

Tribal/Interior Budget Council
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Invocation and Welcoming Remarks

Chairman Ron Allen: We want to thank the Tanana Chiefs who are host tribes up here. This is their neck of the woods, Athabaskan Country and their leadership. Victor, I'm going to turn to you for invocation and welcoming remarks.

Chief Victor Joseph: Good afternoon. Before we get started, I just want to take a minute before we have prayer and we lost a very special lady in my family today, an elder, and we've all experienced a lot of loss throughout our tribal nations. I just want to give us a moment of silence and at that same time I'd like to ask Will Mayo to come up with a few words of prayer and give us strength and also just to remember those that we have all lost and to give us good prayers over this meeting. Will.

Will Mayo: Thank you, Chief Joseph. Let's just go to the Lord in prayer on behalf of this family. It's a very large family. One of our elders in our region, a very highly respected woman and her loss will be dearly felt by all of our people so we'll just go to prayer on their behalf. Right now they're transporting her from the village of Galena by boat up the Yukon River to my village at Tanana. Please join me. Heavenly Father, we give you thanks for the gift of this woman's life to all of our people in this area. All the 37 tribes will remember her and we ask that you would be with the family and those who are transporting her today, bringing her up river to her resting place. As they prepare for putting her away in a really good way that you give them success with hunting moose and providing all of the ceremonial food for the three day potlatch. We ask that you would be with them, comfort them, the large family and many loved ones who will miss her dearly. And so Father, we just lift this up and as our request to you. We're so grateful. In Jesus' name, amen.

Chief Victor Joseph: Please sit down. As I'm looking around the room, I see many of the leaders that I have worked with in so many different arenas, and it just goes to show how our tribes rely on just a few of us to carry out the big messages that we have to and once again those leaders are in this room. I'd like to just focus on a few right now. Our Vice President of Tanana Chiefs [Conference] (TCC) Charlene Stern. All the members of the TCC Executive Board, if they could stand up. And we have many Alaskan tribal chiefs in the room too if they can stand up as well. If you can give them a big hand, please.

The representation that you see here is a reflection of our organization of our 42 tribal communities, 37 of them which are federally recognized. The way Tanana Chiefs works we have our full board of delegates that elects an executive board and the executive board conducts the day to day of Tanana Chiefs. And the President, Vice President, and Secretary-Treasurer are elected by the full board. Each of the other areas are sub-regional and they're elected by their sub-regional communities.

I also want to just recognize a couple other people. Rick Harrison, the Alaska area, our representative on TIBC and thank you for all the work you've done. Also want to recognize our

[BIA Alaska] Regional Director Mr. Eugene Peltola for all the work that you've done and do for us. And then the Principle Deputy Assistant Secretary, John Tahsuda and just thank you for all the work that you have given. And of course as we continue to move on you can't forget the famous Ron Allen and all the work he does and so if we can give Ron a big hand, just make sure he feels good. I've learned a lot from Ron over the years and I really like and appreciate the way he and all of you advocate on behalf of our people.

I'm going to take just a few moments and talk about a lot of the things...a few things that I need to speak to you about today. So it's much more than just a welcoming so I'm going to ruin your agenda just a bit but I think it's important. I really appreciate the tribal leaders that went out to Rampart and Hughes. How many of you got to go out on those trips? I think we had a couple flights going out there. You had an opportunity to see firsthand what our Alaska leaders always go to these national meetings and advocate for. You saw the challenges that we are faced with, and many of you face those same challenges. What's always hard is we're always fighting over those few dollars and that's what makes it hard. It's, 'Alaska gets this, they get that.' What we need to try to figure out and what we do really well is how do we work really well together to maximize the dollars we get while advocating for those important priorities that we have, and sometimes those priorities are a little different based on where you live and how you live. That's been the challenges we've seen as we've been moving forward. I really appreciate the work over the years Rick Harrison has been doing as the representative of Alaska but I also feel that we might want to look at the guidelines a little bit and how the representatives are selected of each area so that we can have a voice, the tribes have a voice in that selection. Now, I know it's improving but it's an area that I know that we would like to see changed and we would like to have more of a voice on making sure our representatives are those of the tribes. Once again, this is not taking away the work that Rick's done. He's done a fabulous job and I'm sure we would elect him, we just want to have that choice and that voice as we should as tribal sovereign governments.

In addition to that, you've all heard some of the difficulties we've been having in Alaska. You talk about them at some of your committee meetings. You heard a lot about public safety in that discussion and I heard it was really well articulated. You think about it. Every 19 minutes in the State of Alaska a woman gets hurt here by either domestic violence or sexual assault. So the time I'm going to be up on stage, two women will be hurt. That doesn't talk about all the kids that are being abused and neglected. We've been working really hard to be able to give our tribes that don't have any tribal lands the ability to be able to manage the lands in their communities, even though they don't own those lands. We're not asking for anything different than this City of Fairbanks gets. They don't own all this land we're on but they get to provide public safety over this land regardless of who owns the land. That's what we're working for and striving for in the interior and throughout the State of Alaska, making sure our tribes have the authority to not only do civil but also criminal no matter what the race is of that person in that community and that's going to be essential to our success. I'm looking forward to working with you and others as we talk about how we're going to improve public safety in our states, not just because [Alaska is] a [Public Law 83-280 state], but because we deserve better public safety in our communities and that's something that we really have to set priority on. Enough of our women, enough of our children being harmed.

Education is also suffering underneath this current administration. Not only are we going to pick on our youth now, we're also going to take away the ability of our very best who want to go to higher education and cut their education in half so we're going to pick on Head Start, we're going to pick on K-12 and we're going to be looking at higher education and cutting that \$130 million if this doesn't get overridden here in the State of Alaska. That's not fair when we look at how we are going to be able to keep people home.

Energy is also an essential area that we have to consistently look at. At the current level and the way the Governor would like to do it, he would like to take away our power cost equalization and if he does that, the kilowatt hour is about 70 cents an hour. You take... And with PCE, our power cost equalization, it's around 35 cents and so it's a significant reduction and it was a promise that the state made a long time ago. I'm just sharing with you about this so that you can understand the challenges that our tribes have as we try to survive in a cash economy. When we look at our tribes in Alaska, we understand that we have two separate kinds of economy. It's not just the cash that we rely on. We also rely on the land, we rely on the fish and game, the ability to take care of ourselves that we have since millennia.

As we move forward, we're hoping that the legislation that just passed that the Governor won't use his line item veto authority to reduce what our legislators have once again put in place. What they offered up in their operational budget is replacing 80 percent of the \$444 million that he wanted to cut in addition to the \$170 million that was already cut. If that works and he doesn't veto any of that, which he can, that will still add another \$88 million on top of the \$170 million for a total of \$258 million that will be cut from Alaskans that need these services to live. I share that not just for you but for our leadership that's in the room from the Interior so that they can hear what's happening.

Now one of the areas that's impacting us all is climate change. We've all been impacted by it. You can look at the news and I can look at the Lower 48, what we call the Lower 48 that's down south your ways. Y'all know because you came up to Alaska and I hope you had a real good flight. We see the weather patterns that are changing out here, but in Alaska we're at the forefront and we've been needing, really desperately those climate resiliency funds so that we can have the science that we need to understand how climate change is going to impact us as a people but it's just not going to benefit us. It will also benefit you because we are at the forefront and we need to make sure that we understand this. Just this year alone, as the rivers were supposed to be filled with salmon coming up, we've seen a heavy die off of our summer chum. Basically thousands of fish dying. We're looking at some of the places where we have counts and seeing that they're not crossing. The level of crossing is about 100,000 plus in certain areas. On the Anvik River, normally we see anywhere from 350,000 to 600,000 fish going up the Anvik River. This year we only saw 150,000. On the Henshaw when we normally see 150,000 to 200,000 summer chum, we're only seeing 28,000. Those are the counts that we're seeing. Basically our rivers are filled with dead fish and it's not because of some chemical in the water. When you look at these fish and you cut them open they look healthy. Their livers are healthy, their heart is healthy, they haven't spawned yet, but what you're seeing is that heat stress in the water because the water temperatures are coming up so high and we're seeing more of that. So as

we look at our ability to live off the fish like we always have, it's becoming more and more threatened. As this works its way south even more than it has, it will be impacting you in the same way. We're seeing changes in our game animals that we've never seen before. So when we look at these important issues we not only have to prepare what battles today, we have to make sure that we're dealing with tomorrow's issues and tomorrow's issues are right around the corner.

I just want to thank you all for coming to Alaska, visiting us, bringing your leadership, your ideas, our ability to work as one people under the issues that impact us. It's important. It's great to have you here. We wanted to make sure you have a special time while you're here, too. So, tonight we're going to have a potlatch. We're going to have traditional dancing. I hope you all can come and join us. Dance with us. Not just work with us, dance with us. Celebrate with us. Eat some good native food. You'll eat moose head soup tonight, salmon, and a variety of other dishes. I know if you've been over there by the main building over there, the boys have been cooking since about 10:00 and so it should be a really thick pot of soup. So, it should be pretty good. Guaranteed you'll be filled when you leave that room and also a little tired if you get up and dance with us. With that being said, Ron, I just thank you for this opportunity for me to welcome you. I look forward to being with you tonight and celebrating with you, and I just thank you for all your time.

[Applause]

Opening Remarks

Chairman Ron Allen: Thank you, Chief Joseph and thank you for both the opening invocation by Will Mayo and your opening remarks and capturing the many, many challenges up here in Alaska. We're very honored that you're hosting us up here.

Rick and I will probably keep our comments short because we'll do a lot of the things we want to talk about in our update from the tribal caucus. Just stepping off of Victor's opening welcoming remarks, we have a lot to talk about here and so John Tahsuda and Darryl [LaCounte] and the rest of our BIA and Department of the Interior team, we want to thank you very much. We also want to welcome Kevin Allis, who is our new CEO for the National Congress of American Indians. He's been onboard now for about a month, so the honeymoon's over and he's looking forward to becoming a part of our TIBC team as well as many other forums that we're in Indian Country. So give Kevin a warm TIBC welcome. [Applause] I promised him I wouldn't make him give too many speeches, yet. Kevin's just jumped right onboard and he's just doing a fabulous job for us at NCAI and we deeply appreciate that. We had a really good tribal caucus and we'll get into that report here in a few minutes and so we're excited about talking about how we can keep moving our agenda forward. Everything from legislative agendas, policy matters, budget challenges that we have, crisscrossing the very complex issues that will elevate the standard of living for Indian Country and helping tribes become truly effective self-governing tribes so that we can protect our people, so that we can keep them healthy, so that we can provide great and safe environments for our kids, whether it's our schools and so forth. We'll talk through many of these issues throughout today and tomorrow and hopefully we'll come up with

some directions and some follow-up actions that'll help us move the agenda. So with those just brief comments I'll turn to Rick for any comments that he might have.

Rick Harrison: Like Ron said, we'll probably touch on the issues throughout the next day and a half. I just wanted to extend my gratitude to TCC and Will Mayo and Victor Joseph for reaching out to me and offering to be hosts and fly people out to see some villages. It was very gracious of them and I really appreciate it. Thank you.

Chairman Ron Allen: Thank you, Rick. I will turn to our Deputy Assistant Secretary John Tahsuda. We want to welcome you and our new, fully appoint Director Darryl LaCounte for Bureau of Indian Affairs so thank you for all of you guys that have come up here and work through all of these policy issues. John, I'll turn it over to you.

Principal Deputy Assistant Secretary John Tahsuda: Let me start off by offering my thanks. I went on the trip. It meant a lot to us, Secretary Bernhardt and Assistant Secretary Sweeney to have the opportunity for us to go out into the villages and I really appreciate that. It's always good to my mind for us to get out and meet the people in the communities that we serve, especially when they're remote, not just because they're remote in the village but remote from the normal day to day operations of what the federal government does and what the bureaus do and so it's always an eye opening experience. I really want to thank Charlene and Will. It was a great trip. They were great hosts and for the chiefs that we met in the villages, it was for me a very special experience and I really again thank you for that opportunity and it means a lot. I think it also is very helpful. I'm from the Lower 48. I spent some years in Canada. I understand a little bit of the north country, but there's always more to learn and the unique culture and lifestyle that you have and to be able to go and see what it means firsthand, what it means to you, what it means to all of us in Indian Country. Sometimes I think in the Lower 48 we're a little bit more removed from how our ancestors lived and one of the things that to me is always so great up here is you're still doing so much of what your ancestors did in your day to day lives now and for me, from my perspective, I think that's something that in itself has great intrinsic value and I hope that we can do as much as we can do from the federal government side to continue to protect and enable you to live your traditional lifestyle. Thank you again very much. I really appreciate that. We had a great pilot. I don't know where you guys found him, but he may have been the best pilot I've ever had on any size of plane. It was a great trip all the way around.

I also want to thank the committee for coming up here. This is a great place to have it I think as we move around the country and as I said on a personal side, it was also...it's a little personally satisfying to me. I lived... If you look at the map and you see there's a highway called the Alaska Highway that heads east out of Fairbanks, I grew up at the other end of the highway from Fairbanks in British Columbia and so I have been all the way up that highway to the Yukon Territory, to White Horse, but never made it all the way to Fairbanks. This is my first time in Fairbanks so again, I also want to say thanks for me personally for that opportunity. It's kind of great to complete that map in my life.

I know we have a lot to talk about. I know you guys have spent some time yesterday and today. I do also want to let you know the work of this committee is very important to us and we talk

about a lot of the things, the priorities that we do in Indian Country, but we all know at the end of the day it's where the money is the rubber hits the road. And so helping us to work through the priorities in our budgets so that they can reflect your priorities and help us to both defend and expound upon those to the other folks that we have to deal with both within the Administration and also on the Hill. You give us the best weapons that we can possibly have to fight for that so thank you for that. I know that we're in receipt of some correspondence from the committee and that's still in the works but we're preparing a response for you. I want you to know that we're working on that. I know there's a number of items on the agenda but as we clearly heard out in the villages and I think as everybody has heard here in the last day and a half community safety and law enforcement, those things are very important and sort of on the edge right now of what is going on in the villages here and it's incredibly important to us and incredibly important to the Assistant Secretary. I will tell you that we have upcoming some roundtables this month here in Alaska to talk about public safety and really to follow on what for us I think was potentially a momentum changer as far as public safety in Indian Country and public safety in Native Alaska. That was from the Attorney General of the United States came up here and he saw firsthand the challenges that are faced in the rural communities here including in the native villages and so we think there's some momentum there that we want to keep pushing forward on. And so the Assistant Secretary is coming up here to do these roundtables and to further feed what the Department of Justice is working on and what we can do to assist them to further develop public safety in Alaska. So I don't want to say... I think to me that's been one of the most important parts of the trip and so I'll hope to answer more questions that you have as we continue our dialogue. Again let me say thank you. This ongoing dialogue that we have every year, several times a year and while sometimes we can get heated, we don't always agree exactly on the same thing but we're all going to the same place on this and so thank you for your part in it. I hope that we can meet your vigor in this discussion. Thanks.

Chairman Ron Allen: Thank you, John. We appreciate your candor and your sincerity with regard to the challenges that we have and the many, many topics that we will be discussing throughout today and tomorrow. And yes, we totally agree with you. It is really important for us in this midyear meeting that we have that we move around Indian Country. I'm from the Northwest and so I've been up here in Alaska numerous times. I'm very sensitive to the challenges of Alaska and leadership getting to our meetings in Washington, DC or throughout Indian Country. It's expensive for them, it's challenging, it's time consuming so I appreciate the fact that our delegation took time to come up here and actually even experience the challenging travel just to get to and from to engage and advance their agenda and their issues so we appreciate this meeting being held up here in the heart of Alaska.

Roll Call

Chairman Ron Allen: We need to make sure we have a quorum here which I know we do but let me go through the roll call. What I'm going to do, I'll just do it, make it simple here. What I'll do is I'll just call out the regions, you call out your name and are you a delegate or alternate so that we make sure we have the right individuals here representing your region.

[Roll call, quorum present. See Roll Call Tracking Attachment A to the minutes]

Chairman Ron Allen: Okay, that's it and we do have a quorum. We need to approve the agenda. We have an agenda in front of you that we have drafted up for today and tomorrow. Are there any amendments to that agenda or is the agenda acceptable as recommended?

Head Councilman Joe Garcia: I make a motion. Joe Garcia, a motion to accept the agenda.

Speaker Seth Damon: Second by Seth Damon, Speaker Navajo Nation.

Chairman Ron Allen: Okay. We've got a motion and second. Further discussion? Is there any objections? If there are no objections, this agenda is approved. We have minutes to look at as well. What's the will of the body? Would you like a little time to look at them or do you want to approve them now?

Head Councilman Joe Garcia: Joe Garcia again. I've spent a lot of time reading and rereading and from what I gather they're pretty complete so I make a motion that we approve.

Speaker Seth Damon: Second, Navajo.

Chairman Ron Allen: Okay, Mr. Speaker, thank you. Okay further discussion on approval of the minutes? If not, if there's no further discussion is there any objections? If there's no objections, then these minutes are approved.

Report from Tribal Caucus

Chairman Ron Allen: Rick and I will begin the conversation about the updates that we've got from our tribal caucus and our breakouts. We're both counting on many of you who are much more active in each of these areas, so if there's points that we're missing as we go over the highlights of the issues that we want to engage with the Secretary and his team on these matters let us know.

Starting with public safety. We shared our talking points here with John and the BIA team. On public safety, John, we're happy about the summit that Charlie is organizing at the end of the month to talk more thoroughly about the public safety agenda. We had extensive conversation up here with regard to the challenges and the needs of public safety in Alaska because of the Public Law 83-280 status and the jurisdictional issues. We know that there is a recognition of not only public safety agendas, but also judicial services that are needed throughout Alaska as well. One of the things that the Alaskan delegation was urging is that because of the uniqueness of Alaska that you may want to follow up with a second summit up here to specifically talk about it. We know that they had extensive discussions with Attorney General Barr and so we know that there's some traction going on over at DOJ. With regard to public safety, I know Kee Allen Begay who chairs our subcommittee will probably add to some of these comments but the issue is that not only do we need the Office of Justice Services to try to improve services, try to get more resources for enforcement and for judicial programs etc. but we need to improve the collaboration between their operation, their budget and DOJ. There's a lot of frustration with

DOJ in terms of the resources that are over there and how well that they complement the OJS services and operations with Indian Country. There's a number of issues in here but specifically we're concerned about the VOCA monies which was a big win for us and we appreciate the Administration being supportive of that, but getting that money out and collaborating with your department on what's the best way to have those monies effectively service Indian Country with regard to our public safety. So those are issues that we will want to talk about.

There was concerns here in Alaska over resources being sent to [the state of] Alaska for the benefit of the 229 tribes. That is very problematic up here because of the very uncooperative relationship, if I can put it that way, between the Governor's shop and the tribes out here with regard to those monies that come up here for purposes of public safety. The question there is what the department might be able to do. Those are issues that were critically important for us. We have a number of other issues here that were identified. \$2 million in detention increases for 25 new detention staff. So some of these questions that we're going to be asking is we're going to need follow up from you and Charlie on distribution. So, as we get new monies and monies for the purposes of public safety, the tribes are anxious to know the formula, the breakout, are they getting to the tribes at all and so that is a big topic that we discussed here extensively.

We talked about opiate issues and you're well aware of the opiate issues and substance abuse problems that are out there and the funding that is being targeted for opiate and what the Department's plans are in terms of collaborating with sister agencies whether it's IHS, SAMSA, or other entities out there with regard to fighting the opiate crises that we are experiencing and it's rampant throughout our Indian communities and so that was a hot topic that we discussed. Those were issues that came up extensively.

The interagency coordination, I've already talked about that briefly which includes tribal veterans. There was a comment that was made with regard to recruiting talent for our law enforcement needs. We have many, many veterans who come back and are extremely well-trained individuals that are we really reaching out to those veterans as prime candidates because of their training that they may be well-suited to fill a lot of these vacancies we have whether it's the BIA or tribal operations, it's a great resource that we should be using. Often they come home from serving and protecting our liberties abroad and they come home and they're looking for work. It's an opportunity that we think the Bureau should be collaborating with us. I think what I should do is stop there and make sure we talk about this subject matter before I go onto the Education and keep this isolated to the subject matters rather than go through the whole thing if that makes sense. I will ask before I turn to John and Charlie and their team, Rick and others, Kee Allen, if there's additional comments that we need to highlight here. Go ahead, Kee Allen.

Kee Allen Begay: Specifically for the second summit that will be discussed and we did bring this up during the tribal caucus meeting this morning, Mr. Addington, but I've been talking with some of the local tribal members from the Alaska Region on the strategy of how we need to coordinate that particular meeting. I don't know if it really needs to be a summit but more of a strategy session to forward the information during the November Tribal Interior Budget Council meeting. That's the strategy, but I don't know if three months is a short time to coordinate a meeting in this area again, but we will need direct support recommendation from the Alaska

Natives specifically for the public safety. I just don't want to move forward and coordinate a meeting without their input. So I think it's very much important for them to participate and provide their recommendations so we'll be relying on Mr. Harrison, Mr. Addington and then some of the local Alaska Native officials to help coordinate that particular meeting. The sooner the better. I know it will be past the end of August the tribal summit in Albuquerque, but I just wanted to make sure we do our best to address and hear and forward some official document that will be presented back during the November meeting back in Washington. So that's one area that I just need to clarify. Then the other one, the participation of the Department of Justice Office of Tribal Justice. I think they need to be part in this particular process as we go moving forward. That's I guess a direct request to...I don't know how each of the agencies communicate with one another. Maybe there's a tribal liaison within the Department of Justice that we could continue to advocate or continue to coordinate in setting up this meeting. That's basically two main areas that I wanted to stress, but the others of course were brought up this morning and hopefully that we have a summary and I will again rely on Mr. Tyler to provide some input and recommendation in making the development of the summary report that we continue to focus on the strengthening of public safety and justice services throughout Indian Country.

Rick Harrison: John, on that note, talking about another meeting up here either a strategy or summit or something maybe around AFN or the provider's conference in October or November. Those might be good time periods to look at to try to do something like that. But also for this one that's planned for the end of August, we heard in the discussion that there's a limited invitation to that, and what was talked about was that it should be opened up more broadly so more folks could attend that, especially this being the basically the inaugural summit of this type. That got a lot of interest, but we're not sure about the limits that are on there and who can actually go and stuff like that. Then also, we heard talk about this more recent \$10 million that were put forth from the AG. The more specific questions are about getting that funding to the tribes—what it's actually for, how to access that and if it is for the tribes in Alaska specifically, the state will ask for a waiver of sovereign immunity and that's problematic for tribes up here. Most tribes aren't going to sign that and so then it's not going to get to the tribes. so that's an issue that's got to be dealt with.

Chairman Ron Allen: One more question to you, John, is we think the Department and Charlie's shop knows well the problems we have in the Public Law 83-280 jurisdictions or non-jurisdiction if you can put it that way. So what's the solution? Nobody knows better the violence, the injustices, the human trafficking problem that we're having, the opiate and substance abuse problems that we're experiencing in our respective communities and no authority to remedy it and marginal, if I can even say that, to the jurisdictions who do have the authority to ensure public safety. So I guess we're challenging the Department to introduce something with Congress to allow you the authority to begin finding monies...specific monies dedicated to those communities. I know it's a challenge. We understand it's a bit of a heavy lift because it's a new liability and responsibility but we can't accept the current conditions to continue. I know Victor's comments were well taken about that particular topic. We heard it a lot the last two days on that issue and the frustration that is being experienced. So we're looking to some guidance from you and hopeful that you and Tara will be engaged with the Secretary and eventually the President and the Congress on finding a statutory legal remedy to that problem.

