

Tribal Interior Budget Council Minutes

May 2014 Meeting

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Invocation

Jimmie Mitchell

Introductions

Sam Thomas, motion to adopt the agenda as a guide, seconded by Jimmie.

Approval of the minutes was moved to the next morning.

Opening Remarks

Ron Allen: One of the things we are concerned about is the integrity of this process with respect to the priority of the tribes’ voices and how the budget reflects the tribes’ priorities. We want to highlight this as the focus of our Montana meeting. The budget needs to be more reflective of our priorities. A high priority was restoring sequestration. We raised the issue of the concern of when Pam Haze raised that there are other programs at DOI that is available for tribes. It was noted that there is \$19.5 billion across the federal government. We’d like more detail about how to benefit from those other resources. We are still concerned, “is the BIA still a priority?” We would like to know what is the status of implementing the Bronner report. When the subcommittee makes recommendations for FY16, we need to do a better job of getting a better job of getting those recommendations out to the delegates so they can be better prepared to either to either make alternative recommendations or adopt those recommendations. We made a recommendation that we think the Secretary should find time to come

over to meet with us. We were concerned about the process of working with OMB and the integrity of OMB honoring the consultation process so they are collaborating with the tribes so they know what our priorities are. We will raise this. We are concerned about BIA money being steered into grant programs to avoid contract support that would accompany it. We seem to be witnessing an increase in the grant approach as opposed to contracting. We also think we should take into consideration inviting appropriations staff to this meeting so they can hear our specific views. The Tribal Law and Order Commission: we want better coordination on law enforcement and courts. The priority in the budget is skewed against our courts to complement our law enforcement programs. The last thing is that we are representing sovereign nations to discuss the federal government's responsibility and we are worried it doesn't respect the sovereignty of our tribes.

Kevin Washburn: We have a lot going on. We have a big roll out on our part 83 regulations, which deal with tribal acknowledgement. For years, tribes have said it is broken. It's a hard task. We are rolling out our proposed rule today. It is exciting, although it doesn't affect you directly. He's grateful for Deputy Assistant Secretary Roberts role. We will do tribal consultations at six locations.

On Indian education, we've had several conversations. Don Yu attended and addressed TIBC. The White House has been very engaged on it. They will be rolling out some suggestions. We are working on a reorganization to make BIE work better for tribes and get better results.

We just rolled out a new rule for land into trust in Alaska. Tribes there have been asking for that for a long time. We are in the midst of litigation. The State has gone to court to try to stop BIA from changing our rules. That's a recommendation that was in the Indian Law and Order Commission.

We've been working on our ICWA guidelines. We have some guidelines that were adopted in 1979 and they haven't been amended since then. Rodena and Hankie have been working on that. Also updating the BIA child protection handbook, which goes hand in hand with our ICWA funding increases.

There is a lot going on with CSC. We also want to work towards increasing funding for tribal grant support costs.

There is the Native American Affairs Council that met recently. At the last Tribal Nations Conference, the President promised a trip to Indian Country.

Your focus is the budget. He responded to some points from Tribal Caucus. Last time he also raised concerns about the integrity of the budget. It's high stakes. His place is TIBC to address the budget. This should have real effect. He routes people through this process. If you want to get more involved, you need to get involved in the regional meetings of TIBC.

The Bronner Report was prepared long before he arrived, back in 2012. The recommendations and ensuing consultations were around reorganizing Indian Affairs. A major recommendation was that there are lots of people out in the field that report to Tommy Thompson, not to the Regional Director. Someone would be in a regional office, personnel, building supervision, etc. A recommendation was for those people to report to the Regional Director instead of DC. That has been happening for nine months. That realignment has occurred. When you say Bronner Report, that's how we implemented those recommendations. If you have other concerns, let's hear them

Carrie O'Toole raised a concern about the Indian Arts and Crafts Board was in the Secretary's budget, office of the secretary. They moved that office to BIA.

Kevin Washburn said it was effectively revenue neutral.

Tex Hall commented that with oil and gas, we've been developing legislation for an Indian energy office there. EPA and USDA are outside of DOI – we think there needs to be an MOA developed or a secretarial order.

Kevin said they are looking at that service area idea. Those are the two key DOI units. A Secretarial Order would only cover DOI units. We are considering whether other units like USFWS can be in.

He said they are actively talking so anything he says would be premature.

Gary Hayes said one thing was input from regional directors. Maybe it's time to hear from the regional directors like the tribal caucus provides a report out. At the agency level there are still a lot of vacancies. BIA built five law enforcement housing. Hopi has had vacancies for five years.

Kevin Washburn said OJS doesn't report to the regional directors.

Tommy Thompson mentioned there are 800 positions right now to backfill. One issue is that some are very technical jobs. There are factors for every job. RD has a cap that they operate under.

