilities, Property and Safety Management for Indian Affairs.

So I'll start by talking about the Facility Condition Index. In the facilities world, this is industry wide, federal government wide, everybody uses the Facilities Condition Index as the measure of the condition of the buildings. When you look at the Facility Condition Index, you're looking at the deferred maintenance items, the things that are deficient at your facilities, divided by the current replacement value. With the Facility Condition Index, once a facility starts getting close to a value of one, it's actually going to be more economic to replace that facility than to actually put money into it for major projects.

That's one of the things that we use to measure the condition of the facility.

That's only measuring the condition of the facility. It's not measuring how well it's meeting the mission as far as like a law enforcement facility, school or the administrative building.

First, with our quarters program, the housing program, the only way we can actually get new quarters is when a new facility is built on the education side. A lot of attention has been given to student or the housing for teachers and staff at the schools and we do have a lot of needs out there but unfortunately the only way that we can actually get new quarters units is when you have a new facility being built.

Our Facility Condition Index, we have about 30 percent of those locations, there's about 201 locations that we track and 29 percent of those are in poor condition. This is concerning because we're pretty good on the education side getting the support and in the spotlight for education construction.

OJS has had their time where they were able to get the money for newer facilities and get the line item for quarters but the administrative facilities really doesn't have that same flexibility or categories for the funding that the other two—education and OJS facilities have. So when you look at our admin facilities, it's under the other program construction line as you see in our budget or in the Green Book. It's extremely difficult to keep up on the maintenance needs and the project needs at those administrative sites when you only have \$1.17 million.

We have \$200,000 for emergency repairs that happen and we have \$350,000 out of that line to take care of environmental concerns at those sites. That only leaves \$580,000 each year to take care of the agency buildings. The other thing that makes it more complicated even is that that's...we're primarily focused on the buildings but there's a lot of water and sewer systems that support those buildings out there that are also funded out of that and I think there's... Indian Affairs wide we're trying to get a handle on the water and wastewater facilities that we have whether they support schools or OJS facilities as well as the agencies so anything...anytime that we find something pretty significant that we need to take care of and there may be a repair that needs to be done on a lagoon system or something

that's going to cost \$300,000, well, if you go back to what I said, we have \$580,000 nationwide to take care of those each year so that takes up a significant part of the budget. Also when you get into the problem...there are some of these administrative buildings that are in need of demolition and we can't really use the education or the OJS funding on those and again it goes back to that \$580,000 that we have in the budget to actually take care of that. To try to meet initiatives like Reduce the Footprint and try to take buildings off of our inventory we have our hands tied because there's not a lot of money there to provide that demolition funding for those projects. With that, I know that this is the first time that I've had a chance to address the group. I know I stand between you all and your airplane flights and getting around and seeing DC and finding some good restaurants and so forth so with that I just wanted to bring up those three items for consideration when you're thinking about budget requests and what the needs are out there is the quarters for teachers, the new construction for OJS facilities and then the amount that we have to take care of the administrative facilities. So with that I thank you. Questions?

Dave Conner: In the last two budget cycles for '16 and '15 I noted in the House Interior Appropriations Committee reports that there was language specific to facilities that suggested that facilities O&M for overall is way underfunded and they encouraged the Bureau to request full funding for facilities maintenance and O&M in future budget requests but I'm just curious how the Bureau and your program handle such a thing when you're encouraged by Congress to request enough money but obviously you probably aren't able to in the end.

Darrell Laroche: the computerized system that we ask everybody to keep up on the O&M costs and that we calculate the O&M share that goes out to the locations. We have a pretty good idea about what that real need is because it's actually being reported—the real needs. So we do have that data there. As you noted, we're funded depending on whether it's education, administration or the OJS facilities, we're at between 50 to 70 percent of what that need is. As far as constraints on the budget, I don't know if George has something that he can help me out with here.

Dave Conner: The last two budget cycles when the House Interior Appropriations Committee enacted their version of the BIA budgets, that would have been for '16 and '15, there's language in there which cites a concern about the lack of sufficient funding for facilities O&M and they encourage the BIA to request full need level funding in all future budget requests. So Congress is sending a signal of some kind to the BIA that says, 'You're very inadequately funded and you should be asking for more.'

George Bearpaw: The way I can answer that is that we work directly with the programs to see what the need is and I think Darrell already mentioned that and so we do try to look at what the Senate language is and see if we can bump whatever we need to in order to meet their...whatever the write up is but I can't speak directly to that but that's the way that we work. We work directly with the programs to enact or to fulfill any type of language that comes from either the House or the Senate.

Harold Frazier: On Cheyenne River, I just got back into office and our agency office is evacuated, mold problems, our jail's a mess, so many problems, safety issues with the law enforcement center, courts, staff quarters, our school but yet BIA is not doing anything about it. They can't fix the outside security lights around our jail and I've requested that about six months ago. That's reality and every government building on Cheyenne River needs to be demolished and replaced.

Darrell Laroche: Definitely and that's one of the reasons when I was talking about the administrative facilities I actually had your building in mind up there about the demolition is when it comes to it or even repairing or gutting it to get the mold out, in that line that we have for administrative facilities there's

really not a lot of funding and there's not a lot of what we can do with that. And we do report what the full need is. We're always asked about what the full backlog and so forth is at those facilities and we do report that.

Sarah Walters: Formulating budget priorities, we all know that the need and the reality of what budget gets allocated to Indian Affairs and Indian Country is woefully divergent. The need for facilities just for Indian Affairs facilities would essentially swallow the entire BIA budget. And the need for BIE facilities alone would essentially swallow the entire BIE budget that has been allocated over the entire year. It is as my own tribal chairman, Chairman Frazier just said, it's really tragic what facilities our kids are forced to go to school in and what our employees at Indian Affairs have to actually go to work in every day. It's a very big problem. But, we are forced to prioritize our budgets every year and that's part of what we rely upon this body to help us do and the facilities that Mr. Laroche has been talking about, the administrative facilities and others, have not been prioritized in quite some time. So as we certainly appreciate and share in the frustration about the neglect that a lot of our facilities have endured over a long period of time, we need to prioritize those or consider how they rank in the priorities of what we're going to advocate for our budget because, since we are part of the larger federal family, we are not probably going to see very many major increases in the Indian Affairs budget. We got a five percent increase this past budget cycle which is pretty much unheard of lately. The rest of the federal government was essentially flat and Indian Affairs got a five percent increase. That does not even touch the need as we all know but it's a little bit encouraging and if we can keep that momentum going, we can get some of the things done that we need to get done but your concerns and your frustration are certainly not falling on deaf ears.

George Bearpaw: we've had some pretty good budgets the last couple years and it's been probably more than what the other agencies have had within the Department of Interior. But it's still not enough to meet and fully fund a lot of those priorities. We are making some headway and I think it's been noted around this table that we are but we need to keep at it and keep trying to get the write-ups that we need, get the write-ups from the region during our budget processes and that's what we look for, that's... We need good write-ups so that we can explain what the need is within Indian Country and facilities is just one of them.

Sam Thomas: The Transportation and Maintenance committee is going to meet a day or two prior to the Rapid City meeting in Rapid City to compile all the data to make sure that the comprehensive report that's been promised to the committee will be done at that point.

Closing Prayer: Buster Atteberry

Meeting Adjourned.