Chairwoman Cheryl Andrews-Maltais: I'd just like to ask a quick question. If somebody could please explain to me how a state gets to condition federal funds that are designated and allocated for the purposes of tribes and tribal governments and villages and the state gets to condition them, and yet, the federal partners are unwilling to condition those funds that come out to a state that are designated to a tribe to ensure that tribes receive them. So I just need somebody to explain how that can work. Public Law 83-280 state or not, it just doesn't seem like it's consistent and how dare a state require a tribe to waive its sovereignty in order to utilize the funds that the federal government has set aside for them. That was a question.

Chairman Ron Allen: ...under public safety? Then, John, we'll turn it over to you.

Chairwoman Cheryl Andrews-Maltais: Ron, I'm not kidding. I'm trying to ascertain a question out of our federal partners how a state can condition federal funds and prohibit a tribe from gaining access to important critical public safety funds by requiring them to sign away their sovereignty, and how do they get to condition federal funds that are designated to a tribe? These are our federal partners. You're here to protect the interests as our fiduciary for our Alaskan brothers and sisters and I need to find out why that can make any sort of sense because I can't wrap my head around it.

John Tahsuda: I'll answer that question first. You've got a number of questions that you raised. So the short answer to your question is I don't know. I don't know what those grants look like. It's from a different department. I have no idea. I presume that the money initially goes through the state and then has some agreement, if you want to call it that, condition of the grants on how it will use it and I think it's my understanding anyway that there is supposed to be a significant portion that will go to rural Alaska which includes of course Native Alaska. I don't know anything about waivers of sovereign immunity. That doesn't make a lot of sense to me. I don't know what the purpose of that would be. I honestly can't answer that unless I saw what that specifically is. There's not...unfortunately not a lot of Indian Country, the law enforcement jurisdictional component of that in Alaska so I don't know what the purpose of...if the state asks for waivers, I don't even know what purpose that would serve so I'm kind of at a loss to answer that because I don't know what that would be. If we can get more info on it, I'm happy to try to ferret that out and see what that is. I don't know.

Chairwoman Cheryl Andrews-Maltais: I'd appreciate that because I just don't get it.

Jerry: Thank you, Mr. Chairman. In my experience, to answer her question, the state...like for example in the State of Alaska, the State of Alaska officials condition that with the Department's of the U.S. Government. It happens all the time here in Alaska. As an example, the State of Alaska is supposed to receive \$50 million annually to address the water and sewer upgrade issues, but it does not go directly to the tribes and/or it's regional nonprofit because the state has a department called Village Safe Water and they make the recommendation that the EPA monies...not the EPA, but the Congress allocates the monies and it goes through the EPA agency. Then there's this condition that it goes directly to the state and the state in turn would go to the appropriate entity which may be another interest group that receives the money on behalf

of the tribes. That's an interesting question because I've most often cited the fact that the native village of Tanacross was the one and the only tribe in the State of Alaska to have self-performed the water and sewer construction. I got into a lot of hassles not only with the state bureaucrats, but the federal bureaucrats because there is vested interest in who gets to perform the contracts. Village safe water like any grant program is subject to indirect costs and in my particular case the Alaska Native Tribal Health Consortium agency called the Division of Environmental Health and Engineering gets that indirect cost. Boy I tell you, it was a terrible fight and you can see my gray hair, I've aged dramatically because of that one problem. It's an interesting thought there, lady.

Chairwoman Cheryl Andrews-Maltais: Cheryl Andrews-Maltais, Aquinnah.

Jerry: I'd like to spin off of her comments by saying that I think the tribes that are present here should formally request that any EPA and/or federal dollars go directly to the tribes and/or its consortia. Here in Alaska we have a lot of consortia like the Tanana Chiefs Conference. Thank you.

Chairman Ron Allen: I missed Will. I'm going to bring Will up here first. Will. And then I need to go to these two and then come back to you, Mike. Will.

Will Mayo: Thank you, Mr. Chairman. The answer to Cheryl's question is this. The Department of Justice did not send that money to Alaska to the tribes for the tribes to operate. The tribes were not in the equation, Cheryl. They just were not. The money went directly to the State of Alaska for rural public safety and it would be given to the Department of Public Safety and they would determine how they want to use it to address the emergency declaration by the Attorney General. So, this money was not directed to tribes so that's the answer.

Chairwoman Cheryl Andrews-Maltais: Thank you. Now does any other municipality, village or rural setting have to sign away their sovereignty to accept the funds?

Will Mayo: So the money is not going to anyone but the state and the state will determine how the money is used so there's no question of anybody's sovereign immunity involved.

Chairwoman Cheryl Andrews-Maltais: Thank you.

Rick Harrison: But Will, in this case that may be the case, but in other cases of funding coming to Alaska for tribes that goes through the state, they ask for a waiver of sovereign immunity.

Will Mayo: Yeah, that's correct and it would be the case if it was going to be passed through to the tribes, they would do that. I agree.

TIBC Attendee: Mr. Ron Allen, years ago NCAI came to Alaska when your tribal member Joe Garcia...Joe de la Cruz. When they came to Alaska, I brought the same question up to him that she's bringing up to us now and he told me that for Alaska tribes to get the money she's talking about we had to get all the tribes in Alaska to request forfeiture of the Public Law 83-280 status

and it's impossible in Alaska to get 250 tribes to do that. So we're stuck in the position we're in because of that.

Chairman Ron Allen: That's why I was asking John that the Interior go into this question and the problem with Department of Justice. It's a different department, different jurisdiction, but they have a relationship and so at their level in the Secretary's office, his position is in the Secretary's office, that there's some collaboration and awareness of the tribe's status as our advocate for our sovereignty. There's that issue. Then the other one is just trying to get their lawyers, trying to get the political clout to say, 'We need to remedy this problem,' because the current condition of the Public Law 83-280 status creates all kinds of problems and crises in your villages and not just in Alaska, down south too. It's true in California and many places in California as well and Wisconsin. There was a number of places where it's also a problem for tribes. It's not an easy lift but if we don't start somewhere, that's the issue. So we'll go to your partner next to you and then come back to you, Mike.

TIBC Attendee: In the breakout session yesterday I talked to Charles Addington about this. The crisis is real and we need boots on the ground to start policing our rural communities and we have the right to exercise our government to government relationship. Like I said yesterday, it's a third party interest. I think the tribes have the right to go directly to the Federal Government and get directly funded and that's the avenue that we need to use now if we're going to see action. Not what we've got right now where they declared an emergency crisis, but then the \$10 million and we heard a young lady speak to that earlier today. Out of that \$10 million we're not going to see a dollar of it. It's that severe but we have the right to exercise our government to government relationship, so I think we need to fund the tribes directly so we can get boots on the ground. It could be the VPO program where it's just a peace officer but it's so severe now that we need law enforcement so I think we need to pursue that avenue and just get us something out there now. Like you heard Chief Joseph speak earlier, every 19 minutes a woman is hurt in our state. It's that severe that we need action now. Like I say, I haven't had law enforcement in our community in over seven years. State troopers are nonexistent out there, so that's why we need to exercise our government to government relationship. They have a responsibility to us. And we are state citizens too. Thank you.

Mike Williams: Mike Williams from Akiak Native Community. I just really appreciate that question, Cheryl. I think in Alaska the constitution says there's no recognition of our existence as tribes in the constitution of the State of Alaska. It's up to each administration to set up that relationship between the governor and the tribes. There are several governors that issued administrative orders to recognize the existence of tribes and the latest one being Governor Knowles that we negotiated for a year on the agreement to work together because we're not working for only people in our communities. We're dual citizens. We're state citizens and tribal citizens as well. But I think it goes from governor to governor and with this governor as Mr. Mayo states, we haven't heard anything from him or unwilling for the governor to meet with the First People, First Nations here. I think it's up to him to decide how he's going to be working with 229 federally-recognized tribes. But that \$6 million that he sent up to the governor, I think he sensed that the state troopers, the VPSOs that are hired need to...because of no police

protection in the communities, I think that's what he's going to have to use those for, that purpose and I hope he does. But that other \$4 million, I don't know. We need to figure out how we are going to fund the tribal police officers in each community here. But we definitely do need police officers and to fill those positions in those communities that don't have any public safety, whatsoever. So there's many communities that are suffering. I think with that emergency we need to really zero in those positions and fill them and protect our women and children. We can do it tomorrow if we wanted to but I think the politics need to get the heck out of it. We need relief right now. I just really appreciate your question on how the tribes are being treated by the state in this our land here. Thank you.

Juana Majel Dixon: Mike, before you go, I know you all have to travel soon. I hope we have time for dinner tonight but one of the things you all need to know here as tribal leaders, it's not just Alaska that's getting theirs. They're getting it right now and we're paying attention. We've got a chance to stop what's happening. The reason I say that to you under VOCA and FVSPA which is Family Victim Service Protection Act and the Victims of Crime Act, in California alone, we had a meeting in December and thank goodness DOJ and Christine, I can't remember what department she's in, I think it's NIJ. But the bottom line is that we met with our state partners who do exactly what you just described, what's been described here for Alaska. But every one of you tribal leaders, listen to what I'm telling you. In California alone \$264 million was given to the State of California for the tribes and Indians in California. Because we have over 360 tribes, tribal American Indians and Alaska Natives in California, they were counted as well. Every single one of your states have that money set aside on the number of Indians in your state as a population. One percent of that money can be used for administration which means virtually the money is yours. The problem we have, what you're speaking to in some ways also is that the state wanted to grandfather its laws into our territories. If we accepted that money, three applications were accepted. Of the \$264 million about maybe \$1.5 or maybe \$2 million was used. One of them was direct service for about 150,000 to the tribe that applied for that money. The second was a see-through grant for another shelter program. The third one was to do research. If I said \$2 million, that meant \$262 million was in the hands of the state that used our population in California as American Indians and Alaskan Natives to get that money. I don't know what each of yours are. How many Indians do you have in your state? That's across the board that's being done under FVSPA and the VOCA thing which is why we asked for that money to get for the tribal set aside and we got that because we wanted to control it without grandfathering state laws into our tribes. That was giving you tribes who have no experience in a Public Law 83-280 state, you would have been in a Public Law 83-280 state situation if you accept that money. But that money is still being used and counted by every Indian in this country. That's California alone that got \$264 million. So I asked them, 'Well, did you have to give the money back?' They said, 'Oh no, we used it for you.' And I'm thinking, 'Well, how did you do that? What did I get?' And they said, 'Well, we provided training and swag.' You know those little fans you get on Victims and all those things you see at the conferences, they bought that on our behalf for all of you. But I'm serious, this is true. This is absolutely true. We sat with our partners. If you weren't there at that gathering you need to have a conversation with your state of what kind of money are they bringing in your numbers of how many Indians you have in your state. Now, for the Bureau and its trust relationship to us, who's holding states responsible. In Justice, DOJ, DOI, who's looking at the state who's getting that money? It's coming out of

OVC so we challenged them which is why we got that tribal set aside that's going on now which is why the Senate paid attention but we're just getting little slivers of what this mess is and the amount of money. What we could do right now in TIBC with that kind of money. When you think about it as our chairs, there's pieces of this and Kevin and John, if we could do this together aligning those pieces up because in a measure the Bureau has a responsibility. I don't know why Tara's not sitting where you are, John. I don't know where she is but I'm uncomfortable when my Assistant Secretary doesn't show up to our meetings. I appreciate, John, and appreciate the work you're doing and you are stepping in for her but that doesn't do us any good when she's not here. What I worry about, though, Ron, when I described that to you and FVSPA gets involved who is now part of the major players in some of the major acts that are going through. Alaska, if we can make a change with you and I want the leaders to pay attention to this because if we can affect the change where you again not only hit on this on a constant basis, but comparing you to the corporation which is not governance. You are the sovereigns and when you look that situation and you look at what victimization is occurring because of the van camps, because of the oil camps, because the permission of these corporations, not tribal, but the mining and all the stuff that's going on, that traffic the women in Alaska at a horrific basis. So I agree, we have a lot to do. We're going to have to partner. But don't miss what I just said to you about the fact every single tribe, every single state has millions of dollars set aside under these grants in your name and do not accept them unless you want to grandfather Public Law 83-280 into your world because you'll be governed by state laws and state regulations if you accept that money, which is unacceptable. To me it's a trust responsibility to hold the state accountable for a breach of trust, but we're not going there. We're just refusing the money. But it's not being sent back so what is the reporting on that. How does that look, positively or negatively against us? But I think TIBC, you're in a position of power to affect change as partners that DOJ didn't do. DOJ didn't know that they had that going on until we brought it to their attention. So you're in that position of power. I'll do whatever I can to help but don't kid yourselves, you have money in your name being used out there, millions.

Kitcki Carroll: So just one correction to what Juana just said. Not millions, billions of dollars. Solution, request: and I know everybody gets tired of me repeating this, but it's core to every conversation that we have. If you accept, which we don't, the OMB figure of \$21.5 billion is getting appropriated annually to Indian Country, I recognize, Deputy Assistant Secretary that only 15 percent of that is BIA monies. I get that. However, what we recognize is out of all the federal departments and agencies and bureaus that exist across the federal family, you all are the ones that are looked to as understanding the relationship best. So the request that I have is we are not having success with OMB to understand our position. This starts with a simple ask because actually they're the ones that introduced this into this space about three or four years ago when they rolled into here and said, 'Here's out OMB crosscut, you're getting appropriated at that time \$20.5 billion a year,' and all of our heads fall because prior to that we thought it was about \$9 to \$10 billion. Since that day though they have failed to be transparent with a report on the detail of those funds. So I would just guess in the conversation today with this \$10 million that we're talking about for Alaska, now it's going to be \$21 point whatever billion dollars once you add the \$10 million that may not make its way into the hands of Indian Country. The reality is whether it's this issue or any other issue and just for you Alaskans so you know, I have got members who report to me all the time that they are counting their populations, the state is

receiving dollars but they aren't seeing the light of day of a dime of those dollars to which they are eligible and that's the difference between eligibility and dollars that you are actually awarded. So \$21.5 billion may be appropriated but we're only seeing a small slice of that. So the request to you as our federal partner into this is to apply some pressure to OMB to respond to our request. I know there isn't a White House Council on Native American Affairs anymore *per se*, but you still are looked to on a day to day basis by other federal departments and bureaus for insight into this relationship. So it starts with understanding that. Now here's the ownership on our part within Indian Country. Everybody in this room needs to recognize that as bills are passed, as legislation is moved forward, the language in that legislation is very critical and very important. So as you are all doing your advocacy, not your lobbying. As you're doing your advocacy, your education and awareness with your congressional representatives as they are looking at language which is supposed to be for the benefit of Indian Country, you need to make sure that for those dollars that are going through the coffers of the state, that they are held to a higher standard and not just checking off a box, but that their funding will be jeopardized if they don't ensure that those dollars make their way to our communities. Absent that, we will continue to have this problem year after year after year after year. So it's both. So it's us being more astute to this legislation as it moves, but also on the other end, once the bill passes and they start formulating regulation and rules around that... The fascinating thing that we had...there was just a DOJ conversation last week and a lot of folks on the federal side seem to forget, if there's ambiguity in the law, it's supposed to be interpreted in our favor; yet, rules and regulations are being written to this day that don't follow that principle. So they are creating all these grants and rules, restrictions and all these things that they are arbitrarily making up. There is no law, there is no statute behind what they are putting in some of these grant announcements. That's on all of us to make sure that we are paying attention to that. But to the request to our federal partner, Mr. Deputy Assistant Secretary, I am asking you, I am imploring you, in your role where you have more direct conversations and more direct influence than any of us on this side of the table have to ask OMB to do its job and to be transparent with us in the same way that they demand that from us every single day. They say that our funding is jeopardized if we don't give them that quarterly report on time, if we don't give them the data that they need; yet, they can't reciprocate that same courtesy to us when they're making these demands of us. Anything that you can do in that space to help that conversation along would be greatly appreciated.

Head Councilman Joe Garcia: Yeah, I just wanted to add a little bit about the Public Law 83-280 stuff. The bill was passed I think in 1953, but how the states and how the tribes were pulled into that law I don't understand but I think the tribes didn't volunteer to be a Public Law 83-280 state. It was the states that just initially set up that we're going to be a P.L. 280 state and so the jurisdiction just kind of followed that. But that's in the law, P.L. 280. Now amendments were looked at...the first time it was amended was in 1968, I believe, and the states were given an opportunity to rescind the jurisdiction under P.L. 280 and the only state that rescinded was Nebraska. The others did not. So you wonder why didn't we put an effort to get the states to rescind that. And so we're still in that dilemma right now and until that P.L. 280 goes away or is amended or rescinded completely, the tribes in those states are still going to face this kind of an issue. So it doesn't matter what happens with the funding sources, especially for public safety because that's what we're talking about. It's a bigger effort than at the lower level. I think it's got to go all the way to the top level and change the law completely. And the rest of it is the

housekeeping stuff that Kitcki just talked about and I think we need to worry about that as well. Thank you.

Juana Majel Dixon: Ron, in clarity to Joe's remark and it was a good one, and being in a P.L. 280 state and being raised by the women, you know who I was raised by and the male leadership of my world. I was there when they fought the fight and after. Initially, the bill was created without the tribes' involvement. The states were given this opportunity to have this jurisdiction on these 13 major crimes in Public Law 83-280 over the tribes within those six states. What they didn't do was consult with the tribes or ask if they wanted that. The State of California immediately refused it. Federal Government, when we stood against them either as the California Indian Federation or Mission Indian Federation at that time, when they stood against it, the Federal Government said, 'You get every tribe in California to agree to rescind this we'll do it,' and they did. They got every single tribe in California and there's a record, there's a federal record of that which we could use to effect this change to help John Tahsuda and the gang over there to do what they can about it. But what happened is the reason why the states refused because the Federal Government made it very clear, 'You can have this jurisdiction over these 13 major crimes but we're not giving you any money, any equipment, anything.' And the state says, 'Well, why would we want to do that? We don't want this without money,' so they refused it. But when they heard the tribes in California, every single one of them, by order of the Federal Government ordering us to make sure that we all agreed, agreed to rescind, to take away this P.L. 280 because they never consulted with the tribes, the State of California says, 'No, we want it.' But they didn't tell us at the time we had to get the state to agree, nor did they tell us at the time they had already said no they didn't want it. So then all of a sudden they wanted it and they used it and said, 'Well, I'm sorry, we can't give it up.' It gets messy. It just gets messy with that kind of dialogue. But back then in the '50, '53 when that was done, you can understand it but when they amended it, it became concurrent jurisdiction which acknowledged the sovereignty. I'm telling you in the P.L. 280 state you still have sovereign authority over your citizens even if you're in a P.L. 280 state. And you all saw this come back when we did the Adam Walsh Act where there was the first sophisticated form of termination of tribes' authority 'cause the 248 tribes who had to joined SORNA, joined Adam Walsh and created a central assault registry or collaborate together. If they did not, what happened to you? The state would do it for you. They would initiate the registry in your state. If you didn't follow through on Adam Walsh, you are now recognized under a state registry for sexual assault victims. If you don't know that, you need to check it out because not all of you signed up. There were nine of you that were hold outs and we tried like heck to make sure everybody got in there. So there's a journey that they just raised me up to follow. It's kind of like something you know you've got to follow, but I will do what I have and what I got from the elders back then and I served with Joe de la Cruz and we fought this fight so I'm with you in following through on this and how I can do it to help and make it successful. It's not about being mad and mean, it's about being honest. It's about the fact that the sovereigns said no and our trust responsibility partners gave it away anyway. These guys were just kids or may not have even been born yet but do you understand what I'm saying? That's the legacy we carry. So I'll leave it at that. Thank you, Joe, for bringing that up.

Chairman Ron Allen: I think the ask, coming off of Kitcki's point is we know that a great deal of these frustrations are in another department and we're just reaching out to you to collaborate

with whoever your colleagues are in Department of Justice who might be able to help start making a difference with regard to these unacceptable provisions as well as OMB who has to approve the transfer of any of these resources, like this problem that's in Alaska. John and Charlie were just telling me that in the last recent years only about four tribes or so have retroceded and been successful. I think Yakama Nation in our area is one of them, but it's a very high bar if I remember right and it's very challenging. The legislature's got to agree and the governor's got to agree and so forth. It's a huge challenge and including the resources to take on that responsibility. I think we've just got to keep trying to figure out ways in which we can try to remedy the problem because otherwise problems in the communities, whether it's here in Alaska or elsewhere in Indian Country, is going to continue to be a frustration for tribes.

Shawn Duran: Very quickly. You were talking about solutions and that's what gets my attention. Why not look at a demonstration initiative... I'm talking to our federal leadership here. ...in working with the other departments that have resources. As was mentioned, the crosscut represents billions of dollars but why not create a demonstration initiative here in Alaska for an integration of funds to support what's needed across the Federal Government—Department of Transportation, Department of Commerce, Department of Interior, Department of Justice, Veterans Administration, Department of Homeland Security. That's all.

Chairman Ron Allen: Without a doubt it's a challenging ask and we look forward to your response. Some of the questions we're asking for is the reports that give us a handle on how some of these monies are being distributed. I quickly had mentioned detention increase monies and tribal court monies and some are wondering did they get it or what happened if we didn't get it. But if we get the list, at least we know whether or not we were in the mix and should have, but we didn't receive their share of those increases. What I'd like to do is move to the subcommittees to try to get these reports out, then we can move on to our main agenda. Buster, if I can get you to summarize the recommendations that came out of the Education Subcommittee.

Chairman Russell Attebery: Thank you, Ron. John, thank you for being here and listening to our concerns. We really appreciate it. I'm going to put up and just go through the report that came out of the Education Subcommittee and if we can go to the first slide. As you can see, the BIE mentioned there was a congressional mandate to have all schools operating under the Windows 10 system which means they need to purchase 360 computers at a cost of \$5.1 million. Congress needs to appropriate funding to cover those costs. Second bullet point. Invite the Department of Education to TIBC or the Education Subcommittee meeting to interface with tribal leadership and discuss a number of issues including coordination, cooperation with BIE tribes, and to provide information on the Impact Aid dollar amount that is distributed to public schools for American Indian and Alaskan Native children, broken down by tribe within each state. Also to provide information on whether tribes are eligible to receive Impact Aid dollars and if not, why? Why are schools near National Parks receiving Impact Aid when no students reside on National Park Service land? Staffing at BIE. At the subcommittee a request was made for the staffing percentages to be translated into hard numbers. There needs to be further discussion on how to address the issues related to recruitment and retention to include the prolonged time it takes for background investigations, rural locations where it's difficult to recruit and retain staff, lack of housing for professionals, lack of public safety, high cost of

recruiting and relocating. An example was given of a principal from Germany to work at Navajo. Use of 105 leases to fund school. How is BIA and BIE preparing for these requests? Is it being included in the budget request to OMB and Congress? If not, it needs to be included. Data on unmet need for schools and school construction is needed despite the Department moratorium that is in place. TIBC Data Subcommittee should be reconvened to discuss ways to gather this data. Region specific issues. Alaska schools are shut down and I don't know if you heard this, if the student count drops below 10 and there was some discussion of raising it to 25 which would jeopardize 16 schools in one area, possibly more in other areas. It not only impacts schools, it is a loss of jobs for the community. It also has cultural implications if families have to move in order for their kids to receive an education.

Resolutions to these issues. TIBC recommends to the BIE, BIA, DOI and Congressional Oversight on Indian Affairs to restore all scholarship and construction funding that was recommended to be removed and redistributed to other departments and entities within the U.S. Department of Interior for the year 2020 and beyond. All funds to be restored and in addition for language change to occur in the Greenbook for higher education dollars to be forward funded so they do not experience the constant continuing resolution affects which delay dollars to tribes. This creates a ripple effect in laps in distribution of our native students. Thank you for listening.

