

**BIA/Tribal Budget Advisory Council
Sheraton National Hotel****May 12-13, 2009****Mar 12, 2009****Invocation****Agenda Changes**

Add some items to the agenda:

- 5 items for action from Midwest region
- report from budget subcommittee
 - A motion to accept the agenda changes was made and passed.

Opening remarks

George Skibine: Larry Echohawk had a confirmation hearing on May 7th that went pretty well. Dorgan will have a committee vote on Echohawk on this Thursday and will ask Reid to schedule a vote on the floor very soon. Consultation on *Carciari* will be in June and July (June 29th in Min and July 1st in Sacramento possibly). Next week is the self-governance conference that he will address.

Donna Irwin, acting special trustee: She challenged folks to get appraisals done by July 1st. She asked everyone to define what a backlog is. Those backlogs are being tracked so people can know where the process is. There is a problem with tribal shares for tribes that are compacting and contracting. This issue will be addressed at the self-governance conference next week. There's no nominee for special trustee yet. There are outreach meetings on basic trainings for tribes. If any tribal representatives would like a training, ask. There are some non-sufficient fund checks coming through from people leasing. ILCP will have some funding this year. Questions on OHTA: they are still going through until the appeal is finished. There were oral arguments on *Cobell* lately and they are hoping for resolution soon.

Jim Gray: agenda items from tribal caucus: FY 2008 carryover will be an issue the TBAC will address today. We weren't sure how the tribal comments were included in the carryover funds. The tribal caucus discussed that Data Management should receive funding. Tribal caucus would like to find funding outside of the carryover (\$5.3 million). The tribal caucus also would like to move some of the programs that are in the earmark category back to the recurring base funding. Fixed costs were also discussed. He underscored that tribal representatives are here to advise on more than the carryover.

Roll Call**Regional Budget Presentations****Navajo Region**

Powerpoint presented

Eastern Oklahoma Region

Video

Pacific Region

Powerpoint presented

Western Region

Powerpoint presented

Southwest Region

Powerpoint presented

Midwest Region

Mark Montano, Red Cliff

Dave Conner, Red Lake

The Midwest region tribes decided not to put forward new information but are re-submitting the priority needs from FY 2010 national budget meeting. The priorities for the Midwest region tribes have not changed because those priorities have not been met yet. Midwest hopes that those same priorities will be met in the FY 2011 process. Midwest tribes manage millions of acres of lands and forests as well as thousands of miles of rivers and lakes.

TPA has been severely under funded over the course of time. A general increase of at least \$100 million should be dedicated as a general increase.

Pay costs: tribal employees are being excluded from COLAs. Tribal employees that are eligible are not receiving what they should receive. The average pay raise is 1.4%. The average authorized COLAs are 3%. Tribes are the only group in DOI are not receiving fringe and workers comp. George Skibine: is there a report on the pay cost issue? Dave Conner said there was a report from the 2008 August TBAC that he can re-send.

Law Enforcement

Tribal natural resources: Circle of Flight program. This has been considered an earmark instead of a recurring program. It will be funded in this fiscal year and Midwest tribes are appreciative. It fits with the climate change initiative.

Water resources

Mark Montano thanked Indian Affairs for including some funding for the Indian Land Consolidation Program in FY 2010.

Housing Improvement Program: some tribes benefited and other didn't. The purpose was to build energy efficient homes. Mark noted that there are tribes on his reservation with dire needs, snow blowing through windows and other housing emergencies.

Red Cliff is just now getting the TMD money, quite a few months after the bill was passed.

Midwest Region Recommendations:

1. BIA should implement procedures to expedite the release of funds to tribes' 638 contracts and self-governance compacts

2. BIA should make arrangements with congressional committees to include oral and written testimony of the TBAC tribal co-chairs along with the ASIA when hearings are held on the budget.
3. BIA needs to reassess its procedures for requesting and allocating fixed costs for tribes and ensure that tribes receive comparable fixed costs for all categories.
4. 638 contracts and compacts should qualify as an outsourcing activity (may require change to OMB circular A-87).
5. Central office needs to improve its budget process to include providing adequate time for tribes and BIA offices to respond to CO requests for budget data and justifications.
6. BIA should increase the number of judges with the Interior Board of Indian Appeals to reduce the huge backlog of appeals cases.
7. OST should be downsized or eliminated with all operating funds transferred back to OIP.

#12 from action list from March 2009: admin authority and funding back to regions and agencies that were centralized in April of 2003.

Midwest agrees also agrees that data management is important as well as the restoration of earmarks.