Gary Hayes said that many BIA staff are wearing dual hats.

Arbin Mitchell said Navajo is asking for a consultation on CSC for Navajo Nation. Also Indian education.

Carrie O'Toole said Haskell is coming up for accreditation but we need the staff members and faculty. We are having classes start before teachers are ready to teach.

Kevin responded that regarding the budget subcommittee's work, they did an incredible job. We do need to figure out the glitch in the process so everyone can review it before they arrive. Regarding the Secretary, she is very busy.

Ron Allen said there are two issues. One is that we had asked in the past for the Secretary to be similar to the HHS STAC meeting. They have a regional representation that meets with the Secretary there. We thought this could serve a similar role. With OMB, they are engaging in a better manner.

DOI Budget Update

Pam Haze

She was thinking she would like to use this time to hear tribal leader thoughts. Philip Gleason works with her and will fully brief her of this meeting.

She gave the high level overview. She asked about the high level points tribes would like to know. We are putting together information so the secretary can make decisions at the end of July and submitting December 8th.

First, the House appropriations committee took action on the fourth of 12 appropriations bills. T-HUD – Democrats were unhappy with it. The Interior bill will be much later. As the process becomes more contentious in the House, but they will probably do a subcommittee mark up sometime in June. You should be prepared for that. Last year, the House pulled the plug on the process.

Last year the Senate didn't finish their bills. We have an election year. So it is possible we will have a CR for part of the year. It's great that you have good OMB engagement. Melanie Stansbury has been very active working with you.

The House Appropriations staff, Darren Benjamin is very interested in Indian Affairs. The Secretary's appointment for Chairman of the Native American Affairs Council.

Tex Hall asked what the allowance is for moving monies. How much money can be moved around?

Pam Haze replied that the House and Senate limit the amounts of discretion. The limits are \$1 million or 10 percent. That is within an account. If it is more than a million, or ten percent of a program, we have to report to the subcommittees and show them what they are doing. Our subcommittee has been very concerned with how we allocate money. Senator Byrd directed us on a \$30,000 boat. You can't move money across accounts. The DOJ money is a different subcommittee. So not only can we not have that money leave their account, but based on the divisions of the subcommittees, we would need both subcommittees. Kevin has some ability to work with DOJ and influence their process.

Tex Hall raised that DOJ doesn't do multiple year money to tribes.

Ron Allen said that CRs cause excruciating hardship on the tribes. We have complained about the difficulty of BIA getting the money out to tribes. CRs make it even harder.

Pam Haze said largely operating under a CR is totally underappreciated by most people except a handful. She discussed the delays and disruptions. You are starting and stopping. It really is something that should be understood by the public and lawmakers.

Ron Allen said we should engage with your office to form a workgroup so we are clear on the trends with regard to the tribes' budgets as well as compared to other agencies budgets. We don't want to be the poor step child of the department. We want to make sure our trends are accurate and on the same page for our expectations.

Pam Haze said she was going to suggest a work group to look at the numbers. Candidly, there is no back channel undercutting of inadequate resources. The differences in what she has talked about prioritizing Indian programs has to do with the years, the timing, the pieces of the budget; if we could look at the numbers together, it would make more sense.

When we budget, we budget in real dollars. We can't look at constant dollars.

Dave Conner mentioned the BIA wildlife and parks program. In 1994, social services was 260,000, and now it's 220,000.

Pam Haze commented that sometimes we have to support the President's budget as public servants.

Norman Honanie asked when was the last time she was able to go out to Indian Country?

Ron Allen said there are a number of things, but the tribes have clearly made a priority of getting sequester cuts back. We are glad about CSC, but across the board we want those cuts restored.

Pam offered that she works closely with Kevin to hear tribes' perspective. The most important persons are Kevin and the Secretary. She acts as the facilitators of the decisions. She shares your goals for more resources for Indian programs. It's a good goal to get back to the good years. We are living in a whole different set of circumstances. You have to be even more competitive in a smaller pool of resources. I hear what you're saying about the human impacts. Listening to you is really helpful. To the degree that you can help Kevin about your needs and the budget fulfilling your needs, the better off. If you look at the appropriated budget, overall our budget went up 5.1 percent. 11 percent from FY06. So give us the information about how that is not enough. She would be thrilled to look at the numbers. We should sit down and talk about the numbers. Buster said one gap is forest management.

Ron Allen thanked Pam for coming to TIBC to help us improve our strategy on contract support.

Pam Haze replied that we can probe making CSC mandatory. Getting mandatory funds is really hard and Congress always wants an offset. She commended tribes for their testimony in Congress.

The issue for exempting Indian programs, that would be Ryan and Murray. So we can offer up a friendly amendment. We have been trying to get fire exempt from the caps. It pushes down our budget.

The other issue is it would allow us to put more resources into hazardous fuels.