Head Councilman Joe Garcia: Some of the other recommendations are listed on the PowerPoint. We need a coordinated effort related to education and funding with other organizations that do this for a living and some of those were cited. Partnerships and collaboration with the Department of Ed, OIAP, the National Congress of American Indians, NIEA, National Indian Education Association, NACIE, AIHEC, other regional organizations and organizations within the states. The other one is develop a matrix to provide data on funding sources in public schools within the states that Native students attend. More concerted efforts in developing needs in BIE funded schools beyond just meeting at TIBC sessions and who should drive this boat. So there was a recommendation made this morning that the efforts for BIE in this process, in the TIBC process, had been limited up until last year right before BIE became a separate entity. And so somehow their budgets were just kind of brought to TIBC and then sent out but there was never any real collaboration effort at the regional levels, local levels for participation of the BIE and the schools that existed in either as a tribal controlled school or as a BIE operated school and so we're looking to make recommendation or we've made recommendation to the tribal caucus that that needs to change so that we can follow the same process that we're using for TIBC in the tribal programs and the representation. So we're going to follow somewhat of a similar approach with the BIE part of TIBC. That was recommended. And then I think this one you already said. Invite the Department of Education to TIBC or the Education Subcommittee to interface with tribal leadership and discuss a number of the issues including coordinating, cooperation with BIE and tribes and to provide information on the Impact Aid dollar amount. That's pretty much our report, Mr. Chairman.

Chairman Ron Allen: Thanks, Joe. I don't know if any of the other members of the committee had any comments. Otherwise, if not, I'll turn to John.

Principal Deputy Assistant Secretary, John Tahsuda: I'll start at the bottom. I think you guys ought to invite the Department of Education to come. I'm guessing that our BIE leadership would appreciate that. I think there is a low level of education at the Department of Education on how Indian education works and we spend a significant amount of time and energy trying to educate them on how our system works, how it's different than other public school systems, how the funding is different, how dependent we are upon the funding that they give us. I think it would be really educational for them to come and interact. I always think that the best advocates for anything tribal is for tribes, tribal leaders to do that. I'd be happy to take that conversation to them and see if they have some interest. Certainly I would encourage them to do it. I think that would be... I don't know if the committee wants to put some kind of a letter or something to us but I think that would be helpful as well for us to carry forward.

Head Councilman Joe Garcia: That was the reason for bullet number two about coordinating our efforts as larger group of resources that are available and sometimes we get caught up doing our own things and we kind of miss the boat. So that's the reason for that and so NCAI already knows about it and they're in on it as well as some of the others and we'll propose some of this to NIEA at their convention here in October. We'll move forward that effort, but it's good for everybody to know that. Thank you.

Chairman Ron Allen: John, if I might, I always keep forgetting when we're doing these updates from the subcommittees and the tribal caucuses regarding our asks of you and the Secretary. What we'll do, Tyler over there will coordinate with our technical team to put together a letter with regard to summarizing these issues and ask issues so that we can reiterate them more succinctly. I think right now we're just trying to talk through it and see about the disposition of the leadership in the Department regarding these matters with respect to, in this case, BIE programs and the public education programs as well, which there's not a lot of resources for those programs and the importance of JOM and what have you. Anything else, guys on this matter because we do need to flesh this thing out with Tyler and Jennifer and whoever was helping you guys.

Chairman Russell Attebery: Just real quick, Ron. I want to make sure I offer thanks to Sharon Pinto (BIE). She was at the subcommittee meeting and brought in a lot of data and information and offered to follow up on some of our issues so thank you. Thank you.

Rick Harrison: John, one other thing that was brought up during discussion in tribal caucus around education was the federal health insurance for BIA tribal school employees and was wondering what the status of that was.

Principal Deputy Assistant Secretary John Tahsuda: There has been legislation moving through to make the technical correction needed for that. I believe it passed out of the Senate. I think it's waiting action in the House. So I'm hopeful that it will pass. I think there's a broad level of support for it. I don't know who could be opposed to that, so I think it's moving forward. Obviously again, you guys can advocate for yourselves the best and the work that I know that folks have put in advocating for that has been helpful. I would just keep it up.

For those of you that don't know give a quick update. I saw 105L leases up there. If you saw the news, we just recently reached an agreement on a 105L lease with the Gila River Indian Community. They built a school and we are now... It's not entirely accurate and if you want the gritty details, Jason is here to do that, but it's like a lease back. It essentially provided a way for us to partner with the tribe on long term financing for them to get a new school outside of our normal school construction budget. That was an interesting proposal they came to us with. There was interest from the Hill, the appropriations committees on how that might work and so we're hopeful that this could possibly be... It's not the solution for everything but at least an additional tool as far as getting new schools. Great for the Gila River Indian Community. The first new school they've had on the reservation in 100 years I guess or one of our schools they've had. There's some cautionary tales with it. I want to make sure everybody's aware. There are budget impacts from this and that's something we had an extensive back and forth with OMB about the budget picture. It's one of those funny things in which we have to account for the budget part of it even though the tribe actually put the money forward to build it and we're going to pay them out over time so Uncle Sam wasn't really out of immediate cash out of his pocket but because it's a long term arrangement we still had to account for that. I think some interesting lessons learned. I think we have some thoughts and we're hopeful that we can come back to Indian Country with some ideas on that. Obviously it's not an education only piece, it has potentially a broader application. I know that some of the tribes have been using it for health clinics, etc. with IHS. That's part of the cautionary tale I just want to tell you on that is it doesn't create new budget space or budget cap, so there is an impact and we have to account for that. IHS has had to do substantial reprogramming in the last few years of funds which means you're taking it out of one pocket and putting it in the other. We're not creating new money. So our hope is that we can kind of plan this out in some regards so that we can account for the budget. We think it's an interesting and a new way to approach some of these things but we do want to make sure that everybody knows that this is not a zero budget impact. We do have to... we want to make sure that we're able to thoughtfully work that into whatever agreements we come to with the tribes.

Chairman Ron Allen: One of the things and Jason might chime in on this topic. Yes, a lot of us are exercising the 105 negotiations on the IHS side and because of the judicial victory up here quite frankly. It opened up an opportunity. So one of the points that we've made numerous times, John, is on detention facilities, incarceration facilities, schools, other facilities that are needed in order to carry out these trust service responsibilities, the question is how to get it done and more often than not the construction line items don't fare well and we've had a hard time. So one of the advantages of this, it would grow because on the IHS side just as a point of reference, two years ago it was at \$6 million, this year it's at I think \$30-40 million. I think it's like \$25 million and they expect it to be \$40 million next year because these are tribal facilities, we're building them. The challenge in the past is getting them done. You get construction money and sometimes it takes us forever to design, construct, engineer, permit and get the things built and so that was always a pain in the neck from OMB's perspective. This way we've already done it. We did it on our dime but now we get restitution for a federal facility that we built. Not everybody can do it, there's no question about it because it's a matter you have to have the resources to borrow the money in order to get the job done but it is a new opportunity and my hope is that there'll be a recognition of the federal government's responsibility and it will be a new line item to increase

the budget and make an argument that we're replacing dilapidated facilities. We've got incarceration facilities that you wouldn't want anybody to be in and we need to fix that.

Deputy Assistant Secretary – Management, Jason Freihage: Just to add, we do recognize it could be a very valuable tool as we saw with the Gila case. To John's point about the cautionary tale, the challenge from our perspective is the tribes come in with requests and obviously we have to meet that need based on the request from a budget challenge that is. It's a little bit harder to plan as they come in and when they come in. They can come in halfway through the year or later in the year and we still have to fund it even if it's in the last few quarters. And again, we do want to find a way to do it but as you know, unless Congress gives us sufficient increases, it can be zero sum sometimes. You have to find it in other places. IHS has been successful getting increases but they've also had to regularly... I think the last two years maybe reprogram around \$10 million or so. And yeah, to Ron's point it started around \$6-\$7 million. Last time I checked in with them they were expecting at least to be up to \$55 odd million this year. So it has grown quickly and the challenge is how do we keep the budget to keep pace with it because again, while we recognize it's a good tool, we also have other important investments and we don't want to rob Peter to pay Paul. So one of the things we've been trying to engage both OMB as John pointed out on the policy of the structure of the leases is also like what is the bigger picture and trying to frame this in the context of other unique authorities, unique self-determination authorities that have had we'll call them quickly growing costs and I think... I'm not going to call it a parallel but the similar case is contract support costs and it really did take some time to wrestle with that of how do we both define generally what the universe is and how do we budget for it in a way and again you're not adding a new spigot, but that's just taking money from somewhere else. And so I think as we talk with staff and OMB and others we're hoping for folks that have been around a while, they kind of remember the contract support costs process and how eventually everybody was able to come to a constructive solution which was an indefinite appropriation. Which for folks, if you don't know what that means, that basically means we do our best estimate of how much we need and because the costs are unpredictable with contract support costs or can be unpredictable or 105(l)s, then the amounts above what's enacted comes from the Treasury and it doesn't come out of our hide. It may be that some sort of creative solution like that which provides the funding support with maybe some other reasonable planning parameters might help us all meet the goal of using this as a valuable tool but also in a way that's fiscally sustainable.

Chairwoman Cheryl Andrews-Maltais: It's encouraging that you are going down that road and I know when I was sitting over there when we were doing the new school replacements one of the challenges was that waiting on appropriations, waiting on the budget, waiting on everything else – There was no way of staying up with the pace of the deterioration so those numbers were always obsolete. So at least if the tribes are able to have the resources to move forward and bill the federal government back, it gives you that data as well as being able to more accurately forecast. I think the other issue that we're looking at is by being able to have the need more clearly identified and the tribes billing back the United States for their obligation might also drive that point home and I know that there are a lot of tribes that don't like that idea that the Federal Government has that responsibility and the tribes should never be putting out of pocket but from the other perspective as tribal leadership, we can't hold our children and our elders

hostage for the failures of the United States government. So it's good to see that you guys are looking in a much more creative way of doing things and getting the job at hand done. It also brings to mind the final scenes of America-thon and some of you are old enough to remember Dan George walking across the stage and giving that last million dollars to bail out the United States from their debt. Here it is Indian Country America-thon all over again but hey, what else is new?

Chairman Russell Attebery: I don't want to be repetitive but I think this needs repeating and Ron asked the question about the recommendations and the resolution asks for the full TIBC body from the Education Subcommittee. Again, because this is not up there on the screen but we would like TIBC to recommend to the BIE and BIA, DOI and Congressional Oversight on Indian Affairs to restore all scholarships and construction funding that was recommended to be removed and that all funds be restored and addition for language change to occur in the Green Book for higher education so the funding that comes out doesn't experience the delayed dollars to the tribes. Again, I know that we said that before but I believe it warrants repeating. Thank you.

Juana Majel Dixon: One of the discussions to the body and to the Chairs and with you in the room, it's really good to have you there because we talked about the impact on the youth because of the racism in the school and because some of the violent acts that are occurring in school against our Indian kids. One of the aspects we talked about was the invisibility in curriculum and that initiative be done in such a way that we revitalize learning about us as a people not as the stereotypes of what America sees as romantic stereotype notions of Indians and Alaska Natives. We have seen successes and what came in that discussion. And if you could open up a forum or send out a letter to the tribes was that those who have successfully done something in curriculum change that they bring a collection of those ideas to be worked on together. Maybe they can even send it to the NCAI office and coordinate with you because we also think it validates. There was the Deluder Satan Law was one that was out there as well back in the day that if there was more than 50 Indian kids in anyone place it required a teacher and a preacher and that law still exists today. There are archaic laws out there that apply to tribes yet they seem to...when it comes to Congress and putting the money that this budget they were talking about BIE should be tripled by now and we've already gone past zero population to where we have more children now than we ever did before. We need to build upon our population growth, but also be aware that Indian Country and Alaska are still in Third World conditions. We're just wanting to clothe, shelter, and feed them because not everybody is flourishing. If the school has to come to them and the reservation day schools, that's not there anymore to be available to fund in the same manner. So being creative for that population that isn't getting it because what happens they end up muling drugs, they end up doing suicide pacts. You know this is going on so let's see if we can get ahead of that and be creative with what that might look like because there are successful youth programs. NCAI is doing that with its youth program and Unity is another example and others that have done it. Maybe you can do the camps that bring our youth together, 100 youth that may make a difference. So think out of the box in terms of revitalizing the wellness of our youth with what we want to do with BIE and make it happen. But there are laws there that get kind of scary, so if we could put those together that are supportive and for those that aren't, let's take them off the books.

Speaker Seth Damon: Well, Mr. Chair, I just want to know if you want to go ahead and get a second on Buster's resolution right now or if you wanted to wait 'til tomorrow. That's my question, Mr. Chair.

Chairman Ron Allen: I think that, Mr. Speaker, why don't we...let's get that resolution drafted up...printed out, circulate it, make sure everybody looks at it and then let's approve it tomorrow so everybody will have a chance to look at it if that's agreeable.

TIBC Attendee: I have Derrick Leslie here with White Mountain Apache and he'd like to bring up one of the issues that was brought up in the subcommittee on JOM.

Derrick Leslie: Real quick. Just a reminder that we did talk about the JOM Modernization. Specifically, relating to potentially rewording or possibly removing the blood quantum requirement under the definition of the eligible Indian child. And I do know there was some other modifications that were requested from some of the tribes or the membership from Alaska having to do with citizenship. I think that would be something that would be ideal to have that blood quantum requirement removed from the definition of the eligible Indian child with input from some of the Alaskan membership with their specific criterion. Just a reminder.

Rick Harrison: So what he's talking about with regards to Alaska is in Alaska is if you go get your BIA card, it talks about you being a descendent of a shareholder and not descendent of a tribe or tribal citizens. We'd need to make sure that that language works for both sides and areas because it's different up here and that's what was brought up earlier.

Chairman Ron Allen: I guess I want to ask the question, I'm not sure if you're tracking. Kevin was just saying the comment period was closed last week. Is that what you said? So I'm not sure what we can do. I'm trying to think through the process to try to effect the outcome of that legislation. Do you know?

Principal Deputy Assistant Secretary John Tahsuda: The JOM and Standards consultations just ended so I believe they both...it's normally 30 days after that that the comment period closes so I think it should still be open. I honestly don't have info right in front of me so I think you're still available. If you've already submitted that comment, though, then that'll be considered as the comments are compiled as well.

Chairman Ron Allen: But if you're looking for a position from us, the tribal leadership of TIBC, we need some help here for those who are knowledgeable about that topic and our respective arguments against it. We need help to shape that out. So if anybody's got some language, we could work with Tyler and we can get something drafted up quickly tonight for consideration tomorrow. Is that agreeable. Those of you who have ideas on that, you need to talk to Tyler.

Chairwoman Cheryl Andrews-Maltais: I just have a question. Are all shareholders members of the tribes and villages or can shares be transferred to non-natives underneath the corporation structure?

Rick Harrison: Shares can be transferred to non-natives but that doesn't allow you to get a CDIB card. So we're just talking about a Certificate of Degree of Indian Blood card. When you get that up here in Alaska, it says your descendency is from an ANCSA shareholder versus a tribal citizen. It's two different things.

Chairwoman Cheryl Andrews-Maltais: The reason I ask is because it's hard enough with the...I can never remember the title whether it's Title VII, Title VI, whatever title they changed it to but it's delivered out of the G5 and it comes out of the Department of Education and these dollars are intended for Indians and when I see anything that's intended for Indians my assumption is it's for federally recognized tribes or Alaskan natives and villages. However, underneath this particular title, self-declared and state recognized tribal members are able to be included in those numbers and eligible for services under those funds which is really counterproductive because we fight tooth and nail for our dollars. So I'd hate to see anything else come in that dilutes the federal relationship and those federal dollars that are intended for Indians because of our special relationship...our special status as Indians and the relationship with the Federal Government. So I'm just trying to make sure that nothing goes in there to sit there and further dilutes the Alaska villages and natives access to those funds that would definitely be coming to you by having non-natives as part of shareholders become eligible through lack of recognizing that and making sure that it's clear that that does not apply to these people.

Rick Harrison: Right and we would have the same concerns. So even if you're...if you get willed shares and you're non-native, you lose certain statuses. You can't vote for the corporation, you can't do that stuff. All you get is the dividend. And it doesn't allow you to get a CDIB card.

Kitcki Carroll: Just for clarity, JOM comments are due on August 30th so that deadline has not passed. Question for Deputy Assistant Secretary Tahsuda. In the 105(l)... So first of all I want to acknowledge that the partnership between the United States and Gila River was a creative one. That's pretty cool. The conversations, though, that we've been having within the 105L leasing space for the most part have been dominated within the IHS sphere and just at a recent USET meeting we engaged in a conversation with IHS and one of the things that IHS put on the table in terms of how they are planning to respond to this spiking 105(l) leasing liability exposure is they had on the table potentially looking at an amendment to the law that would do away with the obligation, the requirement. And of course that's being adamantly opposed. My question though is I've never heard that same conversation on the Interior side, so I'm wondering if Interior's having conversations about that same sort of exposure. My real question is if, using that example of the school, if a tribe explores that same sort of creative model, would a change down the road in terms of how they're handling that 105(l) obligation interfere with any sort of longer term lease agreement or would they be held to that longer term lease agreement regardless of what may happen with an amendment to the law if that's the way it actually went?

Principal Deputy Assistant Secretary John Tahsuda: That's a good question. I don't have a solid answer for you on that because this is kind of a new venture for us. The answer may be that it depends on what the tribe submits. There's a menu of things that the tribe can submit that they want reimbursement for and some of these are structured more like a lease and some are more

like a reimbursement for operating expense so there's a variety of ways this is... Again, this gets way down the road from my knowledge base, but from how they're accounted for within sort of a general federal budget structure, different types of leases or different types of agreements. I think that for us...our hope like you said is that we can kind of caution everybody that this is conceptually great, a new avenue for at least some tribes to use. But our hope is that we don't have a runaway train budget-wise. So if there was a change... To be honest with you, we had some discussion with IHS because as you know that provision is actually in a joint section of the regulations so any regulatory changes would require both agencies to go through the promulgation process. So we've kind of explored whether that's something in the future that would be looked at. I have to tell you, I think IHS was at least initially they're lukewarm on whether they want a change in the regulations or not. I don't know anything about the conversation about changing the law. If that's the direction they want to go, that really hasn't been something that they've discussed with us. I think it would be helpful for us... As you know, it's most helpful to a government agency when there's some rules that they can follow. It just makes it easier to get things approved, etc. And so if there's a useful change in the regulations that could be made that would give us some sideboards on the process, that would be helpful. I think that...just as an example, with Gila River, the proposal that they had to my mind is squarely in the middle of the strike zone and any change in regulations we made would not affect that because they had a specific goal in mind. For us, it was almost ideal in the sense it fit a budget plan that was reasonable for us and so I hope that whatever we're able to come to an agreement with the tribes on and a process could be like that and if there's a change in the regulations... if there's a change in the law, I don't know how that would fall out. But if there were some regulatory changes that could be made and we could agree on, then hopefully it will be kind of down that same path because in this instance anyway it gave us kind of a clear budget picture years out and that's very helpful for us. That's on the easy side. Maybe other models will be harder for us to figure out the long term budget picture and it would certainly be helpful to have more guidance regulatory wise in that case. That's a non-answer answer to your question.

Kitcki Carroll: No but it's thought out. Let me check with IHS too because maybe I'm mistaken in terms of the law change versus the regulatory change so let me seek clarity from Rear Admiral Weahkee on that. I was just trying to think out long term what that would mean if there's more interest and more start pursuing models like that because I think it's pretty...

Principal Deputy Assistant Secretary John Tahsuda: Let me say this. Again, this is one...sort of one exercise we've had on this but we certainly proceeded cautiously down the road and part of that was the notion that how we come out at the end of this with the tribe will hopefully instruct us on what's a good model, what's a good path to follow and so I think we learned good lessons along the way and again, the tribe was a great sort of learning partner with us as we talked and negotiated on this. I guess I would say I'm pretty comfortable that we wouldn't want to make changes down the road that would affect the structure of the agreement with Gila River. That doesn't mean that there might be a different proposal that comes in that we'd be a little more cautious about.

Deputy Assistant Secretary – Management Jason Freihage: I think the one thing you may be thinking about, Kitcki, related to the IHS is the President's budget I think the last two years has

had a proposal which effectively undoes 105(l) by not allowing the tribe to request the 105(l) lease be funded above the Secretary's allocation, and so I think that was one of the key things. That's been in the President's budget for them the last two years.

Juana Majel Dixon: Ron, the question I have to John is the status of the land while during this lease because like with housing it pretty much belongs to the lessor in that kind of relationship and then once the payments are finished it then reverts back to its original status. Nothing has been brought up or spoken to that and I know for us, I agree with you, it's a new way to do something good. Even when you consider a charter school and in order to survive some of the fallout of the California laws for education we went into a charter for our Indian school in partnership with the Federal Government, but they were allotted lands and the individual who owned the land entered into that agreement. But on tribally-controlled-and-owned lands, which I suspect Gila's position was, there's a protection piece in there that during the life of that lease there's an agreement that some kind of...whatever that is, maybe you can speak to it a little bit. I'm curious about it because I know I'll be asked if we are to pursue this because we have so much hate going on where we're at, it's just all around us and our children are impacted and this is one of the avenues we're looking at. So if I could have...if you want to tell me later, maybe other leaders want to know but it's up to you to answer that, but it's important to me.

Principal Deputy Assistant Secretary John Tahsuda: Well, I think I can answer in this case pretty simply. So the land, the building is owned by the tribe. They built it, it's theirs and we lease it back from them to provide the facility for the school to operate in. So it's owned by the tribe. We have a lease on it to facilitate the operation of the school.

Deputy Assistant Secretary – Management Jason Freihage: I think one way to think about it is they're not really...the word lease is used because it's used in the actual statute but I've even heard IHS say this in presentations. They're effectively facility cost agreements. I would usually think if I'm entering a lease I would actually use it. Really what we're doing is saying the tribes can come to us and say, 'I need these funds for a facility that I need to maintain in order to deliver X activity that's in my funding agreement.' So in some ways that may be a helpful way to think about it. They're not really a traditional lease per se. It's more of like...again, one way to think of it is like a facility cost agreement. It's the cost your tribe would need to operate that facility to deliver services.

Chairman Ron Allen: This topic on the 105(l), it changes the game for us like John said. I think we need to kind of flesh it out and keep working it because it's an opportunity for us. So whether it's schools or other facilities that are sorely needed and it's a matter of not only us working with the Department, but also with Congress so that Congress recognizes it's a new responsibility and it's actually almost better than the construction line item simply because if we're going to go get the money, we've already done the design, the engineering, the permitting and all that. That's already done, so the process works better. The only problem is where tribes don't have money. If a tribe doesn't have the resources or the ability to borrow money, then it's not much of an option for them. Okay, we need to move on here and try to catch up on our agenda. We'll work with the subcommittee on the issues, the subcommittee recommendations and everything else that will go into our correspondence back to John and Tara. The last item here...the last update really, John,

was on the Budget Subcommittee and this is stuff that you're well aware of with regard to ongoing requests. We know that the Department has been working with OMB and there was an effort awhile back to get an update from the crosscut funding report and try to get that updated so that we know where it is now. We always referenced \$20, \$21, or \$22 billion. We don't know the number. The new number is different now today and one of the things we were asking for is an analysis on who's actually getting access to those monies. On the BIE/IHS side we know better, HUD too, but there's many, many programs that we don't know who gets it. Road maintenance is a topic that came up and we want to make sure that the Department is well aware that that AUTOS Act, Senate 1211, that's been rolled into the Surface Transportation Act is a great opportunity. As you well know, regarding road maintenance, we're trying to catch up with that \$300 million inventory of need and this bill would help immensely. So it takes strong steps in the right direction. BLM, we wanted to emphasize to you that we know that the guy who was appointed to BLM head is a guy who actually argued against the constitutionality of Indian law and we have great concerns about that because he's made statements and the Secretary's made statements about what to do with public lands and you know well that there's a lot of public lands that have great value and great concern to the tribes historically, culturally, etc. So, there's a couple of things that we're concerned about and we want you and Tara to be well aware of that as you interact with the Secretary and your counterparts in the Department. The Small and Needy Tribe issue. One of the things we want to emphasize is we want to work with you on is that we've got to change the name. The name doesn't work. It's not one that gets good traction, right? It's really about those tribes that have a need for base funding and one of the things that's frustrating is that the documentation so tribes know how close are they getting to the \$160,000 and \$200,000. In our previous meeting, we want to remind you that we really felt because it's been there flat-lined for 20 years that we think it should be more in the range of \$300,000 base and we really need to get there but the question is, is the number according to Jeannine is that they don't have enough money to get them to that level and we need to ask for more money to get them to that level of \$200,000 or \$160,000 for Lower 48 but we don't know where the money's at. So there's a question. Some tribes up in Alaska, correct me if I'm wrong here guys, those who are getting their money through 638 they feel like they're not getting their share and so we'd like to circle you back to what's going on. Are they getting their money or not? And so we want some reports on that issue. The need is \$5 million. We heard that the actual need to get them to that base level is \$5 million.