Rocky Mountain Region

Harvey Spoonhunter, Northern Arapaho
Donna Buckles-Whitmer

Northwest Region

Powerpoint

Eastern Region

Powerpoint presented

Alaska Region

Powerpoint

Southern Plains

Great Plains

Powerpoint presented

Office of Special Trustee Budget Presentation

(\$000)	FY 2009 Enacted	FY 2010 Request	Inc (+) Dec (-) from 2009
Office of the Special Trustee	125,203	129,448	4,245
Office of Historical Trust Accounting	56,445	56,536	91
Indian Land Consolidation Program	0	0*	0
	181,648	185,984	4,336

*Indian Land Consolidation will be funded under BIA's budget beginning in FY 2010.

	2009 Enacted	Fixed Cost Changes	Internal Transfers	Program Changes	2010 Request
FEDERAL TRUST PROGRAMS					
Executive Direction	2,163	39	54	0	2,256
Information Technology Services	20,632	88	2,328	0	23,048
Trust Records	17,026	192	-2,200	0	15,018
Budget, Finance & Administration	13,161	621	350	0	14,132
External Affairs	1,241	18	0	0	1,259
Trust Review & Audit	4,695	62	0	0	4,757
Trust Accountability	22,048	96	-532	0	21,612
Field Operations	23,476	650	0	0	24,126
Appraisal Services	8,739	164	0	2,000	10,903
Trust Services	12,022	315	0	0	12,337
Historical Trust Accounting	56,445	91	0	0	56,536
TOTAL OST	181,648	2,336	0	2,000	185,984

PROGRAM SHARED COSTS	
PROGRAM	(\$000)
PROGRAM OPERATIONS	
Trust Records – <i>BIA/BIE/AS-AI/MMS/BLM/Tribal</i>	11,000
Budget, Finance & Administration – <i>ITMA</i>	350
Trust Review & Audit	3,483
TRUST ACCOUNTABILITY	
Trust Training & NIPTC – <i>BIA/BIE/AS-AI/MMS/BLM/Tribal</i>	3,000
Risk Management	625
Reengineering	2,082
Product Development Initiative	1,155
Data Quality and Integrity	3,352
Appraisal Services – <i>BIA (638s)</i>	878
TOTAL	25,925

FY 2010 Budget Presentation

Powerpoint presented by Mary Jane Miller

\$2,537M

6.8% above FY 09 enacted level

+\$161M

15.8% above FY 09 Pres Budget

+\$346M

- Funds Secretarial Priorities
 - Protecting Indian Country (\$30.0M)
 - Advancing Indian Education (\$72.0M)
 - New Energy Frontier (\$5.0M)
 - Tackling Climate Impacts (\$6.0M)

- Funds fixed costs: \$27.9M
 - Assumes only a 2% pay raise
- Maintains most FY09 Congressional Increases

2010 Support to Tribal Priorities			
	FY 2009	FY 2010	CHANGE
	PRESIDENT'S	PRESIDENT'S	FROM
Tribal Priorities/Areas of Concern:	BUDGET	BUDGET	FY 2009
	REQUEST	REQUEST	REQUEST
Contract Support	147,294	152,794	+5,500
Indian Self-Determination Fund	0	2,000	+2,000
Welfare Assistance (includes S.Gov.)	64,491	74,915	+10,424
Housing Improvement Program	0	12,620	+12,620
JOM (includes Self Gov. & CTGP)	0	21,425	+21,425
Scholarships and Adult Education	23,663	34,585	+10,922
Law Enforcement	229,577	283,152	+53,575
Tribal Courts	12,047	19,704	+7,657
Road Maintenance	13,028	26,490	+13,462
Economic Development Programs	14,143	17,420	+3,277
Trust-Natural Resources Programs	141,822	160,768	+18,946
Total Increases from '09 Pres.Bud.			+185,405

Other Changes (in millions)

- Indian Land Consolidation +\$ 3.0
- Water Rights Negotiation/Litigat. +\$ 1.0
- Settlements (3 new) +\$24.0
- Earmark reductions: -\$ 1.7
- Replacement School Construct -\$16.4
- Trust RE (to re-establish ILCA) -\$ 3.0

Program Changes: OIP: +121M; Construction: -\$16M; Settlements: +26M; ILCA: +3M
 Program Changes: Education: +72M; Public Safety &J: +30M; TG: +\$8M; Trust NR: +11M
 Replacement Facilities: Chinle Boarding School Kitchen/Dining Facility, AZ; Keams Canyon Elementary, AZ; Riverside Indian School Dorm, OK; Pine Ridge Det/Justice Ctr, SD.

