

**BIA/Tribal Budget Advisory Council  
Sheraton National, Arlington, VA  
May 20, 2008**

**Invocation**

**Roll Call**

**Introductions**

Carl Artman went over Section 20 regulations. BIA added order to the process of IGRA and IRA. Off reservation land into trust came out in January. He went over the fee to trust handbook, which will be out later this week. The fee to trust process varied across the country. CA had a longer process. Processes sometimes weren't mandated and in other cases there wasn't enough process. The handbook is a recitation of what is already happening. On May 14<sup>th</sup>, judge Robertson struck down the internet connection prohibition. The new connection will occur this Friday the 23<sup>rd</sup>. BIA is ready for it. It will happen in stages. Modernization represents a new era of communication and problem solving. This is meant to be a platform for communication for change, priority setting, and ideas. BIA has to look to tribal leaders. Indian Country is very unique and modernization is meant to address that. He mentioned that the recent contract support costs meeting was solution driven and he hopes that other issues can move in a similar fashion. TBAC is an example of collaborative communication. Artman mentioned that it's been an honor to serve Indian Country.

Ross Swimmer thanked Artman for his service. He said it's very important and a good step to be connected to the internet. He mentioned the *Cobell* strategy to frustrate DOI has been effective. He gave an update on the *Cobell* litigation.

Ron His Horse is Thunder: He told about how in the Plains, you can walk miles and think you're walking a straight line, but when you turn around you see it is not straight at all. But if you focus on 20 to 50 feet destination points, your path is much straighter. This effort with modernization that Carl Artman has started and along with NCAI, we are setting destination points and our path is much better because of it. There is a hearing with the SCIA later this week.

Joe Garcia thanked Carl Artman for his service as Assistant Secretary for Indian Affairs. He's done a tremendous job. He wished him well. Artman has brought us to this point and it is a good point of departure. We're trying to change systems. Sometimes the things that need to be solved involve a lot of work. We have to create new ways. The only way to harvest in the fall is to plant in the spring.

Question from Navajo: he extended appreciation to Carl Artman on behalf of Indian nations. Another tribal representative thanked Carl Artman for his participatory decision-making he used as ASIA.

**FY 2009 President's Budget Status:** Mary Jane Miller

Not sure about Interior mark-ups, when they will occur or what levels of funding will be.

**FY 2010 Budget Development:** Mary Jane Miller

(confidential)

**FY2010 Budget Guidance**

(confidential)

Discussion:

Subcommittee should meet with the office that heads up the strategic plan. Indian Affairs needs to be in this plan. Joe Garcia cautioned that we stand to lose if we are not included in that.

Lillian Sparks said NIEA sent out a survey on whether JOM is duplicative of Department of Education programs. The concern is coming up again and we need more information. NIEA is asking for folks to send reports to NIEA and the JOM Association. Appropriators need this info. Jackie said we will send it out to the TBAC listserv. She said a number of people are not responding to the Cvent emails.

NIEA is working with the SCIA on this. Jackie said we need better info on JOM. We will share this info with TBAC and with OMB. A tribal rep suggested we should ask students for comments for qualitative info as well as the survey responses.

Ron His Horse is Thunder asked about fixed costs increases for tribal fringe benefits. The health benefits – this is political: OMB would point to Indian Health Service and say we won't pay for this twice. IHS dollars do not cover the needs of tribal and non-tribal members. MJM said if you go that route you'll have to find the money other places. Tribal reps said we need to have info to make the argument anyways. Contract support is also up to the whim of Congress just as much as fixed costs for fringe benefits is. Move fixed costs discussion into tribal caucus.

*Break*

**Brief from Tribal Caucus**

- Resolution on filling Assistant Secretary for Indian Affairs position:
  - Discussion: Majel already knows the issues affecting BIA and Indian Country. Tribal representatives expressed support for Majel Russell as ASIA.
  - Motion to approve the resolution. Resolution approved.