We spent time talking about the new process. For the most part we think the new process in terms of identifying priorities, it works. We were deliberating on whether or not we should be tweaking it a bit in terms of some subcategories should be in other categories. An example would be should road maintenance be in economic development, etc. So we're not making any hard decisions on that because we want to make sure that if we make those recommendations to you that it makes sense and we're not jeopardizing trust responsibilities or anything along that line when you move into these different categories. We're sending a letter to the Secretary and you about trying to get the Secretary to agree to an HHS STAC-type advisory council and that we would like to see this be elevated into that kind of a forum where it doesn't change the role of TIBC, but we want to be able to talk to the Secretary about other policy issues such as Fish and Wildlife or BOR, BLM, etc. We hope to approve that letter at this meeting and get that sent off to you, so it's kind of a heads up that that's coming around the corner.

Chairman Ron Allen: That was the big ticket items. Rick, do you remember anything else that was on our checklist with regard to the Budget Subcommittee matters? Okay. If not, then we want to try to keep moving here. So let's go to the regional interaction. Jim James, you were going to give us an update?

Bureau of Indian Affairs (BIA) Update

BIA Deputy Bureau Director Jim James: Sure. Thanks, Ron. Just a quick note about when you were calling roll and we noted the absence of some of the regional directors. Part of that was because of cost effectiveness, but also to make sure that we had coverage for the different types of tribal funding and tribal budget processes involved here. So we have Gene representing Alaska obviously and much of the compacted regions. Bryon Bowker is here representing a mix of contracted and compacted [tribal nations]. Susan Messerly is here representing direct service tribes and Bart is here representing Navajo. So we felt like we would have it covered and at the same time being good stewards of our travel funds.

One of the things that you mentioned during the BIE presentation, I think, was a question, are the tribes getting the funds timely and one of the things that we've been working pretty proactively on is identifying formulas as well as methodologies that are going to be pretty consistent across the regions for getting out contract support costs, getting out 638 ['self-determination' contracting] and getting Office of Self Governance (OSG) funding, although that's going to be more on Sheree's side than mine. We're going to be working closely with the programs including OSG, Trust, and Office of Indian Services to make sure that we can do that as quickly as the funds are in our hands. We also want to utilize to the extent that we can and I think there are some opportunities within the systems that we use that we haven't fully explored or haven't put into motion yet that we want to take advantage of and one of them is the FBMS system as well as the ASAP system that allows for the tribes to draw those contract support and 638 funds. I'll just give you a little bit of background. So what happens and what we heard from the tribes primarily during that shutdown was, 'Well, what about our funding? This is seriously impacting our ability to carry out our functions and provide services to our communities.' And we realize that and part of it was funds were still hung up in there. As you know, we had a number of continuing resolutions last year. We're hoping to avoid that. The House has passed a budget, the Senate voted on it this morning. It just needs to be signed off on, at least the top line number and then we'll figure out how the allocations come down. But during those times, during that time we had an opportunity to start thinking about, why are maybe some things doing it at different times of the year? If can get the funding all at one time and we have formulas and we have good communication, good interaction with the tribes in each of the regions, then we should have all the documents in place that are necessary to support funding a contract. And even if we don't, we should be able to put those funds into a distribution section or position of the system where it's ready for somebody to press a button. I'm not sure that's the literal thing that happens, but at least it's there and it's available and we'll let the tribes know. We're working on the ability, Ron, and every other tribal leader to...so long as we know who your POC is for budget purposes for funding distribution purposes to send an email to that individual when those funds are placed in that availability section of the system to say, 'The money is available and then it's up to you to

draw down.’ Some tribes desire to wait until all of the funding from all the various resources, whether they’re Interior, Indian Affairs, Indian Health Service, Transportation, Federal Highway funds or whatever get to that point before they actually draw but at least we can put ours out there and available for the tribes and send the tribal point of contact notice that says to the tribe, ‘It’s now ready.’ There may be instances where we’re still waiting on a contract modification or a slight adjustment to a contract, maybe a number is off, there’s an error or something like that and we’re just waiting for that correction, that shouldn’t prevent us from still having the money available there so that as soon as we get that corrective document then it’ll be available for draw. So we’re trying to take advantage of that. I think we’re pretty close. We hope to have that methodology in place. I think we have until the end of the calendar year was our target date, but I’m trying to be a little more ambitious and go to the beginning of this fiscal year. So we’re working on that.

There’s been a lot of concern and a lot of questions about, what is inherently federal? What can the tribes take from the Federal Government, and what do the tribes have to keep in order to perform their responsibility? In essence, that comes down to defining what is inherently federal. What’s an inherent federal function? The Solicitor’s Office and the program offices have been actively engaged in trying to identify what is inherently federal, at least as far as it relates to energy development and particular oil and gas development, and we’re hoping that’s something that comes out pretty quickly. I think the next step is how do the rest of the programs do that? I would suggest that that’s something we may want to engage with tribes. I’d like to engage the tribes with this question. So my plan is to send that out to maybe this body or USET or AT&I or the Wyoming Montana Tribal Leaders Council, Rocky Mountain Tribal Leaders Council to get some feedback and perhaps some representation, so we have a tribal input on that. That’s a little further down the road, but it’s been a long time coming and we really need to get there. I just had a question for Ron because I know you mentioned that. On the STAC, is that something that we’re trying to replace, we’re trying to change TIBC’s role, going to exchange that for the STAC? Is that what you’re suggesting, Ron?

Chairman Ron Allen: So yes and no. We want to elevate this TIBC forum to a STAC forum where it now becomes required of the senior officials of the other agencies to provide updates with respect to what’s going on in their programs. Part of that process would be the review of the TIBC priorities. And all we’re suggesting, Raina help me if I’m saying this wrong. What we’re suggesting is that every region goes through and identifies their regional representation. We don’t need two sets of policy advisors to the Secretary, we just need one and these issues with regard to the BIA and BIE policies and agendas can be addressed but that’s only one part of the Department of Interior matters. So we think the Secretary needs to, by his authority, establish a DOI STAC, for lack of better words. Raina, do you want to add to that?

Raina Thiele: Yeah, that’s correct. So basically it would be the creation of a new STAC within the Department of the Interior, but also kind of elevation of TIBC to underneath that body.

BIA Deputy Bureau Director Jim James: But two entities not one?

Raina Thiele: Yeah, exactly.

BIA Deputy Bureau Director Jim James: Okay. So who's at home taking care of tribal government then? I'm just kidding, Ron. The reason why I asked that question was because I know that we've had the TIBC protocol that we've been going around and around about. I think that some of the tribal representatives have signed off on that, and they may be waiting on us and Kitcki raised it at the last meeting and maybe the meeting before because there's sort of different methods to make sure that you all, the tribal representatives, are properly funded and reimbursed for their travel to this event. As much as we were trying to standardize that, there are some rules that we want to make sure that we're all in compliance with and if the charter is the one that we fall back on to look at, the charter says, 'Trially elected representatives or appointed representatives' assuming that's going to be the tribes from that region will say, 'It's okay for Jim James to represent you,' and we'll have a resolution or some kind of formal document that says you have the authority to act. So I guess that's one of the things that we need to at some point kind of put to rest so that we're following our own rules and I know in terms of the piece that I'm supposed to talk about was regional interaction. [BIA Alaska Regional Director] Gene Peltola has come up with a plan to try to fairly represent or identify the representatives for Alaska Region that's equitable. It's not an easy task when you have 229 tribes in this region, but we want to make sure that it's really something that's driven by the tribes and also fairly reflects the purpose of TIBC and that is to be advocates for the tribes in your region and to communicate with the tribes in your regions to make sure that they receive the information that comes out of this body and/or the questions that are raised by this body so that the Department receives the input and that we are responsive to you and that information gets out. I know at the end of the day what I've been trying to do is to work...usually I would work through Collette who hurt her leg and wasn't able to attend this meeting and her and Jennifer will get together and get their notes together and then I distribute that to the regional directors so we have a comprehensive set of notes that come out of these meetings. I'll probably go bug Jennifer later and ask her to share that with me.

Chairman Ron Allen: Well, one of the things we'll do, Jim, once we get the body to agree to the letter tomorrow, we're going to attach a very simple facts sheet so to try to simplify what our objective is. Meanwhile, we do want to finish off the protocols for TIBC. So we don't expect this DOI STAC to happen overnight. We expect that you guys would vet it and discuss it with the Secretary and his senior officials and then we probably would like a meeting to discuss it conceptually and to see if then flesh it out in terms of the protocols that would incorporate TIBC as well as the additional roles and responsibilities of this new forum.

BIA Deputy Bureau Director Jim James: Like I said, my intent is to make sure that the regional directors, that field operations is responsive to the needs of the tribes in their region. That's my goal. This is one aspect of it, but I take it seriously and I'd like to make sure that we're doing the right thing by the tribes that we represent.

Kitcki Carroll: Two things, Mr. James, one being it came up in one of the subcommittee discussions yesterday to your point that you were just making about regional consistency and you and I have had many conversations in the past about regional consistency but since I haven't heard it raised, yet. We have long asked for and now receive from our region a year-end report to

speak to what percentage of spending is going on to make sure that there are no dollars or to minimize the number of dollars being returned. From a conversation that occurred yesterday, it doesn't seem like that is consistent across the country so if you could require or mandate all of your regions and your regional RDs that they are expected to provide the tribal nations within their respective regions a year-end report to report on how well they did with the management of those funds to ensure that they are being obligated and spent. That's the first thing. The second thing is and my friend Juana down on the other side of the table already mentioned today, but your comment just reminded me about in your explanation of the RDs that are and are not here and Chairman Allen just raised the issue of protocols. The protocols as they stand right now call for the attendance of the Assistant Secretary, they call for the attendance of the regional directors, not regional directors that are represent of various competencies. So it is the expectation of this body that we all travel to be here, we expect our federal partner to be here to round out this conversation. We all have financial issues and efficiency goals, as well, but we prioritize this to make this part of the work that we do. So we would just respectfully ask that our federal partner do the same thing and not use efficiency as the reason for not having individuals who are reflective in the protocols to be here.

BIA Deputy Bureau Director Jim James: Fair. So, if you want to take aim at somebody, you can take aim at me. I've been the one who is suggesting that we need to look...

Kitcki Carroll: I'm not taking aim at anybody. I'm just sharing.

BIA Deputy Bureau Director Jim James: It's a fair point you raise. We've been trying to take a look at efficiencies throughout our entire system. Travel is a big piece of it, and I've got tell you honestly when I came to the Department I was frankly shocked at how much money, how much of your money we spend on travel. So I have asked up and down the line, our folks to take a hard look at the travel that's done. Tony Dearman and Darryl [LaCounte] and Jim [Anderton], these guys are spending time looking at better ways for us to do training instead of sending people individually in different places around the country. We have a training center in Albuquerque that's hardly used. So, trying to find efficiencies that we can in different places, travel being one of them. One of the questions I've asked several times now in these meetings is...because it seems to me, I could be wrong but that we have some RDs who come to the meetings who I think have already hashed out most of the issues in their regions. Their regional tribal leaders speak up for those priorities and it's not entirely clear to me what efficiency or I should say what value they bring to the discussion here since they have very well filled out their part of the responsibility in working up to this committee and if possible... We have a lot of things that come up, tribes that ask us for emergency funding at the end of the year and if I cut back on a little bit of travel to some events like this where it may not be needed and we have funds available to give the tribes at the end of the year I think that's a great win for everybody. So if another one or two of these exercises and it seems like we have a great loss of value to this body by not having all the RDs here instead of trying to make sure we have the topics covered that need to be covered, I'm happy to revisit that issue but that's the direction that we've been going for the last year or so.

Kitcki Carroll: So let me just respond to that by saying this predates the current Administration and I'll just speak on behalf of our region. I've been doing TIBC now for nine years. I've been asking from day one when those RDs are sitting at this table, why do they not speak? I have been told every time it's because that has been an administrative directive that they don't speak. So I'm in full agreement with you. If they are going to be here, which I believe they should be, they should be fully engaged in the conversation and not directed not to speak and not to engage. That's absurd because to your point, then why are they here? And I would actually apply that to anybody who's sitting around this table. If you're not speaking, why are you here, because this is meant for us to deliberate and to discuss these things. My only recommendation would be if the Administration is considering changes to who it's going to be representing here in this body, Mr. Chairman, that is a change to what the protocols say and that needs to get discussed and figured out.

Chairman Ron Allen: If I might add to Kitcki's point. I fully understand, John, your point of trying to be as efficient with limited dollars as you can. Everybody gets it. We even have to do it at home. But it kind of goes a little bit to a conversation we had earlier about we have two reps from each region and for the most part those two reps should know everybody, all the issues. Here in Alaska: two reps, 229 tribes. But even if it's...like in my area 45 tribes in my area. So myself, Greg and Delano, we basically have a pretty good idea. But the regional director, they know the whole region. So if the two or three of us miss something, they can chime in. Like a tribe from my area down in southern Oregon or a tribe in Idaho, if we're missing or a topic, that kind of a thing. So they do bring additional insights that we might not have. That is one of the objectives: to try to have as comprehensive of an insight to guide this body and guide our recommendations to you. It's a tough balance. We get it, but we certainly do want to encourage that. So it's tough whether we're coming here, throughout Indian Country, or we're going to DC.

BIA Deputy Bureau Director Jim James: So Ron, I think I said this in the very beginning when I came into this role that I wanted to make sure that the regional directors were as responsive to this process as possible and that we're interacting with the tribal leadership of the region, not just the reps. So I've asked all of them to do that, and I have a pretty good, I think, I hope, a pretty good communication protocol with the regional directors. We have standard every other week calls. I'll pick up the phone if there's an issue, but I always ask them, 'Is there something...' right before I'm coming to a meeting like this, 'Is there something that I need to know that maybe hasn't been highlighted or that I should be aware of that I need to let this audience...' whatever it happens to be, whether it's TIBC or another one to be aware of. I think Ron's right. That was my hope was at the beginning is that regional directors are going to be interacting with the tribes in this whole process, during the formulation process before we even get here that you guys will have had an opportunity to have those discussions, there's been good interaction and so we can come here and report and talk about budget. If that's not happening, then I agree with Kitcki that we need to revisit it and we need to have further discussion and maybe think about, 'Hey, do we change the protocol, do we do this differently?' And if it's something that is not working in your region, then please let me know because I can address that with them. I know that at a couple of meetings instead of sending the RDs I sent the budget officers from the region and I thought that worked pretty. At least the responses I got from you all were pretty positive that these guys, they know the budget, they were able to answer some of

the questions and that was a good change. So I wanted to try to have a little bit of a mix because we need to have the technical expertise for you to make sure that we focus on those budget questions, but I also want to have the leadership who are the decision makers in the region be aware of that as well. So when just the budget people are here, they report...and I always have a meeting with them after the TIBC meeting to make sure we're all on the same page and let them know, 'Your job now is to go back to that RD, your RD and report out and if we need some follow up, we'll do some follow up.' I am committed to hopefully improving the communication, the protocol, the way we do business so that it's meaningful and it's valuable and if I'm missing something or you have some better ideas, please, I'm all ears. But that's basically where I am.

Chairman Russell Attebery: Just a question on that subject. So in the budget formulation process, it says in there we want to require each region to have two meetings with all the tribes. so is that happening and do you know if that's happening?

BIA Deputy Bureau Director Jim James: As far as I know... In Pacific Region it is happening. I think [BIA Pacific Regional Director] Amy [Dutschke] pretty much stays on top of that and if that's not happening, Buster, let me know.

Chairman Russell Attebery: It's not happening.

BIA Deputy Bureau Director Jim James: Okay.

Palmer Mosely: Just very quickly, Mr. James, I want to echo what you just said. I'm from the Eastern Region of Oklahoma, and we have the budget meetings and we have a very good relationship with our regional director. He's not here today, but I don't expect him to be here today because he's up to date as well as I am, but I want to remind everyone, it's also on our side of the table to foster and maintain that relationship as well and I think that certain regions certainly have different situations than I do, but I just want to remind everyone that it's on the tribe's responsibility as well to foster and maintain those relationships at the regional and local level. That's all I have to say about that.

Chairman Ron Allen: We appreciate that. Sharon, we're going to go to you on the update on BIE.

Bureau of Indian Education (BIE) Update

BIE Deputy Bureau Director Sharon Pinto: Okay. Good afternoon everyone. I'm Sharon Pinto. I am the Deputy Bureau Director for the Bureau of Indian Education and there was a lot of discussion this afternoon on BIE from the subcommittee meeting. Most of the items that I'm going to go over this afternoon are similar discussions that we had yesterday. So, I'm going to run through the PowerPoint as quickly as I can because I know that we still have a couple more areas to cover.

BIE promotes tribal and employs over 3,000 employees right now within the Bureau and that includes our teachers, principals, school administrators, and support staff. A lot of these folks are located a lot closer to you all in your various tribal communities. We have a goal established to improve education, literacy in tribal communities to assist with improving our tribal communities, which leads to the promotion of economic development, employment opportunities and improving overall the standards of living for our future generations of American Indians and Alaska Natives. Our workload and the priorities that we carry on a daily basis are aligned with the Assistant Secretary's priorities as outlined through eight separate priorities and we've been working diligently to meet a lot of these priorities that have been established. A lot of that is tied to building the capacity and bringing in the technical expertise and resources tied to school operations and we've seen a significant improvement in those areas, in the services that we've been providing across the board to a lot of our schools relative to acquisitioning supplies, services, consultant services, and expertise that is required that we need to provide to our various schools, whether it's special education-type services. The other is facility management. Bringing in additional resources, contracting to correct a number of safety deficiencies that have been identified. The other is environmental compliance. Paying attention to a lot of the environmental concerns that we have across the board in a lot of our schools. And the other is also obtaining resources to address some of our trauma and resilient type services to our schools and contracting with several colleges in a pilot program that we established for 10 different schools across the country in gaining the training and expertise in recognizing behavioral health issues in some of our school locations. The other is the expansion of language immersion programs in BIE schools. Understanding and promoting the language and cultural preservation in a lot of our Bureau operated schools across the country. We've been focusing a lot of our efforts as well on that.

The Bureau established a strategic direction, strategic plan. We've been very much focused on the first year of activity this past year in identifying those various goals and milestones. We have teams created across the Bureau that have been addressing these goals at various stages. We finished our first year very successfully, and we are getting ready to engage into year two goals and our first meeting for year two goals is going to occur the second week of August in Albuquerque. We're bringing folks in to start looking at year two goals and rolling out some of those activities under our strategic direction.

The other significant item, and a lot of this is tied to this body's request through the years, is establishing BIE as an independent bureau, getting a lot more recognition in funding, separating our funding, and establishing our own Greenbook. This body had a lot of contribution towards that effort and so going forward you will see the BIE budget accounts that have been established, the operation of Indian Education Program as well as the Education Construction Program lines. Along with that, we are currently looking at how to engage in the formulation. How do we fold in the BIE's presence and participation at the forefront in future budget formulations that we're going to need to kick off in the next couple months? Your input is important to this and we do want to hear your input in how you want to establish BIE's budget formulation. Going forward in the immediate future right now is us partnering with the BIA regions across the country and participating in their regionally-established budget formulation meetings and sessions, work sessions. We can partner with them at those sessions and discuss a lot of the BIE program lines

and certainly the ranking will become a challenge. There has been a lot of conversation today about the budget formulation process, how many times they're conducted, and it certainly we'll be a part of engaging in that as well. The other is the membership to TIBC. Is there a need to have a separate BIE representative because there are a number of locations where tribally controlled schools exist? A number of locations also have separate governing body within your tribal locations that represent the education arm of your tribal governments, and is that representation different than the folks around the room? Certainly those are things that I've been looking at and want to see how we can ensure that the voice and the advocacy is represented fully as we engage further in bringing BIE's budget participation to the forefront going forward.

This slide just represents the OIAP funding trends from the previous years. Presently this year for FY20 you're definitely going to see, as in probably all of the budgets across the board, that our budget for this year, \$867 million is the lowest ever and this is the President's proposed budget going forward. So, this is just a slide to demonstrate the funding trends within education. The current [Fiscal year 2018 two-year] expiring funds, we have \$39 million on the table, and all of that is spoken for. We have a number of programs that are going to be utilizing those funds between now and the end of September. A lot of those funds are definitely tied to serving and providing additional services to early childhood development programs and education IT. Under the Bureau we have what we call the NASIS support services that a lot of the data is collected in determining services and needs and so the NASIS system helps to support additional funding as well. So a lot of our funding goes towards supporting that and maintaining that system for the Bureau. And a lot of your schools are familiar with this system because we rely on your schools to provide and input the data on various fields for the students and the attendance, locations where they're from, different types of factors that are collected in identifying your specific school areas. Facility Operation and Maintenance is certainly a good amount of funding that we will be focusing on in engaging in contracts across to address a lot of the Operation and Maintenance needs and so a considerable amount of those funds will also go towards Facility Operation and Maintenance.

In education, interestingly and something that I learned within the last nine months that I've been part of BIE is the forward funding authority that BIE carries and some of you may be familiar with that already. Basically, the funding that is set aside for a two year period the Operation of Indian Programs (OIP) funds on the BIA side that folks utilize and get to spend within a two year period is forward funded for BIE into the next school cycle. So for instance, for July 1st that we allocated this past month, July 1st, 2019 were federal dollars that were appropriated October 1st, 2018. So they were forward funded for us to provide to the school in July this past year.

The other item of importance is BIE hiring and vacancies. In the last couple of TIBC sessions we reported that we are significantly looking at increasing our capacity and building out the Bureau from where it's been previously. And so now we are at a 53.29 percent staffed capacity which equates to 170 positions that are filled. I believe somebody yesterday wanted to know the actual numbers versus the percentages, so I was able to obtain those numbers for today. We're continuing to backfill a lot of positions that currently and have been existing on the organizational chart for quite some time and those positions are direly needed within the Bureau and we're working on bringing on those folks as well as it relates to providing services to our

facilities, our safety program management, our acquisitions team, our environmental protection specialists, and a budget officer. A lot of these positions we have advertised and we've been conducting interviews and by the beginning of October 1st, 2019, we will have these positions filled. In a lot of cases I've been saying this is our first ever facility manager, this is our first ever lead supervisory contract specialist, this is going to be our first ever budget officer. We're very excited in building out the Bureau and bringing in the expertise with folks that have a depth of knowledge, expertise, and have served in many different capacities whether it's been tribal, other federal agencies, private industry and we're really excited that these folks are willing to join the Bureau and will be joining us shortly.