Budget Distribution

TPA changes:

Contract Spt: +5.5M
 ISDF: +\$2M
 ARMPs: +\$2M
 Scholarships: +\$5M
 Tribal Courts: +\$5M
 Fixed Costs: +\$8M

Questions: Question on construction public safety and justice: how is the list developed? Mary Jane said it's mostly for maintenance and repair. Navajo asked what is the role of BIA in securing funding authorized in PEPFAR. Mary Jane said the \$30 million is supposed to be a step towards funding the PEPFAR authorization. Jack said \$8 million a year goes into improvement and repair for about four facilities. There's money for construction for another phase of the top

priority. The top priority is established by the office of justice services. The majority of construction funding is from DOJ – the \$225 million. Question: How much is DOJ requesting for O and M. Jack: across the board, we have an opportunity in FY2011 and FY2012 for tribal justice facilities. We have an opportunity through DOI and President’s budget. Both on the Hill and at DOI there’s support for operation funding. It’s two year funding though.

Request was made that a comprehensive breakdown for fixed costs should be included on August meeting agenda.

Navajo: Since there is no money from the emergency fund, maybe we can put this under new business. We asked for \$400 million which is authorized under the PEPFAR legislation.

Question on FY 2011 presentations – issue on data management. A comment was made that the tribes are pretty united in requesting funding for data management. A comment was made on the issue of program restoration to make sure those programs that are pulled out constantly are put back in. For instance, Lake Roosevelt made it into to the FY2010 budget. Mary Jane said IA has started some discussions with OMB to try to improve that situation. Most of those programs that were not funded in FY09 is because they were tagged as earmarks.

American Recovery and Reinvestment Act Presentation

Indian Affairs funding: \$500M

- \$40M: Operation of Indian Programs
 - Housing Improvement Program
 - Workforce Development & Training
- \$450M: Construction
 - repair and restoration of roads
 - replacement school construction
 - school improvements and repairs
 - detention center maintenance and repairs
- \$10M: Indian Guaranteed Loan Program
- 5% of each program reserved for administration

Operations of Indian Programs: \$40M

- | | |
|---|---------|
| • Housing Improvement Program: | \$19.0M |
| • Workforce Training: | \$ 5.7M |
| • Construction OJT Training in Maintenance: | \$13.3M |
| • Administrative Cost Cap: | \$ 5.0M |

Housing Improvement Program

Project Selection Criteria

- Tribal Reservations selected based on:
 - High number of HIP eligible applicants
 - Extremely high unemployment on reservation
 - Recipient Tribes average 70% unemployment
 - Capacity to meet the aggressive hiring & construction timeframes required by the Act.
- Objectives:
 - Improve living conditions of eligible Indian people
 - Create & Maintain jobs in Indian communities

HIP Projects

- 15 tribes located in 10 States
- 188 new homes
- Homes will:
 - Meet State Standard Conditions for geographic locations
 - Meet or exceed State specific weatherization codes
 - Be furnished with Energy Star appliances
 - 15% more energy efficient than homes built in 2004
- Renewable energy projects
 - 5 homes built with compressed earth block bricks
 - 3 reservations – 30 homes: Geothermal ground loop technology

Workforce Formal Training Programs

Training in Skilled Construction trades: \$5.7M

- Intensive training programs
- Focus on unemployed and underemployed
- Skills for life-long careers in well-paying jobs

Workforce Training ARRA

- 10 Projects in a variety of areas:
 - Plumbers and Pipefitters (welding)
 - Carpentry & electricians
 - Energy Auditing
 - Construction retrofitting
 - Light Commercial construction training
 - Business development & financial skills (bookkeeping)
- Expect to train approximately 500+ students

Construction Workforce On-the-Job Training

Construction Workforce OJT in Maintenance: \$13.3M

Goals: Immediately Hire the Unemployed

Provide Maintenance for

Tribal Support Facilities (agencies)

Detention Centers

Employee Housing

- Training while On-The-Job for Unemployed & Youth Hires
- Fund over next 18 months to provide sustained employment

Projects: 22 Locations

Expect ~450 individuals trained

Workforce Training Selection Criteria

- Projects selected based on:
- Workforce Training:
 - Based on readiness to start
 - Availability of matching funds for materials & tools
 - Opportunities to continue working in the labor force on subsequent projects
- Construction Workforce OJT
 - 1st: prorated portion of total available funding by Region based on total square feet supported by O&M funding
 - 2nd: Regional facilities program prioritized individual local projects using established ranking criteria