Kevin Washburn responded to climate change grant funding. He's attentive to issues around CSC. The original notice said there wouldn't be CSC. He wasn't involved in writing it. He understands that you should get CSC. Tribes are particularly hit by climate change. It's called cooperative landscape conservation. The Domestic Policy Council wants a seat at the table. OMB wants to say how to spend it. It's been harder than we thought to get that money out.

Kitcki said we are very sensitive around issues about CSC. Shawn J. Harte was the contact. He responded that if you submit a \$50,000 grant proposal, of which \$15,000 is indirect, you'll only get 35,000. The contact for this was very definitive.

You may be aware that USET has taken a position that all Indian programs should be mandatory. We don't feel that fulfillment of the trust responsibility is accomplished through grants. Compacts and contracts should apply to all other areas. Last thing we would like to see is money funneled through grants. We have sophisticated tribes and less sophisticated tribes.

Chief Justice Yazzie said the system does not allow for O and M money. When we approach the BIA in negotiation for these services, we are told the BIA doesn't consider this. It is another office's concern and they have their own budget. The system doesn't facilitate discussion of O and M or contract support costs.

Dave Conner said, regarding grants, cooperative landscape conservation and forestry grants are meant to help facilitate cooperation among tribes, because not just one tribe is affected.

OST Presentation

- OST Leadership
- Budget Update
- *Cobell Payments Update*
- Land Buy Back Update
- OST Process Improvements

Budget update

- FY 2014 Budget Enacted \$139.7M
- FY 2015 President's Budget \$139M – Decrease in request due to efficiencies
- Currently preparing FY 2016 Departmental submission
- 2015 Request includes two policy changes:
 - Proposes to eliminate the language that extends the time when the statute of limitations can begin regarding tribal and individual Indian mismanagement claims
 - Proposes that the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than \$500.00 unless OST receives proof of ownership from a Special Deposit Account claimant

Cobell Update

- OST continues to provide up-to-date beneficiary data to the court appointed claims administrator, Garden City Group
 - **Stage 1** – Historical Accounting Class
 - Motion to Court to be filed to add 131 members to Class
 - Stage 1 work must be completed before Stage 2 distributions can be made.
 - **Stage 2 – Trust Administration Class (TAC)**
 - Two main requirements:
 - Determination of amount available for distribution
 - Determination of who is a TAC member Stage 2 recipient.
 - Historical Accounting Class members are automatically Stage 2 recipients.

OST Support of Land Buy-Back Program:

- Field Operations and Trust Beneficiary Call Center
- Trust Services
- Office of Appraisal Services

Field Operations

- Staff in the Trust Beneficiary Call Center and Field offices play a significant supporting role by responding to landowner requests.
- During the second offer wave to landowners from Pine Ridge, offers reached all fifty states and OST staff assisted tribal members at all field offices.
- Staff conducted outreach in Denver, Albuquerque, Los Angeles and Minneapolis to respond to member queries on offer packages sent to these locations.
- Since December 21, 2012, the TBCC and OST field offices have been responding to an extraordinarily large volume of calls and "walk-ins" regarding the recent *Cobell* settlement payments.
- From December 17, 2012, to January 3, 2013, Field Operations (the 50 field offices and TBCC) documented 19,069 beneficiary contacts.

- OST received a total of \$39,306,000 in Cobell Historical Accounting Class payments for 39,306 individuals whose whereabouts were unknown. As of April 30, 2014, more than 21,000 of these individuals have been located and funds disbursed.
- OST is managing an additional \$16,059,000 for 16,059 individuals whose accounts are supervised.

Trust Services

- Distributes individual land sales income to individual beneficiaries, reconciles the amount of funding needed, and transfers monies from the LBBP Treasury account to fund these distributions.
- Through May 8, 2014 over \$57 million allocated to Individual Indian Money (IIM) account holder accounts as a result of LBBP.
- All allocations have been within 2 business days of receipt from the BIA-Acquisition Center -- well within the established goal of 5 days from receipt.
- Disburses the balance of an account receiving land sales income to the beneficiary, checks to verify that there is no more land asset holdings attached to that account, and then closes that account. Each account closed saves the Federal government about \$45 dollars per year.
- Through May 8, 2014 over 600 IIM accounts closed as a result of acquisitions made by the LBBP.
- Provides accounting reports each month to the LBBP detailing the total daily activity and number of accounts closed.

