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CALL TO ORDER/OPENING PRAYER: RUSSELL BEGAYE

Roll Call

Tribal Co-Chairs: Edward K. Thomas, Jr. and Ron Allen

Great Plains: Vernon Miller

Western: Norman Honanie

Southern Plains: Ronnie Thomas

Pacific: Robert Smith

Rocky Mountain: Alvin Not Afraid, Jr. and Darwin St. Clair, Jr.

Southwest: Gary Hayes, Richard Luarkie

Alaska: Rick Harrison and Sam Thomas

Navajo: Russell Begaye, Lorenzo Bates

Midwest: Terrie Terrio, Chris McGeshick

Northwest: Ron Allen and Greg Abrahamson

Eastern Oklahoma: Chris Redman and Greg Pitcher

Eastern: Brenda Fields, Kitcki Carroll

Department of Interior

Kevin Washburn

Tommy Thompson

George Bearpaw

Phillip Brinkley

Darrell Laroche

Mike Black

Mike Smith

Hankie Ortiz
Helen Riggs
Charles Roessel
Sharee Freeman
James Shock
Debra DuMontier

Regional Directors

Timothy LaPointe
Dan Deerinwater

Darryl LaCounte
Bruce Loudermilk
Diane Rosen
Eddie Streater
Bryan Bowker
Amy Dutschke
William Walker
Sharon Pinto
Stanley Speaks
Tammie Poitra

Approval Of Agenda

A motion was made, seconded, and passed, to approve the agenda as presented.

Approval Of Minutes

Motion was made to adopt the minutes by Navajo Nation; seconded by Greg Abrahamson. Rick Harrison moved to amend page 45 from 28.5 percent increase to 21.5 increase. Motion to accept the minutes as amended carried.

Opening Remarks

KEVIN WASHBURN: Thanks for traveling for these very important meetings. We use this process to help formulate our budgets, and we take it very seriously. The first question Tommy Thompson and I ask as we're formulating the budget is whether we remained faithful to the TIBC recommendations, and then it's also the last question we ask. We sometimes have to make adjustments because there are some other inputs into this process as well, but these are among the most important of inputs.

We're a little worried right now with regard to the budget for FY16. The White House has issued a presidential statement saying that he will veto spending bills if it doesn't meet certain principles.

The Republican budget increases defense spending but not domestic spending. The President has said there has to be equality between those two things. There has to be an equal amount of, dollar per dollar, increase on the domestic side if the budget increases the defense side. That's an important principle for us because we are on the domestic side of the spending.

The bills that the House and the Senate have come up with in some ways are not that bad for Indian Country. The President asked for a \$2.9 billion budget for Indian Affairs for FY 2016. Neither of the House or Senate bills gives us that much money, but there are increases over FY 2015. The problem is that it doesn't look like Congress is going to be successful in passing a budget, and if they're not successful in passing a budget, we're going to be likely under a CR that could well cut us from our existing levels. We all remember sequestration that we've all had to deal with. It looks like we may be headed towards something like that, hopefully not quite as bad, but something like that if we don't actually get a budget out of Congress.

The money that Congress appropriates is what decides whether or not we live up to our trust responsibility to Indian Tribes or not. And many years we have failed and we never meet our trust responsibility perfectly, but it really does hinge to an enormous degree on how much money we get through appropriations.

Report From Tribal Caucus

A motion was made by the Navajo Nation that TIBC would put together a letter written to the Appropriations Committee in Congress supporting the increases for BIA. Gary Hayes seconded. Motion carried.

ALLEN: The budget is a challenging subject matter. Climate change, and the way the funds are being distributed, we want some clarification on that subject. On the budget process, last meeting we reached out to the regions to find out what the tribes thought would be a better process. Improving the process within each region, we want to have better engagement with the tribes. Education, BIE needs to be separated from the BIA programs because they're different budgets, as well as the economic development programs, which are handled differently within the Department of Interior. So how can we find ourselves prioritizing with them in the aggregate, but when they really should be prioritized as separate components of the Department of Interior's budget.

The Bureau should provide criteria for identifying the unmet need.

Report from the Bureau that provides us information with regard to how well the Bureau is responding to these priorities so that we have a way to know whether or not our priorities are getting traction with the Department when you establish those budgets. The challenge is not having good data or we have challenges in not having good data with respect to the financial gaps and needing better data.

TPA programs give tribes flexibility to be creative. We want to make sure that the tribes have greater creativity on use of these resources.

We need to discuss strategy about how to address unemployment, and whether the budget addresses these major issues. Unemployment is one of the high priority issues, and we know the suicide rate, and the welfare of our communities is equally important.

We need to focus in on systematic changes. We know it's long-term commitment. On the one hand, we understand that some of these changes may not be timely with regard to next year's process, but, nevertheless, we want to engage in this process to look to ways we can systematically change the budgetary process. We're suggesting that the budget subcommittee would look at a long-term approach that we can consider in the next meeting.

We want to examine the responsibility to tribal nations that balances when it comes to competition between the BIA, BIE versus HIS. We are nations, not program users, and so the federal government should recognize that fact.

On appropriations overall, we're very concerned about the point that you made with regard to the CR or an omnibus bill: what's the impact to us, what's the sequestration cap's impact to us, what's the administration going to be proposing to try to help protect our interests and the tribe's needs to be able to serve our communities?

Education, student success rate is another issue for us. We know that by the three-month extension, so we want updates on where we are with transportation. Road maintenance is a hot topic for the tribes, and there's great concern over the physical infrastructure with the tribes' need.

Legislative issues, the energy policy and modernization act. Concern over the current process. The VOCA Funding, that's the Survive Act that the committee introduced and gives the money to DOI versus Justice.

The Quiet Crisis Report is an issue with the tribes wanting to work with the administration regarding the updated report. The issue always is how they revisit a report that was conducted over ten years

ago, and how will they go about it?

Interior Improvement Act, dealing with the Carcieri Fix.

JOHNSON-PATA: The main point is we know that it's been introduced, so that we have the month of August for comments. We're asking tribes to take a look at that. There are some recommendations that have come from some tribes on improving. We know that the administration also needs to get a sense of where you're at with being on board. Our goal is for the September 16 and 17 meeting, our Tribal Unity days. We will want to have a sense from Indian Country and from the administration.

ALLEN: We discussed the Tribal Labor Sovereignty Act, and the issue is the administration's position on that issue to assure being supportive of tribes being recognized as a government

The last legislative issue is ICWA and the concerns and the new threats that are emerging against ICWA and the constitutionality of ICWA and how it should be administered to protect the interests of our children and appropriate Indian families.

Suggesting that within TBIC we consider establishing a new subcommittee that would be an advisory committee to OJS, and a hot topic that came out of self-governance but also is concurred here within TBIC leadership, that how OJS handles their responsibilities and distribution of any new resources that are made available to the tribes, whether it be enforcement programs, court programs, or their collaboration with DOJ.

The PL 280 state tribes, what is the Department's proposal on helping those tribes provide public safety resources for the safety interests of their communities.

The data management committee, we're suggesting that a work group be established to work with the administration regarding a review of the current DOI strategic plan as it applies to their goals and objectives with respect to tribes and that we want to position ourselves for the next strategic plan that would be most likely adopted by the next administration.

We would like to see that the tribal data committee is extended. The funding for that program ends this year, and so they've got a proposal on the table for renewal. If the full body wants to discuss that with you in terms of the merits of it, etc.; if not, then what is plan B?

Then the only other thing that came up is just Indian representation within the overall administration starting with the White House. We are greatly concerned over the dialogue with the secretary over making sure that there's a timely replacement of Jodi Gillette with regard to that Special Advisor to the President for domestic policy. And we've also asked that we'd like to get an update on the Chief of Staff for that White House intergovernmental advisory committee. And then the third one is we want to continue to advocate for an Indian desk in OMB.

WASHBURN: Let me start with some of the last things you raised though. Regarding the domestic policy council in the White House, Sally Jewell and Cecilia Munoz have spoken about this. They know that it needs to be filled, and they are desperate to move forward to do that. They are working on that. A lot of these other issues are all issues that are on our plate and that we're working on. I'd like to hear more about the idea of separating the needs of the BIE and economic development and such because I don't get to separate those needs. The all have different needs, but Tommy Thompson and I we have to work with Mike Black and Monty Russell and all the other leaders of the smaller ops within the Indian Affairs, but we have to figure out the priorities between those things. And so I need your guidance to help us do that.

The BIE, we have 185 schools, for example, and 60 of those are at the Navajo Nation. So they don't

reach all tribes, and some tribes benefit from Johnson O'Malley but they don't benefit from very many other things related to Indian education.

HAYES: There is a similar need for DOJ participation at the regional level.

CARROLL: When our region did the fiscal year '17 budget process, in our survey we created BIA, BIE, and then central regional oversight. We believe in fee to trust applications; it's not adequate to only have a part-time FTE in our region to be processing those applications. But if you lump everything together, you're never going to get central and regional site services prioritized over programs.

SAM THOMAS: Regarding program grants, in our region, U.S. Fish & Wildlife is an example. Tribes get a U.S. Fish & Wildlife grant, but they want you to come up with bonding and several other things in order to receive those funds once you're identified as a successful applicant. Also, land into trust issue in Alaska.

WASHBURN: There is a lot of red tape with federal grants. 638 contracts work for our programs. It doesn't necessarily reach the other agencies as well.

Land into trust in Alaska, the state continues to fight our rule allowing land into trust in Alaska. They've asked for another 30 days before. We are ready to be able to take land back for tribes in Alaska just as we do in the lower 48. We still have a goal to hit 500,000 acres, and it's getting harder because the low-hanging fruit has already been done, but we've got a lot of land into trust applications in process, and we're continuing to work very hard on them.

ALLEN: Another topic: How well does the budget reflect TIBC's prioritization? If we were to look back over the last three to five years, has that budget reflected it?

TOMMY THOMPSON: We could take last year's budget priorities and match it up to the 2015 budget because we do know what the appropriations were for 2015 and show you how your priorities fared. This is the most important input we get into the budget, this process. That said, it's not the only input, and the President, for example, has said Native youth is a high priority, and there's been lots of newspaper articles about the schools that are falling down.

COMMENT: If the President says youth is important to us, if this body, TBIC, was involved in that conversation of how to reflect youth as a priority in the budget, then as tribal leaders they'd be looking at some core systems that could be improved on, not just school construction. Indian child welfare systems, for example, may come up, or others, like economic development.

WASHBURN: Economic development is critical for addressing issues in Indian Country, and Native youth are suffering right now. These are bad problems, and we need to have solutions for them, and economic development is important. We need a long-term solution here, but it can't happen in one president's term. We can lay some of the groundwork for that.

ALLEN: Economic self-reliance, whether it's tribal or whether it's for our citizens, is a huge challenge. Navajo Nation has very sophisticated codes and ordinances that guide how the non-Indian industries would do business on their reservation. There has to be certainty to say if they're going to invest money on our reservation, to create industries and jobs. There's that political infrastructure, and a lot

of the BIA functions are there, including law enforcement, and the safety of doing business on an Indian reservation.

On the finance side, tribes need access to capital. If we can't access capital, then we have a problem in terms of developing our own businesses. The loan guarantee program has been quite successful, but it's bigger than that.

And in that economic development division, they have training. What kind of opportunities do we have in terms of training and enhancing the employability of our citizens to be trained to be more employable even if they're not going to school, if it's just a vocational kind of activities, etc.

BEGAYE: One of the states that touch our nation, they do a pre-tax pre-agreement before they develop on the Nation. The company upfront pays taxes to the state, and we don't see it, but it's passed on to our consumers, and we end up paying those taxes that are being posed by the state, but these are prearranged. I asked the state why can't the companies just work directly with us if we want to deal with them directly, and they said we'll jerk their license if they go that route and remove them from the state.

So those types of arrangements are being made, going around the system, and the other is they built it to track some of these taxation, like cell phones, cell services, where our Nation, members of our Nation pay 911 taxes and we don't have 911 services on our Nation. And so taxes are being collected and applied to county and state, but those same tax dollars are not being applied on the Nation such as 911 services that are collected through cell services.

ALLEN: Another issue is the Tiwahe initiative. You have four pilot tribes, and then you had some resources based on Tiwahe that has gone out to Indian country. How are we going to measure the effectiveness of Tiwahe, which is family community driven, in conjunction with economic development which is critically important?

WASHBURN: There are two different aspects of Tiwahe. One is that everybody got increases in certain areas. We increased child welfare funding across the board for all tribes that have that funding, by 25 percent, a very significant impact. But we also took a few pilot sites where we're increasing their funding on a range of things and in a strategic way, designed by them, so that we can prove that this sort of thing works.

Performance measures: it's really hard to measure the right things sometimes, so you have to find something that's actually measurable that tracks similarly. It's often hard to get good measurable performance measures for the things we do because sometimes it's intangible, but they force us to go through the exercise, and it helps us, because if we can prove that we're successful, we'll get more money.

ALLEN: We raised in the TDE data subcommittee some issues that we've asked about in the past, and we need to get this wrapped up. One, the charter for the TDE, and we need to get that charter finalized so we can sign off on it. But we would raise the question to you, inside it we identified something that has systemic with regard to TIBC and our other subcommittees.

The BIA has been supportive of the tribal representatives, and, for the most part, as we understand it,

the cost of recovering the travel expenses to the participants comes through the regional office. Then we have our subcommittees, the budget subcommittee and the data subcommittee, etc., and so they participate. Now, the issue is clarity about who pays for it and should we be more definitive that the regional office covers those travel expenses. The data committee is now piggybacking on this committee. To make it cost effective, we're just adding the day before, so we're front end loading this meeting to make it more efficient. So at this juncture, unless it's clear that it's covered, then it's at our expense to participate in this process as a part of the consultation process.

WASHBURN: There's a data subcommittee, and the TDE is kind of separate because that is held by Chickasaw.

ALLEN: The scope of work is with the Chickasaw Nation. The charter is a part of TBIC. The charter is just a subcommittee. And that's not Chickasaw, that's all Indian Country. If you and your team could take a look at it and give us some feedback on how we can move that agenda forward.

CARROLL: We are also looking to establish performance measures that are more reflective of tribal nation growth and strengthening in a way that's consistent with the administration's report on strengthening tribal nations as well as the recent secretary's order reaffirming that federal tribal relationship.

We're trying to move away from a mindset that creates measurables that are more appropriate in the not-for-profit program type venue when you're counting widgets as opposed to measurables that reflect nation growth and development. That is going to require a partnership with you and your team as we try to hone in on what those are. We want them to be less than what they are now, of course. We feel the ones that exist now are over burdensome and that's whether you're a direct service or 638 governments, what are those measurables that reflect Indian Country's growth and development overall?

We also recognize that there's a short-term reality in what the appropriators and OMB and Congress, in general, look for in terms of investment and return. But over time we're trying to move away from that investment-return type of mentality to one that's more consistent with what the administration is putting out in their reports and their secretarial orders.

WASHBURN: I think that's a great idea.

Legislative Update

AMBER EBARB: The House has done really good by Indian Affairs and the Bureau of Indian Affairs, BIE, and the Indian Health Service. Their work on the Interior appropriations bill was very extensive; they have their Native American Witness hearing, and many tribal leaders here participated in that. We have good relationships with many of the members on the appropriations subcommittee on the House side, and I think that's reflected in the increases they provided for overall Indian Affairs programs. The House side has about a 6 percent increase, which is half of the percent increase that was included in the President's request which was 12 percent for BIA. On the Senate side though there is only about a 3, 3 ½ percent increase for BIA and BIE.