Construction: \$450 million

- Road Maintenance: \$142.5M
- School Replacement: \$134.6M
- School Improvement & Repair: \$143.1M
- Detention Ctr Maint. & Repair: \$ 7.3M
- Administrative Cost Cap: \$ 22.5M

Road Maintenance

- \$142.5M
- Maintenance & repair of BIA roads/bridges
- Create and sustain jobs on Indian Reservations
- Improve condition roads
 - From fair – to good & excellent

Road Maintenance Selection Criteria

- Two parts:
 - 50%: Allocated based on historical distribution of road maintenance funding under existing TPA account
 - 50%: Allocated based on % of miles of roads in fair condition (as defined by DOI)
 - These will benefit the most from this work by extending the useful life of these roads.

Road Maintenance

- 541 projects on over 300 reservations
- Miles of roads affected: 27,530 miles
- Number of bridges affected: 940 bridges

Construction

- School Replacement (5 projects): \$134.6M
- School Major I&R (14 projects) : \$ 98.9M
- School Minor I&R: \$ 44.2M
- Detention Ctr Major I&R (5 projects): \$ 7.3M

Selection Criteria

- School Replacement: Next schools on the list
- School Major I&R: Prioritized by FCI
- School Minor I&R:
 - Health & Safety
 - Code Compliance to improve facility security
 - Restore damaged, broken or worn-out asset
 - Renovation to restore/extend life of asset
 - Energy Efficiency
 - Demolition of exiting space
- Detention Center Maintenance and Repairs: Prioritized by FCI; addressing same items as above

Replacement Schools

- Rough Rock - K-12
 - Replacement School - 559 Students including 266 Boarding Students
- Crow Creek Tribal School – K-12
 - Replace Three Schools With One
- Complete 2 school campuses:
 - Pueblo Pintado Dormitory
 - Ojibwa Indian School – bus garage
- Kaibeto Boarding School – Phase 1
 - Construct K-8 School

School Improvement and Repairs

- Major Improvement & Repair
 - 14 projects in 6 states
- Minor Improvement and Repair
 - 12 Sewer/Water Distributions systems
 - 38 Energy
 - 24 Roof Projects including Solar Panels
 - HVAC, Boilers, Windows, Lighting
 - 11 Security in Schools
 - 13 Site/ADA
 - 15 Land Mobile Radio (Telecommunications)
 - 10 Locations: Employee Housing Improvement & Repair including Energy Savings

Detention Centers

- Detention Centers Major Improvement & Repair 5 Projects
 - Rosebud
 - Turtle Mountain
 - Hopi
 - Walter Minor
 - Fort Belknap

Indian Guaranteed Loan Program: \$10M

- Subsidies: \$9.5M
- Administrative Cost Cap: \$0.5M

Loan Guaranty Program

Indian-Owned Business Development

- \$9.5M in Stimulus = ~ \$123M in guaranteed loans
- ~37 Loans (projects) estimated
- Prioritized for businesses that create jobs on reservations

ESTIMATED funding: by region

Alaska:	\$ 6.4M	Eastern:	\$ 3.8M
E. OK:	\$ 1.2M	Gr.Plains:	\$ 98.2M
Midwest:	\$36.6M	Navajo:	\$163.8M
Northwest:	\$18.4M	Pacific:	\$ 5.0M
Rocky Mtn:	\$20.0M	So. Plains:	\$ 5.8M
So.west:	\$24.3M	Western:	\$ 66.9M

Jim Gray – for the roads money: -\$300 million for roads construction. For the tribes with compacts, does that have to be done the same way, or does it need a separate agreement? Sharee said this will be talked through at the self-governance conference.

On construction workforce, how do people apply for these jobs and where is the information. Jack said it's on US Jobs. What are the requirements? No background checks are needed. None of the jobs have been filled yet. In the next 30 days the hiring should start.

**BIA/Tribal Budget Advisory Council
Sheraton National Hotel
May 13, 2009**

Tribal Caucus Report

The tribal caucus approved the subcommittee recommendations on how to distribute the FY08 carryover, which is to distribute it pro rata to tribes through TPA with a \$1,000 floor as a minimum so the increase could be useful to smaller tribes. Motion to approve the tribal caucus recommendations on carryover seconded. Motion carried.

Discussion at tribal caucus also included support for data management and the need for tribal IT staff to assist the data management subcommittee. There was money set aside for data management in past appropriations of \$500,000. The tribal caucus wanted to know how this was spent. Because we are so close with this design module, the tribal caucus wanted the TBAC to look at the current carryover and assign up to \$1 million for the data management module. Ron His Horse is Thunder asked if there is an accounting that was set aside for data management. Mary Jane said it was put into TPA. Fawn gave a brief on it about a year ago. It went probably for staff.