Appraisals

- Mass appraisal model for Pine Ridge and Rosebud reservations was developed and implemented for the first time in OAS.
- Mass Appraisal Valuation System (MAVS) connects systems hosting land ownership and physical data, integrates Geographical Information System data, and incorporates Multiple Regression Analysis.
- MAVS will be used to estimate market value estimates for thousands of Indian allotted lands in a timely and cost effective manner to support the acquisitions by the Land Buy Back Program.
- Completed appraisals of Pine Ridge and Rosebud reservations – total of 5,431 tracts covering 1,079,081 acres.
- Completed site specific individual appraisals at Makah Reservation, Fort Belknap and Quapaw.
- Work in progress:
 - Development of mass appraisal models for the reservations, Crow, N. Cheyenne, Coeur d' Alene, and Sisseton to appraise approximately 5,050 tracts totaling 483,125 acres.
 - Preliminary work for Fort Peck and Fort Belknap – 3,500 tracts totaling 308,400 acres.
 - Contracting for mass appraisal work for Standing Rock and Cheyenne River.
 - Reviewing appraisals completed by Confederated Tribes of the Salish and Kootenai
 - Preliminary work for the Confederated Tribes of the Umatilla Indian Reservation who will be developing and writing appraisals on approximately 400 tracts/18,000 acres.
 - Contracted for appraisal of 13 tracts totaling 666.47 acres for Squaxin Island.

Improvements

- Lock Box
- Printing and mailing of checks

- TBCC – Service Manager
- Masthead Office

For More Information Please Contact:

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Office of Justice Programs

Tracy Toulou

Most of our work is like a direct service arrangement. The US Attorney's office prosecutes crimes on the reservations, or FBI agents are investigating crimes. We have a small grant programs (\$50 million a year). Those program funds have been around three big areas. The biggest has been VAWA funding, around \$20 million. The reason it's that high is we receive a set aside for Indian Country at 7 percent. That set aside has been almost 16 percent. Other areas: COPS for hiring police officers; OJP which are small accounts that involve tribal court support, children exposed to violence, some detention (not large right now), and a number of catch-alls (office of victims of crime). We work closely with coordination with BIA, which provides primary services. FBI comes in on the glory cases. There hasn't been as good. In the last few years, we are trying to coordinate better.

Starting a year ago, OJS put a detailee in his office so as programs come up, we know what each other is doing. These grant programs are fairly small. That coordination goes beyond those grant programs.

About three years ago, we realized our grants have the same information in them. So a tribe would end up doing four applications to the DOJ with similar information. Now we have a consolidated application process: the CTAS. The feedback is pretty good. He's happy to talk about anything that comes up. We try not to work in a vacuum. The Attorney General set up a tribal nation's leadership council. Elected leader from the BIA regions. The group meets twice a year to talk about whatever issues concern tribes.

Rick Harrison said many grant programs need some flexibility. Tracy said he'd be happy to hear specifics. He know some programs need changes, but there is always more we can do to make them flexible.

Ron Allen asked how is O and M being coordinated?

Tracy said all the requests we get regarding detention are shared with BIA. We have in depth discussions to not have those disparities.

Ron Allen said, in the past, OJS collaborated in a report on the status of law enforcement, O/M, and had an inventory of need. How many facilities were needed, how many needed improvements? Is that report in the works? BIA: We are doing a needs analysis. We are shutting down ones that are not safe. One in Puyallup just was shut down. We go on a needs base for O/M funding. We are trying to work with Tracy's office.

Ron: if the tribes don't have facilities, then they have to lease beds from other facilities. That budget is inadequate. BIA: we are trying to consolidate that.

Tracy said a big picture issue is substance abuse problems. We can make money available for more treatment as opposed to just detention facilities.

Ron Allen said to use ankle bracelets; a concern is about having the equipment and staff to manage. It's less expensive and higher success rates. He wonders why DOJ isn't playing as big a role.

Tracy responded that DOJ provides money for ankle bracelets. We have a group of Native American US attorneys. Tim Purdon is working on recidivism and re-entry for those reasons. We are trying to work with people instead of building institutions.

Justice Yazzie said we've been calling for collaboration and coordination for a long time. He's afraid that while the federal government thinks about talking to one another, the situation at home is getting a lot worse. We think of the justice system as punitive. From our perspective, the federal government should recognize that we have a different concept of justice. We need counseling for young people. We need alternatives to detention. We have a desperate situation where the federal government has spent on punitive justice, which is destroying our concept of justice. It doesn't work. It is time to acknowledge that you have to try another system. Try the Native sense of justice. When we see laws like VAWA and TLOA, we see the perpetuation of forcing a foreign concept of justice on us when it doesn't work. We hope that in the next budget cycle, you prioritize the Native sense of justice.

Response from BIA: we are trying to change that approach. We are slowly turning our direction to do that for our people. It has been decades of just incarceration that we are trying to change.

Ron Allen said in with our meeting with the Attorney General, he participated in a huge summit with Janet Reno on best practices with public safety which are more holistic. We want to put that back together again and address this in a more culturally sensitive approach. We want to resume trying to solve this problem in a culturally appropriate approach.

Tracy said the funding for this is fairly limited, but we are looking to expand it.

