

**BIA/Tribal Budget Advisory Council
Hilton Washington Hotel
March 13, 2008**

Approval of Agenda

Invocation

Agenda Changes

Roll Call

Opening Remarks

Carl Artman – These organizations like the TBAC are important to improving Indian Country. You are what makes up the budget. The TBAC becomes more and more important in shaping the budget. The FY09 budget reflects tribes' input. The BIA and BIE spend 90% at the local level. 62% of appropriations are sent to the tribes. FY09 sustains funding for two of the funding initiatives put forward by the Secretary for Safe Communities and Improving Indian Education. Adds \$50 million over the two years for law enforcement. Indian Land Consolidation proposed to be eliminated because it's done little to solve fractionation. BIA and OST will work with the TBAC. NBC and direct costs: so far, Carl has tried to reach NBC. He's talked to the solicitors. He hasn't heard back from NBC. He saw a letter from Debbie to Nez Perce on DCSC. Carl understands where NBC is coming from. He doesn't have much more movement on this issue. Looking beyond 09, he looks forward to improving efficiency. TBAC's input informs the budget process. Carl's schedule: he has to meet with the CBC. Friday, there is a hearing at 9 AM on the Michigan land claim bill.

Ross Swimmer – His budget was flat this year. ILCA was zeroed out. He mentioned on *Cobell* timeline: judge set out briefing schedule for "rest of the case." In the next month and a half, plaintiffs brief, justice respond, April 28th is key date. Trial for other hearing on June 6th. Have case decided by mid-summer. Judge doesn't think internet connection is an issue. He was clear that he will let DOI turn on the internet as early as early April. We have many problems due to lack of internet. It has created a lot of problems.

Joe Garcia – He is glad we have a partnership. In anticipation of a change in Administration, it ought not be based on the need that Indian Country has. We will move our agenda forward. Our needs don't change because of parties or politics. On modernization, we will be at a point on how to move forward when the next Administration comes on board. He noted that at a tribal

consultation session last week, tribal leaders were making lots of recommendations on improving services, and the responses from the federal government were that they didn't have that authority. There was a question of whether the matches from grants could be waived or if the grants could be mixed in matched in different ways: the tribes have a problem meeting the matching funds. The federal representatives weren't able to make the right changes. Joe said it's important to have the right people at the table during consultations. Joe trusts that continued working from the BIA will help us make an impact.

Brief Review of FY 2010 Priorities

Mary Jane Miller

Alaska Region Presentation

Economic Development – Loretta Bullard: As president of a social service organization, she shared ideas for Alaska. Looking at budgets, Kawerak has compacted and contracted since 1992. It's primarily social services funding, not eligible for public safety funding. Most funding is TPA. From 2001 to 2006, there was a 12.6 percent cut. Social service population has increased 6 percent. Inflation also has a negative impact. There is \$47 million less than ten years ago. BIA funding has increased but not in the areas that help Alaska. Public safety and education increases leave out Alaska (besides JOM). When Kawerak compacted, they assumed program functions. Federal employees enjoy a tax free COLA. Freezing TPA is exasperated by the cost of living in Alaska. She knows public safety and education and economic development are important, but she said if the majority of funding goes to those areas, she requested that the small and needy tribes dollars be increased, which will help Alaska. She recommended the funding be maintained for the welfare assistance program. The introductory text of 2003 shows that the unemployment rate is extremely high. 23% of the employed AIAN population is below the poverty line. People can't work because work is not available. In her area, she hasn't had a BIA credit and finance funded initiative or project. There is a for-profit road subsidiary. With 8a status, they will pursue larger federal contracts. Another one is low cost internet access. Kawerak and villages would like low cost internet access to bring in economic activity and help create jobs.

Northwest Region

Powerpoint presented

With the pending changes in the upcoming election, he hopes the other regions and tribes will meet with OMB and others.

Richard Gay – Natural Resources

Water: this is an extremely important issue in the NW. Water 2025 Initiative was launched by Secretary Norton. Water for America was launched by Secretary Kempthorne. Water management has been reduced 30%, but. NEPA is unfunded.

Modernization: Self-governance issues should be discussed with the SGAC. The tribes need to be very involved in the development of DOI's Strategic Plan and GPRA measurements. The 1984 reorganization identified several themes: decentralize, take advantage of sophistication of tribes, revitalize the federal/tribal partnership, and work with other agencies.

Eastern Oklahoma

Movie. Made by Chickasaw Nation: Considerable concern about fixed costs.

What if all pay costs were requested and funded. Under ICWA, ten more children could be covered instead of pay costs. OMB sets the levels. Eastern Oklahoma asked to

Pay Costs affect small businesses. BIA funding with loan guarantee helps.

Public Safety: one officer on call at a time often times. Fire departments have to call in other fire departments. Some departments can't fight structural fires. Wildfires have been fought by tribal people. Roads need bridges where they're washed out.

Education: JOM – respect for elders, being a leader, learning about scholarships. JOM programs help students.

Natural Resources: many agencies are involved. With BIA funding, maintaining wildlife habitat is supported. The goal is to be self-sustaining. Land base is critical to governing and sovereignty.