Sharee said there was \$125,000 for building the BIA GPRA collection system the first year. The rest of the money was spent for PDQ that was going to collect tribal GPRA information. That was spent on staffing and rolled into PPA and now it has lost its identity. How do we get to a place where that is dedicated to a tribal reporting system? This is recurring money. All \$500,000 goes to staffing now. George said that should be in the greenbook. Mary Jane said it is in the greenbook in FY07. But now it is funding staff in that office. She said the OPDQ was supposed to be a separate office. The cost to get the system hooked up and going would be about \$1 million. George asked if the money is coming in under FY 2009. Jim Gray asked if the \$1 million could come from FY08 carryover. George Skibine asked why this was not identified as a need earlier in the carryover process.

Cyndi Ferguson added that this didn't go to the budget subcommittee sooner because the technical folks came to meet with the DM subcommittee to develop the budget estimates. There is the possibility of running this as a pilot. One track: tribal module – use an existing module, use IAPMS and map out how tribal data can fit in this system and be rolled up and aggregated for various purposes. At the same time, the subcommittee has developed a policy for security and privacy. The policy is in a draft form. It was forwarded to the solicitor. The solicitor's office had some comments. The DMS is going to sit down with the solicitor's office to review comments from both sides. Also the DMS recently sent out a survey of tribal data requests. BIA folks got it from Indian Affairs and NCAI sent out the same survey from all the tribes. The deadline is May 29, 2009.

A formal motion was made to secure \$1 million out of the current carryover (outside of \$5.3 million) for the development of the interface module and then take a look at FY 2010 so that the project continues. Darrell Seki makes a motion. Gloria seconded. Discussion: Mary Jane noted that this should be one-time, especially if this includes purchasing software. A comment was made that the BIA is going through the process of getting bureaucracy on the internet. IT said there are usually ramp up costs to this kind of work. Also, since this is an NBC system, we don't know what they are going to charge us. Jim Gray said this was brought before the TBAC in

2004. At that point the administration created PART and there were a number of questions for performance. Henry Cagey said the investment for data is needed. Rick Gay said there is money in the budget to deal with the on going costs as long as it's refocused. **Motion carries.**

Strategies for FY2011 and Beyond

Jim Gray

1. Prioritization is working - take a look at where we have had increase for the last years. Need to continue with a unified voice.
2. This continues to be a pay go environment, which means we need to think about offsets and ways of documenting long term benefits or budget decreases because of current investments.
3. We should continue to educate OMB environment is even more open right now- continue to ask for native lead at OMB
4. Make sure we address issues of accountability both at the tribal level and at the departmental level i.e. recovery funds are a good example.
5. We need to have tribal strategy on spend out and obligation issues that cause budget cuts which are hard to get increased later. For example, school construction- need to be actively pushing on the pipeline issue.
6. We can't forget part of our strategy must be with congress on setting of budget levels in the committees, the 302(a) and 302(b) allocations.
7. Monitoring performance measures should be joint effort- president has said programs that aren't working will be cut and we want to make sure we are part of thriving programs.
8. Keep monitoring "earmarks" to get them in the base budget and won't be subject to cuts targeted at earmarks.

Rick Gay said that while the title of this agenda item was strategy for 2011 and beyond, we are talking about FY2011 budget priorities but FY2010 is on the Hill now. We need to keep clear the difference between the administrative budget process and the congressional process. The comment about pipeline issues and things we want to see in 2011 and beyond and working the 2010 appropriators now about not only 2010 appropriations and the ongoing need is important. We have to keep an eye on the out years and make that part of the discussions. One of the other important things is media. If you look at the USA Today this morning, but they came out with the stimulus article on Indians. The major focus was the housing on Pine Ridge reservation. Being able to work off of the recovery act, the 2010 budget and what are the identified priorities.

Gloria O'Neill said she agrees with making sure we use our time effectively. About six years ago, CITC started looking at the importance of data management. When something isn't working, we need to respond to it. How do you fix a program that isn't working at a policy level?

Jim Gray added that in terms of budget requirements and demonstrating accomplishments, this data can be used for management.

A comment was made that NCLB has made BIE become a very data driven org. BIE could show the process that it went through. Don't underestimate the comprehensiveness of the data you will

be collecting. BIE has a full time manager of the student info system. It costs about \$1 million for that module. There are some costs that are expensive. BIE would be glad to share that data collection system.