Tex Hall made a motion to look at the possibility of transferring these DOJ monies (~\$80 million – the grant money) back into BIA for base funding. A letter will be drafted and sent to the Attorney General and Secretary of the Interior.

Motion seconded by Sam Thomas. Motion carried.

Tex Hall said DOJ has different rules. BIA is base funding.

Tracy Toulou said some of that money is going to take congressional action. Include the chairs of the appropriations committees.

Second day

Kevin Washburn thanked everyone for participating in the TIBC, especially before a

We received some feedback on revising the minutes and those are being updated.

Gary commented that some of the \$19.5 billion goes through the states.

Kevin Washburn said some of this is to states and tribes. The question is they want to leave it in one big pot. But we hear that if there is money that passes through states, the states should be doing consultation on how that money is spent. No one else can enforce that requirement. The federal government should enforce that if the money passes through the states, that the states have to consult with tribes.

Rick Harrison raised the point that whenever we go for money from the state of Alaska, they want tribes to sign sovereign immunity.

Kitcki said USET tribes worry about feds deferring consultation to a state or not-for-profit. This is a tension for USET.

Jimmie Mitchell said that there are state agencies that apply for COPs grants. At Self-Governance, with the PL 280 situation, many of the states have a responsibility to assist. A lot of these sheriffs are not so friendly when they go into the villages. Sometimes, it's more intimidation than protecting and serving.

Kevin Washburn: keep in mind that when PL 280 passed, it was delegation of jurisdiction. In the last few decades, they haven't met that responsibility. In TLOA, we created a provision where we would take back some of that authority for concurrent jurisdiction if the states are not doing their jobs. It means someone is evaluating this. That is hard on the state, but that happened at Leech Lake.

Tino Batt: we know PL 280 in Oregon was forced. In Idaho, we were self-sufficient, and the state is just involved in interstate. He works on the ACF committee and tying in child welfare. We are trying to tie the money to compliance and have consultation. In the state of Idaho, they were willing to give back all provisions except roads. They are willing to get rid of 280. It was forced upon us at that time.

Ron: we can ask the WH to try to talk through the 19 billion and identify where the money is heading for Indian Country. What can be done to make those monies available directly to tribes.

Finalize the FY 2016 Tribal Budget Submission

Ron Allen said we are trying to finalize the tribal budget submission to DOI. It was pointed out that the summary didn't scrub the summary well enough to explain that the first step was to restore the TPA base budgets as well as regional oversight. When you go through the actual matrix chart, you can see how we tried to make that happen. You can see red where we eliminated what we think is what the BIA shouldn't be paying for. The bigger item was in settlements. Our point is that we think the DOJ should be paying for those settlements. That's how we restored sequestration in the TPA budget.

The Subcommittee worked to restore sequestration cuts in the 0% and 10% budget scenario and then added money to each of the several programs identified by tribes as priorities.

Litigation and Support for example, is funding used by tribes to address any issue treaty rights issue. Any tribe can write the BIA to request support. Tribes at this table have always thought this is an important program. This program was gone for a while. But the BIA proposed restoring it. Litigation support has been discussed as a program that was cut and shouldn't have been. When you see the BIA has been trying to bring back a program, we thought the tribes should support it. This was a strategy move to support a program that tribes have said they wanted, so this is a show of support.

Sam Thomas moved and Jimmie Mitchell seconded the motion to adopt the FY 2016.

Discussion:

Questions were raised about whether the tribal budget addresses the top program areas put forward by tribes at the National Budget meeting. Members of the subcommittee explained that the budget chart provides increases to all the top ranked BIA programs in the first column. The second initiatives column provides increases over and above the first round of increases. The budget subcommittee and TIBC representatives reviewed whether the tribal budget submission follows the regional ranking of BIA programs. The budget subcommittee clarified that the increases for the ranked BIA programs supported by tribes at the national budget meeting were included in the 0% budget scenario and the 10% budget scenario. The initiatives column was offered to the subcommittee as an opportunity to outline realistic and achievable program areas that could use more funding.

After it was explained that the tribal priorities were included in the 0% and 10% budget scenarios, there was discussion on the FY 2016 budget comprehensive table Initiative column. Discussion included that the original FY 2016 budget guidance included an Unmet Need column, and several tribal leaders indicated a desire to include additional unmet needs in the tribal recommendations.

Tribal leaders then convened a caucus, and working from the budget comprehensive table Initiatives column, additions were made reflecting unmet needs. This resulted in an Unmet Need column of the budget table, incorporating both Initiatives and Unmet Needs. The updated narrative builds upon the original FY 2016 budget briefing document, and captures some of the highlights of the tribal recommendations made during the caucus.

Ron Allen suggested that when we do this next time, we need to add the cell with the notes about how we did this so it's easier for TIBC to read it. We need to use it as a vehicle so people can read it so they can tract these numbers.