One thing that is in the update that you probably heard about already is the way that contract support

cost has been handled in the appropriations committee. On the House side there is some language in the committee report about contract support costs. It's not mandatory on either side of the chamber in either bill, but on the Senate side there is a specific attempt to create a separate account for contract support costs to set out any increases to CSC apart from overall programs. That's different than what was in the House version of the Interior appropriations bill.

What we have to expect in the future is unclear because of some of the fireworks in the Senate over funding for Planned Parenthood. On the House side, which sort of signaled the end of the traditional work on appropriations, there was some controversy over the National Parks Service and the appropriations consideration on the House floor where there was an effort to remove language that would've placed a ban on confederate flags in the appropriations bill. In the end the bill was pulled from consideration so that nobody would have to vote on that particular amendment. That sort of took down the entire appropriations process.

Now that the traditional consideration of appropriations bills is essentially over, funding runs out for the government at the end of the fiscal year, October 1, at the end of this fiscal year, so now there needs to be a continuing resolution. But as the Assistant Secretary mentioned, the huge debate is over how the caps on defense spending and non-defense spending on the discretionary side of the budget will be handled. The Congressional Democrats and the White House have opposed all appropriations bills that are developed under the lower caps for both defense and non-defense, and the issue is that the defense side has a lot of support for increasing the caps in Congress but then there is no real clear way how the non-defense side of caps will be addressed.

Really, what would be ideal is if there could be another agreement, a large-scale agreement similar to what we saw with the Murray Ryan agreement a couple of years ago, but that's where we have some people speculating that this could lead to a shut down if there's this controversy over non-budget related issues like Planned Parenthood and the confederate flag issue. Raising the debt ceiling, it's just a situation ripe for conflict and leading to another shutdown. If there is another shutdown, that might be the impetus for people coming together because that puts a lot of political pressure on members of Congress.

There is discussion about a short-term CR. We've included some of the work that the appropriations committees have done on the Interior appropriations bill.

Outside of the appropriations process is this draft of a report that NCAI put together. It's looking at overall budget trends for the core tribal government programs, and we looked at budget data going back to 1977. This is the handout called Trends in Selected Tribal Programs in the Federal Budget, 1977 to 2016. We tried to take a look at the Native American cross-cut and find the programs that have data going back with large-scale budget data.

This was modeled off of methodology that the Congressional Research Service used in 1999 for the Senate Committee on Indian Affairs when they requested it. I looked at BIA, Indian Education and Department of Education, Indian Health Service, Indian Housing Block Grant, Native American Employment and Training, and the Administration for Native Americans. But there is other funding that's in the Native American crosscut where we couldn't really get down to that level of granularity going back really to 1977, and that's something that needs to be included in a future sort of analysis.

This is more a comparison of large-scale trends in Indian spending compared to overall government

spending for the general population. The \$19 to \$20 billion that's included in the Native American crosscut, the one thing that I found significant is the core tribal government programs that are analyzed in this paper make up about 65 percent of the programs in the Native American cross-cut if you don't include SNAP which is like an entitlement program that goes to individuals, or education loans that go to individuals, that's not really a core tribal government program. It's not an apples-to-apples kind of comparison.

Then later on in the analysis you can see the change ratios from 1977 to 2016 compared to similar programs for the non-Indian population. Really the difficulty in keeping pace with the non-Indian population, you can see in figures 2 and figure 3. I think it will help inform the update that the U.S. Commission on Civil Rights will be doing to the Quiet Crisis which is a little bit different. They look more at impact of federal funding on populations and gaps in services. This is more looking at trends over time.

JACKIE PATA: At the Tribal caucus this morning we went into more depth, so I was going to correlate a couple of things that are important in the legislative conversation right now. We already talked about the budget discussions and we know that going into the 2016 elections, we heard Mitch McConnell say that there's not going to be a shutdown of the federal government on his watch. It'll be interesting how they resolve some of those issues, particularly because some of the votes, and it just happened in July there was a lot of activity in Congress just because they're getting ready for the August recess and they want to go home and tout all their success that they did and all those kinds of things. But some of those key votes clearly were all along party lines.

So, for example, the education bill in the House side it was totally against on party lines. No Democrats voted for the Republican version of the education, their version of the education bill, which was the Students Success Act. And then on the Senate's version, obviously there was more support. Indian Country worked hard to get their Senate provisions in. One of the things that's important for BIE is that we were able to include that BIE can actually compete for some of the grants that are similar to what the states compete for. So that gives us access to be eligible to do that. That was important.

Another one is the trust bill, Crapo's trust bill, and the recommendation it had for the Department to create a plan to transition OST, not requiring them to do it but not requiring them to transition but a plan to do so, as well as some recommendations around the appraisal process, etc. to streamline those processes.

The Interior Improvement Act is Barrasso's version of the Carcieri fix, which is really important for all tribes to have conversations and regions to have conversations about to be able to make sure that we can join on one way or another. If we decide to support it, Indian Country will need to get some clear decisions and send that message to Barrasso as they decide to move forward in mid-September. Most of all, the most important message is just to work with your members of Congress at home on all these issues while they're at home during the month of August.

And then in September on the 16th and 17th, we'll be having our Tribal Unity Days where we're focusing on a lot of the key issues that are still waiting for a final movement, whether it be the self-governance bill, the NAHASDA Reauthorization Bill, you know, the education bill, the tribal sovereignty labor act. A number of those bills will be prime and ready for some kind of movement when they come back in September, and we hope to key that up for that week.

On why we did this budget trends report, at our annual meeting in Atlanta, there was a discussion related to this, like our budget priorities, our budget strategy, and being able to have enough data that we can be stronger advocates and to really understand the trend lines. Are we making differences and how much of a difference are we making?

And so we did two things from that meeting. One was we put forward this request to take a look at the Quiet Crisis and updating the Quiet Crisis in a decade sense to see have we made any differences. The Quiet Crisis is one of those budget reports that actually tended to make a lot of difference in Congress, and we thought we could reenergize that conversation with the budget debates and the caps, etc. with a renewed interest in redoing that.

But we weren't sure what the answer was going to be, whether or not it would get updated, and so I asked Amber to start drafting our own version of the Quiet Crisis. But because we don't have the data that you mentioned that OMB has, this was the best way for us to start doing that, and so this was our first iteration of trying to get to some trend analysis that in case we didn't get the Quiet Crisis and we still wanted to move forward with putting out more budget data.

We will be still doing our budget – on a separate note our budget document that we're planning on doing in December as we normally do, one of the changes that we want to incorporate this time, given emphasis on the youth agenda, etc., we actually plan on doing a supplement just on the program.

EBARB: The crosscut detail was a request we made to OMB, and they did work with us for a bit. We had some teleconferences. A number of tribal leaders were on. We developed some goals about what we wanted from this effort, but OMB mentioned they didn't have the manpower to really go to each agency and get the detail that we were asking for. I think this would be more like the White House Native Affairs Council needs to do this because it really needs some focus from the people doing the work in each agency.

This trends paper wasn't about the crosscut, but more about looking at budget trends. However, as I was finding what data were actually available to analyze, I couched it within how much of it is in the Native American crosscut, and that's where I noticed that SNAP is a billion dollars, higher education Title IV loans and other indirect support is \$4.4 billion. If you subtract those from the \$19 or \$20 billion, that's a lot of money in the Native American crosscut. About \$15 billion is remaining from the crosscut, and those are the things that are more in the core tribal government funding streams.

The ones that we don't have really good information on are like ACF, I mean there is information on ACF lending, but that's a lot of money, \$700 million, and employment and training there's some small amounts in the 590 million and outside of BIA and DOI. We need information on that. So it's like we have good information on IHS, NAHASDA, BIA, and not many others.

So it's something that we could potentially start working on, even outside of OMB doing this, and while it shouldn't be our responsibility to have to pull all of this together, a lot of us know about this so we can start doing it. I think the results underscore Jackie's point around increasing set-asides and other funding streams like the VOCA funding, which would go to tribal governments. Right now tribes don't receive VOCA money directly which is going to the states instead. There are other areas that we might be able to do that.

Report From BIA Management

MIKE BLACK: Regarding our oil and gas service center, we are waiting to see what happens in the budget for this FY16, but we did get approximately \$4.5 million in the President's budget request for '16 for our oil and gas energy service center that we're going to be putting out there in Denver. And that will be within Helen's office under the Deputy Director for Trust Services. And it will consist of BIA, ONR, BLM, OST, and Fish & Wildlife presence, is the ultimate goal as we move through this. We're working to get position descriptions in place, well, for temporarily put somebody in the director's position on a detail while we get those positions advertised, developed and advertised so that we can start to staff that office up. We want to stand that office up sometime in FY2017 to be fully set up and off and running.

On the trust update, this year so far we've got 136 applications that we processed for 21,337 acres. This is all as of last Friday. From 2009 we've processed 1,990 apps for 303,000 acres. Our goal is still 500,000 acres, but we've already taken in to trust the easy ones. But there are some large parcels out there with some of the tribes and I have met over the last month with some of them. We really want to help and push these things through within this next year.

On Native youth, we've been investing what we can in Native youth around the country, and some of the things we're working on are these conservation corps. So if any of you have ideas or you have like job corps or conservation corps that you work with as a tribe, please, reach out to me. We would love to partner up with you.

We have a couple of different initiatives working right now, one of them with Salish Kootenai College on natural resource officers or natural resource degrees. Last year we had 20 students in the program. We're up to 40 this year. We work with these kids to get natural resource degrees because that's one of the areas we identified that we've got a serious shortfall in right now. These students will have degrees that are necessary to help us fulfill our needs as well as the tribal needs.

At the University of Arizona, we have one with a water technician program.

ALLEN: Regarding Rights Protection Implementation monies, Columbia River tribes, Northwest tribes want to make sure that it's still on your radar with regard to the treaty responsibilities on those issues, including international commitments that the U.S.-Canada process. Also the Columbia River and Upper Columbia River tribes want to renegotiate their treaty, if I have it right.

RIGGS: For the RPI increase, we've been talking to the inter-tribal organizations involved in that, and having them meet to discuss those issues. As far as the Columbia River treaty, I know that you had talked to us about that, and I think we've got that into the – I think we're still taking a look at that.

ALLEN: I don't know if they actually have worked collectively on a budget for that particular agenda. The Columbia River Northwest Fish Commission and the Great Lake tribes have been collaborating, and this is separate from the climate change topic. The inter-tribal organizations are very helpful to the tribes, but it's still a government-to-government relationship, which we don't want to circumvent nor the obligation to the tribes. Each of our regions manage their affairs differently, so Great Lakes would do it differently than Northwest and Columbia River, etc.

Indian Education Update

MONTY ROESSEL: This past Saturday here in New Mexico at Isleta, Secretary of Interior visited Isleta Elementary School, and it was converted from a BIE to a tribally controlled school.

Today, we had our first training for the tribal education department grant; we have seven that have been awarded.

The tribes that presented did not just stop at BIE. They also talked about eventually controlling public schools on their reservations, and creating language programs that would not just be for BIE schools but also for state public schools.

We need quality education, and that's what our reform efforts are trying to get us to. Most of the quality things that have happened in education have come through tribal control: bilingual education, tribal control of education, all these different things. Even community education, if you look at the history of community education, it really started in the 60's with tribal schools, and now you see a lot about community schools and that wraparound services that the schools that were first created back in the 60's and provided an integrated approach.

VICKI FORREST: My name's Vicki Forrest, and I'm a citizen of the Cherokee Nation. I'm the Deputy Bureau Director for the Bureau of Indian Education, and it's an honor to be here as always to talk with all of you about what we're doing in BIE. The agenda includes BIE reform and initiatives, tribal college report, and JOM.

This summer Miccosukee signed the first alternative AYP agreement with Department of Interior and the Secretary of Education. This is really a huge issue in Indian education. It was a long process, but Miccosukee will be able to use their own standards incorporating their language history and culture.

The second thing in this area I wanted to mention was last year we awarded five tribes sovereignty in Indian education grants. Those grants were intended to help tribes take a look at four areas: academics, governance, finance, and human resources. Those five tribes will present their first year's findings in Washington, D.C. to talk about how they're going to implement what they've done so far in those four areas.

Over the last year we've completed a Native language framework. Any policy that we come up with is directed to BIE schools, but we also wanted to make sure that we included tribal input as we do on all of our issues. It will be a direction for BIE operated schools, but it will be a way for tribal schools to also have, should they chose to, Native language in their curriculums.

Partnership with AIHEC: There's been a lot of talk about students being ready for college. We partnered with AIHEC tribal colleges and our own colleges, Haskell and SIPI, to ensure that students get there. One of the things that we were finding is students weren't quite ready to be in college settings.

We get to try to help students get ready for college. It was one thing to get to college, but then to be able to stay there, I think students really need a lot more support than parents anticipate.

ROESSEL: At the same time, we are focusing in our reform efforts to try to build up, one, the dropout rates, and, two, the college and career readiness transition programs.

FORREST: Our focus is to talk with tribes first before we do anything.

ROESSEL: I think one of the things that we're also trying to do, and I'm going to jump ahead to the JOM, but one of the issues that I think we have not done a good job within JOM is creating metrics or at least a common goal. I think this would be a good example, how you can try to marshal the funding of JOM to look for an outcome that is common amongst all of the schools that we're looking at, dropout rates or language. Too often we leave that up to each individual school district without the input from tribes.

FORREST: The new BIE. One of the things that we've been talking about, whether it's with the tribal consultation or listening sessions or amongst all of you, is the new BIE and what we want that to look like. One of the things that Dr. Roessel has instilled in all the staff is that everything we do should be driving student outcome in the classroom. If we're doing something that's not doing that, then we need to rethink why that's a part of our processes at all.

We are assessing needs of the tribes and staff. Staff are calling tribes and asking what technical assistance is needed, what do you want, what's the best way that BIE can help you be successful in your community, keeping in mind that all Native communities are different. Once we get the data for those needs assessment, then that's going to help Dr. Roessel and I and the senior managers develop how we deliver technical assistance. One of the things I've always wanted to do is provide financial technical assistance should tribes want that. We're working with the school now that asked us to help them. One of their single audits had some issues.

We were able to use the findings, and then helped the school get where they need to be, whether writing policies and procedures or reviewing the audits.

One of the things we've heard a lot during consultation or listening sessions is making sure the staff we have now is trained to fulfill these duties.

All of these positions are in the field. Our entire realignment is intended to make sure that staff is out closer to the field. One of the things that we heard during consultation is that we have these mega offices in Albuquerque. We feel that expertise needs to be out closer to the schools, closer to the tribes, and not just located here in Albuquerque. So both of these are designed to be out in the field. Currently, we are still reviewing comments from tribal consultation.

One of the things that I hope all of you will take advantage of is BIE.edu. We continue to have weekly webinars: topics include fire drills last week, the new school construction list, and we're going to expand that to more education issues. We did how administrative cost is calculated, how ISEP is distributed. Once we do those, they're recorded and then they're put on our website. We also have a newsletter that goes out every two weeks that holds a lot of information. We're improving ways to communicate with all stakeholders, whether it's tribes, congressional staff, our staff, school staff.

The organizational chart shows BIE going from the solid line office mentality of a management structure to a real targeted technical assistance structure based on function and not geography. This shows how the new education resource centers will work. All those education resource centers are out in the field, closer to schools and closer to tribes.