Navajo, chair of the public safety committee, commented on strategy. It's important and should have been written out. Navajo commented that there is \$750 million for public safety authorized under the recent PEPFAR reauthorization. A portion is for BIA public safety and justice.

Mary Jane Miller said the \$40 million increase in law enforcement is a start to funding that authorization. That was specifically for the Thune PEPFAR amendment.

Navajo commented that BIA tends to fund its own facilities instead of tribal facilities. Pat Ragsdale said Jack Rever has a formula based on violent crime, size of reservation, population data, and ratio of tribal police officers to the population based on the GAP analysis. There's not enough money to distribute this money to every law enforcement program. The money has been targeted to communities with the least resources to address violent crime and increase detention officers in the field. It's not true that it only goes to BIA direct operations. When it is a BIA direct location, the tribes are inhibited from getting other DOJ supporting grants and that creates a disparity. Federal agencies are not able to receive grants from other agencies. BIA has not distributed the March 15th increase yet because they are running through the system that they have. If you have not submitted data, the increase will not go to that program. Jack Rever has drafted a plan – On July 28th, the DOJ will submit our plan, the coordinated plan to address public safety in Indian Country. BIA has been talking to DOJ on that goal. With the change in Administration, the high level officials in departments have inhibited the progress. The comprehensive plan to address law enforcement needs to include tribal courts and violence against women, juvenile justice, and more. The emergency plan is a plan to complete the plan. No plan in the authorizing legislation can be completed in a 12 month period. It will take at least a year to come up with a plan to address all the components. For example, who is the agency that should address juvenile prevention methods? Is it DOI or DOJ or is it HHS? Right now, there is no directive so nobody is in charge. There is also the conflict that DOJ and DOI each believe is responsible for officers. At the cabinet level, someone needs to make a decision on who is in charge. The decision needs to be made at the highest level. The component parts need to have comprehensive review. Jack Rever thinks that although they drafted a response to the plan because DOJ was slow, Jack thinks it is a DOJ initiative to do this plan, although DOI kick started this plan. DOI – not only coordination at government level, but tribal consultation is a major part of this plan – there should be something similar to negotiated rule making to sit down to formulate this plan and respond to the treatment aspects. This plan requires that. If effective, it would be the most comprehensive look at law enforcement issues across Indian Country. If there is going to be progress, it will have to take place at the cabinet level.

Ron His Horse is Thunder – the question was on the Thune amendment. There is some appropriations to fund that. We are waiting for appointments from the White House. We hope the WH tribal appointee will help get the cabinet level coordination going. It will be up to tribal leaders to advocate for appropriations for that amendment.

Navajo asked about consultation with tribes and when that will occur. We would like to see O and M for already built facilities. Is there set asides for tribal courts?

Total need over ten years is \$8 billion. Over 40 years, that will be billions and billions. That is difficult to tackle. We have to address this crime problem.

Henry said the program side is fine. But on policy side, such as PL 280 and Oliphant, we need to change these. Pat Ragsdale said the SCIA has drafted a law and order bill. The discussion on 280 is very complicated.

Michael Jandreau said the only thing missing is the return to local control, which is a real fault in the provision of law enforcement.

Data Management Subcommittee Update

Cyndi Ferguson and Sharee Freeman

Sharee said the DMS met with IHS to go over how that agency collects data for tribes.

Status on Action Items

- **Performance Measure Mapping**
- **Data Management Committee Policy**
 - Revised to incorporate comments from both Tribal and federal representatives of the Data Management Committee (DMC)
 - Received comments from the Solicitor
 - DMC will meet with Solicitor on June 25th to review and discuss comments
- **Survey – Assessing the Collection of Data**
 - Created an electronic version of both the Tribal and federal surveys
 - Presented to the DMC and Central Office Directors for their comment, incorporated their recommendations, and finalized
 - Survey disseminated and deadline set for May 29th
- **Tribal Data System**

Performance and Measure Mapping

Complete Maps	Incomplete Maps
AVT/Adult Education	Agriculture
Cultural and Resource Management	BIA Road Maintenance
Elementary and Secondary Education	Child Abuse & Neglect
Environmental Management	Community Fire Protection
Law Enforcement	Economic Development
Scholarships/Higher Education	Economic Development Loans (Credit & Finance)
Tribal Courts	Facilities and Construction
Water Resources/Rights	Fish, Wildlife and Parks
	Forestry
	Guaranteed Loans
	Housing Improvement Program
	Indian Child Welfare Act
	Indian Self Sufficiency**
	Irrigation
	Land Titles and Records
	Probate
	Real Estate Services
	Safety of Dams
	Tribal Annual Audits
	Tribal Government
	Welfare Assistance
	Wildland Fire