The TIBC revised the FY 2016 Tribal Budget Submission to the Assistant Secretary. (Excel chart attached for TIBC members; also attached is a revised narrative).

Kevin Washburn said this makes an enormous difference. We take our marching orders and we also take marching orders from the President. We follow your priorities and then try to package it, like with the Tiwahe Initiative. That's what we do. He doesn't bring strong independent views. His job is to be a vessel to bring your views. This process has enormous impact. Frankly, it helps us a lot to go to PMB and say these people spent three days, actually more, together, to reach this point. They carefully thought about it and these are the people that live in Indian Country. He's respectful of the time that that subcommittee put in on this effort. He said this has huge ramifications. Our instructions have to be realistic and there are parameters on that. This agreement is a compromise for every single one of you. Not everyone will get everything you want. Once you reach that compromise, we try to reach that hard.

You try to boil down your priorities. You try to rank them and we try to not leave other programs behind either.

Tex Hall: we discussed the Indian energy office and he doesn't see that. Secondly, BLM needs to be informed. If we're going to coordinate and streamline, it's also BLM.

Kevin Washburn: that energy service center proposal is late breaking and is a relatively small amount of money. We have some discretion to address that kind of situation. We will be pushing BLM to bring money to that. We want them to put money on the table as well. If offer to fund it, then BLM may not bring money to it. We retain some discretion around that.

Sam Thomas moved to adopt the minutes of the last meeting as amended. Motion was seconded by Jimmie Mitchell. Motion carried.

BIE Update

Monty Roessel

There is a plan in place and a report in place, but we have a sense of urgency. When we see something wrong, we're fixing it now. We don't just want to have a report. We can't wait another generation.

We are working to develop meaningful measures. We are moving in the right direction for raising AYP.

He reviewed the strategic plan for BIE and the priorities for BIE schools. Students need to know their history, language and culture.

We are working to promote our employees. Federal employee health benefits needs a solution to benefit all of our teachers.

He went over the priorities and goals.

PRIORITY 1: Promote Increased Educational Outcomes & Opportunities for Students

- Promote School Readiness through Early Childhood Education
- Improved Instructional Strategies to Transform BIE Schools
- College and Career Ready through Professional Development
- Improved Information Technology to Support Teachers
- Continuous School Improvement Through Data Collection and Analysis
- Strengthen Bureau-wide Educational Programs through Research
- Increase Post-Secondary Student Retention and Graduation
- Ensure JOM Funds Support Increased Student Outcomes

PRIORITY 2: Promote Self Determination in American Indian Education

- School Improvement through Tribal Capacity Building

PRIORITY 3: Promote the Sustainability of Native Culture, History, and Language

- Tribal Nation Building through Improved Educational Opportunities

PRIORITY 4: Promote Excellence through the Support of Our Employees

- Highly Effective Staffing Creates a Strong Learning Environment
- Solid Support Services Strengthens Support for Schools

We need the data to make the case.

The big focus is we are trying to link outcomes with budgets to make the case better. Look up the Strategic Plan for BIE online for more information. He emphasized that the idea is to increase the capacity of tribes, not build the bureaucracy of BIE.

Contract Support Costs Update

Hankie Ortiz

With CSC, we submit a shortfall report on the outstanding need. In FY12, we paid 94.89 percent, and got very close to full. The FY13 CSC report is under agency review. It will be released shortly. It can be discussed at the next TIBC.

We have a policy, which has three pools 1) is start up and pre-award costs. We have waited until July to get all the proposals and then distributed the funding. 2) base funding. In the past, we provided each tribe 100% of base need, not to exceed, and then if they didn't receive 100% of first distribution. All of the base funding has been sent out. It goes to the region. 3) additional 34 million, and 19 million has gone from Indian services to regions and OSG. We are working on the additional 15 million.

We have also been in consultation to talk about CSC.

We had a session at NCAI. We had a 3 hour consultation and it was filled with comments. We had a 3 hour session at Self-Governance.

June 8th at NCAI midyear meeting, a Sunday evening, 7-8:30pm session.

Five additional tribal consultations will be announced. IHS will have additional consultation meetings. BIA will send out a dear tribal leader letter and FR to identify all the info.

Send comments to consultation@bia.gov if you can't make it to any of the meetings.

The CSC workgroup also will be convened.

Ron Allen asked about the schedule of the consultations. Will the CSC workgroup be used to filter through all the comments from the consultations? Hankie said that would be a good idea, although that hasn't been decided yet.

Ron Allen said the challenge now is to know how many new or expanded contracts you could expect to need CSC monies.

Ron suggested that work should be done to ensure the CSC makes it out to the tribes in a decent amount of time.