Pacific Region

Powerpoint presentation

California is very diverse. There are a wide variety of needs.
water in particular is very important. Southern CA tribes experienced devastating fires.
Education: public schools are where Native students go.

Natural Resources: Water. Water programs, Water Rights Negotiation/Litigation.

Modernization

Hector Garcia

He discussed that it's important to remember that because of the war and the deficit, the federal government is not relieved of its trust responsibility. That's the message to take back to the administration and that a major concern of the Pacific region. It's not going to strengthen tribal governments without a comprehensive plan to move forward on all fronts. Pacific tribes have extensive experience in managing natural resources. Contract support, regional offices, are critical to moving forward. We come back year after year and programs are not running efficiently anymore. How does the regional office works with the tribe. Is the regional office properly funded, for instance?

Western Region

Water Rights

Southwest Region

Power Point presentation

Water Resources is the focus. She went over litigation status for the tribes in the SW.

Midwest Region

Darrell Seki presented Power Point

BIA Modernization

Timely distribution of Funding

Include TBAC in congressional hearings

Fixed costs: tribes should be treated the same as BIA

Contracting tribes should qualify for outsourcing...

Fixed Costs

Midwest: Water Rights

Decrease in water resource allocation due to diverting money to water rights

Indian Land Consolidation: ILCP has made a huge difference.

Rocky Mountain Region

Law Enforcement

Strengths –

partnerships/Collaborations

Weaknesses

staffing resources

Lack of resources to adequately address prevention.

Take 100K to hire equipped policeman.

Border Security/Homeland Security

Drug traffickers/terrorists

FBI agents

Information/Data Sharing

Computer technology is really lacking. The sooner we can get internet up, the better.

Data is compiled, but it is difficult to share the data.

Facilities

6 billion to repair and construct the jails in Indian Country.

Opportunities

Trend: decrease in Alcohol related incidents

Threats

Meth

Tribal Courts: greatest obstacle, lack of resources. Case loads are too large. Child sexual abuse cases have increased dramatically. 1672 cases . number has strained the tribal courts.

Courts can only enforce misdemeanors. There are felons walking around by the dozens. Federal courts are declining to prosecute felonies on reservations.

Education

Scholarships: 26,696 available to work in the work force. 2164 are employed below the poverty line. Lack of education contributes to under employment. 892 students were turned away due to lack of scholarship funding.

Educated populations are able to keep jobs. Educated communities attract investors. JOM is cut out. 10,237 were served by JOM.

Modernization

Leave the \$\$ at the reservation level. Divide up what modernization is costing to tribes.

Credit reorg should not proceed. Lakewood is not an option.

Consultation on modernization has not occurred

Navajo Nation
Presentation

Video

TBAC adopt policy on earmark issue. Suggested make BIA mandatory funding instead of discretionary.

Law Enforcement, Roads, Human Services
Video shown

Public Safety – Navajo Department of Law Enforcement is funded at a lower ratio of cop to citizen. 250,000 and more calls to law enforcement.

Facilities on Navajo were built in the 1950s and are old and beyond repair. They don't meet health codes. They are high risk liability.

Chief Justice of Navajo Nation: Justice system at Navajo needs improved. The task is to develop a system that reflects the traditional laws and values of the Navajo. A Navajo restorative justice program, data sharing system will be applied across Navajo justice system. A grant was found, but only for a year. Need bilingual reporters and transcribers. Urgent need of facilities also needs to be addressed. Integrity of court system cannot be maintained without proper facilities.

60,000 miles of paved and unpaved roads. Road maintenance program is critical to improved driving conditions. Unimproved roads hinder economic development as well. Costs are rising to maintain roads. Putting off road maintenance will only increase costs. Navajo received insufficient funds for BIA road maintenance.

Navajo is ready to participate in modernization initiative. What is the commitment from administration for implementing tribal ideas? Where is the funding going to come from to implement ideas?

Ideas: too many acting employees at the BIA. There need to be permanent employees. Central office should give some control to regional office. Use Email and move away from faxes. Maybe money for positions could be turned over to tribe. The Administration create a tribal liaison for executive office and OMB.

Eastern Region, Presentation

Southern Plains Region

Water Resources

Wallace Coffey presented Power Point.

Great Plains Region

Modernization: interagency management organization (close to assistant secretary positions).

Budget Priorities: participating in process under protest. Constantly cut budgets doesn't lead to .

Up to 10 law enforcement officers, but need at minimum 23. Public safety is the highest priority. Second would be education.

Scholarships are about \$800 per student.

David Bryan, Turtle Mountain commented that we hope our hearts are united as one. The need for greater financial assistance is critical. There is a whole lot of unemployment.

Detention Report, Office of Justice Services, Pat Ragsdale

Had intended to brief congressional committees. The report is officially under review. The report is not open for review.