Measure Map (Law enforcement was shown in the slides)

- **Policy**
 - Received comments from the Solicitor
 - DMC will meet with Solicitor on June 25th to discuss comments
- **Data Call Survey**
 - Letter with survey link sent out to Federal and Tribal Leaders
 - Responses of the Data Call Survey summarized by demographics
 - Deadline to complete Data Call Survey extended to May 29
- **Tribal Data System (Oracle-based)**
 - Contacted Tribal IT subject-matter experts identified to Ron Allen
 - Formed a Tribal / Federal IT Workgroup to address requirements for Tribal System
 - Conducted IA-PMS live demonstration for IT Workgroup
 - **Short-term recommendation:** BIA input tribal data into IA-PMS (pending further discussion)
 - Potential Pilot to build needs requirements documentation and business processes for future Tribal system
 - **Long-term recommendation:** Stand-alone web-based system for Tribes to input their own data which is uploaded into IA-PMS
 - Tribes would provide requirements documentation addressing the needs of the Tribes
 - Some Tribes may opt to use their current systems while others would use a web-based system (developed by NBC or another contractor)
 - Data uploaded into a stand-alone server independent from all parties
 - NBC would extract data from independent server into IA-PMS

Discussion: Question from Jim Gray: is this compatible with windows systems, which is what most tribes use? Cyndi said that is something that can be done.

George Skibine said he was hoping to sign the Data Management policy by the last TBAC, now he will not be able to. Question: What is the delay? Sharee said the Solicitor's office is the major obstacle. George Skibine said it has been so long. DMS sent this two months ago and wanted to bring the policy to this May TBAC. Cyndi would recommend the DMS meet by conference call.

New Items of Business**GPRA/PART and Performance Measures Updates**

LeRon Bielak

He went over the appendix to the President's budget. One section he brought up: building a high-performance government. This is the administration's first step outside of the recovery and the wars. The PART process will be continuing. It may have a different name but the administration will want to reform it. They want to emphasize trends that we see in performance data, that there are tight goals, and that there are improvements in areas. Performance information has been raised to the cabinet level. Administration sees this as an ongoing effort. They want to research effectiveness in government spending. Some of this will be in the agencies and the performance

committee set up between OMB and the agencies. Last point is that they are aware of the burden of the amount of reporting that has been put on agencies. They are looking to streamline the reporting process for PART and GPRA. That will come to pass probably through OMB A-11.

Jim Gray asked about some of the obstacles tribes encountered with OMB over issues like tribal courts and other goals that were identified in the strategic plan. The problem was that tribes were not integrated into the strategic plan. Is there adequate representation in the strategic plan? LeRon said the potential is there. He thinks the current administration wants to allow enough lead time to consult with stakeholders. The new administration has been drawn to so many urgent issues that performance has been on hold.

In the next couple of months if we get moving on the strategic plan, the pace will be very fast. There will probably be a comment period and public meetings.

Comment: Lt. Governor Simplicio – tribes didn't get training on ways to do the reporting. LeRon has been thinking about how to approach training. Perhaps some online options would help. Would a webinar be a viable option, especially if there is an issue with funding. George asked who is responsible for training? LeRon said his office has some. PPA should be responsible for trainings. Last year several trainings were offered on PART by PPA. PPA didn't have the funding to do it this year. Simplicio said one size doesn't fit all. Some tribes might not have access. Jim Gray asked how many regions conducted training on PART/GPRA? One region had in the last year.

Pat Ragsdale said this is national police officers week and thousands of cops are in DC. Tonight there is a candlelight ceremony at 8PM tonight. A special memorial in Artesia New Mexico sponsored by the International Chiefs of Police. Tomorrow afternoon at the Yates Auditorium, there will be a ceremony by Salazar at 1 pm. Finally, Pat reported that in the last day, it appears that the remains of the family that was lost on the Crow reservation. The new administration is reviving up the safe Indian communities initiative is trying to revitalize this

Amendment to the TBAC protocol.

1. Add to #3 protocol Jack Rever's position, Director of Facilities, Environment, and Cultural Resources.
2. Delete the director of the Office of Indian Gaming.
3. Add three assistant directors for Bureau of Indian Education:
 - a. Deputy Director, School Operations
 - b. Assistant Deputy Director, Administration
 - c. Deputy Director, Policy and Evaluation, Post Secondary

Mark Montano, Midwest Region, moved to amend the protocol in that fashion and Eastern Oklahoma seconded the motion. Motion carried.