GAY KINGMAN: The Great Plains has the largest number of schools next to Navajo, and a lot of regions do not have these schools. We've had a lot of problems at our region. It's a comprehensive need that the White House council should address, because what we're faced with in our region is critical attention to our BIE schools from not only BIE but Department of Justice. We also need help from Transportation and law enforcement. All of these entities have to come together for our children. Our children are not remedial. They're victims of a system that's failing them. Our buses run over bad roads; we've got minimal school lunch programs; we have children who come to school hungry, who may not eat the entire weekend; we have terrible funding shortages within the schools and staff problems. We have one school that went without a math teacher for an entire year. We cannot get staff in the way of administration principals to move out to our rural areas.

And so you talk about the audits and all of that, but we're very concerned about our children. It's a matter of life and death for our children on our reservations. We don't need another needs assessment. From the Great Plains, our tribes and our educational staff have sent much information on what we do need. It's beyond BIE and worthy of the White House council consideration.

ROESSEL: In the '16 budget we have \$10 million set in HUD for teacher housing. We've talked with IHS to provide counseling for our schools at sites. We are looking to do things immediately to meet some of the needs in the Great Plains but also across all of our schools, which is why we are doing the assessment.

Gary Hayes moved that TBIC send a letter the subcommittee on education with the request these issues be addressed at the next subcommittee on education. Second made by President Begaye.

ALLEN: Whether the budget has made meaningful strides in addressing education deficiency and unmet need, we should probably communicate this concern with regard to the Quiet Crises Report update. We should take a look at it in terms of what did it say about education and educational capacities, etc., or deterioration, degradation of those operations and to see if it can be updated to help reveal that need. Hopefully, we can leverage it for more resources for BIE, etc.

DR. SHERRY ALLISON: I'm Sherry Allison, and I'm the President at SIPI, which is located here in Albuquerque, across the Rio Grande about six miles down. We have a booklet for you that you can read at your leisure. Demographics. A lot of people ask who are your students. Both institutions are national. SIPI is a national community college, meaning that we offer up to two-year degrees, not beyond. We have 19 to 20 programs that we offer as associates and including certificates in different areas. Haskell offers associates as well, as well as Bachelor's degrees. We are both national in nature, and so we accept any student who is enrolled in a federally recognized tribe.

Our breakdown, as you can see, SIPI goes year round. We have trimesters, and you can see the breakdown for fall '14, spring '15, summer '15, and also with Haskell. You can see the breakdown in terms of female and male, more females than male attending both of our colleges. The bottom graphs shows you that both colleges, the full-time students by far outweighs the part-time students.

Academically, being a government-operated tribal college, only Haskell and SIPI are government-operated. All of our employees are federal employees. We have Indian preference in hiring. And a lot of times it's difficult, especially in the STEM area – science, technology, engineering, and math – to hire

Native Americans. We do a really good job in our recruitment efforts. Operational funding, probably your as well as our biggest priority. We are federally operated; we receive congressional appropriations. We're underfunded.

Our number one strategic goal is improved student success. Our graduation rate is not that great at SIPI. It's about 10 percent. We need to get better. But you all had a discussion about academics and the lack of preparation of students. There are two issues that tribal leaders really need to consider. Number one is what is happening with those students that are coming out of schools no matter what school? Students who come to SIPI, about 70 percent of our students require remedial or developmental services. And in almost all tribal colleges, that is unfunded.

In the State of New Mexico, we're lucky that we have a pretty good relationship with the state, and they provide us about, a little over 100,000 to provide the remedial and adult basic education. But students are coming out of the schools no matter what really unprepared for college, and that has to come from somewhere.

The other issue has to do not with academics but social and being emotionally ready. And a lot of students get into trouble, and they aren't able to continue their education. So it's just not being college ready academically.

Our buildings are very old. We have to keep up with technology, and it's very expensive. Our school, we want to expand STEM: science, technology, engineering, and math. Dr. Roessel and Vicki talked a lot about meeting the needs of tribe and also what we call college operations. It's out with the old and in with the new. It's time to revamp our systems and develop new and modern systems to operate on.

To keep a college going, and you all talked about, and I can hear the importance, and I absolutely agree. In order to meet economic sustainability, you need an educated workforce, a trained workforce. And so we have determined that these are some of our priorities in terms of keeping our college moving. We are having a difficult time filling positions with qualified Native Americans, especially in the STEM area. We need more programs that graduate Native Americans in these fields.

GIL VIGIL: Haskell and SIPI are probably the last place where a lot of your students come to get an education. However, a lot of our kids that are coming to Haskell are not even ready to come to Haskell. So we have to put them into remediation programs their first two years of their time in Haskell. We are trying to evolve partnerships with the institutions that are feeder schools that send kids to Haskell to prepare these kids to be better prepared to go to college, such as the Sante Fe Indian School. They have a summer institute, a summer policy institute that prepares students to be ready to go to college.

FORREST: Johnson O'Malley's one of the top funding priorities for TIBC for the last several years. In 2012 and 2014, Congress directed us to update our count, and so Jennifer Davis who's our new JOM coordinator in D.C. put together these numbers from the count we got in 2012 and the count that we got in 2014. We held four consultations in March and April to talk about distributing funding based on the new student count since we hadn't done one in quite a while. The BIE will run this formula based on the highest student count for all contractors, whether it was 1995, 2012, or 2015. What we saw from the three counts was that they were vastly different. A lot of people that were in 2012 didn't provide a count for 2014. The highest count for each contractor will be used to distribute 2016 funds.

The JOM contractors will receive the 2016 count that we're going to do in their base, and then we will be conducting counts every two years and that she's working on getting that started now. All JOM contractors will be awarded at the same time.

Day II

WASHBURN: One of our big accomplishments is looking at the acknowledgement rule, the rule that the Office of Federal Acknowledgement uses to acknowledge tribes that are not yet federally recognized. It doesn't really affect you very directly as tribal leaders, but it's important that you know this because the House appropriations committee had put a rider on to prevent our rule from going into effect. They did that before they'd seen the final rule. After we read hundreds and hundreds of comments and did consultations around the country, we were more modest in the changes we made. The process is still rigorous. You still have to have 110 years of a whole, 115 years that is, of really rigorous data before you can get recognized, and it will be very carefully reviewed.

The rider said they were prohibiting the department from spending any money to put this rule into effect. If they can't pass the bill, they don't get to pass the rider. So if they don't pass the bill, this rider will never happen, but it may be the subject of some continuing discussion, and we think it's probably not going to be all that big on the radar screen going forward. Because I think the final rule resolves a lot of the concerns, and I think there's some things that people like about the final rule.

We worked really closely with NCAI in doing that. NCAI has a work group on federal recognition issues. I think it's fair to say it's not broken anymore. This is something that I wanted you guys to know for awareness of Indian affairs and Indian policy.

JOHNSON-PATA: NCAI has said on an ongoing basis for years that, because most riders that get attached to appropriations, that's how Indian policy was passed, and it was usually negative. Riders don't have the same vetting process that others have. We could make a statement that doesn't speak to federal recognition at all but that actually speaks only to opposing policy riders that have not been vetted.

CARROLL: We are concerned that the House Natural Resources committee was allowing a platform for this notion that the administration didn't have any authority in its federal tribal relationship. Now, we can get into the nuances of each individual issue, but that's what they were saying, and I suspect everybody around this table disagrees with that position.

And I also want to highlight, and not to stir everybody up, but just to express what was going on at this time, there was a memo drafted by one of the staffers that was shared with the entire committee, and one of the points that it conveyed to members of this particular committee was speaking to the allotment act. It said that the allotment act was a humane policy, and the only reason that it didn't work basically is because we Indians didn't play along, and that's why it failed. This is the mentality that there was a platform for within this committee, and this is what everybody in this room needs to be on high alert when this type of stuff goes on because it takes on a life of its own and it starts snowballing, rolling downhill.

So we all have to be prepared to be able to respond to those sorts of things to push back, and thankfully enough did, and that slowed that down. There was talk about and chatter about potential testimonies that they were going to be potentially looking at, ICWA and all these other sorts of things, and thankfully to date that hasn't happened yet.

JOHNSON-PATA: One last point. And even though we had good friends, the other thing is to remember that they didn't really have enough substantive knowledge to actually be able to speak out. So they may be champions for Indian Country, but they still need educating and they still need to be well-informed, and that was something that we just really had to do on the spur of the moment.

WASHBURN: Congress has a philosophical difference with us on some things, and one is that Congress should be making Indian policy and that it's kind of a nuisance to have the President making Indian policy.

OST UPDATE

DEB DUMONTIER: The American Indian Trust Fund Management Act of 1994 requires a special trustee to establish an advisory board. And the act requires that the members have specific qualifications to sit on the board. It also provides that there are five members who are trust account holders; so individual Indian money holders are tribal. Two members that have practical experience in trust fund and financial management. One member must have practical experience in fiduciary investment management, and one member must be from academia with knowledge of general management of large organizations.

OST's responsibilities are like a small accounting firm: we're receiving, we're reconciling and recording. We're also like a traditional trust company and bank. Out in the field we're like little mini banks with the trust officers and the accounting techs. We're also an asset management firm with \$5 billion AUM, that's assets under management. We've also added appraisals under OST in the Office of Historical Trust Accounting.

So that takes us to today's topics, and we're going to start with appraisal services and providing an update, and then as time allows, we're going to have an update on probate reform, some of the functions we've transitioned to the U.S. Treasury, investment review, a continuing dialogue about debit vouchers that we discussed in May, a funding history, and the status of our 2016 budget.

One thing when we look at appraisal services and when I look at what we do, when we actually acquired appraisals, there were 3,000 appraisals and backlog. Currently, there are 286. That's still 286 that we need to do. But the annual appraisal average that OST completes in our every day course of business is 14,500. Other appraisals across the departments within the federal government, it's around a thousand. So that's about 240 appraisals for our appraisers versus about 40 for other appraisers in different areas of the government.

When we look at the other project that we recently have is land buyback, the land buyback program. Land buyback program, as of July 31 here recently, the tracks that have been appraised 23,152; acres appraised, 4,220,000. The total valuations is 3.9 billion. So the appraisal program from the land buyback program team that we have within OST, they've been a big part of the recent milestone that the land buyback program with having over 5 million purchases.

We don't have a memorandum of agreement that explains the roles and responsibilities with BIA and OST, but BIA is our client.

It's very hard to retain appraisers and to hire them. We're planning on hiring and training Native American appraisers. We're looking for individuals graduating from college. Enhanced services with our communications and external and internal stakeholders, effectively manage our appraisal backlog and workload, and actually make that status reporting more transparent.

On probate reform: this gets a lot of attention in Congress, the numbers and the cost that it takes to adjudicate a probate. Probate reform, again, one of the things we're looking at is how do we reduce

the burden of the number of probates that we actually have to adjudicate through that administrative process. We have about 52,000 probate accounts with financial amount of less than 16,000, and when we calculate what it costs to adjudicate those, it's about 156 million. What can we do to streamline that process or expedite it? OST has been exploring administrative options, transfer on death, small estate affidavits, things we can do without legislation, but we're also looking at what maybe we can do to get congressional support for legislation to reform the process.

And there's been a number of recommendations to streamline the appraisal process with the trust commission, the secretary's reaffirmation of trust. Our budget testimony brought to light that it's a significant cost, what can we do to reduce that. Working with the National Congress of American Indians to be part of that trust reform, to move trust forward, and then the Indian Land Tenure Foundation advance as well.

We have pending legislation in Congress, House Bill 812 and Senate Bill 383. Of course, Title II provides for a demonstration project in furtherance of self-governance and self-determination, and that's really exciting to see that.

ROADS

LEROY GISHI: The big conversation on the Hill has been how do we fund the highway bill, particularly highway trust fund. The most recent extension of the highway act expired. We'll give you an update on reauthorization, what the different proposals that are out there. The House has yet to come up with their proposal, and we're hoping that does happen soon, at least the latter part of the fourth quarter and into the first quarter that we can get something going again and get back on track.

The authority that we have under Map 21 was extended through October 29 and now we will have received all of our 2015 funds. The extension that they passed was for 29 days into October, allowing for at least 29 days of operation during this process. The unique thing about the transportation authorization is that if we don't have a highway act, which is our authority, we essentially have to shut down and go home. So this gives us at least into the first month to be able to continue operations as is. But what we still though is we still need appropriations for 2016 to make the whole thing valid, but we can continue working particularly for tribes that's of interest because you have funds that you have in your accounts, and this allows you to continue to operate in that capacity.

The third extension allowed us up to 83 percent, so this remaining portion what we're looking at is 16 percent. The impact on the last two months is there's really a timing thing, it's when funds are made available through the budget offices, through OMB, through federal highways, and on down to us, BIA, through Interior. We are trying to make every effort to get those funds out. We have a number of agreements, particularly self-governance agreements, which are very flexible and they have the ability to make those funds available, as well as our tribal transportation agreements. And those tribes that are working directly with Federal Highway Administration also have that capability to be able to make that work. It's our 638 Title 1 contracts that we may have some difficulty with that. So that's where we're trying to get an assessment of just where we stand in terms of being able to get those funds out.

I wanted to cover one aspect of it and that's this special provision that was in Map 21. A major provision is tribes' access to funds that were provided through the state. Up till now they have been very difficult because the states are always wanting some accountability but also have asked tribes to waive their sovereignty, and the result is this provision that will attempt to address that in allowing those funds to be sent to either the Federal Highway Administration or the Bureau of Indian Affairs and made directly available through any number of agreements that are available to the tribes.

The reauthorization summary, as I mentioned earlier, there are three proposals that are out there right now. The administration's proposal, called Grow America. There is the DRIVE Act, and Senator Barrasso from the Senate committee of Indian Affairs also offered a bill called the TIRES Act. The DRIVE Act is actually, was passed by the Senate. It is a bill that is very lengthy, over 1,000 pages in length. Of course, it addresses all of the surface transportation authorization.

The hard part is finding the money to fund this highway act. Since 1982, the highway funds have increased on the average around 20 to 25 percent for the tribal transportation program. In recent years we have seen pretty much a straight-line budget for tribal transportation because we've been going through extensions of SAFETEA-LU, which is the previous act, and under MAP 21 it stayed right at the highest level of 450 million.

The Safety program initiated under MAP-21 allowed 2 percent of the funds to be used specifically for developing safety plans for projects that specifically address safety, high accident locations, areas where there may be school crossings, a number of things that are out there that represent safety concerns, these funds are dedicated and tribes can apply for them for that purpose.

TIGER grants are also very large grants that are made available to tribes also, but this is primarily for tribes. If your tribe doesn't have a safety grant for the development of a safety plan, federal highways, who is managing this from their offices, the offices of the secretary there, it's a matter of writing a very short proposal that you're interested in providing and developing a safety plan. And those have all been, in the past two years, every one of those have come in have been awarded primarily for the purpose of developing a safety plan.

The bridge program. Another big part of our safety concerns; approximately 25 percent of our bridges or a quarter of them were considered structurally deficient. The results of that was we started seeing a set-aside in the highway act on an annual basis, dedicated primarily for replacing or really rehabilitating deficient bridges. That process has been working. Over the past ten years we've increased the number of bridges that we have, but we've also decreased the number of deficient bridges from 25 percent to 19. And so that goes a long way in what we're talking about here in terms of the road maintenance budget. This helps to relieve some of the road maintenance budget in terms of those areas of addressing bridges as a whole.

