

Modernization Update BIA/Tribal Budget Advisory Council

Majel Russell said the idea of modernization is to talk about how to improve the services of BIA given budget constraints. The effort started in last September. BIA traveled to every region to have dialogue. Certain topics were addressed: attrition of staff, self-governance (how to make it more attractive), education, law enforcement, economic development, and land management. After those sessions, there was a national meeting in Washington, DC. There is a Modernization Advisory Council. The DOI named a federal team and a similar structure to the TBAC, which is an umbrella group. The first meeting was in Denver on March 17th. The tribes narrowed down the focus areas. Those areas were: Indian Land workgroup (management of Indian land and trust resources), law enforcement (including detention), self-governance and 638 contracting (how to make it more attractive), education, BIE staffing and services. Also at the Denver meeting, the TMAC identified immediate action items.

Indian Lands Group:

- consideration of appraisal waivers for certain types of land transactions.
 - There have been many problems with appraisal delivery
 - Look at every place where BIA is required to obtain appraisals and see if there are places where the appraisal can be waived.
 - BIA will look into the regulatory changes
- Reconsideration of BIA policy to discontinue will drafting and wills
 - Due to liability, BIA would no longer draft or store wills recently
 - This move was very unpopular
 - A lack of wills perpetuates the fractionation problem
 - We need to help draft wills, not stop drafting wills.
 - Artman and Majel are working to fund will drafting services
 - They are talking with contractors and looking at templates
 - If TBAC has ideas to move this effort along, send to her
- Determine a specific contact on the status of fee to trust applications
 - There have been many complaints about this.
 - BIA feels the focus on fee to trust has been successful
 - Vicki Forrest is primary contact
 - Need to figure out what apps are pending

These three areas are the ones that immediate action can be taken.

These action items were identified by the tribes. Majel said this is to be fully tribally driven.

Comment that we need to hear from tribes on appraisal waivers and gift deeds. That is a discussion that needs to occur.

Another meeting was at Gathering on fractionation held with ITMA. There were numerous presentations, including the scope of the fractionation problem by Robert Yager. The Rosebud

reservation effort was discussed. We're aware of the concern from tribes that this is a DOI problem started by the allotment process. We need to be creative about solutions that will work for tribes. ILCA was a solution. This time around we need to work with tribes to develop concepts and ideas. Even though it's a DOI problem, it's also a tribal problem. Even though there was a lot of discussion, there are not enough solutions developed.

Law Enforcement Action Items

- Consideration of accepting state academy training and DOJ coursework
 - This was about getting people trained as quickly as possible
 - Training was an issue in getting cops on the street
 - Artman signed an agreement with one tribe and this is a viable option
- (less well received) consideration of returning administrative authority to the regional and agency level
 - Comments over and over were heard that they didn't like centralization of law enforcement services
 - Tribes wanted local control
 - Tribes will have to do some work to justify this idea on how it would be effective
 - The administration is not feeling that it is a good idea to turn over control to the regional and local level
- Explore the possibility of developing MOUs with the bureau of prisons to address long term detention needs
 - Move long term prisoners to BOP
- Roll out of facilities study
 - Ragsdale and Rever will go over this in the next presentation

Tribal comment at TBAC was that BIA is not working with IHS for medical screening. Police have to travel long distances for medical screenings if the IHS clinic is closed down. An agreement should be worked out so 24 hours a day a screening can be done.

Self-governance and 638 contracting Action Items

- Requested a statement from BIA that 638 contracts do not violate treaties with tribes or the trust responsibility.
 - This would go to the solicitors office.
 - The request has been received.
- Recalculate cost shares in the lower 48 in the same way as Alaska
 - There has not been much discussion yet
- Standardize or clarify inherent federal function

Question about how the TBAC and TMAC are going to work together? How will modernization continue during and after the transition to the new administration. Majel said we need to have good ongoing reports and summaries of these. Tribal organizations have hosted these meetings –

NCAI, ITMA, CERT, IAC, and others. Tribal organizations have endorsed this and we are confident that it will make sure the effort will continue. Majel talked to DOI and senior managers and there is endorsement of continuing this effort. The tribes were reluctant but Majel says the sixth floor (Kempthorne, Scarlett, Cason, Kempthorne's staff) wishes to continue this. Gloria O'Neill said it needs to have a grassroots effort. Also Majel said there are many career people invested in this effort.

Next Meeting:

- Hosted by Council of Large Land Based Tribes, which will focus on land management. June 24, 25 at Crow Agency, Montana during the Crow Native Days
- Discussion on law enforcement issues as well, but the meeting date and location is not set.

Comment: BIA's policy for juveniles. MJM said there is money put in FY07 for juvenile detention education. BIA tried to increase this funding in 08 and 09. Jackie _____ at BIA 202-208-6983. Pat Ragsdale said they are working on implementing this.

Majel said so far this has been held at the national level. There is discussion about holding also regional meetings. There needs to be an education discussion. It would occur naturally with NIEA. Also talked about range and leasing issues and having a meeting focused on proposed regulations. This effort will be as successful as the tribes want it to be. Immediate action items has been effective.

Carl Artman said his fear is that modernization would end with the new administration.