Afternoon Session

Office of Management and Budget

Melanie Stansbury

She presented on two separate but interrelated topics: 1) a federal data initiative and 2) what OMB can do to be better partners with Indian Country.

She distributed paper for feedback on the data initiative. The brainstorming sheet is to collect thoughts immediately. She asked for feedback on what OMB can do. The EOP have been wondering what it can do to help tribes in their nation building activities. We are trying to make federal data useful. The President signed a directive on open data to make existing data sets open and useable. The Office of Science and Tech started hosting events. The government collects all sort of data. But much of it sits in places that is inaccessible. A lot online is not properly curated and not all in a place where people can access is. The end question is what do you do with it?

We are trying to come up with a process to help tribes access data so it is meaningful and useful.

Brainstorming Questions

- 1) What kind of data would be useful to you for economic development?
- 2) If we were to invent a tool to use to access data, what would it look like? How would you use it?
 - a. (e.g. attracting an investment bank; tourist infrastructure; what tools online would help? What other web tools have you used?)
- 3) Where do you go to get good information?
 - a. (Your brother? Google?)
- 4) What organizations do you turn to for information and/or training?
 - a. (nobody? NCAI? BIA? census?)

She gave people five minutes to fill out the brainstorming papers.

A panel was introduced.

Melanie Stansbury, OMB Examiner
Brendan Mochoruk, Council of Economic Advisers
Aaron Trujillo, Commerce, Native American Affairs
Cinda Hughes, Census
Sandy Ellsworth, NOAA, legislative affairs

We'd like to do a data summit or a data exchange. The summit will include technology experts, academics, practitioners, economists to see what the key data sets are and how to make them more useable. We can partner with ESRI and google to make data useable.

The data summit will be sometime this summer. The White House did a climate data jam. Health care, education were covered. There is a summit that kicks off short term goals. There are many data issues. What can we do in a six month time frame?

How do we get software geeks to make this data useable?

What do you think of this?

Tex Hall: it doesn't sound too bad. One of our big initiatives is intertribal trade. If we are starting to buy and sell from each other, what do other tribes have? Whatever any product a tribe has...in order to do intertribal trade, we need to know the market. Indian stock exchange. We need to know what we have first.

Dave Conner said there are agriculture statistics and other stats. Many reservations have blueberries, maple syrup, and fish. Two years ago, we experienced a big drought. Many of us have trouble getting statistics we need.

Melanie asked what kind of tools can we build that will help you mash up your own data with government data. For example, subsistence.

Aaron Trujillo said if tribes are wanting to know what each other produces, economies and services, Census does a survey of businesses. As you're writing ideas down, if there's a need for tribal specific data, let us know.

Cinda Hughes discussed the Survey of Business Owners, which was done in 2012. The next one comes out in 2017. The Native American Enterprise Initiative is working to promote economic development in Indian Country through the US Chamber. The Census Bureau's economic division is working toward this.

Ron Allen said this is an interesting question. The first step is to determine what info is collected right now (BIA, Census, Commerce, etc.) and it would be good to see that list to see how we would use this data, and use the synergy of this to help advance economic development and strengthening governments.

Then the next step is what kind of data is not being collected, the phase II.

Also, access to finances. This is a good inquiry but the next step is how we can assist you.

If you have a website, a one stop shop, then if you have this national data, can you narrow it down to the regions.

Gary Hayes suggested that the National Center for American Indian Enterprise Development should be looped in.

Justin Parker said they tried to put together an economic study of the western WA treaty tribes. It's difficult to attach dollar figures to your treaty rights. Same with subsistence on that regard.

Discussion of the budget process

Melanie Stansbury

How we can do a better job. Last time we ran out of time.

This time is to have a discussion about the issues raised in that discussion. She will pass out another sheet of paper.

Background about her role

OMB is the final stop for the budget after it is completed at BIA and DOI. The person who was your BIA examiner did this account for 12 years. She just retired. She has a background in Natural Resources. She looked gaming revenue improving tribal government services. She would like to make OMB as an institution to dialoguing with tribes and figuring out what we can do. You are in a quantitative process, but this is really about process. She has only been in this seat for a few months, but she's been in a lot of tribal forums.

She heard tribes pound the table. She wanted to get some constructive feedback about how they can be responsive. OMB was hit very hard. She was furloughed 11 days. She is now doing 3 people's jobs. They are doing the best they can. One challenge is that due to the government to government relationship, she gets many requests from tribes about their individual issues. Some people get a lot of face time on specific issues, and then not good engagement overall on specific topical areas. She's 1 of 400 examiners. She only covers DOI's Indian portfolio. How can you get to the Housing programs. Those funds may be available but not accessible.

She suggested that she is reaching to know what would be helpful and useful.

Jimmie: we've had many discussions about how this process works.

Melanie is interested in hearing comments about how improve this process, many of the to and fro decisions are driven by the politics and exogenous factors.