Title 23 allows state and local governments, primarily the states, to provide funds to tribes directly through an agreement through the Bureau of Indian Affairs or the Secretary of Transportation. A lot of times we get to a point where the state wants the work done, would like to have the tribe perform the work, but because of the requirements that they impose not only on their local governments, they sometimes will require that tribes sign a waiver of sovereign immunity. In other cases, they will require that the tribes perform all the work based on reimbursement and not provide the funds up front.

This initiative in Title 23 under Map 21 allows now the Secretary of Transportation to allow the states to submit these funds or provide these funds directly to the Bureau of Indian Affairs, the Federal Highway Administration, and at that point they no longer have any responsibility for those projects.

As a result of that, in the State of California, Caltrans, who has a very large budget, is working with the BIA region office and our solicitor's office to develop an agreement that would allow these local funded projects to be able to go to tribes in which the region would administer the agreements through the oversight. The result of that is the funds will be able to be handled through either self-determination agreements, self-governance, the TTP agreements with the GTG's as we call them, or the federal highway agreements that are out there.

And all the process that we go through within the procedures that are associated with these projects, like tracking the funds and things of this, are contained and provisions are built into the agreements that we have based on the laws that govern those type of agreements. So it's important, that step. We just finished sort of an initial project with the Tulalip Tribe in the Northwest region in which they were able to get \$10 million, \$8 million for a \$10 million project for the reconstruction of an interchange on Interstate 5. Years back, this would not have been possible, but because of the provisions that are in the agreement, the State of Washington feels comfortable with that.

Primarily this is for the states to provide funds for any type of public roads. Primarily, they're concentrating on roads that generally are their roads or their bridges, and they have funds established outside of the Interior budget or outside the tribal transportation program. And this agreement process will allow them to be able to include those in a tribal agreement in which they have the agreement with the Bureau of Indian Affairs or the Federal Highway Administration, and then we would, in turn, enter into an agreement if it's a tribal road, if it's a tribal bridge, a county road, which are all eligible, then the tribe would administer that project based on its requirements, the requirements which are part of the agreement itself. So all of the agreements that we have require that tribes build roads to a certain standard. So it's no different than if you were doing a project under your own agreement for a tribal road using tribal transportation funds.

The Tulalip tribe is a good example of a project which standards for reconstructing an interstate are very stringent. A lot of things have to be done. With the qualifications of their engineering firm, which is all part of pre-assessment process that they went through, they were able to take those funds and do the work themselves. And they have a separate agreement with the state to be able to provide a little more cooperative effort on exchange of staff and a peer exchange.

We have two programs that we operate within the Bureau of Indian Affairs. One is the tribal transportation program, which concentrates on construction. The other is road maintenance program which is Interior funded through Interior appropriations.

Under the program that we have a responsibility for, the top category, which we call ownership category of the Bureau of Indian Affairs, these are the total miles that we currently have in the inventory of Bureau of Indian Affairs roads of 31,300 plus. As you go down the list, you see the number of miles that are out there. These are public road miles that are located on, provide access to Indian lands, communities, reservations, and so forth. You'll notice that under the tribal total there's 26,000.

Tribes are designating roads on their lands as tribally-owned roads in which they perform the maintenance – as a public road, it's eligible for public funds. All the funds that we're talking about that are under the federal aid program are eligible for these types of roads. And so as we discuss road maintenance under this Interior process, we need to also keep in mind that there's a growing number of roads out there that are tribally-owned roads under tribal jurisdiction which are public also, and are impacted by the larger program under the tribal transportation program.

Data: we have 159,000 miles of total road miles. But of those, only 147,000 exist, meaning there's actually a road there, whether it's a primitive trail or a two-lane or a four-lane surface road. Those are roads that exist. We call these roads proposed roads because in order for us to do any work on them in the future, we have to have them on the inventory. And sometimes doing a small section of design or even construction is important. In order to have funds expended on it they have to be in the inventory. We always make sure we maintain our inventory and distinguish between the two amounts.

ALLEN: How regular is it updated and how do you monitor or identify the conditions of the roads?

GISHI: I got this data three weeks ago, and it's changed since then because tribes are out there constantly updating their inventory, updating the information that they have. If they just finished construction on a number of road projects and they actually changed the surface type, it was a gravel road in January, in June it's paved, they need to go in there and change the inventory for surface type so we have updated information.

And this is ongoing on a daily basis. We have an inventory staff that works in the process of monitoring not only at the region level but at central office level. You can go to the website, www.ITMS.bia.gov, we have a website there with data which basically is updated every day, and some of those regions were changed from yesterday to today. So it is a very dynamic process, so we try to identify a snapshot of data.

How often is this information checked for validity? There's over 188,000 lines of data out there that are associated with it. Primarily it's going through the process of assessing projects, safety projects where we find if there are any discrepancies. And at that point we encourage folks to update the inventory and the information associated with it.

BEGAYE: Navajo Nation has lots of roads, several thousand miles, and we're of the mindset, we're of the opinion that by allowing state, urban, county as a part of the inventory listing, that it takes away from actual reservation roads from being addressed. We have miles of roads that need to be paved, need to be graveled. We have constant issues with muddy roads and impassable roads, roads that cannot be used by school buses. Thank you.

GISHI: Great point, thank you. That's the beauty of the tribal transportation program as it's been developed since 1983 is that it has given the tribes the authority to prioritize whether funds are going to go under this program. This provision we talked about is an excellent example of how state funds can be used. In other words, these funds are not coming from anywhere else other than from the state DOT's and for the purpose of improving those roads that are on Indian reservations. It's the participation of the tribe; it's also important to make that work happen.

Approximately 340 locations we have out there that are BIA road miles. Five regions within the Bureau of Indian Affairs regions have 80 percent of the BIA miles, and if you take it up one extra region, the Great Plains Region, it gets up as high as 87 percent. So that's where you see a lot of the emphasis that we have in terms of roads, particularly BIA roads that need to be maintained.

We have 914 bridges. About 19 percent of our bridges are structurally deficient, and that's a change from the 25 percent that we had in past ten years. The bridges and the roads themselves are interconnected. In most cases, these roads and bridges that we're looking at are the only access or the primary access to be able to get into tribal communities.

The trend in acceptable roads: back when we had the recovery act, we were able to get up to 18 percent of our roads in acceptable condition shortly after that. Our actuals have been going down, and our targets also, as a result of that, reports are identifying their targets as lower and lower as we go along. The road miles that we have out there seem to fluctuate from year to year, but as we mentioned, the inventory of adding roads and removing roads.

Our bridges, on the other hand, our numbers are starting to creep up. The number of bridges that are in adequate condition are increasing simply because we have a, in the last few years, a \$9 million set-aside for replacing bridges, deficient bridges. Prior to that we had \$13 million and \$14 million, and the result is that those numbers are gradually making their way up, whereas what we're seeing with the road maintenance, the dollars, the fuel costs have gone up extremely high. The equipment purchases

also – inflation has taken hold of all of these areas of road maintenance. The result of that is when you don't increase that, you're starting to see a drop in performance.

Of the total miles, the 25,000 approximately that we have, about 15,000 miles are earth. Maintenance on these roads is needed more frequently. If they were surfaced, it would be less.

In our first quarter, we have deferred approximately \$72 million worth of road maintenance work during that period of time. The result is an estimated projection for the year is generally around \$290 million. I think this last year we did go over \$300 million in deferred maintenance for maintaining of the roads which are out there, that make up this very large portion of earth, gravel, and primitive roads that are in the system.

THOMAS: I noticed you just showed BIA roads and not tribally owned roads. So that deferred maintenance would probably be a lot higher than that if you incorporate the tribally owned roads.

GISHI: Absolutely. In the green book, it's primarily those functions that are the responsibility of the Secretary that are included in the budget for the BIA road maintenance.

We do have the 500,000 or 25 percent of the tribal transportation program funds available for maintaining tribal roads that's out there, and that's what a lot of the tribes are utilizing. When they submit their plan for the year, a lot of the tribes are including an amount under their construction program to maintain those type of roads or if they enter into agreements with other entities to maintain those roads also.

THOMAS: So, in essence, the \$290 million backlog is actually the responsibility of the Secretary to get those up to a better standard. We won't get there with \$50 million that we allocate per year. I mean it's logical.

GISHI: That is correct. The \$290 million is primarily for the BIA roads.

THOMAS: We went through the rewrite of 25 C.F.R. Part 170, and went out for negotiated notice of proposed rulemaking. Just curious on when the final roll is going to come about on that?

GISHI: We went through a process of updating the regulations as was mentioned about a year ago, and we have been out there beginning in January of this year doing consultation on a notice of proposed rulemaking. It was published on December 14 last year, 2014. We are in the process, we received over 700 comments, and we're going through the process of reviewing those comments and going to be able to have, anticipating a final rule probably by the end of the calendar year.

JOHN SMITH: Some tribes who have done long-range transportation plans for pedestrian walkways and pedestrian safety.

I come from a reservation in Wyoming, the Wind River reservation that leads the nation in fatalities for pedestrians.

So what we're talking about here is our streets, public quarters, people's homes, this is a residential street in Fort Peck, but you could go to any reservation. Any reservation, Pine Ridge, Rosebud, Wind River, this is the way the houses mostly look because the people who built these houses are also for HUD, they were responsible in the bid to do the streets. So they weren't built up to standards.

We can also use our TPP funds, that 25 percent or \$500,000, whichever is the highest, and many of us do use our TPP funds to deferred maintenance. When you do deferred maintenance, you can't do new roads. You don't have the money to purchase asphalt.

Road maintenance funding must be kept apace to ensure the full useful life of newly built and constructed transportation facilities.

In Wind River we also run a transit program, which delivers our dialysis patients starting at 6:30 in the morning, and they're out until 8 o'clock at night bringing people back home to get treatment.

So we're talking about the IRR obligations, and they were quite high. They did us a wonderful project. We were able to build up a lot of roads, fences, and, again, we're talking about the golden hour of getting people to their medical facilities.

The historical fund of road maintenance has been pretty static as we've gone along, but really need your support in giving us a little more road maintenance, and that was the request my chairman asked me to come and present to you because it is a serious matter, and you folks have the authority to do that. So when you're picking your priorities today, please consider road maintenance. I thank you very much.

Budget Formulation Evaluation of 2017, Startup For 2018

JEANNINE BROOKS:

We had asked for feedback on what works, what doesn't work, or what we need to change, what we should focus on. We did get a little bit of feedback on that. We did our best to put together this analysis of what we did receive on things that we pretty much need to change.

Some comments include better communication, more technical assistance at the field level from our end on down, and easier access to the tools you need to work with. The process itself is too time-consuming doing the three levels and figuring out ups, downs, others. You needed clear guidance.

But the biggest item seemed to be "no decreases," and we've heard that forever from around this table: tribes do not want to be proposing decreased funding. Tribes are here to tell us what your needs are, not how to take them away. The other one is that you would rather work at a regional level. You don't want to work at a national level, you know, that's our job to put the full package together. You should be able to come forward to us and tell us what your needs are at a regional point.

And some of you do not want to do the priority listing. We have heard that that is important, that Kevin does use that, and he looks at it often. So does OMB. They use that priority listing. But some of you have the feeling that what's a priority in your region, because it doesn't stretch nationwide, that it gets lost in the mix, so that your region is not being heard here.

So in an effort to try and address this, we do have something we'd like to propose to you guys to use for the 2018 formulation process at the tribal and regional level. I don't have a formal PowerPoint. This is just a talking point, and you guys do have this in your packet. It's attachment C but it was not tagged as that.

What we'd like to propose is at the tribal regional level, that you put together your own regional initiatives. You would be able to either add on to the existing initiatives that are federal initiatives, if that's what you chose to do. We have Tiwahe, which I use as an example. There's also the tribal resilience. We also have the education transformation.

Or you have a blank template where you can create your own regional initiative, what is important to you. If you want to look at in broader terms, what is important to me to improve my community. If you want to look at it at that level, what programs should I be putting into an initiative to make my community what it should be. You can create your own, smaller initiative, larger initiative, whatever works for you as opposed to creating priority 1, 2, 3, 4, 5, 6; you create what we should be putting

forward for you. We know that's what the administration is looking at. They want to go more towards cross-cutting things and initiatives. So this is our proposal.

As a sample of what we're talking about, I just filled one out saying, for instance, Northwest Region, created a salmon recovery initiative. You would go in and you what put in whatever lines you propose would support that. You would put in the increase. You'd give a little background information of why is this important, why is it an issue, what needs to be addressed. And then within the narrative you would outline how you expect those funds to be used, how would they be distributed, what would they concentrate on, all of that would be included within your initiative, how you want that increase to be focused.

ALLEN: I think this is very helpful, and I definitely agree that you should not ask us to go through that exercise to figure out where we would cut 5 percent, 10 percent, etc. The tribes have categorically rejected that process. We've gone through it only as a matter of respect to the process even though we do not agree with it whatsoever.

But the question that I've always raised is when we ask the question of what's the unmet need, so 10 percent cut starts to get you there. On the one hand, we probably need a way to describe why we need that 10 percent, so there's a legitimate justification for it. But, more importantly, we need to begin the process of identifying the criteria that would identify the unmet need; e.g. how many cops and dispatchers do you have per thousand or for land-base that they cover? So there's got to be some national standards on that subject matter and the same with education and so forth.

Somehow we need to start to develop that criteria, so when we ask the tribe what is the unmet need, then we can start to get the tribes on the same page when they identify what their needs are. How many foresters do they need per acreage of forestry? We've got to use the same standard. So what's true in Navajo would be true in Quinault Nation, etc., with regard to the forestry or what have you or mining, minerals, mineral management, etc.

So I know it's a long list, but that's like the 1, 2, 3, that's like the next column over. And so if you put a number in there, OMB or Congress says where'd you get that number and can you pass the red face cast (phonetic) that the legitimate number is based on these standards. So we just got to get there somehow, I'm not sure exactly how we do it, but I really would urge us to seriously consider that.

CARROLL: In our view funding, those program line items aren't initiatives. Those should be fully funded. Now, if there's a proposal on the table to offer up initiatives, I'm intrigued by that suggestion, but I'm trying to get clarity on what that means relative to those other areas that we would contend that need to be fully funded. So how does that, how do those two operate together in what you're proposing here?

BROOKS: Well, the way I see this is we were removing the priority piece, and we would be looking at the initiatives that come in from all the regions to focus what the priority areas are based on initiative as opposed to 1, 2, 3, 4, 5.

The only opportunity we get is pretty much we have the negative, the black line, and then the over target. And what we're asking with this is for you to help us formulate that over target world. What should we be focusing on when we're allowed to ask for that additional 10 percent? That's how we're trying to plug in.

BEARPAW: We've been discussing the word priorities with the subcommittee. That came up last year. Because everything is a priority, and we heard that loud and clear from the budget subcommittee in the last couple of years that we've been talking about the word priorities. And I think the TBIC here has

also zeroed in on that wording “priorities.”

We’re trying to show each region’s need by coming up with the format where we can show that, and roads is a good example. I don’t want to get hung up on the words of either priority or any type of enhancement. So we’d be willing to take however you want to explain that need and that’s what we’re trying to do here. But we are trying to do away with the word “priorities.”

BROOKS: It is open for discussion.

What we were doing is coming up with what we were proposing as an option to get around the old way of doing business, get rid of the three-tiered, making you take decreases, do a flat-line budget. If it’s not an initiative focus, then how do we make a package that comes in, that highlights what you guys want to focus on by region.