BIA Budget Director passed out documents requested by a tribal representative earlier.

Mary Jane passed out the expanded FY2010 comprehensive table with internal transfers, the pay raises, federal health benefits, and other fixed costs in response to a request by a tribal representative earlier. The other fixed costs are rent and payments to the department. A lot of attention is paid to health benefits. The total for the feds is \$1.7 million. The same percentage for the tribes would be \$1.3 million. Tribes would be more money via CSC as opposed to fixed

costs. All BIA gets is 17% of pay and the government pays for piece of the federal health benefits but it is not 100%.

Question about whether the TBAC should meet two full days for the national budget meeting. A suggestion was made to schedule two full days for the Anchorage meeting in August.

Minutes should be sent out to the tribes after the meetings. The TBAC then will approve the minutes at the next TBAC. Normally there are action items and those should be sent out as well.

Dates for next two meetings were discussed: August TBAC is the week of August 3rd. The Dec. 14, 15th, and 16th.

Mark noted that it's important to know the formal action. The strategic plan report should be pushed to the August meeting. The two tribal co-chairs will present update.

Report on follow up from the Midwest action items passed at the March 2009 TBAC meeting.

1. A copy of the current organizational structure for the Office of the Assistant Secretary for Indian Affairs and the Bureau of Indian Affairs that clearly depicts ALL positions be provided – **done**.
2. A copy of the current organizational structure for the Office of Special Trustee (OST) that clearly depicts all positions be provided – **done**.
3. A detailed comprehensive funding table be provided to the TBAC for the BIA and the OST for FY 2008 and FY 2009 that display 10 the details of fixed costs including Federal Pay Act costs, tribal pay cost adjustments, teacher pay, federal health care benefits and other inflation costs; 20 the details in internal transfers including self-governance compacts, Consolidated Tribal Government Program transfers, and other changes; 3) program changes; and 4) Congressional changes – **done for BIA, but not OST**.
4. Year-end reports from each of the 12 BIA regions be completed and provided that would display final allocations for FY 2007 and FY 2008, by program element and location – **done**.
5. A report be provided on plans to administratively withhold BIA funds from BIA Regional Offices, Agencies, BIA-operated schools and non-638 tribal programs in FY 2008 and FY 2009 – **Mary Jane said there was no money administratively withheld for FY07, FY08, or FY09 – not since FY06 which was returned at the end of the year**.
6. A FY 2007 and FY 2008 Year-End report for the Office of Special Trustee that would display final allocations by program and by location – **not done**.
7. All organizational changes and staffing changes which have been made in the past year in the Office of the Assistant Secretary for Indian Affairs and the BIA should be describe in writing and explained to the TBAC, in particular special assistant positions in the Office of the Assistant Secretary for Indian Affairs and the Bureau of Indian Affairs, and in the Office of Indian Energy and Economic Development – **waiting for ASIA to be named. When Larry Echohawk comes on board, he will bring in a team of political appointees**.
8. The BIA Central Office and the TBAC should develop a plan to return the administrative authorities, staff positions and funding to the BIA Regional Offices and the BIA Agencies that were centralized under the Departmental Manual order of April 2003 – **need a status report on that**.
9. Vacant BIA Regional Budget Officer positions should be filled as soon as possible and BIA Regional Budget Officers and Budget Analysts should be allowed to attend the TBAC meetings – **need status report: on vacant budget officers: vacancies at Western,**

- Rocky Mountain, those are being recruited, there is a pending offer at rocky mountain. Vacancy of a budget technician at Eastern, that position closes the 15th.*
10. The reports described above should be posted in the BIA internet site – *not sure who should do this.*
 11. The reports described above should be provided to the full TBAC on or before April 8, 2009 – *done.*

Discussion on areas that were not completed:

Item #3: Jeannette Hanna noted that the documents for OST were sent but perhaps not the right format. Same issue with #6.

Item #7: TBAC accepted the response that the ASIA can address the full TBAC in August.

Item #9: Montano asked for more discussion on this item. Is it not beneficial to have regional budget officers attend the meetings? Mary Jane said budget officers attend sometimes but BIA can't afford it.

Dates Chosen for 2010 Meetings

- March 15-17 for the 2010 TBAC.
- May 17-19th, 2010

Agenda Items

- Strategic plan
- Movement on fixed costs Contract support costs
- Political appointees and changes in structure (from Midwest action items)
- Invite DOJ facilities
- Subcommittee report
- Presentation on Middleton and staff

Meeting Adjourned