Tex: on unmet needs, we spent 2 hours this morning for tribal initiatives.

Melanie: We need to make those funds accessible. If there is \$16 billion other dollars that tribes are not accessing, we should explore that.

Gary Hayes said one of the issues we face is whether OMB really understands what tribal governments do? Melanie Stansbury acknowledged there are not many people at OMB who have a background in Indian Country.

Gary Hayes said it is an Indian Country 101. Could there be an advisory committee to OMB on Indian issues. Melanie offered that if you have ideas – the Executive Office doesn't generally set up FACAs, but if there is a way to regularize the process, perhaps we can set up meetings with the pertinent OMB examiners to have that co-learning.

Gary said also on the \$19.5 billion, we appreciate you coming. When you say there is \$19.5 billion often that goes to the states as pass through dollars. We don't know what's really available to the tribes.

Melanie: a lot of those set asides, maybe you could work with those agencies to make sure those set asides are really set asides and available. If there are agencies that are doing terrible jobs, perhaps those agencies can do TA to states.

Dave Conner: he responded that BIA isn't actually tiny to many tribes. The law enforcement, our natural resources, trust offices, road maintenance, all of those services are BIA and only for that money. For most of those programs, except for law enforcement, in real dollars, they are less than 12 years ago. We are going to sit down with Pam Haze to actually look at what we are saying is true, regarding base funding amounts. BIA may be small compared to 19 billion, which may include grants and federal salaries of people who assist tribes.

Melanie: we just hired a new examiner, a human rights lawyer, Anna. They will continue to be a team. She invited people to invite her to Indian Country.

Rick Harrison: money that goes through states often have strings attached. Alaska

Melanie: has there been a dialogue where someone has collected recommendations on pas through funding. Maybe that is the first step: opps to improve the system. She will think of a process. we will keep up the process.

Jimmie suggested that a subgroup of TIBC to work with OMB on this topic.

Ron suggested that it is a great opportunity and we need to clarify what we want to accomplish. This is about the \$19.5 billion and about how we can access it. Some of it isn't clear. The one stop shop is an idea. There could be commerce money. Some issues revolve around state-tribal issues. We need to identify what is the barrier.

Melanie said folk's hearts are in the right place but they are stretched thin. They don't always know what to do with the information. Synthesizing it into actionable policy recommendations needs to happen.

Ron: let's form a small work group to work with you.

- People on the workgroup: Rick Harrison, Jimmie Mitchell, Buster Attebery, Chris Redman, Ron Allen

Melanie said someone brought up the Native American Cross cut to clarify what is a set aside, what is pass through...you can't imagine how hard it is to provide useful data. She will begin to take it on.

Ron Allen said this dialogue is very helpful as you try to change the relationship between the tribes and OMB. There has been sporadic involvement.

Motion that OMB develops a position and hires a tribal liaison by Tex Hall and seconded by Sam Thomas. Motion carried.

Melanie said that in the current budget, she doesn't think they can do that. It's a great idea, but in terms of how we are already understaffed.

Budget Calendar

George Bearpaw

Feedback on budget process

We are committed to continually improving the budget planning process and are looking for your comments and suggestions on the 2016 process just completed.

What did you like/dislike?

How can we improve it?

Please send your suggestions via e-mail to:

george.bearpaw@bia.gov

There isn't much new budget activity. We are winding down on the FY16 process. He's heard a lot of recommendations on improving the budget process.

He heard there needs to be better communication with the whole TIBC. One of the things we left off was the minuses to the budget.

He knows the subcommittee dealt with a lot of issues and the recommendation changed even with the process.

The other thing he heard is narratives. What does it include?

Discussion on how to really calculate unmet need across regions. Especially on training, even some of the regions need some training on how to get that information from the tribes.

Carrie O'Toole said, even with unmet need, people ask what are you success stories.

Old Business

- DOJ Letter

Sam Thomas said we can't support it as written because moving DOJ money to BIA wouldn't allow Alaska to participate. Carrie said that affects the tribes in Texas as well. This is about exploring the notion of moving it.

Amendments added to the letter were approved. Jimmie Mitchell and Buster Attebery moved and seconded to approve the letter.

Motion approved.

Agenda items for Next Meeting

- Roads update
- Budget Process

- Tribal Data Exchange
- Approps staffer
- Invite Senator Tester (put together a letter of invite)
- MT/WY tribes provide an evening event

NCAI will develop date options for 2015

Concluding Remarks

Ron Allen thanked everyone for the patience and dedication that all the tribal leaders brought to this meeting. Even the exercise we went through this morning was very valuable. He is encouraged by our new OMB examiner.

Kevin Washburn thanked tribal leaders for traveling on a holiday weekend to be here. He especially appreciates the work of the budget subcommittee for their work via webex.

Meeting adjourned.