So those regions that aren’t necessarily the number one top tier can still show what is priority for them. Instead of “priority,” a “focus” for them.

BEGAYE: For us, when you start looking at these issues, concerns from a service standpoint against nation to nation, I believe the conversation starts moving to things like the term here, initiative, Obama’s initiative is going to go away when he leaves office. Those are the way I believe Capitol Hill interprets that. These are obligations. They’re not initiatives. They’re not priorities. They are federal obligations. We gave up hundreds of thousands of land, water rights, mineral rights, for the government to provide these services. They’re obligations, and I think Capitol Hill needs to understand that these are obligations to maintain these roads, to build our roads, to maintain safety for our people, to help us with economic development, and so forth.

When I hear the word treaty obligation, trust responsibilities, I see it from a different perspective. It has a different ring to it for me. Now I’m seeing that the federal government is living up to its word and to the treaties that we signed, the agreements that we’ve made. Thank you.

ALLEN: I thank you, Mr. Chairman. One of the reasons why we examine the process, and we can try to improve it in terms of more definitive identification of the needs or obligations as President referred to it from each of the regions. So it still has to be aggregate and we still have to reconcile what Kevin and Tommy have to do when they put their proposal together and send it over to OMB.

Part of our conversation and part of our reality check, if you will, is OMB will turn around and say to Kevin what are your priorities for the tribes. That’s just a reality of the system. We have to look at the way we capture it and the way we advocate it. Then that’s the President’s budget, and then the reality is that you’re dealing with Congress, and as NCAI gave us the congressional update, we could end up with a CR, which could also have some sequestration impact.

So we have to be careful. I think we need to continue to be aggressive and advance our agenda, but we also have to be realists. I just think that we’re trying to be more responsive, and that’s one of the questions: BIA offered, here’s what tribes are saying, how about if we do this?

CARROLL: Under the NCAI appropriations update, if you look at that, it has Bureau of Indian Affairs, Tribal Government, Human Services, Natural Resources, Education, Public Safety, etc. Consistent with what we’ve been promoting all along, here’s what we would like to see, at least as a demonstration of progress forward.

So that the problem with the process right now is you end up with a scenario – and let me just exaggerate to make my point – you could end up doing rollup with the top five priorities all falling under natural resources. That means every single one of those areas, other areas don’t get any

attention.

What we would like to see if what are the Bureau's core responsibilities, and they would probably line up with this: human service responsibilities, infrastructure responsibilities, etc. And then within each one of those core Bureau responsibilities, trustee responsibilities that they have to Indian Country, each one of those areas has an opportunity to identify what are the underfunding levels, but if we're going to be in this priority system, what are the priorities in each one of those core areas of the Bureau. When the Assistant Secretary's in the position to say as trustee we have responsibilities as the Bureau across these five, six areas. And in this area this is what the tribes are saying is the priority, etc., down the line.

Rather than ending up in the scenario in my example where you have, well, the five priorities are all natural resources, which would suggest that there's no law enforcement priorities, there's no roads priorities, there's no education priorities, and that's just not right.

Also, how does our ranking take into account need? We could highly rank one item that is funded at 99 percent funding, but item 5 is at 2 percent level of need.

BEGAYE: I think that maybe we have to distinguish then between what is priority and what is obligation. Once you fulfill your obligation then we can talk about prioritizing and having priorities.

HAYES:

Now how do we simplify our message, how do we get that conveyed to priorities to, obligations to, instead of initiatives? These are things that we, as this committee, this council is designed to create and to deliver, and have NCAI deliver that message to our congressional delegation the trust responsibility.

As the Southwest Region was saying, fund TPA. Right now for Southwest Region there's a \$45 million deficit in the actual need, in our region needs.

Because right now when we talk about it, what is that number, and in our discussion yesterday with IHS, they identify the need is over \$29 billion for health care. Where's BIA's unmet need number at? It's our responsibility to come up with that number.

So maybe that process when we talk about it is go back and to work with your tribes to develop a need based budget or unmet obligations or whatever term we're going to use. And we need to be able to tailor that message, where the administrative officials, the cabinet members understand that responsibility, but also our congressional leaders understand what that unmet obligation, that treaty responsibility means.

BEARPAW: I think the discussion's real good here; we're taking notes of everything that's being discussed, and I really like Gary's idea of unmet obligations. And if we could retitle that one column instead of initiatives, maybe that would help tribes tell congress what are unmet obligations.

ALLEN: Kitcki, Jeannine, we've got to refresh ourselves where we are. We're in the process right now of beginning the steps for preparing for our priorities, I'm still using priorities now for FY '18. FY '17 is in the hopper, we already did it, we prioritize and that's the guidance that we gave administration, and we'll still work the system if it's not done because a final budget comes out next January, but the 2017 is, it's already in the hopper. So we're in 2018 right now, now we're getting geared up for 2018, and so the question really again, we talked about process, do we want to change the process, do we want to

change the instructions. So we're trying to sort through what guidance do we give the administration to give to the regions, to the tribes, for 2018 -- excuse me, FY '18, and then do we take some additional steps measures to try to change the process for FY '19?

So sometimes we get confused, we're thinking about next year, 2016, and you forget about the fact you already put in your recommendations for 2017 and going to that calendar that you had earlier it confuses you about where you are and what our task is right now, right there.

So I think we would be very receptive if we could get that down to 7 groupings within all of our line items.

CARROLL: Just my personal opinion I think what needs to happen is this body needs to establish a small working group comprised of both federal and nonfederal folks to kind of further think through the various suggestions because I think we have some sprinklings of something good here that is a long-term objective to try to build something better than what we have now. Fiscal '18 is already starting this month right now, I don't think you can force something, I think you are going to make it very chaotic and confusing if you try to do that for fiscal year '18, but in saying that there may be some tweaks that we can make. I think beyond that it might be a little bit more involved, that a needs a little bit more thinking through which is a longer term objective.

ALLEN: Rather than establish any new group, the Budget Subcommittee, it's what they do, and that is combination tribal, and it's well represented, tribal and the interior team. So maybe we charge them with doing that for the short-term and begin the process of a longer terms systematic change, and maybe come back with some recommendations on how that would work in our November meeting.

THOMPSON: That would be great.

Afternoon Session

FY 2016 UPDATE

ALLEN: Kevin, this is a question for you, too, in this matter, so we did, one of our requests from the Tribal Caucus is that we establish a subcommittee from TIBC for OJS, and is that something that you're supportive of?

KEVIN WASHBURN: Well it would be kind of unfair for me to say whether I'm supportive or not until I've talked to my people, but we certainly are going to talk to Darren Cruzan and Mike Black and look into it. I don't think it's, I mean it's not a hostile request, we think that it's a reasonable request and we're going to talk about it and see if it makes sense, so we'll be happy to do that.

ALLEN: Okay, so why don't we defer formal approval and establishment of it to the November meeting, but meanwhile it would be good if we can get it approved that we have an identification of individuals from the respective regions who would be interested in sitting on that subcommittee, from my perspective it's very important with regard to our public safety and courts program.

WASHBURN: Yeah, and I guess between now and then, Ron, if you could kind of give us a briefing of what the expectations would be of the subcommittee, what you want them looking at, those kinds of things to help us shape that.

Tribal Justice Update

NATASHA ANDERSON: I wanted to give you a brief overview of who we are and then kind of what we do and then if you have questions, because I understood that you wanted the Tribal Justice Support

Director to come and present, so I'm really excited to do that because in sitting in this morning, hearing you talk about tribal courts and how important that is.

And just to give you a quick intro, my name is Natasha Anderson, I'm Yankton, Sioux and Ponca, I used to work for the National Congress of American Indians, and I was a staff attorney and I worked on VAWA implementation and TLOA. And one of the things that was really important to me in working for that and that became apparent, was that in order for those extended provisions and to better protect our communities, that we strengthen tribal courts.

One of the biggest things we do is our tribal court assessment program. According to 25 USC 3612 we're mandated to conduct surveys of tribal courts. About four years ago the staff revamped this and it's based on the tribal court performance standards. We've done is we wanted to create a consistent mechanism of action with which to assess tribal courts.

And in that, we have non-federal contractors that go into tribes and work with tribal courts. So once a tribe requests to have this assessment done, the team goes out and meets with all the various stakeholders, talks to the chief judge, talks to your prosecutors and works hand in hand with the tribe to identify what are the needs for the tribal court. This is at no cost to the tribe. It's a five step process, and along it, you don't have to go through the entire process to get funding. And so some of the things that we've been able to provide one-time funding that were identified in the tribal court assessments were for court management systems, alcohol monitoring, audio systems, sometimes partial funding for a staff position, even security wants. We work with our counterparts at the Department of Justice in talking about the needs that are identified for tribal courts. Construction and building needs that we can't do we're really trying to work in an interagency way to find different resources and mechanisms to help support tribal courts.

So the process is started with a letter from the tribe requesting to participate. In May we worked with the Pascua Yaqui tribe, which is one of the tribes that is actively exercising special domestic violence criminal jurisdiction. They hosted tribes to come and do skills training because one of the feedback that I heard when I worked with the Inter-Tribal Working Group was that the prosecutors, the defenders and judges wanted training on what is a trial really going to look like when we try a non-Indian in a court.

And then beginning September we'll be going out to Tulalip to hold another VAWA skills training targeted towards judges, prosecutors and defenders.

I've been working with vendors that conduct the assessments, because the assessments for the tribal courts, it's a broad view of your tribal court but we also want it to be a strategic action plan for a tribe. One thing I found from tribal leaders is we have tribes on one end who had a lot of assistance in place, and we had a lot of other tribes that are here with co-development. One of the things that became apparent to me is these tribes didn't do this overnight. And so one of the great things I think the tribal court assessment program can do is it gives your tribal council and your court a strategic action plan, and the tribe can prioritize what is most important to it and identify that and then we work with you to identify the one-time funding to help out with that. In that way we are tracking the additional burdens that are placed on tribal courts under TLOA and VAWA.

Please email me any time. We are always looking for more tribes that are interested in participating in the tribal court assessment program. We have a consistent way to measure and help identify those needs. We've even had some tribal courts use the court assessment report as part of their CTAS application. But that is strictly up to the tribe, it's your report and we work with you to identify those

needs.

I have a sample letter if you are interested in requesting an assessment, a brochure, and also our general webpage that is found under OJS's.

FY16 Update

GEORGE BEARPAW: I just wanted to this afternoon give you a little briefing on the house and senate mark. My name is George Bearpaw.

The president's request for 2016 was \$2.9 billion with an increase of \$323 and a half million dollars over the 2015 enacted. The house mark was \$2.7 billion and the senate mark was 2.6, and I think the assistant secretary went over that yesterday.

The first thing that I'd like to cover is the contract support costs. Both the house and the senate did agree with the amount of the president's budget, which was \$277 million. In here the house has said \$272 but that also includes the \$5 million for the ISDA.

The house recommended the total funding for CSC at \$272 million. They also included the contract support costs in the same line that they've always done which is under the Indian programs. They also in the legislation they tried to reestablish the caps that they did previously in the legislation from last year. They also directed the BIA to work more closely with the tribes and tribal organizations to come up with a more perfect estimate for contract support costs, and the language did not mention anything about mandatory or indefinite appropriation.

The senate was a different story; the senate went quite a ways to go towards the mandatory that the tribes have been asking for in the 2017 budget. In 2016 they did agree with the \$277 million that the president proposed, the differences was, they want to create a separate line for CSC which would not be at the expense of other programs, they want to keep it separate, and it's gone a long way with creating this as a mandatory item in setting it up for '17.

The other big difference was that they have legislative wording in there to establish this as an indefinite discretionary appropriation and they house did not do that. They other thing was they left it open for additional funding. Additional funding, if the estimates are less than that the agency has the ability to ask for more money.

ALLEN: But isn't this a number that we're all pretty confident it will cover existing, new and expanded contracts that we're expected?

BEARPAW: Yes, it did include wording for new and expanded tribes. The other initiative that the agency proposed was data in Indian Country, to improve data in Indian Country. This was to improve the data that the tribes have been asking for and that was \$2 million to add to internal capacities for the agency, \$9 million for census, agreement with the census, to come up with additional data, and also \$1 million for outreach and consultation with tribes. It was a total of \$12 million and both the senate and the house did not provide any funding for this initiative.

For small and native tribes, there was an initiative to reassess the need of some of the tribes in Alaska villages to see if there was any gaps and also to take a look at the established thresholds. There was \$1.2 million that was requested, congress did not agree with that and they provided no increases.

And also one of the initiatives that was outlined in the president's budget was also the one stop tribal support center. That was to assess information about programs, services, funding opportunities for tribes, and there was \$4 million that was requested for that initiative and congress again did not provide any funding for that. I think Tommy is going to cover that here in a little bit in the next

presentation as to what's currently going on with the one stop shop.

ALLEN: Well, you know, this one and some of these other initiatives that are being proposed, congress said, no: the small, needy tribes for example. As you guys, on behalf of the administration, engage with congress, I mean it would be helpful for us if we could find out why, what was the reason that it wasn't considered, so we have a sense of that the thinking is of the appropriators.

MALE: I was just wondering as far as looking at the small and needy tribes, what are the criteria to be small and needy, because we might be about medium and needy, but I would really like to kind of know what is that definition?

BEARPAW: The lower 48 does get 160 and Alaska gets 200 currently under small and needy.

COMMENT: In the Green Book it says in '93 when the initiative was implemented the population of fewer than 1,700 members and less than \$160,000 recurrent TPA, and \$200,000 for Alaska.

BEARPAW: The next initiative that we had on the president's budget was the energy service center and this was to expedite the leasing, permitting and reporting of renewable energy on Indian lands. And the president proposed a \$4.5 million increase over the '15 enacted. The house did agree with that amount; however, the senate did not, and they did not provide any additional increases.

As part of the Tiwahe initiative social services, the president's budget request was \$6 million over the 2015 enacted. The congress did agree with the initiative in part; however, they did not in the way of the funding. The house only proposed a \$1 million increase over the 2015 enacted and then the senate proposed \$3 million over the 2015 enacted.

And also as part of the Tiwahe initiative was the law enforcement special initiative, \$4 million over the 2015 enacted. The house agreed to -- excuse me, but the senate agreed to the funding but the house only came up with a \$1 million increase over the enacted 2015. and also part of the Tiwahe initiative was the tribal courts, \$5 million over FY15. The house agreed, the senate agreed with the increase, the house did not, they came up with only \$1.5 million increase over the '15 enacted.

Tribal justice support, this is an initiative that both the house and the senate came up with. The proposed, the house proposed \$1 million to carry out the training and technical assistance to Indian Country regarding the violence against women reauthorization act of 2013. The senate proposed \$10 million to work with tribal courts in the PL280 states. So this was both the house and senate initiative.

Tribal climate resilience, the president requested \$20 million for this initiative above the 2015, congress did not agree with that and it provided no funding.

HANKIE ORTIZ: There was \$5 million identified this year for, in FY15, for social services and for ICWA. And we increased the pilot budget sites more than other tribes but all tribes that had that as part of their base funding from the base source of funds that were either social services or ICWA also received increases. I would assume that that would be done the same way just because the pilot budget sites, there is such a small number of them that \$5 million to four sites would be a lot of money for them.