Chairman Ron Allen: So 53 percent of the FTEs that are authorized you can fill?

BIE Deputy Bureau Director Sharon Pinto: We have filled.

Deputy Assistant Secretary – Management Jason Freihage: So they had initially done a plan, a long term plan of all the positions to staff up and this is that.

BIE Deputy Bureau Director Sharon Pinto: Yes, right. 53 percent of those that needed to be filled are filled.

Chairman Ron Allen: Are these program administrative personnel, not teachers?

BIE Deputy Bureau Director Sharon Pinto: Yes. Yes, these are funded by Interior funds.

Chairman Ron Allen: Okay, that's a different column of staff. It's not teachers, teacher aids and all that.

BIE Deputy Bureau Director Sharon Pinto: This is mostly the education program management. These positions are all funded by Interior dollars.

Head Councilman Joe Garcia: Mr. Chairman, that was one of the questions that was posed that over the past year or couple of years the teacher positions were not filled and that was a big issue up in the Great Plains area. If they're not filled that means them money was not expended so what happens to the unexpended monies? And the same question goes for this because 53 percent, that means there's still a lot of open positions and the money's been appropriated or allocated, but where does that money go now? So that was the question that was posed.

Deputy Assistant Secretary – Management Jason Freihage: One clarification I want to make. That 53 percent isn't... So let's just say they had \$100 million for staffing. It doesn't mean that only \$53 million of money for staffing is being used. The 53 percent is a blueprint done back in 2014, I think, that said, 'In an ideal world, this is all of the kind of administrative support or oversight positions that BIE really needs.' And it did exceed the appropriation. So this 53 percent is actually more like this is our ideal and it is outside the appropriated level. It's not that they don't have some carryover too, but just to be clear, this is like our reaching toward a goal we set

of the ideal number of employees and that number was above the appropriated amount, correct? So there is carryover but there is a little bit of a difference in those numbers.

Chairman Ron Allen: So I get it, you're building your capacity in order to perform better and serve the schools better and we probably need to think about how we create the metrics to get a feel for where we are. So if the 100 percent need is above what money you get, then what are we championing for? So if the number's \$10 million, I need \$10 more million to get to the 100 percent level then we need to know that. I don't know if we know that. Do we know that, Joe?

Head Councilman Joe Garcia: We don't know that because the reporting part is also not appropriate in that case. If we know what that number really means and that's why they request for...well, what does that percentage really mean? Is it the actual number of employees that are there or is it something different? We found out just now that it does not represent what we thought it represented, and so the way it was reported out it wasn't clear that way.

Chairman Ron Allen: I'm not meaning to be critical, Sharon. We want to get it better. We agreed that BIE should be separated so that we can try to put more focus on its needs with regard to those schools and programs, etc. so we did all that and we just want to make sure we know what we're championing because we don't want BIE schools to be treated poorly in the budget priorities.

Deputy Assistant Secretary – Management Jason Freihage: I think that's why the President's budget did have an increase request that would take a good step forward for building up a lot of these capacities. I think we had requested about \$7 million additional for this.

BIE Deputy Bureau Director Sharon Pinto: I think the other thing that we also want to understand is that for the tribally controlled schools, we don't necessarily push for those positions to be filled. The tribally controlled schools manage those positions themselves across the country and we have over 90 schools that are tribally controlled.

Kitcki Carroll: I have a question. So the 53 percent seems a little less relevant if it's a percentage in relationship to a target that's above appropriations. So do you have a percentage that reflects staffing levels as it relates to appropriation levels?

BIE Deputy Bureau Director Sharon Pinto: I can get that.

Kee Allen Begay: Sharon, will you be able to provide each region as far as the percentage? Are you able to provide specifically for Navajo those percentages and how that relates to all of the BIE schools on Navajo?

BIE Deputy Bureau Director Sharon Pinto: Yes, I can provide that. There are a number of congressional directives that we're also working on and there was a lot of discussion this afternoon about the JOM. For the JOM, going back, the proposed rule was published June 27th of this year and the deadline for the comment period is August 26. So you still have some time to submit your comments, written or verbal comments can be submitted. Then the final rule is

anticipated to be published December 31st of this year. That rulemaking discusses the eligibility requirements, also takes a look at the formula, and then also discusses the hold harmless concept for funding once the new formula is passed. The other item that we're going through the negotiated rulemaking process on is the standards and assessments that BIE is establishing. The proposed rule was published June 10th, 2019. The comment period closes August 9th. And again, the anticipated date for the final publication is December 31st, 2019.

The other two items are to have the NASIS system include an item that will allow us to record and track the number of students that miss school due to poor road conditions. That's an additional item that we have worked on and are not tracking this year.

The other is just the education IT initiative and the mandate to refresh and ensure that all of our schools are utilizing Windows 10. We are working furiously on that project through a contract mechanism. We have replaced over 3000 computers across the bureau at all of our school locations.

Kee Allen Begay: The IT for each school, what is the strategy for each of the regions. For example, Navajo. Little Mountain, on Navajo, some of these schools don't have internet or infrastructure to these schools we have in Indian Country. If it's Congressional Directive, how much is provided for each school to be connected? Or, what is the strategic plan to connect these schools to broadband?

BIE Deputy Bureau Director Sharon Pinto: Right. We all understand our schools are in remote areas across the country. The challenge is bringing in the capability for IT connection and the bandwidth to carry the capacity that the area requires. The challenge has been working with the local networks and service providers. In some locations, they are nonexistent. So we must partner and establish that presence in those area before we are able to upgrade in those specific locations. That is definitely a challenge for our IT folks that they are working on. The cost for that upgrade is pretty substantial. That is something that if Joe was here, he would answer that a lot better than I am.

Head Councilman Joe Garcia: Mr. Chairman, on the IT broadband, it's not so much the operating systems that we had issue with under IT for our BIE schools. It is more the broadband. Right now, there is an effort in the state of New Mexico that will help out the remote areas in Navajo land, as well, and all the outlying communities. That's being put into place, but it is not the BIE that is leading the charge. It is the state of New Mexico that is leading the charge. What we ask is that the BIE also be involved in this effort so that it supports that broadband initiative to BIE facilities. That will be happening. I don't know how it would be in Arizona and Utah, but at least we are helping the cause in New Mexico. Maybe that is something we can build on. Nonetheless, the initiative for BIE funded schools is a long time coming and we are not there by any means in leading that charge. We are supposed to have some meetings about it, but they have not materialized at this point. But they will, right Sharon?

BIE Deputy Bureau Director Sharon Pinto: Right. So the last item is the initiative by the Bureau Director to provide training for our school administrators and support staff in various

areas of knowledge and skill development. We just finished our last training session in San Felipe on July 22. The last slide is just a listing of our key senior management team within the BIE.

Charlaine Tso: Thank you, Mr. Chair. My Name is Charlaine, I am a council delegate for the Navajo Nation. I am also the Vice Chair for the Health, Education and Human Services Committee. I have a couple of questions for you, Mrs. Pinto. I know that Navajo Nation has seven projects coming with the schools. I just wanted to get an update as far as, are there any plans for teacher housing within those seven projects? This raises a concern for our schools that are in New Mexico because we are losing a lot for qualified teachers. When we lose those teachers, we don't necessarily get the quality education, as well. That raises my next question. With our teachers and with their salaries. You said that some of the remaining balance will be used for teacher salary. How will that be appropriated between the regions because the cost of living varies and the average household income varies? I was just curious if you could elaborate on those two questions for me. Thank you.

BIE Deputy Bureau Director Sharon Pinto: Yes, on the school construction activity across Navajo, there is a number of school locations within Navajo that are being replaced. That has been ongoing for the past several years and is in various stages. The little singer school, I am going to point to, recently completed its teacher housing. We issued a certificate of occupancy for that housing. The remainder of the school continues to be built. This is something that we talked about at the last TIBC session. It pertained to designing teacher housing. In a couple of locations that I have been aware of, the rental costs for those housing ends up to be calculated at a cost that the teacher or whoever it is that will be utilizing those housing facilities ends up becoming not cost effective. So, we want to make sure when we are working on these projects that we design quarters that create efficiencies at a cost that we know our teachers can be retained and paid for. Those are just some exchanges that we need to take a better look at, going forward. There are a number of other locations that are being addressed across Navajo with regard to school replacements. Those projects are moving forward as quickly as possible and the DFMC representative typically provide the updated reports on those, unless Jason has anything further to add on that.

Deputy Assistant Secretary – Management Jason Freihage: We recognize the need for more employee housing related to the schools. For the 2020 budget, we requested to reestablish a budget line specifically for that because we have just been able to use funds for major facility improvement and repair. So in 2020, we started again to have a budget line just for employee housing, with the hope that, its only \$1 million to start with, but once you get that line in there you can get a foothold from there for more funding, as available. Regarding school replacements, our path to taking care of the schools we have now, in the next few years we hope to keep the momentum that we having going now both in terms in trying to complete the 2004 schools and to make a lot of progress on the 2016 list.

BIE Deputy Bureau Director Sharon Pinto: The salaries for the teacher. I think you were talking about making them competitive. I am not too familiar with the salary pay scale for the teachers under the contract schools, but I can obtain some information for you and send that over.

TIBC Attendee: When you were going over your slides, I was looking at your priorities from the beginning. The whole purpose of BIE is educating our students. It think that without our students, BIE wouldn't exist. I would like to see student success as priority number one, and not priority number eight. The more that you focus on student success, that is the whole purpose of the whole education system.

BIE Deputy Bureau Director Sharon Pinto: Thank you, and I appreciate that comment. I think just the order came in line like that, but certainly all are priorities. Thank you.

Chairman Ron Allen: We are going to wrap up with the OST update.

Office of the Special Trustee for American Indians (OST) Update

Principal Deputy Special Trustee Jerry Gidner: Thank you. I am Jerry Gidner, Principal Deputy Special Trustee, OST. So, one of the big things that we have been dealing with in the last couple years is our Budget. Our Budget has declined 50% from its high in 2007 to where it is right now. Since 2017, we have gone from \$130 million to \$111 million and that does factor out the appraisal program that moves to the Department in 2018. That is a pretty significant drop. The President's Budget Proposal for 2020 is \$105 million. The House markup came in at \$97.6 million. That would be a 14 percent drop in one year. It would also withhold \$10 million pending completion of the ITARA report. We don't know the Senate mark up yet, but I believe they will start taking that up after the recess. To deal with reductions in funding, we have been doing a lot of things. We are probably 90-95 percent labor and contracts, and those are not things that you can change very quickly. We have done two rounds of buyouts. We will have a third round coming up. I imposed a hiring freeze. We are still hiring but only from within OST. Of course, that just robs Peter to pay Paul and you cannot do that forever. If we don't get applicants from inside, we will go outside. We are trying to not bring in any new staff until our budget gets stable. We are getting rid of lots of space. We gave up space in Albuquerque and in the Main Interior Building in DC. Our rent in the main interior building is almost 1 percent of our entire budget. That is a lot to pay for space with a relatively small staff population up there. We weren't really using all of it and we are getting rid of a bunch of it for next year. We are doing what we can. A lot of our contracts are firm fixed price and we have to pay it. Others are time and materials and we can stretch those out a little bit. We are doing everything we can do to adjust to the budget. I'll talk about TFAS, our accounting system, in a second. We entered into a new contract significantly cheaper than our old one.

Things we are focusing on for 2020: transitions, TFAS, strategic planning, enterprise risk, and electronic records management. In our 2019 budget we proposed to move OST under the Assistant secretary's office. Congress approved that and the secretarial order implementing that should be signed very soon. I would say within the next few weeks to month.

Chairman Ron Allen: So, does that mean that the Special Trustee answers to the Assistant Secretary for Indian Affairs?

Principal Deputy Special Trustee Jerry Gidner: Well, it's interesting. No. It means that we will be under the Assistant Secretary, but the special trustee, by statute, must report to the Secretary of the Interior. So, there's kind of a dotted line relationship. As the Acting Special Trustee, if I had to talk to the Secretary of the Interior, I could do that. To the extent that we are an operational organization and I am the Principal Deputy Special Trustee, I report to the Assistant Secretary for Indian Affairs. It sounds complicated, but the Chief Information Officer's Office has similar relationships with the Secretary, but sits under Indian Affairs in the organizational chart. So, it is not unprecedented.

Chairman Ron Allen: This is going to happen in 2020?

Principal Deputy Special Trustee Jerry Gidner: I hope that this will be signed in the next month and it should be effective immediately. What it will mean is that I have a new boss, but no one else in the organization should see any changes. Then, we have some accounting code and back office things to deal with.

Chairman Ron Allen: Okay, so it doesn't change the operations, it just changes the boxes of where you are in the organizational chart. And a little about your relationship with the other Indian Affairs organizations, is that true?

Principal Deputy Special Trustee Jerry Gidner: well, we will be a third organization under the assistant secretary. So there will be BIA, BIE, and us (OST). That secretarial order includes moving the land buyback program to OST. Of course, that program expires by statute in a couple of years. In DC, their offices have already moved into our hallway. They were spending rent with their own money and OST had extra space. So they are helping pay our rent now. That piece should happen any second.

We owe congress the ITARA report. It is done. It is well along the clearance process in the department. It has not been briefed to the Secretary, yet. I can't get into the exact specifics of what's in it, but it goes along with what our draft was and what we talked about in consultations. The operational portions of OST, as opposed to trust reform portions, the operational piece will continue as a separate entity and we will also inform Congress that the trust reforms, as envisioned by the '94 Trust Reform Act, are completed. There are some nuances there that we have not briefed the secretary on. I will leave those for now, but that has kind of been the plan all along. That is still the plan.

So, the Trust Funds Accounting System (TFAS) is our big accounting system that we use to manage the \$1.5 billion that comes in and out every year and the \$5 billion that we have. I thought that the new system would be up and running by now. It is not quite. Our new TFAS 'go live' date of October 1 is incorrect. It is going to be October 7, only because all of our vendors agreed that they do not want to switch over in the middle of a week. Let me just ask, how many of you would sign up for a bank account where the only way to find out how much money that you have is to call somebody or go into someone's office and ask them? Anyone going to sign up for that bank account? [laughter] No. No one is going to sign up for that bank account, but if you are an Individual Indian Money (IIM) beneficiary that is the bank account that you get, and that

is pathetic. This new system will have an online banking ability so that account holders can go online and find out how much money an individual has got. We realize that broadband and internet access is not available in certain areas to take advantage of that. We are aware of that. If we can get IIM account holders to use the online banking, where available, then that frees us up to provide service to those who do not have internet access. Eventually, people will be able to do change of address, requesting distribution, and all kinds of things using the new system. We are really looking forward to that. Obviously, not everyone will be able to use it or want to use it. Right now, across our field offices almost 30 percent of our contacts are 'what is my balance?' Almost 30 percent. I have been telling my staff that is really low value work to read a number off a computer to somebody. It is a beneficiary contact, and that is good, but why can't we have a computer tell people what the number is and use the human brain for the more complicated stuff. That is the goal. We know not everyone is going to use it, but to the extent that they do it will let us spend our money elsewhere. I will say that one of my staff said, we have to have our field presence because we have places where people don't have access. They have to hitchhike to our office, and we have to be there for them. If they have to hitchhike to us, we should be going to them. Let's get a satellite phone and go to them. We can't do that right now. We don't have the staff for it. We spend time telling people their account balance when they do have access. So, with this new system, they could figure that out and we could work on other outreach. We are modernizing, is the idea.

Last year, when I gave an update, we were still working on our strategic plan. We still are. We have made a lot of progress. I will tell you that TFAS conversion has warped the whole gravitational field of our organization. We have so many people working on that, that other things we wanted to get to, we haven't gotten as far as we wanted. We do have a draft strategic plan. We want to talk to tribes and beneficiaries about that. We really need to get the ITARA report to Congress, we need to get that done, then we can come talk to everyone about where we are going from here.

Enterprise risk management is a big thing these days. We are always trying to up our game on that. We have a lot of what I call single points of failure that we are trying to eliminate. Our TFAS data sits on servers that are beyond their useful life. If those go down, we are going to be out of business for quite a while. We are trying to get that data moved to the cloud. We were going to do that by October 1, but that is probably delayed because the TFAS 'go live' date got moved. The call center, the telephone vendor who sold us that system is bankrupt. If the call center goes down, that call center is going to be down for quite a while. We are working on getting a voice over internet provider, and again, it was supposed to be the first of the fiscal year, but it will probably be a bit delayed. Regarding workforce planning redundancies, we have a single point of failure in Albuquerque because all of the people who calculate interest, reconcile with treasury, do the report, the entire call center, and the entire investment staff are all in one building in Albuquerque. If the power grid goes down, if there is a flu pandemic, if there is a bomb, or something happens we are out of business and we don't have people anywhere else who know what those people know how to do in Albuquerque. So, I want to establish another location somewhere, so we have people in another state or city who are doing the same work. We recently had a bomb threat and had to evacuate an entire building. For me, it is not a matter

of if something happens, it's when something happens. I think we have a big risk there to our operations.

Records management, how many of you have been to the American Indians Records Repository in Lenexa, Kansas. Anybody? We should have one of these meetings in Kansas sometime, so we can see repository. It is an amazing facility in the caves in Lenexa, Kansas. This is an open invitation to anyone who wants to visit. Get in touch with me and we will arrange it. It is a fascinating place. It is also nearly full. We need another approach. We have long-term storage costs and we also have operational costs. So, if we are doing research for a FOIA request, for litigation, or any number of things, it costs us \$10 a box to retrieve a box from the archives. We are spending like \$400,000 a year getting boxes brought over to us from the cave. There are also new federal requirements to digitize records. We need to move to an electronic records management system. That is a different approach than what we are doing now. There are questions of, if we digitize these records, do we still need to keep the paper records? Should we do something else? Operationally, we need to digitize these records so we can just search the database without pulling boxes over. We are working on briefing some of the political leadership to get permission to come out and consult with tribes on how this would work and what it would look like. When the cave is full, we will have to spend money for other space. What I have been telling people is that eventually we will fill every cave in the world with Indian Trust records.

Those are the big things. I also have a slide on our budget by our different programs. If you have any questions, please get in touch.

Chairwoman Cheryl Andrews-Maltais: Hi Jerry. Thank you for that. I just have one question with regard to the Undersecretary component of ITARA. I haven't really heard much on that. I know from the consultations that took place in 2016, there was very little emphasis put on that position and on consulting with Indian Country to see what that undersecretary position would look like, including whether tribes were for it or against it. To my knowledge, most tribal leaders that I have spoken to are for an Undersecretary position reporting directly to the Secretary of the Interior versus the structure that we have now. I am wondering if that was included in the report or what the status of that is, at this point.

Principal Deputy Special Trustee Jerry Gidner: That is not included in our plan, at the moment. My understanding is that when Secretary Jewell was there that she sent a letter to Congress right at the end of her tenure and had declined to create that position. I think that was true for Secretary Zinke, though I am not sure if he actually specifically said that. I don't think we have talked to Secretary Bernhardt about that and that is something that we can mention when we brief him on the ITARA report – that it was in ITARA and is something that tribes are interested in.

Chairwoman Cheryl Andrews-Maltais: We do need to bring that back forward and it does need to have consultation. One of the things that was very distressing was the the consultation, where it was and how it was held. It was basically sponsored by OST. The primary emphasis was on the land, land buyback, the appraisals, and all that process. It was mostly about where OST would wind up and not so much about what we believe is a very critical component, the creation

of an Undersecretary. There was little to no consultation done outside of the large land base areas. I think it would only be fair to reintroduce that consultation and use that as the primary focal point because we know the structure is broken. As you can see, we always say we need better and straighter lines of communication with the Secretary, especially when it comes to the Budget. The Assistant Secretary for Indian Affairs should not be required to compete with the rocks, and the lizards, and the streams, for the human condition that we are responsible for. Until we get ourselves moved out of here and into State Department, an Undersecretary is something we really need to look at to address that structural relationship. Thank you.

[Meeting in Recess]

Emergent and Priority Issues

Chairman Ron Allen: Okay. Good morning, everybody. We have Jason Freihage queued up to provide us an update.

Juana Majel Dixon: Ron, can I say something real quick? There is a fiduciary responsibility and an ethical one to be accountable to the tribes and this Council should be informed of what balance is available from appropriated funds. So as the body to our Chairs, I ask you to consider this, as a body you would know what that total is so that when this 105(l) leasing conversation occurs, and I thank you for the leadership that was spoken, but the clarity isn't there of the amount we're talking about. I understand the principle, and if it was anybody else who was dealing with \$20 million, \$30 million it would be tripping Congress so dang quick about, 'Where's that money going?' but to use for the benefit of the people, not to take away. So it seems to me I think we're on the edge of getting what you want to explain to us, but as someone sitting here where I am in the world, we don't have this because it's not available to us. But those who do, they're not talking little money here. So I'll leave it at that.

Deputy Assistant Secretary – Management Jason Freihage: I think to the general point on balances is for the most part as Sharon talked about with the BIE, our programs and regions do have plans for that. They're trying to get them out and often we're at a race to work through the acquisition process and others. One of the things I was trying to communicate on the 105(l)s or just balances in general is there is...we do our best to get it out and we're dealing with the uncertainty of different processes so that's why it's often a moving target. It's not like we clearly know two months ago that this source of funding is dead and it's just going to be gone for the rest of the year. The way a program manager's looking at it, 'I have my money and I'm working to do everything I can to get it out on time for the purpose I need.' So one of the reasons it is, and I'll let Darryl or others can talk to the reality of it, is they're trying to get it all out to meet their needs and that's the driving goal and it is just a moving target that's moving down as the fiscal year finishes.

Kitcki Carroll: So I hate to beat this to death, but I'm looking back at my notes from previous conversations on this, Chairs, and I just want to remind what we already said about this. When we're talking about the surplus, we're not necessarily talking about that driven by the regional level. There was a commitment in prior discussions by each and every region to make sure that

every dime is expended at the regional level. However, I do want to refresh the motion, because I can't recall receiving it yet, but we did ask that every single year as that fiscal year was coming to a close that every region was supposed to be receiving their own individualized regional report on the status of any excess carryover funds. So, that's the starting point. The second motion that we discussed that I don't recall seeing a report on either is the overall BIA surplus position, the monies that get returned to Treasury, the ones that were used in the example for our IT decision that was made absent any knowledge of leadership around this table and that was in the millions of dollars and the discussion around that was simply, 'Before BIA takes any action to expend those funds that it has a discussion with this body about how those dollars get expended, so we can be part of that conversation.' So these are conversations that we have had. My notes go back to as late as 2016 the last time that we had that conversation about this. So there's been at least two or three years that I don't recall... Now we're getting our personal reason report but again, like I mentioned the other day during the Budget Subcommittee meeting on Tuesday, I heard some of our other regions speaking to the fact that they're not getting such a report.

Delano Saluskin: I have a question. So like Gila River, they have the 105 lease and now you guys have them in your system. Where is that being budgeted at and how would future facilities be budgeted once they're identified in the system?

Deputy Assistant Secretary – Management Jason Freihage: The lease is funded on the BIE side, the operation. Hopefully once Congress enacts, Senate confirms, and we have a bill, we'll officially have an Operation of Indian Education Program account and they have an operation and maintenance line and Congress put \$2 million extra in it in 2019 for the cost of the least in 2019. The costs go up a bit in 2020. The House currently has additional funding for it in 2020 and so I'm hoping the Senate includes it because this is one of those rare cases in the 105(l) world where we actually have some additional funding to take care of the growing need there. So what would likely happen, let's just say the House mark is successful, Senate includes it or the final bill... Simple, the final enacted bill includes the additional funds we're going to need in 2020. I'd hope that's kind of part of our base and we would fund it in the out years. That's kind of the simple. Part of the discussion we had earlier is the challenge of how do you budget for some of the newer emerging ones that are either just starting to show up on our radar or to be honest, mostly the ones that by the first six months of the next fiscal year we could get a few more, and I don't have a crystal ball on that.