**Old Business/Action Tracking**

- Update on Welfare Regulatory Changes:
- Fixed Costs Resolution – we need to figure out how to categorize this. Ron asked if this be addressed by the subcommittee. Discussion will continue with tribal caucus.
- Question about IT funding
- Primer on appropriations primer: do by August TBAC.
- Data Management docs added to TBAC website.
- Lunch

## **Contract Support Costs Update, Harry Reinbolt**

Reinbolt went over the 3 funding pools and how they work.

### Shortfall report

- Due May 15<sup>th</sup> to Congress
- Last report completed was for FY98
- Current report is still a work in progress
- Problems
  - CSF amounts reported not consistent with identified baseline
  - Amounts reported don't agree with FFS
  - Lack of understanding by awarding officials
- Solution
  - Further training of awarding officials (july 2008)
  - Full time CSC staff support (one new staff on board 5/19/08)
  - Refine shortfall report – consultation with CSC workgroup/AO's
  - Develop manual
- FY 08 CSF
  - Current distribution at FY07 level
  - Balance of funds will be out to
    - Tribes that had new FY07 contracts
    - Tribes furthest from 100%
  - Distribution will be made after 07 CSC shortfall report is complete
  - Final distribution July (planned)

Questions: can we get a copy of the CSC update presentation.

### **FY 2007 Carryover**

Unobligated: 34,756

Needs: 26,590

Internet reconnect: 4905

CSC redistribution: 4201

Educ and IT: 4,000

Law Enforcement: 2959

Regional Requests: 3062

Regional Facilities: 1125

Salmon marking: 1,000

Nat resources: 1996

JOM: 376

DM subcommittee; 187  
TCUSs/ scholarships: 574  
Western Shoshone: 500  
Other IT needs: 452  
Balance: 8.386 million (unobligated available)

Funds available for tribal priorities

- Exempt tribal and agency balances
- Available \$4 million

TPA balance: 1,800,000

Exec/Admin: 1,226,000

User restrictions:

- CSC as at legal cap
- New programs would require congressional approval
- No new positions
- No salaries, travel or training with prior year
  - Training can be an exception

### **Data Management Subcommittee**

Ron Allen

He went over the DMS memo to the TBAC.

Ron said the subcommittee should have a tribal rep from the plains area or a direct service tribe. There will be phone teleconferences to limit travel, as that has been challenging for committee members.

Cyndi noted that IHS is doing the exact same thing and how tribal programs fit into GPRA and so on. IHS had a breakout on this. They are further along on this though. They will have their workgroup the same time the BIA is having its meeting. They are invited to the BIA meeting. Cyndi said everyone is welcome. A formal letter was sent from the DMS on the strategic plan. No formal response was received to that however. A representative met with the subcommittee, but the problem is that it's a federal process. Cyndi asked how can we incorporate tribal involvement. This is going to be a federal process, said Artman, but there are other ways to have an impact on the process. Ron Allen said, since the next strategic plan will be decided by the next administration, probably the best thing to do now is to figure out who are the players in the process so tribes can advocate for a better process. Artman said DMS should work with the Fawn Freeman shop (planning and policy analysis). Ron Allen asked for a written report on the road map of how the Strategic Plan works. This whole GPRA is tied to the strategic plan. Mary Jane will follow up.

MJM said there is no written process on this. The person who coordinates this. She asked: who do we get the guy hooked up with? Data Management Subcommittee or Budget Subcommittee. Laron is the

guy. He met with the DMS before. Both committees, Ron said. Who will take the lead in coordinating with that group? Artman said Fawn Freeman needs to coordinate with DMS on the strategic plan.

Joe Garcia asked if we have a definition of what we mean by data? Cyndi said Stephanie Taylor helped develop the system at National Business Center and has met with the Data Management Subcommittee. At the upcoming August TBAC, the DMS will have more info about this. Data Management Subcommittee needs to meet with the Director of OMB to find out what data should be collected.

#### TRIBAL CAUCUS

Discussion on \$4 million from carryover:

Motion that carryover be distributed by TPA. Seconded. Motion carries.