ALLEN: If I might add, and that's why we would like to see a subcommittee on justice service because of how, if we do get new monies, how are those monies distributed, you know, with regard to the different court systems out there, and those appellate court systems that many of the tribes have in terms of that agenda, set aside the public policy, meaning enforcement programs and so forth. I just think that if we have tribal leaders who are engaged in that particular area that we're better informed. And that's one of the objectives. And that's what we'll do in terms of identifying admission and some of the charge of the subcommittee.

ORTIZ: All we've received is the FY15 funding which is \$5 million in social services, \$5 million in ICWA, and we received some for job placement funding, let me look at that, \$453,000 for job placement and training. That's all we received in '15. So the proposal for '16 includes additional funding for tribal courts and we had proposed to add one more tribe to the pilot project. So that was part of the proposal and also some additional funding for social services. That's all proposed, but we haven't received those additional funds yet.

BEARPAW: Trust real estate services, the administration's request was \$16.2 million over the 2015 enacted. The house actually came up with a decrease from the enacted 2015 of \$1.1 million. The senate only came up with a nominal increase so that was one decrease that came up against the '15 enacted.

Also there was a pushback on the 500 million acre goal to put into trust, there was a lot of pushback on that from both sides and that was the reason for the reduced funding.

The settlements, the president proposed a \$32 million increase over 2015, the house came up with \$30 million increase, the senate came up with \$5 million increase.

Just briefly to go over the education, for elementary and secondary education the president proposed a \$51.8 million increase over the 2015 enacted. The house came up with a \$32 million increase over the 2015 enacted. The senate came up with \$8.8 million. The house was a little bit more favorable with the president's proposal in the way of education.

For post secondary education, the president proposed a \$5.2 million increase over the 2015 enacted. The house did not come up with any increases at all. The senate came up with a very nominal increase. Education management, the president proposed a \$36.9 million increase over the 2015 enacted, the house came up with a \$10.4 million increase, and the senate just came up with a nominal increase.

For education construction the president proposed a \$58.7 million increase over the 2015 enacted. The house did not come up with any increases at all for education construction. The senate came up with a \$4.9 million increase.

Like the Assistant Secretary said yesterday, they did not cut any funds from the 2015 enacted, they did come up with some increases for both the house and the senate. In the senate mark, only difference was that they did agree with public safety and justice, there was some increases there for both the house and the senate with the president's budget. And then the last column is the differences between the senate mark and the 2015 enacted. And again you can see the bottom line, the president's budget was \$2.9 billion, with the house mark of \$2.7. The differences between the president's budget and the house mark was \$158 million less. The differences with the enacted, the house mark in the 2015 enacted was \$164 million and then the senate mark was \$2.6 billion with a difference of \$231 million less than the president's budget but still favorable as to the 2015 enacted of \$91 million.

And I failed to mention that the fixed cost, the house did not agree with any increases in fixed cost, which also includes the pay cost, however, the senate did agree with funding pay cost or the fixed cost for 2016.

I think there's been some discussion about what's coming down the road, continued resolution, sequestration. There's also, I think the president had also stated that he would veto anything that did not show any increases to programs. So there's a lot of things that are going to happen in the next few months, it's going to be a wait and see as to what both the house and the senate, what actions they're going to take.

One Stop Shop Update

THOMPSON: I want to give you an update what we're at on Native American One Stop. To back up about a year and a half ago when the first Native American crosscut was presented by OMB, there was a lot of anxiety from this body as to how we access those funds, where they're at, what value are they if we can't get to them. And one of the things that we discussed and we presented in our '16 budget proposal was a Native American One Stop.

There was a startup provision that was written into the '16 Green Book that we would prestart this in '15 and as part of the council, we started it really directed towards the youth. And that's phase one and phase two is the continuation of the development of this site. What I'm going to talk about is what we're going to do this next year. Obviously we put \$4 million in our budget request for '16 for the build out of this. It was both identifying the resources within the other agencies, making them transparent to the tribal communities, and basically validating the \$19 billion as to how tribal governments can access that. But it was not only BIA working here in Washington to identify that, but it was also to have community advocates in each of the regions to help support tribes in developing whatever mechanisms to access those funds.

That is continuing to be designed and built. At the present time we're working towards increasing the youth resources for tribes, and that's phase one. We stood it up the 1st of July so this website is live now for people to access. And Andrea Kadish is the executive sponsor of the workgroup that's putting the backbone behind the rest of the website, and I'll turn this over to her to tell you about phase one and phase two.

Phase three, we're going to need tribal input as to the design from the regions as well as the design of the portal that the tribes would use to access this information. We've also discussed with the economic community about having Native American procurement on here so that would put all of our procurement plans out there for the Buy Indian Act and addressing the Native entrepreneurs, where they can access the services that we are out on the marketplace looking to buy. So those are really the four things that we're looking at at this point, two of them will come this next fiscal year and Andrea will talk about what's going to happen in the next 120 days with the further development of this site here.

ANDREA KADISH: Good afternoon, everyone, I'm really happy to be here, this is my first time talking before this organization even though this is my third time at TIBC. I've been asked today to talk about the Native American One Stop. The task is not DOI or Indian Affairs specific, but the goal is to put all information about all federal resources into one spot that makes it easier for American Indians and Alaska Natives to access that.

This is something that's never been done before, so it won't be just another website. I heard somebody describe it as a front door to federal resources, and I hope that is what it becomes.

So to get this started, we reached out to the Department of Labor. They actually host the benefits.gov website. We asked them if they could create a specific online portal for us for this Native One Stop. Benefits.gov describes itself on its website as the official benefits website of the US government. It has a lot of information about benefits eligibility and information on how to apply for assistance. So in other words, it already has infrastructure built to help us build a comprehensive online resource.

After that discussion, we entered into a memorandum of understanding with DOL through its benefits.gov organization, and work started. They are a very competent team that's very dedicated to getting information out about federal resources. We've had daily communication with that group. And

on July 1st they launched the initial website which is up on the screen. You can get to this website by typing in nativeonestop.gov into your browser. It actually changes the address once you get to the site but it is nativeonestop.gov.

This was announced at the White House Tribal Youth Gathering on July 7th and then it also showed up on the White House website on July 8th. However, a lot of the work still has to be done. This is a very basic website, just a listing of resources, but we have a vision for it to be a customized connection where people can get information that is tailored to them which is similar to the other websites that are hosted on benefits.gov.

Another thing that we decided to do is start with a focus on Native youth. There are quite a few resources out there and we figured that this, based on the discussions that have happened recently, that this would be a good place to start and then we would branch out and include all of the other federal resources.

To get this started, on the DOI side we've actually put together a Cross Indian Affairs Workgroup called the Workgroup on Development of the Native One Stop. And we have representation from quite a few of the offices and those that are not on there we'll reach out and loop them in.

So we have experts on that workgroup that can help us with the two major parts of this project. The first would be content development. We have some content there but we actually need to reach out to all of the federal agencies which is going to be quite a task. And it will require us to coordinate quite a bit with our federal partners and determine what type of information that users want and how can we best deliver that through the website.

So yesterday I was really glad to hear the discussion that was going on about the additional information that was needed on the Native American crosscut and that there was already a chart put together. So I talked with Amber and was able to get that chart, sent it out, and asked a couple of the workgroup members to put that into a worksheet that we could send out to the federal agencies and do a data call so that we could get all that information together and put it up on the website. So I was really grateful to be here for that presentation.

The second aspect of the workgroup will be communication, how are we going to reach out to all of these different federal agencies. I actually don't know everybody that's working in this area, there's a lot of agencies involved, and that's where the White House Council on Native American Affairs can help us. Annemarie Bledsoe Downs, the Deputy Assistant Secretary for Indian Affairs on Policy and Economic Development is going to help us work with that group to help us get the content that we need.

Also, we need to come back and provide updates and get feedback from TIBC and other tribal leaders and representatives.

Does anybody have any questions?

GARY HAYES: I just have a concern about putting that crosscut, that \$19 billion that's supposedly out Indian Country, because that's not really accurate, because many of them are passed through to the state, many of them are competitive grants, so that's the only caution that I have is when people read that and say, well Indian Country is getting \$19 billion and we know that's not true. So maybe when you, before you do that, maybe there's got to be, how do I say, a process where that's accurate because that is not a true amount of money that's actually out there. Because if somebody clicks it on there and goes to the tribal leader and says, well, look, we're getting \$19 billion, where's our money at, and they don't really know the details of why some of the funds again go to grants and are passed

through to the state and we know that the tribal and state relationships aren't great in some areas, so that's my only caution as far as throwing that number out there.

THOMPSON: Yeah, there won't be any dollar amounts on this website, it's only a resource tool. I would envision the ones available for tribal governments would be a protected site that only tribal governments would have access to, but these to particular sites are open to the public but they only refer them to resource, not the dollar amount behind that resource.

Indian Highway Safety Program

LAWRENCE ROBERTSON: Good afternoon, everybody, my name is Lawrence Robertson, I'm the Program Director for the Indian Highway Safety Program located here in Albuquerque, New Mexico, I'm an enrolled member of the Sisseton-Wahpeton Oyate of South Dakota, presently live down here in Albuquerque. And what I'm going to do is give you an overview of our program and the requirements, what our program provides and how you can have access to it.

Our mission statement is to reduce the number and severity of crashes in Indian Country by supporting education, enforcement and engineering, as well as safe tribal communities, and to create safe tribal community environments on the roadways in Indian Country overall.

Our program is located and provides services to 560 native communities across the United States and into Alaska and we're located here in Albuquerque and we're part of the NHTSA Region 6 office located in Dallas. We are essentially treated as what's called an Indian state so the, all of the requirements for grants that the states receive, we have to meet those requirements as a program, as well on behalf of the tribes.

The demographic that we cover generally for the most part are the states I have up here, California, Oklahoma, Arizona, New Mexico, we have a couple of types, we have one program in Texas right now, North Carolina, New York, this is basically based on the population, South Dakota, Montana, Minnesota, Colorado, and we do have a few programs in Wisconsin.

Our program is based on statistics.

We use and we encourage the tribes to work with the states in the Fatal Analysis Reporting System, better known as FARS, and it provides all the information regarding the crashes that occur on Indian Country. And it's something that we use when we provide information to NHTSA during our planning period for the request of our funds. And it's really vital that that information is accurate, but I know to date that we still have a lot of our communities that don't work with the states and I really encourage you to do that because it helps us in the long run.

There is a site under NHTSA that provides you information, and when you do work with the state as far as the fatalities and the crash data, that stuff can be found on the NHTSA site and it can actually help you not only for our grant, but for other grants relating to traffic and transportation, because it will pinpoint where the crashes occur on your reservations, and it could help you with engineering grants and things like that. There again, another reason to work with them in reporting.

There was a need identified when the program was set up years back under the 402 funding and right now we're looking at the latest statistics from 2009 to 2013, of the 1,834 traffic fatalities, 51 percent were drivers, 43 of those, 43 percent of those involved alcohol impaired driving, 42.6 were unrestrained, 36.6 involved speed, and 31 percent of those were passengers. So there is established need on our lands for this program.

For the 2014 fiscal year, our program funded 31 different programs and they reported 5,102 DUI

arrests, which is really good for the number of programs that we fund. The seat belt usage has been going up at a steady rate for the past 5 years, it's increased now to 73 percent and it started, it was at 52, but it started real low. So our movement to safety is getting to be very good. The speeding citations issued, again, on Indian Country were 32,754, again, our speed related fatalities are high in Indian Country and our traffic citations, as a whole, other than speeding, were 34,861. So our officers that we're funding are really out there working hard to keep the community safe.

The 2015 funded programs, this year we've got funded programs in all of these states, Arizona, California, as you can see, a lot of our states with a lot of our reservation lands.

So here are the funded programs that we have available through our office, the first one is, we call it a PTS program, it's a police traffic service program, and there are traffic enforcement grants and they're awarded to tribal police departments, and we look at impaired driving, ocular protection and other traffic and other safety related activities. And that could be education in the schools, education to elder drivers, checkpoints, saturation patrols, anything related to traffic safety we are covered under these grants under the Section 402 funding through NHTSA.

The grant application is pretty heavy, and it's really statistics laden. We have to have the population, the road miles, the land base, the traffic data information, which includes all of these items. And again, it looks kind of discouraging but we have to maintain the same type of funding requirements in our grant applications as the states do as we're covered under the super circular like a lot of our grant programs are. But this is what NHTSA set up for us and all of these have to be part of the grant application.

Under the PTS program, we fund full time police officers, they're called HSOs, highway safety officers. You must have enough sufficient traffic data to support the program. We look at crash numbers, we look at road miles, we take a look at all of that and we look at again the number of fatalities is something that is really looked at and scrutinized pretty heavy. It's a hard program to run for tribes many times because 100 percent of their time has to be on traffic safety and traffic enforcement. And one of the biggest complaints that we get is that if a domestic is happening two miles down the road that those officers can't respond. Well, we do tell those officers to be police officers, it's just that portion, if it's a fight and that officer is on that fight for three hours, NHTSA is not going to reimburse us for that, so those are costs that the tribe would have to pick up.

We have three national mobilizations and many times we'll fund and require those tribes, the overtime tribes, just to use that money for that, those national mobilizations. And for the high traffic periods for that particular agency, for your celebration times, your big powwows that happen, we fund those overtime activities in that time, too. So, again, we call them RFRs, requests for reimbursements, there's a lot of documentation that comes back to us so we can reimburse you.

We have occupant protection grants, they're called CPS, child passenger safety grants to tribes, and these ones, we buy the car seats, every level car seat that organization needs, your tribal needs are, again, based on the information you provide us. And these are really just a fill in the blank, again, application. The documentation requirement on this is that where the seats go our enrolled members per your tribe enrolled or descendants for the people that live on your reservations, and if a tribe buys 100 seats but only expends 50 seats in the first year, our grant, we have to track the other 50 seats until they're expended, and then we could provide you more seats after that. There's a lot of discussions would go on that, depending on what your needs are.

Impaired driving court grants. This one requires a high level of documentation as there are so many

components to it.

And the last thing that we provide to the tribes is what's called the Bat Mobile, and this Bat Mobile is we have four of the, one in Aberdeen, one in Muskogee, one here in Albuquerque and one in Billings.

So that's it for my presentation, I'll take any questions you all have on our program.

HAYES: A question on your reporting system, a fatality accident that happens on our state roads or tribal roads, how quickly do you get the report from BIA or tribes, is there a timeframe?

ROBERTSON: Our program depends on the FARS system, and that's two years off. So it isn't factually given to us until it gets posted. So when you look at our application that goes to NHTSA, it's referring to 2013 data and we base it off the 2013 data because that's accepted and vetted through NHTSA. But the problem that we have with a lot of our programs, our reservations across the country, that there's absolutely no, there is no reporting that's being done to the state. So we'll have one incident we were at one place and we found out there were two fatalities and we went to visit with the state and the state had no idea. And that really counts against the tribe because those crashes are happening on tribal lands, and I guarantee you when you show you that site up there, that forest site, when you click on that under NHTSA, it says Indian Country. A misconception is that if we give the state the information, the state takes it themselves. No, they don't, they actually cut it out and give it to us, so we get that information, we get to use that information for our benefit which benefits the tribe.

HAYES: In Colorado, the main road that comes is 491, that comes into Colorado and New Mexico, and that's a major road right there which is utilized by a lot of the Native Americans, and we know that there's a lot of fatalities that happen. And the state's been asking the tribe, well we need that information so we turn to BIA and say you need to provide that information to the state. But there is no really cooperative engagement of sharing information.