Chairman Ron Allen: NCAI, Kevin and Tyler, we're tracking that so that will be one of the areas that we'll be identifying when we summarize what comes out of the actual final conference between the House and the Senate so you know which of those line items actually survived and got carried into 2020. So keep an eye out when NCAI sends out the summary of the final bill that hopefully it should be a final bill that will get passed, so that will be where it's at. And then if we end up in a CR it's a different situation because CR will carry over last year's budget unless they give some other provision for anything special that they want in the CR.

Deputy Assistant Secretary – Management Jason Freihage: You could get an anomaly but this isn't quite that level. The CR's a little more ulcer-inducing now because of these leases because they pop up late in the year and when we start off with the CR we have last year's value,

but now I have a couple extra million dollars' worth of bills to pay at the CR level. Now again, we'll just be hopeful that the final bill that's not too far down in the year and they give us the funding we need, but this is again, in terms of the complexity of budgeting for our programs, this is a new facet for us so we're learning as we go.

Head Councilman Joe Garcia: Back to Kitcki's question and what's the answer to it about the reports for carryovers from each region and the other is the report of surplus dollars that could be reprogrammed. What's the answer? He said that their region got a report. Southwest didn't get a report and the people that are in charge aren't here today to hear this question. I'm talking about the regional directors. They're responsible as well, right? So if they're not here, how do they get the notice that these were questions and they were...you said they were motions, right? They were motions put in place to address those at the last meeting so what's the status. That's my question.

Deputy Assistant Secretary – Management Jason Freihage: I think one of the next things we're going to be talking about this morning is George is going to be doing a walkthrough on the status of payments to tribes. This is the '19 funds. I think it might be useful to have that, look at the data and see if that addresses some of the questions that you're talking about. Basically it's the carryover report. So we'll be getting into that shortly because I think part of it is defining what do you expect to see, does that start to meet some of your needs and then we can talk about if there's something specific different that you would like. Can we start that way?

Chairman Ron Allen: Let me make sure I understand. Yes, well, we have the carryover report on our agenda which I think you're talking about carryover from '18 to '19 am I correct about that?

Head Councilman Joe Garcia: For right now, yes, because we're in that year. We can't go any further back.

Deputy Assistant Secretary – Management Jason Freihage: If we can start with what they're presenting. Once we have that... because I also feel like part of it is this is the particulars of making sure we're talking about the same product. I would just say can we go through that data and then after you look at it if you have a question about, 'Well, this is the next step of what I'm looking for,' we can kind of continue this. Is that acceptable?

Chairman Ron Allen: Is that agreeable, Kitcki, Joe? They're having a minor caucus over there.

Deputy Assistant Secretary – Management Jason Freihage: What we were just proposing was could we go through this sort of carryover...the presentations that we have coming up, and then if you feel you still need something more, something different and we can define the product, then we can talk about that after having the data. So it's more just let's see what we have first. It may be that partly this hasn't moved forward as much because people had different visions of what was to be provided.

Kitcki Carroll: That's fair and from my perspective and, Mr. Tahsuda I know you just walked in, so the reason why this is even coming up right now is a possible option for the 105L leasing obligation whether or not carryover dollars could be reprogrammed for that specific purpose and to build that pool over time with the expectation that those requests are going to be rising over time. From our region it's a simple at the end of every fiscal, not every other, every fiscal year, that percentage of available region dollars were expended and then every year also for the two years expiring that one year what is the overall BIA surplus position.

Deputy Assistant Secretary – Management Jason Freihage: One thing I would just say, what we'll try and walk through is the balances where we are in allocating. Internally, we don't often use the word surplus because kind of what I was trying to get to earlier and may not have been artful enough was we rarely know...like let's just say with six months left of the two year availability that some source of funding is...we'll even say three months...dead in the water, like I clearly know there's no way I can move it. So the reality of what our folks are trying to do is it's never in most program managers or regional director's minds, and correct me if I'm wrong Darryl, but they're trying to keep moving everything they have to meet their needs to address their issues. That's why in the back of my mind I'm trying to get to the issue of like what's surplus or not. I think the best way of what we can do throughout the year when we have these meetings is say, 'This is the status of our balances and this is what we're doing to keep it moving.'

Kitcki Carroll: Right. And that's fair enough. Just understand, I'm truly offering these remarks up in the spirit of partnership because just think of it from an advocacy perspective which is what my organization is. We can't be going to Capitol Hill and to DC saying, 'BIA needs more money, needs more money,' but then they're getting a report from a sister organization in the federal system saying that BIA just returned millions of dollars. That doesn't marry together. So there is no excuse for a dime getting returned because there are plenty of needs across Indian Country to not ever allow that to happen.

Chairman Ron Allen: Mr. Speaker, I think he wanted to get in on the conversation.

Speaker Seth Damon: I was going to but I want to hear the report first and then we'll go off there because there was a third thing that was motioned too, as well, that Kitcki is referring to as well and one of them was the historic. I think we wanted a report for the past five years on what the carryovers were actually allocated for, and I think that was done at the last meeting. So those three things are the ones that probably need to be a follow up, but we'll go ahead and listen to the report first and then we can go from there.

Chairman Ron Allen: Yeah, this is an old conversation we've all had with the Central Office with respect to the carryover at the regional level within their allocation, if you will, versus the Central Office any carryover. Jason's right that it's a moving target so the question is how do we get reports so we know what's available and what those priorities are. Jason, did you have more?

Deputy Assistant Secretary – Management Jason Freihage: I have two really quick things. First, as we get near the end of the fiscal year, it looks like they're on the way to a two year

budget cap deal again. However, we still have to pass individual bills and even some of the factors that were in play during the last shutdown are still issues. But for right now we're hopeful. It looks good. However, in an abundance of caution, we are taking steps to begin planning our sort of contingency planning if for some reason there is some sort of lapse but again, we're hopeful. I don't want to kind of get folks going. What we did not is Tara had sent out a Dear Tribal Leader letter to collect shutdown impacts. We heard back from 13 tribes. Some of the general themes that we got were lack of communication and updates during the shutdown, that BIE and IHS had to curtail services, which BIE was mostly running so I'm not sure. That's something we'll dig into more. There were some delays across tribal functions and projects in coordination with agencies, some delays in issuing permits, collecting data, contracts, grant programs falling behind. And obviously there are other things too. Obviously financial hardship, disruption of Health and Public Safety services. So those are just a couple of generally the themes. We're taking into account some of these lessons learned, especially the communication side. We're looking into things that we can do, whether through a website, letters, maybe some regular calls. Often there's only so much we can communicate during a shutdown, but we realize there may be some steps we could take more to do there. We also have learned some lessons about how we can streamline or try and get as much of the payments out. For example, if we're in 2020 and it's only a three week CR, can we even try and get those amounts out quicker to ensure that tribes have as much as possible. So there are those types of lessons learned which we're trying to apply and build into our protocol. So we just wanted to let you know we're doing that. We've also been raising in the policy circles in Interior some of these options that could help with mitigating some impacts of shutdowns. The advance appropriations shows up or other emergency authorities to access balances so those are things we're trying to socialize and again as possible solutions for down the road.

The last thing is I want to just talk to a little bit is we're also becoming more involved now on this Tribal Infrastructure Task Force that EPA chairs and it's focused on drinking water and wastewater facilities and solid waste. One of the reasons I'm just bringing it up is we're having, even just for the BIA facilities, not just tribal, we're trying to address more of our drinking water/wastewater issues that especially if EPA has identified things we want to work with. And so we found this task force out there that is...essentially it's EPA, HUD, USDA, IHS and Interior, both Indian Affairs and Reclamation. And so this group has done some good work. We'll share by link later to you all. They've done a handy Tribal Eligibility Funding Matrix. So across all of these agencies it gives you a list of the different spigots of funds that tribes can access. Personally I'm also looking forward to working with this group so I can ensure that the dollars we spend are well-coordinated with the other agencies and that we're linking up. And as importantly, I think the other thing we can bring to this task force, it's a bit more technical folks and they want a little more help in pulling together the budget picture for water infrastructure, especially drinking water, wastewater, solid waste. So one of the things we're helping...hoping to work with them on is a form of clarifying...almost like a mini crosscut that can make it easier for you all to understand how much funding is going into it. We're hoping to potentially leverage the OMB crosscut, Native American crosscut, maybe to add in some data. So again, this is a group where we have the ability to kind of coordinate across agencies, pull together funding data and actions that we're doing. So if you have any specifics questions with that, let me know and at the next meeting we may even have some of the members of that task force come and present on

what they're doing and some of their lessons learned in working with tribes. Related to that, really quick, since I mentioned the OMB Native American crosscut, it's just about finalized, the latest version which would go through 2020 so I'm expecting within the next week hopefully it will be public and on the Interior website. I was kind of hoping to have it here by today, but we just didn't get it across the line since it has every agency so one of the follow ups we'll ensure it's distributed to the TIBC reps is that crosscut so you can again kind of see the full breadth of the budget across all the departments.

So if I might, Jason, on that topic, we do want to follow up on it with respect to the analysis with BIA, IHS, HUD for examples, Transportation, we pretty much know the allocation of who gets what but there's a whole bunch of programs out there that tribes are accessing that is in that aggregated report that many tribes don't know it's available. So we want to get a better handle on what is available out there and are other tribes able to start accessing those resources.

Deputy Assistant Secretary – Management Jason Freihage: It would just be helpful if once it's out you can just let us know, 'These are the gaps where we have less of a sense of the spigots.'

Rick Harrison: And also the bigger thing, when they provided this report before, what it wasn't telling us was out of those monies what money isn't getting to Indian Country that they say is. They're going to states or other organizations and we don't have the ability to access for one reason or another.

Deputy Assistant Secretary – Management Jason Freihage: Gotcha. That might be...that's something we can proactively engage on beyond for next year's to sort of say, 'Which of these lines is effectively the state serves as a pass through and which are straight to tribes.'

Chairman Ron Allen: So just as kind of a place marker maybe the Department could consider a small workgroup to have an informal conversation with OMB about that analytical need?

Deputy Assistant Secretary – Management Jason Freihage: Yes, and that's all for me.

Formulation Process Update

Chairman Ron Allen: That swings us back to our first item here for today's agenda and that's the formulation process update. Raina. This is relative to also the letter that we drafted out that will go to the Secretary and Raina has drafted up talking points. You're going to put it up on the screen?

Raina Thiele: So hopefully folks can see the text up on the screen here. We're going to try to make it as big as possible. We unfortunately couldn't print this out for everybody. We have a very slow printer. Building on our conversation from yesterday regarding the letter to Secretary Bernhardt requesting a Secretary level tribal advisory committee, basically what we had talked about yesterday was that it would be great to have a fact sheet which basically lays out what roles and responsibilities that committee would have and so this letter, once we get to it here, is

included as an addendum and basically this kind of maps out the functions of what we would be anticipating and recommending to Department of the Interior in terms of the secretarial committee. So if you look under Purposes and Function, which is about three lines down I believe on this document. So the first bullet here basically kind of provides an overarching statement about what this body would do. So it would provide advice, guidance, and recommendations to the Secretary and other senior DOI officials on policy across all departments of the Interior program. The second on there is that the advisory committee would identify ongoing issues with DOI service delivery to tribal nations, so if there are issues that exist out there, which we know in certain parts of the program there are, and not just within the Indian Affairs Bureau, but this would also apply to the rest of Department of the Interior, as well. So we're talking BLM, National Park Service, etc. If there are issues that tribal leaders who sit on that advisory body are aware of and that they're getting from the leaders in their region, they would have the ability to kind of bring those items up to folks in the STAC meetings. For the third bullet there, this would be on consultation. So one thing that I really wanted to be careful about was ensuring that folks are not interpreting this committee as being a replacement for the Department's consultation obligations. That would not be the goal of this body. This would basically be another way for folks to engage in a government-to-government conversation. In part, that body and the folks who are on it would be able to communicate with the Secretary and other high level officials in the Department about how they should best be doing consultation with tribal nations. But again, it would not be a replacement for that consultation mechanism. The fourth item on that list is that the Tribal Advisory Committee would report back to tribal nations on the progress of their work and also solicit feedback which they can bring back to the body in their conversations. And the last bullet there is that the Tribal Advisory Committee would maintain subcommittees. This is actually not the last one, sorry. So the Tribal Advisory committee would maintain subcommittees including the following. The first is TIBC which would be basically this body, Education, Law Enforcement, and Transportation and Infrastructure at a minimum. This would not be a limit on the subcommittees that could exist beneath the STAC body, but this is at a minimum what we would expect. So the second to last bullet, the committee would provide regular reports on the work of its subcommittees. And the last bullet here is really kind of one aimed at the work of TIBC and that's at least one annual report on TIBC's work and the tribal nation budget priorities should be given each year at the STAC body. So these are kind of the outline of what the STAC body would do and what we would be advocating to the Department that they create. So I think we can go through this and if folks have comments or questions or they think there should be additions to this list.

Chairman Ron Allen: To start off with, Raina. I think these are good from the tribal perspective of what we would engage with the Secretary and his cabinet, but I think that one of the bullets, I'm not sure exactly where it would be, but it would be the reports to the tribal leadership with respect to the activities in their agency that affect tribes interests. So that's what happens over at HHS. All the different agencies like HRSA and SAMSA and NIH, they all report what kind of programs that they're advancing that affect Indian Country. And we know that BOR, BLM, etc. do things that affect our interests so we would want those reports. That would be one of the functions of that forum, as well.

Raina Thiele: Great. We can add that in.

Kee Allen Begay: Regarding the minimum, the Tribal Advisory Committee would maintain subcommittees including Tribal Interior Budget Council, Education, Law Enforcement. Are we talking about the current Public Safety and Justice Workgroup? So we're changing that title?

Chairman Ron Allen: It's proposed. What we're doing is...and I guess what I would have done is take the Education, Law Enforcement, Transportation and move it in...I would have indented it because it's under the actual TIBC. But we would want them to report to the Secretary regarding their issues of concern to the Secretary. At least from my perspective is that the letter and the outline would initiate a discussion with the Secretary. So from my perspective, and I could be wrong about our strategy, is that we would get Tara and John to carry this thing forward to the Secretary and ask, 'Can we have a small conceptual conversation to persuade him to embrace this?' They may have a different idea than what we have, but that's all open for discussion.

Kee Allen Begay: I believe the focus should be keeping the Public Safety and Justice, both of them combined making sure that this subcommittee continues to discuss public safety, law enforcement, and on the judicial side with DOJ because if we just put law enforcement, we're totally leaving out the judicial part.

Chairman Ron Allen: Good point. We probably should expand that to say Law Enforcement and Justice and in the conversation we would say that one, we're talking about what authority he has under the DOI/BIA, but also the importance of the Department's engagement with DOJ to collaborate. We would have that conversation without getting into the weeds of the talking points.

Juana Majel Dixon: You make a good point and I understand the reason to use a short title, and the caveat being that you will explain that it's more inclusive of these other things, primarily because in the current relationship we're established as we know we went into this to collaborate more on the DOJ/DOI response and parrying language becomes important at this stage in terms of secretaries interacting. You make a good point as well that if we could just take a minute to think about if there's money in OJS that is Office of Justice Service and OIS, Office of Indian Services, in the language there it doesn't have the strength of current regulatory law and which TLOA is applicable and being used by BIA and it's also as you know with OTJ. If that's the bridge that brought this together, we should consider what exists in law and regulatory things that want to be addressed in the Not Invisible Act, which brings this STAC to legitimacy if the act passes. Anticipating that, and Raina maybe you can expand on this more, that if you get this legitimacy under the Act, us being us tribes, that shifts it to a much longer list of participants but a very succinct responsibility that you're seeking now in this letter to have this conversation. It may sit on the shelf, but there's a hard press to make this happen. I'm willing to talk more in detail on it because I know that with you and maybe Rayna we could touch base and educate the leadership on that but the language becomes important at this point. But I agree with you, Ron, in the simplicity of it as well.

Chairman Ron Allen: John and Tara may have different ideas about it. We have a draft letter in front of you guys that we gave to you earlier, and I would hope that you looked through it. I think it captures fairly well what our intent or our ask is regarding the establishing of this advisory council and then this would just assist. 'Here's what we think it's going to do.' And so Kee Allen's point about justice as well as enforcement and then in our dialogue, if we can get a dialogue. I was hoping and correct me if I'm wrong about this that a small group of us, three, four or five would go in with Tara and John and with the Secretary and whoever he wants in the room to discuss the concept and see if we can get traction. What we need today is the talking points that Raina shaped out as amended, does that work that would go along with the letter?

There's one point you say council and committee. They're interactive words here?

Raina Thiele: Yeah and I was looking at the FACA language as well so that's kind of why I had committee in there. This doesn't actually have to be a FACA committee most likely because if it's elected leadership it wouldn't have to be a FACA committee.

Juana Majel Dixon: I would switch it to council because you would kind of eliminate that... I think it's a rough row to hoe. You've been down that. I agree with you.

Raina Thiele: That's a good suggestion, actually.

Rick Harrison: I was also wondering based on what we just learned about this new Executive Order eliminating advisory committees or councils if we should not use that terminology altogether.

Juana Majel Dixon: Yeah, that's what I wanted to talk about to make sure that if we're going to do it, do it right because a lot of work went behind it, so I'm hoping to make that happen.

Raina Thiele: I actually did have a reference to FACA in this letter that I actually took out because this doesn't have to necessarily be a FACA committee.

Chairman Ron Allen: Rick and my first question to you then if we amend this talking points or this summary talking points that would be an addendum to the letter, putting in justice along with enforcement, does this work and if it does, can I get a motion to approve the letter and the addendum so that we can sign it and send it off to the Secretary and begin the ask for the meeting? Looking for a motion to approve. Who said motion? Mr. Speaker, Navajo Nation. Okay. Is there a second?

Head Councilman Joe Garcia: Second.

Chairman Ron Allen: Okay, second by Joe Garcia. Further discussion?

Kee Allen Begay: This more of an internal than inclusive of the motion here. The Tribal Advisory Committee would provide regular reports on the work of its subcommittees. Now I guess I don't know how, maybe formally, but with support by the committee that each of the

subcommittees should have at minimum a recording of the discussion and that way we have a lot of our subcommittees discussion official document being presented back out to the main body that will really get in line with the advisory committee and will provide at least an annual report and those reports from the subcommittees would be included in these particular meetings. Again, I'm basically saying is that each committee should have assigned staff to do the administrative area when we're conducting meetings. So like yesterday or Wednesday the Public Safety Subcommittee, I haven't finalized my report yet, but it's just a matter for somebody with the administration should be able to provide or assign staffing to do the report unless it's upon the subcommittee chair to say, 'Hey, it's your duty to do the minutes and then you need to turn them in.'

Chairman Ron Allen: We agree. But you're into the details right now. So all we want to do is get the Secretary to agree that this would be the report and then later we would get into the details of the support and technical support in order to finalize these specific reports and then the annual report. We would talk about that a little bit later. I think that what we're trying to do first is just get the concept in front of the Secretary and then after that then we would work out those details if it's agreeable to the Secretary to embrace it. We agree with your point but we're not there yet. Further discussion on the motion? If not, all in favor say aye. Opposed abstain. Motion carries.

So we'll get this finalized. Tyler, you and Raina can work this out for Rick and I and we'll get this thing off to the Secretary that basically John and Tara will be advancing it to the Secretary. Anything else, Raina?

Raina Thiele: No.

Chairman Ron Allen: Alright. And everybody's got a copy of the letter, the letter hasn't changed. So then let's go to our next item which is the carryover report. Who's doing this?

Carry Over Reports

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Good morning, everybody. The piece that I'm covering for carryover this report just shows you the executive direction the Office of the Secretary funding and this is what as of last week, July 25th, these are the balances that are showing from '18, the 189 funding. The reason we even have this funding to carry over is due to all of our lapses in salaries. So what we are doing with this is covering those offices that are falling short as you can see in the comments section. We have our offices, Regulatory Affairs, RACA. Self-Governance and Indian Gaming always fall short. Their staffing and their travel is not fully covered. This is something we're aware of and trying to make adjustments within administration for, but that is what we do with our balances that we're feeling right now because we can't fill, we are moving those over to cover those offices that have shortfalls. So this is the plan for that.

If you look under the IT part, their carryover is being used to supplement... When we go into CR, we still have to have our IT systems covered before we can enter into our new contracts for

the year. That carries for our licenses and just the general overall things, our Adobe licenses, things like that that are paid for so a million dollars is going to be used up within the next probably two weeks. They'll be entering into an extended contract to keep us running through CR through the beginning of the year. The rest of the money there on that IT line is covering the Assistant Secretary Support office we were notified this year. Normally, our pot of funding under that line would cover not only our Assistant Secretary but it covers our Principal that covered our DAS-PED. Well, this year they pulled the plug on us from Office of the Secretary and told us, 'We are only covering your Assistant Secretary,' so we have been scrambling this year to ensure that John gets paid and a few others up there in the front office and that's what this funding is doing until we can shift our budget to come up with a permanent budget for those positions within our office. So that's what the rest of that \$2.25 million is for.

There is some money sitting on the self-governance compacts line and that registers up to our Level 2 and that's why I showed it here, but what we are doing with that funding, it's money we have reprogrammed, put over there, we are using that for a Tiwahe adjustment. We learned that when the across the board adjustment was done there were some tribes in self-governance that had social services and ICWA funding buried within CTGP so when the across the board was done, they were not considered and they did not get their share of that across the board distribution. This is our effort to make up what we owe those tribes for omitting them from that original distribution so that funding is going to cover that as well as we are providing Sharee with some funding to cover the new tribes with their implementation grants that are coming into self-governance and that's what that funding has done. So that basically takes up everything that we are showing at this point. Before September we expect to have all of it off the books by the time we cover salaries and the self-governance needs.

Kitcki Carroll: Can you explain to me what you mean by funding is covering shortfalls for lines 5, 6 and 7?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Yeah. The program shortfalls within those offices is what I was talking about. Sharee's office does not have enough funding to run. We usually have to supplement the office of Self-Governance just for staff and travel for negotiations and things like that. We have to cover that office usually anywhere from \$250,000 to \$300,000 a year. Our Regulatory Affairs Office does not have funding. It has never been placed in the budget. We never have a room to put that as an administrative expense when we ask for increases so that office is not funded so we end up covering them. And then Indian Gaming is the same thing. There is not enough money to cover the staff within there.

Kitcki Carroll: I'm going to plead naiveté a little bit here, but I need you to explain this to me in the simplest of terms. So every year we go through a budget process. We are asked to prioritize which means in those areas outside of that we are basically replicating what you just explained on the federal side. So both when you look at that the overall BIA budget, the Feds don't always get what they want, tribes definitely don't always get what they want. So we all have shortfalls to absorb, correct? Okay. Here's the challenge I have with this though. So \$3.3 million of that \$5.1 million is being used for federal shortfalls. Where's the consideration for tribal shortfalls in this

space? So you're making the decision already to use these dollars for your shortfalls. Where are we in this conversation about our shortfalls?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Sure, I see that, but these funds right here are administrative funds. These are... That up there where you see Administrative Services Central Office, the only reason that's there is because I haven't been able to staff my office up for three years.

Kitcki Carroll: The only reason it's there is because you didn't spend the dollars that you took for the federal side.

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Yeah.

Kitcki Carroll: So now what you're doing is you're moving those to other federal needs.

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Yes, we're moving it to cover those that did get to fill their positions.