Jack Rever: briefed a variety of staffers in Congress. Tribes were offered grants to build detention facilities: some of them turned out not to be success stories. There wasn't a master plan for detention. 38 of 84 facilities were selected to look at them. The physical condition and the operation of the facilities were examined. 50% of offenders are not being incarcerated who should be incarcerated. Many facilities were not built to be detention centers. The magnitude of the problem had to be determined. Regionalization has been discussed as an option. Capital cost and operation cost is between six and ten times the initial capital cost. The study has led to a masterplan. Various tiers of incarceration: booking and holding, regional/midlevel; long term facilities – across all of Indian Country. The price tag is astronomical. The offset of more policing, more education, more employment. They have a program – this will support the entire justice system. An element of unemployment can be addressed. All sorts of things can be addressed.

Pat: In the US we have to correctional facilities – local detention for minor crimes etc; other offenders, America’s prison systems state or federal. Over the last 50 years, we’re running a system that doesn’t work for us. We have to come to some

Ute Mountain Ute said the issues facing the facilities; BIA officers, internal strife about who operates the facility. SOPs need to be developed. Treatment plans were not developed. When there are only

Comments: Herb Yazzie on report. He commended Ragsdale et al in conducting a study and assessment. The comment from the tribal rep from Colorado that our concept of justice is more comprehensive than the description (three components: courts, law enforcement, detention). Yazzie said there’s more than that. Restorative justice is what is going on at Navajo. Yazzie encouraged BIA to look at restorative, which is more than punitive justice and removing people from society. We are always thinking of ways to restore that person to the community. Ragsdale agreed with the Navajo comments. Most of the programs ...if people are going to be incarcerated, they need to be doing some sort of meaningful work. BIA hopes to work with the leadership to incorporate pieces that need to be included in the program.

Comment: this situation is unacceptable. How did you find the money to conduct the study? He said many tasks could’ve been funded with the study funding. The money for the study was taken out of Rever’s program for construction, said REver. Rever said the report will go very far to quantify the issue. In our discussions across the board, this study is important to meeting the needs of Indian Country. The pay back will be a hundred fold. We’ll be able to describe in numbers, photographs, and stories our situation. People do not believe the stories we’re telling them. We have to include this kind of info. This is the first time ever that we can base our arguments on . The GAP analysis provided us a modest start to addressing the crime problem in Indian Country.

Comment: a juvenile detention center was constructed but sits unused. The medical screening process...BIA policies can’t incarcerate...Ragsdale said the screening process is presidentially mandated.

Alaska comment: even though Alaska isn’t served by BIA, incarceration is 39% for AN even though population is 20%. Loretta Bullard ran into commissioner for law enforcement...needs to be emphasis on prevention. Ragsdale said many people were in jail (50% of people who should see some measure of discipline, don’t see that). We distill our population down to the worst offenders: rapist, child abusers, and vicious assaults. There were 20 people in the same cell as a person who violently killed a victim.

Comment, Red Lake: back when DOJ started building detention facilities.

Rever said all of the 38 detention centers, all the tribes who were a part of the study, there wasn't enough money to look at all the 84 centers. Some tribes rejected the offer. Cost of the study was \$1 million over two years. The number of hours that the individuals took to travel, etc, sat in operations booth for hours.

Jackie asked: study will be very important on issues especially budget and approps. Are there pieces that we could get from the study, even if the whole study is not cleared. Can we get that? Carl said we're working with OMB to get this out as soon as possible. The whole study is very complete. It's worth more than we paid for it.

Office of Special Trustee presentation

Powerpoint presented

Why was there an increase for the lock box coordinators funded out of BIA instead of OST? Ross said the lock box coordinators were added to the BIA staff to help coordinate the work.

Question about ILCP; just need to hear more explanation. Program at Red Cliff is very useable. Ross says he believes the program is effective. \$120 M or so has been sent out and most of it has been in the Midwest. If you look at Red Cliff, the problem is that many of the ownership interests are very fractionated. Its so exponentially fractionated, we can't get there because Congress won't fund it. There may be some models. BIA is taking a lead on this: where can we go with fractionation. It's on the Modernization agenda. We need to make the land productive. It's extremely expensive. Carl said the biggest problem is that the growth of fractionation is outpacing the money available. It doesn't pay to keep funding this program. ITMA will be helping BIA hold sessions on ILCP. The federally funded solution isn't the only way to do this.

Question on ILCP: did these zero out office of minerals management evaluation. Would this office be restored? Carl Artman said there will be a lot of employees will have to find alternative work. That office has a plan for funding its services. BIA

2% will be the ultimate net loss due to ILCP leaving. It's taken out of program budgets.

Was senate and House approps staff invited? Yes, MJM invited them.

Normally what happens: if you issue funding out for more than what is eventually enacted, the difference is going to be eaten from other programs.

Darrell Seki asked about central office and executive direction. She'll take a look at those numbers after modernization.

Alaska rep asked about the carryover. MJM said the carryover was quite a lot. Alaska has some problems with CSC and tribes are under sanctions and it doesn't get obligated. In some of those cases, there's nothing we can do about it. Loretta Bullard asked if we could get the carryover number. Bullard asked if we can make decisions about carryover. MJM said carryover sometimes is put towards projects that need it.

Co-Chair Election:

Ron His Horse is Thunder nominated. Motion to close nominations.