ROBERTSON: The tribes that our program works with, we recommend that because we know from our program, we see these sites and we know that they actually cut our sections out. As a matter of fact, if you have borders on your reservation and you have non-Indians that get killed in the borders, that also counts as an Indian Country death. When our tribal police officers are responding to that and putting money towards that service, they're doing enforcement on that and they're stopping non-Indians on those thoroughfares. That should be counted as work for our people, because there are transients running through Indian Country, and this site also breaks that out, that says all fatalities within Indian Country. So it does count nonmembers.

And then there is also a section that just says members, enrolled members. So it cuts it out pretty good. And one of the points really is that if you've got a tribal police department and they're running, they're doing enforcement and they're getting 100 tickets a month, they may be doing 1,000 stops and maybe 900 of those are non-Indians. That's 900 people that your resources are going to try and make it safe for your communities. So working with the states is really a good thing because it breaks that out for all of us. So we really encourage that.

Contract Support Cost Update

ORTIZ: Okay, good afternoon, everyone, my name is Hankie Ortiz, I am the Deputy Bureau Director for the Office of Indian Services for the Bureau of Indian Affairs. And with me I have Mr. James Mackay, he's a tribal administrator for Susanville Rancheria, but he serves as the tribal co-chair for the Contract Support Cost Workgroup.

So many of you may recall in 2014 we held eight tribal consultations sessions across the country in person. I led those consultation sessions. We talked about the contract support cost policy and

potential changes to it, what needed to be done. So what we've been doing this past year is we've been working on trying to review -- we reviewed the comments, and I reported on this in prior TIBCs but I just wanted to remind those of you who may have forgotten or to bring everybody else up to speed on where we are right now.

So what we did is we compiled all those comments, we met, we had a workgroup meeting, and the workgroup came out with recommendations. We just held another workgroup meeting on June 16th and 18th and we talked about, what we did is we actually rewrote the policy. We decided to just go ahead and change the policy because as we were looking at possible changes, what we found was that the policy was not in the Indian Affairs manual. So if it's going to be an ongoing policy that's supposed to last longer than a year, then it really should be in the Indian Affairs manual. And that the way it was written was only a temporary kind of policy that really should only last up to a year.

I want to reiterate that the Bureau of Indian Affairs is committed to paying 100 percent of contract support costs. And in order to do that it has to be predictable. So we talked about that quite a bit in the work group meeting and in order to be, it has to be predictable for our budget purposes so that we can request 100 percent of funding. That's why it's important to have a methodology that is consistent across the board, it's applied the same way to every tribe, whether they're a self determination tribe or a self governance tribe, so that we needed some consistent factors.

One of the issues that we ran into was that indirect cost rates are not being updated regularly. We actually had a number of issues raised during the consultation and in the workgroup with regard to the Interior Business Committee (IBC). So we invited Debra Moberly who works for IBC to participate in our contract support cost meeting last month or actually in June, and these numbers that are provided on this slide show the percentage of current contract support cost rates for 2015. Only 5 percent of tribes had current rates, 37 percent had rates from 2014, 17.6 had rates from 2013, 7.52 percent had rates from 2012, 3.92 percent had rates from 2011, and 28.43 percent had rates that were even older than that. And so that's an issue that we've been trying to address and I just kind of, we wanted to raise that because that's something that you might want to think about and we're still open to recommendations. Right now we've been working on a draft policy, we don't have a final draft policy to present to discuss right now, but that's really what we're moving toward.

In the IIM chapter, these are just some of the parts that are going to be included in it, the purpose, scope, the policy, itself, a description of the workgroup, definitions, pre-award contract support costs, startup, direct contract support costs, indirect, which includes the negotiated lump sum amount or a simplified method which I'm going to talk about a little bit more later. Overpayment contract support costs, underpayment of contract support costs, their adjustments, contract support costs annual report to congress, disputes, effective date and approvals.

So in the policy, the current policy that's out there right now, there's a lot of descriptions, there's a lot of references to the statute or to the regulations. There are also a lot of examples and other things in there. So what we did is we pulled those out so that the policy could be more basic and could be more simple, and I think it's about four pages right now, maybe five now, but these things we thought were important and we wanted to provide as many tools as we could to people looking at the contract support costs policy, so we identified certain things that we wanted to put in handbook. This handbook is going to be attached to the policy, so if someone is looking at the policy they can click on something and it will go to the handbook and they can see all these things which starts out with the history of contract support cost policy. Because we thought it was important that people understand where we've been with contract support costs and how we got to where we are now.

Definitions. Examples. Examples of calculating startup costs, pre-award, direct and indirect contract support costs. Template letters in Excel form requesting startup and pre-award funds. So a template pre-award notice letter, template letter from awarding official, OSG to tribe getting notice of alleged overpayments. So the manual, itself, is really for federal employees to do what they're supposed to do to carry out our requirements. But any tribal representative should understand how that's working and they can look at this and see how we're going to do certain things. And so these are just other things that are going to be in the handbook. A flow chart for method of determining indirect costs, examples of how overpayment can occur or what causes overpayment. Templates for contract support cost calculation. Annual contract support costs report.

And then we have some exceptions with regard to contract support costs. One of those is the Choctaw Decision schools. And then we want to talk about calculation for Title I tribes and for Title IV tribes and 477 is another kind of different area. So all those things are included along with the timeline in the chart form for the annual CSC report. We're still trying to work on what really has to be included. The statute, the Indian Self Determination and Education Assistance Act identifies specific requirements that must be reported to congress and we have been reporting actually more than that because we will be using it as a shortfall report to identify shortfalls. But if we're paying 100 percent contract support costs we need to look at what we really need to be identifying and what is important just to continue to report. You, of course, have to comply with the statute, but is there anything else that we need. So we're still working on those things.

Certification for single audit or whether a single audit is not required. Template findings and determination concerning overpayment. Letter from awarding official, OSG to IBC, to issue a bill of collection.

JAMES MACKAY: One thing that was brought up before the congressional thing was for BIA and IHS to meet together to come out with some common solutions. And that for the most part, BIA, we've had some IHS people over to our meetings, IHS hasn't been too keen on BIA or representatives be on there. There is some discrepancies there. If any of you are working on IHS contracts for cross settlements, we're doing a cost incurred method and the BIA side and tribal side, we are definitely against that because your indirect cost rate proposal takes care of any adjustments that need to be done.

So the things that worked well for the BIA, we're trying to incorporate into the policy here. Things that tribes are against with HIS, we're working hard not to incorporate them into the BIA policy, and the BIA central office and awarding officials are in support of, hey, that doesn't work over there, that's too hard, too difficult, why keep your contract open for multiple years just to settle out any expenses you had on a cost incurred method. Let's just say, and part of this thing is at the end of your contract period, is the determination of how much contract support costs you are going to have.

So in the Power Point at the end Mr. Mackay has identified the workgroup members. And we still have a vacancy, the alternate tribal representative for Rocky Mountain Region. So if you know someone that would like to participate on this workgroup. It's a very active working group, we've had Mr. Hayes participating with us and he's been very helpful in providing a lot of good comments, and we have a lot of intense discussion.

If there are any other changes in the representatives, so what we've been doing is we have a member of the workgroup and an alternate and when we have these workgroup meetings, Indian Services has been paying travel for one person from each region to attend, and then we have a few level 2 awarding officials that also participate. We also invite Mr. Tommy Thompson and Ms. Sherri Freeman to participate for their offices and they did join us a little bit at the last meeting.

ORTIZ: Well I want to say thank you to Jim also and to Mr. Hayes, and to the other participants in the workgroup, because it was tedious. We sat there for three days and we went through very carefully and I was very happy that we came out of it with a good product. I said, it's always surprising to me, but in my experience it's a lot easier when you sit down with tribal representatives to work through something, it goes a lot faster than when it's just all feds working on it. So I think that was our experience in this situation in looking at it. So thank you all very much.

Tiwahe Update

ORTIZ: In this presentation, this is actually what we shared with the tribes that were identified to participate in Tiwahe. And it includes the goals, the roles and responsibilities, planning options and reporting requirement.

We also looked at what they were doing and they had the capacity to carry out these certain programs that were going to be included in Tiwahe. But Tiwahe should not be limited to those programs. And so the initiative really focuses on supporting families and supporting, protecting the community and working together. And so what we talked about was a five year demonstration project, which is what we were proposing, and so every year we have to propose funding for subsequent years. So, so far we have only, and I mentioned this earlier, we've only gotten money for FY15 but we're hoping that that would be extended through FY20.

But what we want to really focus on is that regardless of what we've identified funding for, this initiative really is going to focus on tribal community issues which include substance abuse, child abuse and neglect, poverty, family violence, unemployment and a high incidence of incarceration. Those are all focus areas. We want to demonstrate the importance of the service coordination between those kinds of programs and by that we mean we want to be able to identify resources for families at the local level, state resources, other community resources, other federal resources, and also at the national level. So that's what we're proposing is identifying resources and trying to coordinate access to those resources.

So this year we invited four tribes to participate in Tiwahe and last time I couldn't tell you what those tribes were, but those tribes were the Spirit Lake Tribe in North Dakota, Ute Mountain Tribe in Colorado, Red Lake Indian Tribe in Minnesota, and the Association of Village Council Presidents in Alaska. So Village Council Presidents represents I believe 52 communities in Alaska.

So for FY15, there was \$5 million appropriated for social services, \$5 million for Indian Child Welfare Act funding, and \$453,000 for the job placement and training program. So we did take out some funding to support one FTE at the BIA central office and that person is going to be called the Tiwahe National Coordinator, responsible for planning, project oversight, assessment training and technical support. We also said that part of the funding would be paying for a family advocacy coordinator located at each of those four sites that were identified. So that family advocacy coordinator is going to be paid for by the federal government and that funding will be base transferred to the tribe for that position, and that person will be hired by the tribe. And we did provide a template for a job, what do you call it, a position description for that job. But then that person is going to working with the national coordinator, the person that's in central office, to help us to identify the reports that we need, to share information, to make contacts with these other resources that I mentioned. So that's kind of how we envision those advocates working at the local level and working in central office.

In FY15, each demonstration project site will receive a 50 percent increase to the FY14 social services

TPA recurring base, and a 50 percent increase to the ICWA TPA recurring base. So we looked at the base funding they received in TPA for social services and ICWA, and we increased that by 50 percent. The remaining social services and ICWA funding was equally distributed pro rata to the tribes that currently operate social services programs in accordance with 25CFR Part 20, and the ones that have ICWA funding that was identified as a base source of funding. Allocations were based on the FY2014 TPA amounts as they were published in the 2014 Green Book.

So in FY16, this is what we had proposed. And I think that this is what Mr. Bearpaw talked about, what we proposed and then what congress is coming back with now in response to these proposals. So I think we don't know what FY15 is going to be basically.

We identified these goals and objectives for Tiwahe to develop a comprehensive approach that results in a more effective and efficient coordinated tribal service delivery model. So we're leaving it up to the tribe to design what would work best for their community, because all those communities, as you can see, if you're familiar with those tribes, are very different. They have different environments, they have different accesses, different resources at the local level. But overall what the goals and objectives are, to improve screening and access to family and social services, to create alternatives to incarceration via solution focused sentencing, improving links to appropriate prevention, intervention and treatment opportunities. Improve case management services, enhance overall partnerships between the local tribal county, state and federal governments.

So we identified the BIA's roles. So we're going to hire a national Tiwahe coordinator. That Tiwahe coordinator is going to be located in the Office of Indian Services in the immediate office of the deputy director. Which means that person would report directly to my associate deputy, Mr. Big Horn and to me, and then we would help to coordinate with the other entities which would be maybe tribal courts and justice services or maybe law enforcement, depending what money we get in the next four years, coordinating all those resources and working closely with the tribal coordinators and with the tribes that are participating.

We will provide hands on technical assistance and training as needed and identified by the tribes. We're going to assist with policy and protocol development. We're going to procure a contract of the Nonfederal Research and Evaluation Organization to help us identify some performance measures and to help us to identify, to develop the reports that would be necessary, that would be helpful. We're going to serve as the federal liaison and coordinate with local tribal, federal and state partners and service partners.

What have we identified for the tribes rules and responsibilities for these four tribes that are participating in Tiwahe is that first we ask them to adopt a tribal resolution because we needed a commitment from the tribal government that they were willing to participate in this pilot project and that they're willing to carry out the other responsibilities. And so far we've received three of the four tribal resolutions.

So the funding that was divided up and sent out to all the other tribes, the tribes that are participating got that same amount right now, and then once we get the resolutions, and which we're working on right now for those that we have received, is to increase the funding from that percentage to 50 percent. But they've agreed to hire a family advocacy coordinator and we're going to help them with that. They've agreed to develop a tribally driven coordinated service delivery model and project plan, identify a standardized screening tool for assessing individual or family needs, and to participate in Tiwahe initiative meetings.

So we're looking really at over these next five years, a coordinated team approach with the BIA, the national coordinator, the tribal family advocacy specialist all working together, and then we've identified three distinct phases in these years. So year one, this year, is the planning and development phase. And so all the tribes have already begun. When we had the meeting with them and they were committed to participating, they immediately started working on their plan on how they're going to carry out this initiative. But we're still working on that, and that is going to take some fine tuning because they really have to look at the other resources they have available and they have to decide where they want to go with this initiative.

Year two is a service delivery implementation phase where we start taking whatever plan they have and helping them to implement that plan. Year three is the reporting and enhancement phase, so we're going to get some data backing year three and we're going to figure out how we can make this initiative better, how we can make improvements.

So the planning options can include any of these offices which we have received funding for this year or that we are planning to request funding for in the future, which includes human services, Division of Workforce Development, tribal courts, detention and law enforcement. But also, like I said, it would include any of the other programs that the tribe wants to include, those are just the ones where we're talking about putting additional funding into them. But again, that funding can be used in the way the tribe deems is best for their community.

So on the next page of this slide there's a lot of recording requirements that we've identified and that's where we're going to hopefully get some assistance from a contractor, and also from the tribal advocacy coordinators and the Tiwahe National Coordinator will help us to pull together these reporting requirements for FY15, 16, 17, 18 and 19. So when you get a chance to look at that, I'm not going to read all those, there is way too many, but you can have a better understanding of how that is going to work.

So this year I believe when the funding was distributed pro rata, tribes received a 22 percent increase for ICWA and 8 percent increase for social services across the board. And then like I said, the Tiwahe tribes were going to get an additional amount of funding that would bring them up to a 50 percent increase for each of them to kind of see does that kind of increase really provide help in them making progress in these certain areas that we've identified.

So that's what I have prepared. Does anyone have any questions?

BRENDA FIELDS: One of the things that was disturbing was the fact that job placement and training, which I think is a key to this initiative, lost funding, instead of seeing an increase. I think together we should try to advocate that that is a key component with this initiative and funding should be provided for that.

My other question is more a fundamental question. I'm just thinking about the 2018 budget formulation process. When each region is going through the process, you know, without being here today I wouldn't have realized how much of that money was going to the Tiwahe initiative, which I think is a great initiative. You know, I think we're going to see wonders with that. But I guess can we, if I would have had 10 percent that I have to place in one of these programs, my concern would be, because in the Eastern Region we're not one of the model tribes, so if I was to put my whole 10 percent into tribal courts to find out that it's just going to those model tribes, how do we clarify that we would assume that those were going to TPA increases and not just to this initiative? I'm just trying to run that through my mind, it would promote, you know, we'd like to see tribal courts as our priorities but yet

we're being left out of the final analysis. Can we look forward to saying, well, we know if we're going to put X amount of dollars, our suggestion would be to put in tribal courts, that we'd realize 50 percent Tiwahe would go to those other, what will it be, there's two more tribes being added next year, right?