Kitcki Carroll: And I understand that but that's my point. So in the budget process you identified dollars for very specific federal functions. You did not execute to budget on those plans, so now you have a surplus position within those categories that you are now moving over to other needs on the federal budget side that weren't accounted for in the budget to begin with. That's basically what's happening, correct?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Basically. They're all still within the Executive Direction pot of funding. They're all still Executive Direct lines. We're not doing reprogramming, we're just shifting them from one office load to another. Eventually when we get our positions filled, we're going to have a big problem because we're not going to be able to pay everybody on the self-governance side.

Kitcki Carroll: And let me be clear, let me be clear on this and I've said this numerous times. I am not taking the position that there aren't needs to fully fund the federal side because from our experience, when such things as land surveyors and fee to trust processors aren't in place, it then delays down our fee to trust application process, so I get the need to have resources there. So don't mistake what I'm saying as some of this naïve comment that there doesn't need to be federal services to support the work that you do. I get that, and I fully support that. All I'm doing is I'm trying to bring light to what seems to be a decision making tree and I want to make sure that there isn't an opportunity for a more robust conversation to allow for greater consideration of tribal interests because we're in that same position too where we are in the absence of adequate funds. That's all I'm asking this for.

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Absolutely and I understand that and that's why we try to take that into consideration with the regional funds at your region when there's carryover there and that funding was for that, that's why we try to take that into consideration when we look at that end of the funding. The way we

look at it is this is our executive direction money and that's why we look at it to fulfill the needs within our executive direction world. If there was extra money, you better believe we'd be looking to put it somewhere, if we didn't have somewhere to put it. If Sharee didn't need the money we'd be looking, 'Okay, is there a one-time thing that we can do for a tribe to put that money out there?' but we do have to cover our own house or someone's not getting paid and I need my paycheck, I know that. Quite honestly we do. If we come to a point in the year where we know we're not going to expend it, so like Sharee lost some folks here. If she wasn't going to use up all that money, by all means we'd be looking for those one time tribal projects to put any money that's left on the table to. It's not exclusive but we do have to cover our executive direction needs first with this funding before we move it to another world.

Justin Parker: So just to follow up on Kitcki's point here. Can tribes even take tribal shares out of the executive office? It seems like I remember 20 some, 25 years ago that there was something put into the appropriations or was it in our self-governance bill? But wherever it was, can we even take tribal shares from these pots of money right here?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Those are Central Office funds. Those are not available. The only piece would be the self-governance piece, but that's money we moved into there and reprogrammed over for their use. So that would be the only one that's truly eligible under that view would be the funding: the \$1.5 million that's under the TPA self-governance line.

Chairman Ron Allen: That's true. That language got put into appropriation bill about 20 years ago and it's never been removed. When self-governance tribes try to go after shares out of the Central Office, and for those who remember Linda Richardson, that was back in her days, it never got removed. So it's off the table right now for self-governance and 638 for that matter.

Head Councilman Joe Garcia: Up there on the TPA side so for self-governance, it says TPA but it doesn't mean programs that are line items in a compact. It's talking about administrative stuff from self-governance office?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: No. The reason it showed up in this report and I kept it in here to show is we have it being held at our Fund Center at Central office because we're reprogramming it into the self-governance compacts to cover those issues that I was talking about where there was not a full inclusion of self-governance tribes and the across the board distribution of Tiwahe. However, there is no funding within Social Services or ICWA to cover those tribes that did not get their funding when that distribution was done so we did take our funding, we have reprogrammed, we have put it over there and it is going to cover that shortfall.

Head Councilman Joe Garcia: And it's not just Tiwahe, though, right?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: That is Tiwahe right there and then there's a piece of it, I think it's about \$300,000 of that \$1.5 million. So \$1.2 million is Tiwahe and that's making up for three years' worth of funding that those tribes

did not receive that they should have. And then about \$300,000 is for those implementation grants for new self-governance tribes. So we can reprogram. Even though we see this as Central office stuff, we can move funds around under reprogramming if we have cause to do so. And that's my piece. That is the Executive Direction Central Office administrative oversight piece. Where are all my BIA partners and BIE partners?

Juana Majel Dixon: The hard part about this, when we began this work and evolving to the point we are and I remember when Joe de la Cruz and Joe, you probably remember this, we went on a long journey to make self-governance work and become and understand the compact and 638 stuff and do no harm to the direct services. This isn't on you as the career people of the Bureau. This is on the political side. We have seen the mutations of what's done on the political side. We've seen people come forward to try and change it like with Kevin and a few others that came in, Ada Deer, who were tribal people that got pretty well nailed to the wall for the work that they attempted to do and we were hard on them because they were us.

I know Tara's not here and I don't know where John is now, but they're the ones who have to answer this, they're the ones who have to carry the water on this. They know what the Administration needs and we went through those changes where we cut, sliced and diced the Bureau because of the extraordinary overhead and we went under that craziness with Neal Caleb in terms of OST before it became what it is today and it's been a rough journey to get it right. But you staffers have had to carry the water in your own way and when that impacts you, it impacts us in terms of services and if our political side, whether it be the Secretary, the Assistant Secretary and directors...deputy directors who are put in positions, I see Charlie carrying the water on his end and he's not in a power position to effect change for everybody, but he sees it too under OJS. And when I look at what needs to be done, our job as tribal leaders have got to stop being...we're not complacent, we're aware. Maybe haven't formulated Ron and Rick the messaging that needs to be done. You're heading the right direction with this last letter we did, but when I listen to this, I agree with you, it's politically smart and respectful to engage our Assistant Secretary and Deputy Assistant Secretary to engage a conversation with the Secretary. I get that. That's the political route. But as sovereign to sovereign, at some point when the political don't put us in their priority and they're there put in position with our support, I'm uncomfortable with Tara not being here to have these discussions. I know John's around, but I figure the staff's probably covering his stuff.

I commend you for your honesty to say what you can to the point that you can say it. But I tell you this, bottom line is that people are taking money when they shouldn't be taking money out of a system and a service that is provided that we benefit from or to let another service benefit. That's not the kind of work we do. It's not inside trading inside the Bureau, but that's what's happening. And it's with the money that's set aside in our name. Ron, I know you and Rick know this stuff well enough that you'll carry the water on this, but I needed to say it because you can't tell us what we need to know but we have to ask the questions and Ron, when we have this discussion, those guys...there shouldn't be this kind of transaction going on, the inside trading of Bureau staff and monies and where it goes. You know if you were with your tribe and you took money out of ICWA and pulled it over to housing, you know what would happen to you. We have tough calls, but I wanted to respectfully acknowledge all of you Bureau folks who are doing

the best you can with what you've got, but I know things should not have been moved the way they were. I want to follow up and I'm sure other leaders will. Thank you for letting me speak to you about this.

Palmer Mosley: Just a short question in reference to the Tiwahe shortfalls. I'm looking at the OIG report concerning that particular issue. Is this body or the tribes themselves going to receive some type of notification as to what is being done to correct the issues identified in the OIG report concerning the Tiwahe Initiative to where we feel comfortable that that particular issue that causes those shortfalls is fixed, number one and that we are able to see what progress on your side is being done to make sure that the special initiatives that we see out there in Indian Country, that we don't have this problem again or this issue again.

Office of Self Governance Director Sharee Freeman: This is Sharee Freeman in the Office of Self Governance. Let me tell you a little bit about that. There is a tribal federal workgroup under the auspices of the Self-Governance Advisory Committee and that workgroup has come to a determination that in managing the Tiwahe and responding to that OIG report is being handled by them. And this is a direct result of what they've recommended to correct the shortage that the self-governance tribes had got with respect to both Social Services and ICWA when the Tiwahe money was divvied out. That's number one. Then going forward, that group is working through...and I know Shawn knows about this group is working forward in all of the other recommendations that have come forth from the IG report to correct that situation.

The other thing I think I need to say is that the Office of Gaming and the Office of Self-Governance historically are both very tiny offices in the AS-IA line and every year those offices run short of money. It's a common occurrence that happens. We have onboard for the Office of Self-Governance 12 people. We're usually at 14. We're allotted \$1.3 million. We manage 285 tribes' agreements, well over \$500 million going out to tribes. It doesn't show on this document that we're giving out \$500 million, but that's the top number. \$109 million in contract support. I'm the single awarding official for that office. So when you compare 285 in self-governance and there's 573 tribes. The other side is the Bureau that's giving out 638 Title I money and they have 87 self-determination folks not including finance.

So when you talk about money for self-governance, to give us a little bit more than \$1.3 million to accomplish our goals, to do those negotiations with self-governance tribes compared to 87 people plus on the BIA side, not to put too fine a point on it, that seems to be fair in my assessment. The other issue that's talked about here is that TPA line for implementation grants. So when you talk about the implementation grants, and I know Joe Garcia when he came in under Ohkay Owingeh, got one of those grants, it's to help tribes as they get ready to come into self-governance, to take a look and do their planning grant, it's in the regulation that we're supposed to be paying these. Indian Health Service pays these grants much more than we do to bring tribes into self-governance. So that money that we're giving out is roughly about \$25,000 to \$30,000 per tribe pays the cost of doing the planning, the consultation, and the work with the tribal community to bring into self-governance. So that's to give you a greater idea. Back in 2017 our budget was cut drastically and we were left with \$860,000. That would have supposed four

people. I think...and I have to say this...with the money that we get we do I believe a Herculean job in servicing 285 tribes.

Palmer Mosley: Sharee, I totally agree with you concerning your efforts because every time I've contacted you at your office, you have got back with us immediately and thank you for that and I agree you need more money, but I know that money is also tight. I would just say one thing and it's an issue that my particular tribe deals with since we're so large that we create siloes even within our tribal government and I know it's very true on the federal side it's just...and I think Mr. Tahsuda would certainly agree with this that within the Bureau of Indian Affairs that we just need to break those siloes down and make sure that all offices are communicating with each other in a clear voice. I know that's something that the OIG report also mentioned in the recommendations to you. So again, I would just ask that we continue to work at tearing those siloes down within our own organizations to where we're better serving the people. Thank you.

Office of Self Governance Director Sharee Freeman: Absolutely. Thank you.

Head Councilman Joe Garcia: Yeah, I'd just like to...just the information that Sharee just gave us. I'm thinking about the agenda and we do not have a report from the Office of Self Governance in our TIBC stuff. But that's useful information just in that one little statement that you made so I make a motion or make a recommendation that the Office of Self Governance report ought to be included in our TIBC discussions. They're derived from the Department of Interior on the BIA side, so I'm making that recommendation if it's not already been made. Thank you.

Chairman Ron Allen: No, it hasn't, but there's no reason we can't incorporate that into our agenda of updates. At our next meeting, I think November, we'll make sure it's on the agenda.

Princial Deputy Assistant Secretary John Tahsuda: Can we get a point of clarification? I'm not clear on what you're asking, Joe. Are you saying you want....

Head Councilman Joe Garcia: If you look at the TIBC agenda...

Principal Deputy Assistant Secretary John Tahsuda: Let me finish my question.

Head Councilman Joe Garcia: In the past, I've attended I don't know how many now. I started back last February I believe and so I've not seen that inclusive in the agenda and so I'm requesting that it be included in the agenda for TIBC to be aware of whatever else is happening in the Office of Self Governance.

Principal Deputy Assistant Secretary John Tahsuda: So you're asking to see the budget for the Office of Self-Governance, not the budget for the tribes that are in self-governance.

Head Councilman Joe Garcia: Yes, like the simple report that was just given. That's a lot of information in that statement that she just made and so that's what I'm talking about is reporting back to this body the interests of the tribes related to overall funding and if it hadn't been up

there we wouldn't have known about the shortfalls and the movement of dollars. There are other things that are happening in the Office of Self-Governance that I think are important for this body to know because there's self-governance tribes, there's direct service tribes, there's contract tribes in this body, so that's what I'm requesting that they be included in the report out to this body.

Principal Deputy Assistant Secretary John Tahsuda: So we're providing you budget numbers for the tribes, that includes tribes that get direct service and they get their funding to tribes that do self-determination, where they have a mix and then the self-governance tribes, those all get reported... Tell me if I'm wrong, guys, but they all get reported in the overall budget numbers. If you wanted self-governance tribes, I don't think that's really a problem, right?

Head Councilman Joe Garcia: That's not what I'm asking. I don't want the self-governance tribes broken out. They're already included in the entire budget, the budget process. What I'm saying is that there are things that are happening within the self-governance office that this body should be aware of whether you're self-governance or not.

Chairman Ron Allen: If I might add, in the same way we get updates from BIE or we get updates on Public Safety and some of the other programs, we get updates on what they're doing, how well they're performing, do they have sufficient resources in their budgets to carry out their responsibilities. I think that is all that is being asked is that in the same way we want to know what each of the programs are doing because self-governance addresses 285 tribes, we want to know how they're doing and do they have enough budget. Am I correct, Joe, that's where you're going with this?

Head Councilman Joe Garcia: Yes, sir.

Vice-Chairman Terry Tatsey: We took action on a letter earlier to create that council and that core group of people that talk directly, its concept of course, but to talk directly with the Secretary with some of the leadership from the federal side. The first discussion that was brought up this morning was on carryover and meeting administrative needs to function as providing services to tribes and then the second part of this discussion that's happening now is really some bullet points and justifications that I think whoever this core group is that presents to the Secretary on this concept, their justification of why this direct communication has to be streamlined in the letter that we're proposing. So really what we're doing and we're talking about now is just justifying and creating those bullet points that help the Secretary better understand the need for this STAC process and this council. And some of this discussion that's been going on and Kitcki brought up a good one earlier about the carryover and how to meet the administrative needs, that is good because that's internal, that's discussed, but the money that's leftover, that should be coming through the channels that we're proposing through this letter to say, 'The money's needed here for public safety or for infrastructure or whatever.' Those are the specifics that we didn't talk about but they're starting to basically evolve as these discussions happened this morning.

Kitcki Carroll: So listen, the truth of the matter is we are all relatives in this room trying to do the best that we can on a very limited and inadequate budget, whether it's the tribal side or whether it's the federal side. So what I don't want this to evolve into is anybody feeling that they need to justify their existence and whether they are doing or not doing a good job. That's not what this conversation is about. We all have needs, we're all trying to do the best that we can. So in response to the example that was given earlier, we were just here a year ago in TIBC having this same conversation about the Full-Time Employee (FTE) shortages in the budget office and that's why there was delays in information coming out of the budget office because there wasn't adequate FTEs within the budget space. So every meeting evolves from every single entity saying...justifying why something's not happening and I get it. It's the same pressure that we have to live on the tribal side when we get 50 cents on the dollar to render a program and then get questioned in our quarterly or yearend report of why wasn't it up to par or snuff from the Federal Government's perspective. But my point to the carryover report that we passed a motion on and have discussed multiple times, if this is the body that is representative of direct service, contracting, and compacting, it is this body that should be engaged in the decisions about what happens within this space. There are a million and one task forces, committees, workgroups, etc. that exist across Indian Country but in terms of the most comprehensive one that is supposed to have a budgetary focus about decisions that are made in the budget space, it's why we evolved having three co-chairs sitting up there at the table to represent all three areas, to hear that it's another entity making the decision about what happens here is not adequate in my mind. Now that may end up being the decision that comes from this body, but I'm questioning then why are we putting motions forward for this to be the deliberative body because it's most representative to make the decisions about how those monies get allocated. I wanted to raise that.

This also is highlighting the issue that we talked about on many occasions when the Administration sent out a notice for tribes to provide input on achieving efficiencies within the Federal Government. I have no clue what your need for efficiencies are within the Federal Government, but they're getting explained here so why that is coming our way for us to explain what your need for efficiencies are is beyond me, which is why we chose not to even comment on it. All we kept saying was, 'Please regional office, please regional office, if you have efficiency needs, put that forward and tell us what they are and we'll do all we can to support and advocate on your behalf,' but to ask me what Bruce Maytubby's needs are in the Eastern Regional Office is not reasonable.

This also reminds me, going back to both sides of the equation being important and how they all have to be funded adequately for the whole machine to operate correctly, this is why we have been saying, 'When DOI did its long term strategic plan, what it is still operating under right now, and it co-mingled goals and measurables that were both federal and tribal, that is not a strong long-term strategic plan. There should be a section that is specific to measuring how you as our federal trustee are doing your job and whether that is being funded adequately. That is a totally separate conversation for whether or not our trustee is honoring and fulfilling its trust and treaty obligations in funding us through our either contracts, compacts, or direct service provision. But they are co-mingled such that that you don't get a sense of what you're even measuring and what's measuring doesn't even make sense.'

There just seems to be so much improvement to be had in this space. We're not trying to be critical of any one or anybody's function, but it just goes back to the whole reason we are here with the budget formulation process. If we keep putting forward budgets that don't show what that full inadequate appropriation is to that picture, we're not doing our job. We have to stop allowing budgets to go forward that make it seem... I'll be honest with you, if I walked in here after the next budget cycle and there was a 20 percent increase to the BIA, I can tell you there'd be a huge percentage of people dancing on their chairs and showing that as a success. But when you look at a 20 percent increase on a budget that's only at 30 percent funding, you're still going to have tremendous problems within your community. So we have got to find a better way to show the entire obligation, how well the government is meeting that obligation and how well they are funding its part to fulfill that obligation.

Justin Parker: I hate to belabor this, but this is good dialogue. Kitcki's raising a good point and this is something we brought up two years ago at Flagstaff. When it was reported out that there was \$74 million that was returned to Treasury, my jaw hit the ground, literally hit the ground. I could not believe what we were hearing when we'd been talking about it for the previous two to three years leading up to that point. I have to think that we've bridged that gap and we're not returning as much money, but when we have all these needs and you hear all the stories from all of our Alaska relatives about their needs and just to fund the Small and Needy or however we're recasting that component, that's pretty significant. When we put a request in and I'm just going to make this little personal, I'm not going to elaborate too much on it, but we put in a request for a tagging trailer to meet our hatchery needs, it's something that's required from the Federal Government to tag all of our hatchery production and we have an increased hatchery production need. That was in March. Jeannine and I talked in March, George we talked in March I believe it was. Hadn't had the FY18 carryover figures yet established from all the offices' divisions, but here we are in August and we're still talking about it.

I have still not received a written response that was sent all the way up to Tara Sweeney, CC'd everybody and their brother, dog, cousin, etc. No response to date and we're going into the last couple months of the fiscal year. Not carryover from here, but carryover from whatever funds that are out there and it's something that the region can't fund because they say they don't have the wherewithal to be able to do it. I would like to know about that process so being transparent about what that carryover amount is, we should have that carryover amount in totality by now and what the process is for when you have requests coming in versus just getting no response on it. I think we need to have that dialogue and keep that moving.

Chairman Ron Allen: I guess we probably need to kind of get close to wrapping this up, but here's one of the issues. We know that we care about carryover, we know that we want the monies that go to the regions to stay in the regions. As I understand it, and Darryl you can help me on this topic, the regions keep their money and they decide what they're going to do with their carryover and Central Office coordinates with them, 'How are you using those monies?' We kind of overlapped a couple different topics. The carryover subject matter in the big picture, not losing any money, nobody wants to lose any money because we have a need for every dollar we can get, but making sure that everybody's clear. The regions are clear, what money they have, what money they didn't spend, where they can redirect it so they can use it for other

priority purposes and then if they can't then why not. We need to know those kinds of things. But going to Joe's comment, as we get different reports on how the Department is performing and he was referencing self-governance as one of the areas on top of the areas we already get reports, public safety, etc., then I was just talking to George about his shop. We are here talking about money so George and Jeannine give us updates on the money including the carryover stuff and we really don't even know exactly how well that they're funded for all the programs—self-governance, 638, direct service, serving everybody and how well they're performing or not performing. So often we work hard on getting more money to us, but we need to make sure that they have the capacity to get the money to us and document our needs. There's lots of stuff that we need to know. Probably what we need to do Kitcki, some of the points that you had made and Joe's request, etc., Justin your point, we probably need to narrow it down to a very simple, this is what we're looking for as far as updates in these meetings so that we have the kind of information we need so that we can provide direction or our expectations of these limited dollars. So sometimes we do a little bit of flybys and miscommunicate what the ask is regarding the budget carryover, etc. Any other final comments on this topic before we move on here?

Shawn Duran: I just wanted to say that I agree with what the other tribal leaders have said about this in that we shouldn't be looking at funding the Office of Self Governance from carryover. It should be part of the regular budget for them. They only have 12 staff members and they do a tremendous amount of work compared to the 638. I don't understand how that happens. Mr. Tahsuda, how is the budget organized at that level? I'm just curious.

Principal Deputy Assistant Secretary John Tahsuda: I'm not clear what your question is.

Shawn Duran: Why is there such a shortfall in the Office of Self Governance in their funding? Why aren't they funded to the capacity that they need?

Principal Deputy Assistant Secretary John Tahsuda: Are you talking about a shortfall in staffing?

Shawn Duran: No, I'm talking about the amount of money on the screen that has to be given to OSG to function. Why is that such the case?

Principal Deputy Assistant Secretary John Tahsuda: That's funding that goes out to the tribes to their Annual Funding Agreements (AFA) and so there's a process. There are changes that happen every year. Mid-year tribes ask for new things. So there are adjustments in that budget that happen all year long and we have to at the end of the year make some adjustments for those changes that happen through the year.

Chairman Ron Allen: We're mixing up what we're talking about here.

Deputy Assistant Secretary – Management Jason Freihage: That shortfall is sort of a misnomer here in a way that at the end of the day Sharee gets the money for her staff and travel. Obviously we can all debate a little bit, is there room for growth, is there...' but this tells you a

bit more about our internal accounting procedures and how we allocate initial amounts of money for budgets and then how the remaining amount is provided to finish out the year.

Shawn Duran: I get about the AFAs and all of that and how the money goes out for tribes, but I guess the question is why don't you have enough money to pay your staff?

Office of Budget and Performance Management Deputy Director Jeannine Brooks:

Because administration is the last place we get money. When we're in times of cuts, they're the first place that got cut. We go there before we go to the tribal budgets as much as we can. If we propose a reduction in administration, it is taken, like this last year '19 versus the restoration of all the tribal programs. They were all restored and I am happy for that, but they took our administrative proposed cuts. So we are the first places that are hit and when we go to a reduction time, if we try to request an increase in admin we're shot down, we never even make it through to OMB for that request because they say, 'How can you propose reductions to tribal programs but think you're going to increase your administrative base?' So we are the last ones to get funding. So right now the way we're surviving, like I said, most of these balances you see here is because we are not filling all of our vacancies so we can ensure what we do have get covered and paid for. You have a bunch of IT vacancies, there's about eight still...they let me hire two. Kitcki, I got two more people coming onboard, but I still have several vacancies in the budget shop, our CFO shop has vacancies and that's basically how we have been surviving is we don't fill all positions so we can ensure what we do have now can be covered for payment because it's really hard to get those administrative dollars in times of reduction.

Juana Majel Dixon: Ron and Rick, we're going around and Joe made it very clear when he spoke and it got confused and I understand when John and Joe are trying to interpret it, but you're hearing what's just being said in a very modified version earlier. When I heard that attention to detail of numbers was just what prompted Joe to want this information, I think you're getting it, Rick and if we can get that taken care of. When we learned that the staff doesn't match the need and what has to be achieved. I want you two to have that conversation with Tara because you're engaging in a good letter to also move forward with John and Tara to the Secretary. This is a very good example. I think this is replicated as we have heard across the board on other issues. Same with BIE when they spoke. They're at 50 percent capacity. Well you know darn well they need more and it's urgent. So when we consider this, how do we do this better and I think your discussion on the letter we just passed and I know that the amendment that you put on the third with Speaker was good too. That's what's being asked here Ron and Rick and that's our job to pick up the message and see what do we do differently to benefit. Kitcki has brought it up in different ways, so did Sharon, but that was the meat of what Joe wanted to do, to achieve, to have that be inclusive. That's a very good example and it's what he wanted as an example to us so we can see as leadership what those real tribal numbers might be who are impacted who need the benefit of a bigger staff not be considered the low person on the rung there when indeed the extraordinary amount of work that you have to do isn't measured to the amount of people you have. So how do we do that? How do we fix that? Maybe it's a reorganization, I agree. John, you can jump in on this.