ORTIZ: We've proposed to add one more tribe next year. And it's not, they haven't received 50 percent of the funding, they're only getting 50 percent increase over their own base from FY14 for that specific item. So 50 percent more for ICWA, 50 percent more for social services, for each one of those tribes.

With the increases, for ICWA there was a 22 percent increase, so with that ICWA funding, if it's part of your TPA then you could move it to something else I guess if that's what your priority was in your tribe. So we're not dictating how you're going to move your TPA funds around. So for social services the increase the tribe received was 8 percent, so that 8 percent can be applied, and if it's used for social services, again, it can be applied for any number of social services type activities. There are a lot of activities that fall under social services.

So there's a lot of flexibility in that, it's not identified specifically, but it was intended to give a big push to those tribes that are participating but also, you know, we realize that there hasn't been a big increase in social services or ICWA for many years, and so we wanted to try to share that increase also with all the tribes so that everyone is trying to benefit a little bit at least. And hopefully if we get more funding, you know, like we've requested, then we can help, again, share that with the tribes again.

I would say that is the main goal of the initiative is to be able to show that if we can just increase funding for tribes and we can focus on these areas, that we can make a significant difference. And we have to be able to, that's why we have to identify performance measures that will help us to show that because that would be our main goal is to say, hey, we did this with these four tribes, we gave them additional funding, we gave them additional technical assistance and we helped them with the coordination, and look at these positive results. And if we did that for all of the tribes, the results could be even greater and more significant across the country for all of these different tribes because we can show, you know, we did it for a small tribe or we did it for a consortium in Alaska. That's what we're hoping to show, you know, I would love to get more funding. I mean working in Indian Services, it's really sad to me how underfunded we are when we're talking about serving people and individuals and we're affecting individual's lives. And, you know, I'm willing to fight as hard as I can to do what I can to increase the funding for all the tribes because we see the benefits of that.

MALE: Mr. Chairman, Brenda and the group, I'd like to offer a little perspective on behalf of Red Lake as one of the four pilot tribes. Red Lake didn't ask to be named one of the tribes, at the last meeting when they were talking about the four, I remember we did something like that, didn't expect it, we were very surprised. But we thank the BIA and everybody for choosing Red Lake, we have a real need. But I did want to give a sample that the monetary amount isn't large. I would say Red Lake is probably the largest budget wise of the four chosen, and the funding increase out of the \$10 million for ICWA and social services for Red Lake is \$130,000. That's not a lot of money. There was \$72,000 for a family Tiwahe coordinator out of a separate pot, how strong a position do you think you can hire for salary, wage, fringe, travel, supplies, and all future growth on \$72,000?

So our hope is not in the amount of money, though we support Tiwahe and expanding it to other programs like courts, but the share I think going to the pilots is less than what people probably think. Our hope is in other aspects of the initiative, being able to utilize the flexibilities and what we heard was the strongest commitment I guess we've ever heard from bureau officials, including Hankie and Evangeline, and Spike, and Darren Cruzan and Rodney Robinson, that we're stepping into this and we're going to get skin in the game on this. We're not just going to stand back and let you try and do

this, we're actually going to pony up and get in on this and try and make this work and move it forward. So I just wanted to give a little perspective and thank everybody.

HAYES: We've been working on this for quite a long time. In 2000, Ute Mountain Ute Tribe was called by US Attorney the murder capital of the state of Colorado. One of the key components that was missing was social services. We're working with BIA, law enforcement, FBI, and the US Attorney and we're working with the county and the state. They've all come onboard in certain areas, which is really helping us. But at the same time we looked at the social service issue, and we don't have enough for this, and the little increases that we've been receiving, it's going to help but we have other programs that we're working on with Circles of Care and Drug Free, which really with this is going to be able to help us to say, look, not just with Tiwahe, but if you fund Circles of Care and these other programs, that we can be creative in pulling these other resources together, then it's something that we together can advocate for more funds in these other programs. Because I think just because Tiwahe is there doesn't mean there's not a shortage still there. When you look at the costs for remote areas to hire individuals to come into your communities, it's tough because you look at the same quality of life issues, because those are the issues that we need to bring up because we're also participating in alternatives to incarceration. We have some resources that we're able to try to move forward, so a lot of it the tribe is going to be supplementing some of these programs, too. But we're just fortunate to at least get some type of assistance to move forward because we're talking with the district judge in our area because he has a huge concern about the juveniles and how they can work with social services. So with all this I think we'll be able to set a plan where the juvenile justice system is broke and with part of this, and hopefully getting social services engaged in this, and dealing with ICWA, we've had a couple of cases in Colorado that once the tribe got involved in talking with the judges, and up in the Denver area or up in Boulder area, because there was some Native American children that were going through that process, and we explained to them the process of ICWA, they backed off. So this is the type of advocacy and coordination with the state that's going to benefit, you know, Indian Country as a whole and how we can set that coordination, that plan, how we can be creative. The US Attorney is willing to provide some of that training for the judges in the state of Colorado to really let them know what ICWA is all about.

KINGMAN: We totally support the tribe in our region that's receiving the Tiwahe funds, Spirit Lake Tribe; my question is on the budget formulation for 2018, how do we treat this. Is this over and above, so we leave that alone, we don't include it in our formulation.

CARROLL: My question is a strategic one from the bureau's perspective, what's going to be different for you in making the argument to the powers that be about why there needs to be funding from this initiative as opposed to the current reality that exists right now, of disproportionate caseloads for social workers? What's going to change for appropriators, because we could make that same argument right now, you provide additional dollars to a program, they can add an additional social worker who is going to lessen the load and you are going to see changes. So you can have that same argument with law enforcement, you've got a community with two officers, you add two more officers, you're going to see an improvement in community policing. So what's going to change, in terms of the arguments, to get to the result which is an increase in funding?

ORTIZ: So we really have in the past have approached it the way you said, and saying we've identified that underfunding with regard to social service activities and underfunding for social workers. And we did receive some funding recently to increase the number of social workers. And we've received so many, I think there were 26 that were sent out, 26 positions for social workers identified for tribes. And I think it was, maybe it was 28 and then 6 for the federal government at different sites. So this is kind of just coming at it from another direction and building on that already.

So we've pretty much been making those arguments in the budget, so this was kind of a creative way to come at these same issues that we're having of underfunding and look at trying to bring all these resources together because we can't do everything. The BIA doesn't have the funding to do everything, and that's why we have to identify these other resources and we have to show that if we can do that, we're doing something extra, but we still need the additional funding to help us, because that's an important part of it.

CARROLL: So if this is a four or five year plan, I think there needs to be some sort of commitment beyond the current year funding or next years funding to make sure that whatever it is, because in your situation, Gary, if you guys are subsidizing this initiative, for it to fall apart on you in year two before it's even gotten its legs under it, I don't think that's a good scenario.

ORTIZ: So we have distributed all the funding we received for FY15 as base funding, which means it's a recurring, so the funding that we've gotten for '15 is recurring. The challenge now is to get additional funding in '16, '17, '18 and '19. That's our intention is that it's recurring, like ongoing recurring, the funding that they received for FY15. Some of the things we're looking at on a national level is we've been working very closely with Health and Human Services including ACF and IHS and DOJ, and ACF has a form that they send out to state court judges for reporting and they've added some more questions related to ICWA type issues on it. We also have to look at those other federal agencies because they have major and significant roles like HHS, like DOJ.

THOMPSON: I think the takeaway for me on Tiwahe, five of the seven budgeted line items within Tiwahe are TPA funds, which allows the flexibility of the tribe to redesign how they want to address family issues. This and future administrations have to acknowledge that the future of all the reservations is how do we address the family, the youth, how do we stabilize this going forward.

So we think it's important. We think we can bring equity into it by across the board distributions as well asking these four or five pilot sites to do a little extra in the collection of data and trying to do things that we may not be doing now.

Tribal Data Exchange Discussion

THOMAS: Remaining issue is the tribal data exchange request for funds, if the body wishes to fund that, we would need to make a formal request to push it forward for carryover funds to be utilized for that money, for that request. And the next one would be to endorse the data management charter.

DAVE: Earlier we were talking about TPA general increases for our base core government service programs, does anyone know when the last general TPA increase happened, was enacted? I do, it was 1998, there hasn't been a general TPA increase in 17 years. And it's because OMB says we can't justify it, a general TPA increase, we have to have data. So but I'm not contradicting anyone's point that this project has staggered and tribes haven't been buying in, some of them are worried about more work, that's why Red Lake isn't. But I certainly have to respect what it's intended to try and do and that is to when OMB says, why should we give you Indians more money, you already get most of it. So I mean we have to have a way of being able to answer things like that because they come up all the time. Sorry for taking so much time there.

THOMAS: If there's no action on the TDE and Data Management Charter, it automatically gets tabled to the next meeting to put it on the agenda. No action was taken, due to lack of quorum.

Discussion:

ZACH SCRIBNER: I'm the self governance coordinator for Chickasaw Nation and one of the managers for TDE. So just to first of all address some of the points, the point as far as participation goes. At one point

in time there were over 20-some tribes who participated in the system, there were over 180 who attended trainings on the system, so there was a lot of interest in collecting this type of data. It's critical for budget justifications. One part of the TDE system is the GPRA measures involved with the system. Another part of the system is tribal specific measures so it could serve a purpose for GPRA or for that purpose, but also for internal purposes of tracking data.

25-some tribes were using it and they were very interested in it, but a lot of them basically quit using it because the performance measures that are built into TDE were based of GPRA measures, and there were some questions about the relevancy of those measures. So I don't think that a lack of participation in the system is as much an issue with the intent or the functionality of TDE as it is, there are no performance measures that seem relevant that would warrant that participation within the GPRA process. If the measures were more relevant I think that that would increase participation, not only within the GPRA measures but also if there were tribal specific measures at all that folks could use and track data with and help the budget justifications, they don't exist, whatsoever.

JENNIFER MCLAUGHLIN: We were one of the pilot tribes, we're still one of the pilot tribes that participate in the system. Part of the problem was since these were the GPRA measures, the bureau was basically choosing them for the tribes. So part of the reason why a lot of the tribes dropped out is because they were given measures that didn't apply. So if they were given report on transportation and they didn't have their transportation program through BIA, they couldn't report on those measures so they dropped out.

So what we've been trying to do is we call it, or Chairman Allen said reboot the system, and we're then engaging closer with the bureau to try to focus back on what the intent of the system was in the beginning was to have tribal data driven by the tribes.

So I'm just adding that on and if you want to table it to the next meeting, that's fine, but there's a lot of reasons why it's taken this long and not all of it has been due to lack of an effort on our part. It's just trying to get on the same page and collaborate better with the bureau.

CARROLL: One of the things that I've had questions about this whole time is why was it built, and I think that brief summary just reinforced for me the original intentions of this was in many ways trying to satisfy that contractual requirement, whether it's being executed or not, for self governance tribes to be able to report to satisfy BIA/OMB data requests, because let's just be honest with that. And I don't have an issue with that.

But the bigger question though I think that came up is we've got to find a way to deal with this data issue more at its core. So I'm not in opposition to, because for me the dollars spent on this is the sunk cost, it's neither here nor there at this point. My question is for the \$220,000 moving forward, there has to be a very specific plan about how we're going to address this data issue and get to, because one of the things I also heard on Tuesday was, or even on Wednesday's tribal leader caucus, that it's incorrect to frame this as low participation because it is a pilot. Well that was news to me until I heard that comment phrased that way because in my mind I've always been asking why aren't there much more greater tribes participating. If this is a pilot, then it's a pilot, right, so you're going to have lower numbers, but I didn't understand it that way up to that point. But that said, I think, to justify further investment, you've got to have more tribes participating than 3, 4, 5, 6, whatever that number is, regardless of what that number might have been 5 years ago.

I think our support is tied to we need to know that the end of this next year's investment, that there is some clear measurable objectives which include much greater participation as one of them, and then

additionally with that addressing what we had talked about at length on Tuesday about data that's more relevant to us, right? And when you approach it from that way, it's an all tribes relevant concern, not just direct service, not just 638, not just self governance, all of us.

So I think if that can be the objective, then we support giving it a chance, but that has to be very clear so we're not two years from here sitting here having this same conversation about only a handful of tribes are participating in trying to rationalize that, because I do think that somehow in that \$220,000 there has to be better outreach to tribes about this very thing. And I'll share with everybody directly, you know, our, the reason why Brenda and I even think we're around with DMC, because in my role I have not involvement in data on a day to day basis. The reason why Brenda and I are even involved in this is because our previous regional rep reported back to us that she got no derived value from participation. So when I have my regional rep saying that to me, that's a concern to me, and she backed off. But we felt we needed to stay engaged because we wanted to have regional voice and participation in that conversation.

So long way to get to my point, I'm not, we're not in opposition to continuing to invest in this, as long as these objectives are very clear and as long as at the end of that year, that we see a much greater participation rate in this, otherwise we would strongly question our continued support beyond that.

CARROLL: The conversation that we had on Tuesday, what I'm stating though for is for the record, that next time this comes around, that if what has been represented here is not achieved and this comes to vote again, it's going to be very difficult for us to get behind it and support an additional year if it's not meeting its objectives, which is a modified objective based upon what we talked about on Tuesday to massage it based upon that conversation and what we talked about even yesterday about needing to deal with this data issue head on. So the language that's found in here now, starts addressing that and reflects that conversation. So as long as that can be met I think we're going to start going down a different path. If these objectives aren't met it just means we're continuing down the same path we have been going down the last five, six years, we're going to be in the same spot and we'd probably have to end our support.

BEARPAW: Well the Data Management Committee needs to come up with the targets and that's what we've been working on with the group. And I don't think they've come up with any hard targets or any new data collection from all the tribes. So that's still in development with the committee.

BLACK: In the big picture, and investment of a million dollars in a system like this is relatively cheap. I mean, in fact, it's very, very cheap. But like I say, I think the system could be beneficial to everybody but I just want to make sure from my own perspective. And like I say, if you can get a system that works for everybody for a \$1 million or even \$1.2 million, that's pretty cheap in this day and age.

SAM THOMAS: I think it's been a good meeting and I look forward to seeing some of the initiatives and the outcomes coming forward. We've made leaps and bounds in trying to get more positive unmet obligation put onto our surveys to where we could come to the table knowing that we've put our best foot forward in trying to reach the goals and objectives to put together a meaningful Power Point to identify from the Alaska region what those unmet obligations are. And I think that from the looks of the meeting, minutes from the last meeting, and some of the other stuff put forward by other regions, I think that there is going to be a positive proactive approach to get good meeting priorities and unmet obligations to the table so we can do our job better.

BLACK: I think it was a good meeting. It's always good to see everybody. I think as we go through every time we do this we talk about a lot of important issues and I'm hoping that, you know, we come out of

these things with some results. That's always my goal is that we come out of these things, it's productive for everybody here and that we do get the information out to everybody that they need to and the information gets back to us that we need that can move Indian Country forward in a positive light.

And for Assistant Secretary Washburn, and Tommy, and myself, thank you, safe travels to everybody and I hope you all have a great weekend and a good rest of your summer. Thank you.