Principal Deputy Assistant Secretary John Tahsuda: One way to do it is when we get increases in the budget for that, instead of sending it out to the tribes we would retain budget and hire more people.

TIBC Attendee: Ask for a bigger budget.

Principal Deputy Assistant Secretary John Tahsuda: Well, we don't get massive expansions in the budget, but sometimes year to year the appropriations committee sees fit to increase our base budgets by certain amounts and traditionally we give the lion's share of that out to the tribes. It goes to them except for areas in which we have direct service, etc. is the substantial delivery of services. So one solution of that would be for us to not do that, but retain more of that, give less to the tribes and retain more to hire staff.

Rick Harrison: I think this whole conversation kind of gets back to one of the points Kitcki brought up earlier about the budget that is put forward from year to year is underfunded. We never ask for what the need is and we understand from the federal side they have parameters around what budget they can put forward, but we also need to develop a budget what the actual need is that we can put that forward and show the difference and have the justifications there. And that's part of the reason for the request for this Office of Self Governance report and others because we don't have some of that information from your side on what the need is on the federal and administrative side.

Chairman Ron Allen: We've kind of crisscrossed a number of issues here with regard to overall budget needs, the carryover question and reporting requirements versus program report inclusions in our updates. I think we need to be more succinct in our response back to you, John and to Tara on these issues that we're looking for. In wrapping up the carryover conversation, Darryl, Jeannine, George, going to the issue of the carryover by region, I thought we've had a clear understanding that any carryover monies that are available in regions stay in the regions and the RDs work with their tribes in their region, is that correct?

BIA Director Darryl LaCounte: Yes, from my perspective, absolutely. And I will say this, prior to Mr. James becoming the Deputy for Field Operations, that position wasn't very actively engaged and I can say this out loud. I used to work for that position and occasionally I would feel guilty that I hadn't spoke with my boss that I would call him. Right now Mr. James has a fellow names Roy Bowling working for him and he is constantly watching the expenditures and where we're at percentage wise from region to region. This carryover conversation, while it's a valuable one, I hope we don't have it again ever because that position is actually functioning and is doing the job that they were intended to do and I have intentionally done that. When I started Acting way back in April of '18, I said, 'Here's how this is going to work. It's not going to work like it did before. The Director is reaching out to everybody here. We're going to go through the chain of command.' And that's what Mr. James is doing and he's actively engaged watching the expenditures to make sure that people are spending their money within the region to do what it's supposed to do. And again, carryover is usually a result of something that we can't control— hiring freezes or shutdowns, whatever it is. It's going to show up occasionally, but not in the regions if I have my way and if Jim continues to do what he's doing. We're going to be talking

perhaps about some larger money to fund tagging fish for the fine fellow there who's ignoring me. Just kidding. I'd like to talk to you offline.

Will Mayo: Thank you, Mr. Chairman. I'm really hearing the problems at executive. The concern I have with that is that...and that it's been stated is that you have the resources to help us get our job done and what doesn't help us is when the executive and administration is hit willy nilly with cuts and whatever, inadequate funding that will not allow you to keep up with the workload that the tribes push your way and are demanding. So the people around this table, the tribes are experts...experts at budgeting. I think it would be very valuable if we could establish a workgroup, subcommittee, whatever structure you want it that would focus completely on the tribes understanding the executive's need and...such as what Jeannine was saying, what Sharee was saying and I know others in the different programs would say and then advocate. Identify where the positions are needed that need to be filled to move along programs, to move along...become very efficient to deliver your trust responsibilities and treaty responsibilities and I would propose that such a workgroup be established by this council.

There's a second issue that's been going around with this discussion and that is that of carryover and that's a different question than the need of the executive. We know the need of the tribes. Our need is tremendous and we keep putting that forward and we'll continue to do so, but I want an executive that is efficient, adequately staffed to keep the work moving forward, and nothing more. But transparency is key here. If we suddenly see increases to executive and we don't know what it came from, why it's there, we get suspicious. So, transparency. So I would say that a working group of the council to focus on that question as well as a working group that would focus solely on the carryover questions that arise, both at the administrative executive level and the carryovers as Ron raised that would be available to tribes at the year end and that there be an open process for deciding that and that those two workgroups would report back to the council on proposals for moving forward. And then as everybody says, I know the BIA folks can't say this, but we all know that we go to Congress and we would go with an agreed upon package of need and try to approach it that way. So that's my suggestion, Mr. Chairman and if I could I'd make the motion, but I'm not a member of this council. Thank you.

Justin Parker: So just for clarity, I was really trying to get to process. So how does this process work when letters are submitted for a request for year end funds but I do want to talk offline to you, but really it wasn't trying to bring my issue forward but just using it as an example about how does the responsiveness come from the Bureau or from the ASIA when we do submit requests for carryover funds. I was just trying to get a feel for how that process works.

Fiscal Year (FY) 2019 Fund Status

Office of Budget and Performance Management Director George Bearpaw: Good morning. What I'd like to do is just give a little update and this won't take long on the '19-'20 funding. I think everybody has a copy of the report and right now we're sitting at 64 percent of total money that's been obligated out of '19-'20 funding. This worksheet kind of gives you an idea of what those balances look like. This is total TPA and also nonrecurring balances in the first column. The second column is the total obligations to date. And then the last column is just the available

funds that are yet to be obligated within the next several months. And then it gives you a percentage of the total obligated for each one of those lines. Most of the bigger balances if you will see are mostly BIE balances that are...their funding is a little bit different because of the timeframes that they have to push the money out so they do have some bigger balances within the worksheet.

One of the challenges that we had with this year's funding. CRs were a problem. They're becoming a continual norm for the Budget Office and it takes a lot of work to get the CRs out to the tribes, out to the regions, out to the schools so it takes a lot of time for our staff and we just got through talking about the amount of staff that we have and don't have which I think is a good discussion. The other problem that we had is the shutdown that we experienced for 30 days. We did try our best to get the money out to the regions and to the tribes and to the schools and I think we did a good job for those priority items that need to be funded during the shutdown. For law enforcement, for water systems, for schools, for a lot of those things that need to be funded during the shutdown. During the shutdown the budget staff consisted of two people—myself and I had an analyst that worked with me to try to get all the money pushed out. Not only pushing the money out, but also calculating and doing reports that needed to be done within the group that we had. We had Darryl's shop, we had also the BIE people, the limited staff that they had to work with us to try to get the money out. Jason did a good job of meeting almost like on a daily basis to try to get an idea of what we need, where we need it, and to make sure that we were getting the money out so that was a big challenge for us during the shutdown.

Once the budget was approved, we didn't get our money until the end of March. Once the apportionment came in, we got it out pretty fast. I think we had the apportionment from OMB on March the 20th, we had the Treasury warrants done by March the 27th and all of the TPA self-governance funds, the regional funds, base funding amounts were posted on the 27th, the same day that we got the warrants. So we did a good job of getting those monies identified and available for the regions and self-governance. The good news is and we're talking about staffing here, we are increasing staff in execution of actually paying attention to these balances. We have a person that we've hired that's totally identified for these tables. So I think that's going to be a faster process and I hope with the 64 percent that you're seeing up there is probably going to be a higher amount by the end of next year. That is the status of the '19 and '20 funding. Again, we're at 64 percent of total monies that have gone out. What I would like to talk about now is an initiative that we're running right now with all involvement from BIA and BIE as well as regional folks and we are actually doing...Ron mentioned this earlier. Yesterday I think Ron brought up the need to identify information program formulas, methodologies and we are doing a lot of work to identify those through what we call fund distribution processes. We're working with a large workgroup that's trying to compile all this information for us and we hope to have all this information by September 30th or at least a draft. We're shooting for December 31st to get all that information put together and the final report done. This is a pretty comprehensive work that's going to be done to get all that information put together. It does identify everything that...in different criteria whether it be formula based, base funding, proposal, grants, all those different various revenues that can be identified and what is their allocation processes. We're also asking for timeframes and we're going to be working with these different programs to finalize those and come up with an identified standard that we can use for them to get the

processes done. Again, it's a pretty comprehensive look at what we have in place, what needs to be corrected. This also gives us a chance to streamline a lot of those systems, whether they be regional, whether they be Central Office programs, whether they be budget programs or budget functions. This is the work that we're doing now and I thought this was a good time to mention that. I've got Jeannine here and Jason to maybe add to our discussion. Any questions on any of those two items?

Chairman Ron Allen: I have a couple. So one, when I look at the ICEP, that's relative to they're getting geared up for the next school year, is that right? That's why only 29 percent has been allocated out to those guys?

Office of Budget and Performance Management Director George Bearpaw: That's correct. Since we were late getting the money, they're still gearing up for the school year.

Chairman Ron Allen: It's a school year timing not a fiscal year timing.

Office of Budget and Performance Management Director George Bearpaw: That's correct.

Chairman Ron Allen: Okay. So then the other question which created a lot of discussion here. I was just asking John about the Small and Needy tribes, which I really urge that we rename it to something like base adjustment numbers because as I understand it...

BIA Director Darryl LaCounte: We're open to your suggestions. If we don't get suggestions from you, we'll come up with something but we want to change it too.

Chairman Ron Allen: Well, I just think it's base numbers because those tribes get monies from different categories. They might have it in social services, they might have it in the Housing Improvement Program (HIP) or whatever and you're trying to get them up to a base number and that's what it should be not Small and Needy. It's a base funding adjustment line item to get those tribes... So once that number is up...once you get them in there and they put it in the categories they want it in, then that number should almost disappear. The only time you would have it is new tribes and you've got a new tribes number, but then it may need...

Principal Deputy Assistant Secretary John Tahsuda: We have a line for that too.

Chairman Ron Allen: Yeah, I know that and it may need to be adjusted. So the other question is because one of the points that was made by some of the Alaskan tribes was they're not getting their numbers. So the Tribal Services Program, whatever it's called, we've got to ask the question, 'Where...' or you guys need to ask the question, 'What's the holdup in getting the money out to the tribes?' That's a report that eventually we need. At this time of the year you're late in the fiscal year so you would hope that it would have been processed, that they have the money and we need to find a way that... That program needs to find a way to give us a report... I can't remember, Jeannine, it's like 180 or 190 tribes that are in that mix. Am I right about that? I can't remember the number.

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Yeah, I believe we're up to 179 is what our new listing is. And we can report. We can tell you where we are with that and what the hold up is if you would like.

Chairman Ron Allen: Okay. All these programs are important but we get a lot of heat from those guys who don't have a lot of money and we want to improve our performance of getting the money out. I still firmly believe that we need to improve the system but I believe the number needs to be \$300,000. It's been at \$200,000 for 20 years. I lost track of time. And that's just not enough money. One of the things we've learned by being up here in Alaska, it got emphasized numerous times in different ways, cost of milk, cost of gas and whatever, it's expensive up here. We need to make those adjustments.

Rick Harrison: Along those lines, we need more information to do that because if we increase it to \$300,000 there's going to be...that'll increase the number of tribes. We need to have an idea of how many that is and how much we need to...additional request we need to make.

Office of Budget and Performance Management Deputy Director Jeannine Brooks: We know it's late in the year with the '19 distribution, but we know there were issues and errors with the '18. We did talk about this in subcommittee and I know George has had some sidebars with some folks and I have had some sidebars with some folks, with a lot of you folks here in Alaska because I know this is a big concern for you. We found that there were some issues with the way things were calculated for '18 and apparently prior so we've been really working to ensure we're getting the right folks. We came up with fixing the criteria to where it was actually being implemented properly to ensure that no non-base funding was included which looked like that may have been what happened with the '18, why some folks were pushed off. Within the next couple weeks we intend to... Well, that's the reprogramming piece. If we can get the funding authorized, that '18 error will be corrected as soon as we get authority to move funds to do that because there is no more '18 Small and Needy funding. But the reason the '19 has not been distributed yet is because finding that error, we went back and redid the calculations to ensure we did all the proper distributions for the '19 correctly. We did not want to have another mistake like that and that '19 funding should be out within the next couple weeks because the money is there, we have corrected it, we have the final numbers and we should be good so you should be looking at your '19 funding in the next couple weeks. And I do apologize for the delay in this but we wanted to make sure we got it right this time in going forward. This is one of the things George was talking about with the distribution SOP, standard operating procedures workgroup that we're doing. Small and Needy was our first template and we exhausted ourselves. I went back and forth with seven different iterations of this to ensure that every piece of that criteria was mapped out so there's no question as to how those funds get distributed. We are also looking at making that permanent base funding which is something that was not done when Small and Needy was reinstated and it should have been done. We don't have enough money on the books right now to get us to where we need to be, but what we want to do is bring everybody up as far as we can and base transfer that and then we can go back to revisit if we need additional funding to get everybody to the full threshold and then we can go from there looking at, is that enough funding, but first I would like to get everybody to the initial threshold before we go and start looking at trying to convince to raise what that threshold is going to be. I think that would be a

better play to at least get you guys solid and get the current threshold into your base funding before we go and ask for more. I think that would be a smarter move but if you guys see this differently, let me know but I think that's a better way to go. Before we bite off more, let's get us to where we initially want to be.

Chairman Ron Allen: Fair enough. So the sooner you can get that number to us so we know what we're trying to champion to get to the full \$160,000, \$200,000 would be great. And Rick's question is if we go to \$300,000 what adjustments are needed? What's that number? On a parallel track if you could take that task on and start trying to chip away at that report so we know what we're asking of Congress for those tribes. We've got a couple questions.

Kitcki Carroll: Not that I have any awareness of this on the Small and Needy issue because that doesn't apply to my region, I'm not sure where the \$300,000 as the base minimum is coming from. I suspect it might even be more than that so my only suggestion would be to look at some sort of inflationary analysis to see what that actual number should be so we're not just arbitrarily picking a number that really isn't going to have the impact that we're hoping it does. But the reason I wanted to speak at this moment is I just want to acknowledge from our federal partners up there that I'm appreciative of these conversations because again, this is Tribal Interior Budget Council not Tribal Interior Policy Council. So talking budget is what we're supposed to be doing and I understand it can get very strained at times because budget numbers tell a story, it tells a very honest story but these are the conversations that we need to be having.

The question that I have, so this is based upon federal fiscal, correct, Mr. Bearpaw? Okay. So July 25th basically is 10 of the 12 months of the current federal fiscal year which is about 83 percent is where we should be year to date expenditure wise. So we're at about 20 percent less than that. So I guess my question is and I know that largely that was driven by the shutdown. Is it your anticipation when we're forecasting for the end of fiscal year '19 that that 64 percent will get back in line with where we should be year to date target because of final year end spending? because it's not always equal 12,12, 12 across the fiscal year, we know that. There are spikes over the year so is it your assumption forecast that when we get to the end of fiscal year '19 that we'll be close as fully expended as possible so there is no carryover issue?

Office of Budget and Performance Management Director George Bearpaw: That's correct. The other thing I want to point out with this report, I think we can do better with this report because it doesn't show where the money is. It just gives you a balance of total obligation. It doesn't show you where it is as far as is it at the region, is it ready for tribal distribution. So we need to...we'll work on a report that's going to give you more information for future years.

Kee Allen Begay: Specifically on behalf of the Public Safety and Justice Workgroup. You've got five criminal investigation, detention, law enforcement, tribal justice support and tribal courts. My recommendation and request to the Chair and the Bureau is possibly provide maybe each of the subcommittees if not for Public Safety Subcommittee to provide us before the meeting because we always discuss shortfalls, direct service and so on. I believe it will be more appropriate for each of the subcommittees or my committee to look at the dollars and in what

area those dollars are in. For example, we had this funding budget availability or the balance, if we had this on Tuesday or Wednesday and showed the Alaska Natives that this is how much is available here and how it's going to be utilized. That's one area that I would request of the committee but he just made a statement to say that he's not really sure where all these funding amounts are located. So if there's no direct knowledge of where funding amounts are, how do we even know if these are true numbers. That's where I have a question and maybe...like I said, the other request is give us the remaining balance before each of the subcommittee meetings for Public Safety.

Rick Harrison: I think what George was saying was this report doesn't show where it's at and that that could be fixed and he could add that. Did you have anything you wanted to add, George?

Office of Budget and Performance Management Director George Bearpaw: Yes, that's correct.

Head Councilman Joe Garcia: I have a non-controversial question here this time. George, thank you for the report. You said you were working on the fund distribution process and you said that the region is also included in your efforts?

Office of Budget and Performance Management Director George Bearpaw: That's correct, as well as self-governance.

Head Councilman Joe Garcia: What I wanted to know is who at the region is involved in it. I think a lot of this can be kind of explained in laymen's terms by using some flow charts and whatnot and so it would be nice to know who might be working on it so if we can provide some kind of input it might be useful. So I'm just questioning it. At the Southwest I don't know who that would be.

Office of Budget and Performance Management Director George Bearpaw: Well, actually you can direct it toward Jim James because he's on the subcommittee and he does contribute quite a bit on each of the calls that we have, every meeting that we have so he's fully informed so he can get all that information to the regions as a report.

Head Councilman Joe Garcia: Okay. I'll have to get on him. He's a neighbor at home. He didn't tell me about this. Thank you.

Rick Harrison: George, I just had a request to ask if you had a 2018 report, specifically line item for Small and Needy tribes. There's some interest in that. I think they want to know what the allocation was and what was distributed for Small and Needy.

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Oh, what was distributed? I would have to pull those out. Of course we have tables at home but I don't have it here. We did actually because so many were left off of the '18 distribution, those that did receive money actually received the actual threshold of funding for '18 because we

excluded...I think it's about 16 to 17 tribes were pulled off of the list for that mistake of the justice support money. That allowed additional funding to be there so for '18 everybody actually should have gotten the threshold of funding that did receive funding, but now we're having to go back and we will be providing the full threshold for those that were omitted from that list. However, '19 is not going to make the full grade because there's not enough money there to cover everybody. We fall short and in looking at it it's about \$500,000. When you're asking about what you're looking for, we're about \$500,000 short of meeting the threshold for everybody on the list.

Juana Majel Dixon: For Pacific Region, the North may have another take on this but pretty much we're on the same page. Our intertribal court just cleared through the BIA evaluation and scrutiny which is some of the things you have to do in terms of being in a Public Law 83-280 state. When you progress as sovereigns collectively, in this particular case we were implementing TLOA and the Special Domestic Violence Jurisdiction under the Section 221 and working with TAP, the Tribal Action Plan that is out of TLOA is what I'm referring to as well, that I know that with OJS they were using the Office of Justice Services, the TAP to help tribes and it wasn't differentiating between whether you're in a 280 state or not under the TAP if you were in that one of 48 tribes who are intending to make that shift. What I'm trying to add to your conversation here and to think about, as that progresses and we can give you those numbers and we did a pretty good...you saw the report and we can get it from NCAI, but we need to get those numbers to you so you know that those tribes inside that Special Jurisdiction on Domestic Violence to Dating Violence, those numbers are important in terms of the actual dollars we're talking about because if the courts are going to be tended to and they do meet the BIA post, federal post, state/county post and/or tribal and they have the MOUs in place to have a co-jurisdictional or concurrent jurisdictional thing going on, they've achieved a lot of the benchmarks that are required inside of the Interior.

I'm waiting for you two to finish. Darryl and John. What I'm trying to say to you and help Ron and Rick get this right for the rest of you in this situation is that when you achieve these benchmarks, they get created, there is no regulatory piece that says that. When I was learning and Cal can speak to this as well, we learned that...and I'm going to speak with Oklahoma about this as well, is that on the Special Law Enforcement Commission that there was another step we had to do to qualify. What I'm discovering, the Federal Government gave this law to the states to carry it out of 13 major crimes act and they keep pulling us back in under a Bureau obligation rule or enforcement like the SLAC. Now I understand that can be beneficial. It allowed us to achieve the role we have in Pacific South in terms of the Intertribal Court. But there was no information given in the budget... There's a budget price that goes with OJS and it's a substantial budget. \$750 million dollars. But the thing is that if we don't get clarity that...it seems that the Bureau is still regulating what they said they wouldn't regulate in a 280 state because they gave it to the state but it also made it clear to the states that took that responsibility, they...California is my example...they threw that law away because the Federal Government said, 'We're not going to give you any money to do this.' And I've listened to two days now if not longer of Alaska's money being given to the state in a 280 state. Now did ANCSA do that because the Federal Government made it very clear they were not giving any money whatsoever for the tribes or villages or people in Alaska who is a 280 state and California who is a 280 state,

Nebraska is a 280...you just go down the line and I keep hearing in these presentations that there's this Special Law Enforcement Commission. There's money in that. We have to jump through that hoop. What's going to happen...I think we need a clarity point, Ron and Rick, what I'm saying to you and Kevin you can pick up on this and we can let this go for now and we can follow up, is that there's an inconsistent message of what is required of the tribes because we were brought up with the direct service that we can't get it if we don't compact it or 638 it. They say if you're in a 280 state you can't do it. So the recommendation that we're asking and I know you can probably speak to this is that...is Pauma... Our Intertribal Court is a demonstration of the success of this. We have an MOU with our state and county and so we have a pretty good thing going on in the south. That doesn't mean it replicates throughout California. But those things that have been successful, John and let Tara know and Ron and Rick, that where we have succeeded, let us give you those models so we can help our relatives here who want to go the more progressive direction that we help them get there and that I need to understand with greater clarity and I got that from our Public Safety meeting that what is follow up in terms of actual dollars that go into OJS that comes out to tribes and direct service because we're told we get very little because unless you do those other two things, compact or self-governance, that also there's requirements to achieve without funding. It's a double edged sword, Ron. So we need to have a little more attention to detail in that discussion. It doesn't have to happen now, but I want to bring it up so that we can go there and I don't want John to suddenly try to think out how far down the road do we go, but I need the staff to be aware, who I know they are, to help us get all on the same page and make a difference on this, okay?

Chairman Ron Allen: Got it. There's a lot we need to flesh out, the topics that you're talking about with regard to public safety matters and the synergy between that and DOJ monies, etc., etc. but also this topic about the Small and Needy. Rick had asked about how much money did we have for Small and Needy in '18 last year. Basically I think Tyler just...yeah, there it is. It's the same number. So last year they had the same number to distribute to those tribes. I think that's what we were getting at. We need to flesh that out. Not here but in terms of an analysis that Jeannine and the Tribal Services Office can provide us what the needs are so that we can get there and stabilize this base, much less the analysis of what their true needs are. That was Kitcki's point for those small operations. Relative to the carryover and the '19 fund which is what George just gave us, is there anymore questions on the '19 update?

Susie Sam: Good morning. My name is Susie Sam and I'm the Tribal Administrator for Loudon Tribal Council in Galena, Alaska. I just see that George stepped out of the room but I thought he made an incredible announcement this morning. Yesterday, when I came in and I was so excited he was coming to Alaska because I see him as the guy with his hand on the money button. Just like you see the person with the hand on the bomb button, he's the person that has the money button. And he came in...before he made this announcement this morning, I saw him as Public Enemy...to tribes, Public Enemy #1 because he was sending money back to the Treasury. Millions of dollars that were supposed to go to tribes every year and those monies were going back to the central government. And now this morning when he made the announcement that he's going to have the money out to the tribes, the rest of the money within two weeks... Yesterday I said we had two months to get this money to the tribes. He's committed, his staff is committed, Jeannine, thank you for making that commitment to get the tribes' money out. I think

it's a big announcement. We asked him if that included back pay and interest for the years previous so he's committed to 2018. That's a big, big announcement and I would like to thank him for that. 2018 is \$8 million for those of us are keeping track.

My concern and even though that's a big announcement, my concern is that if you look in these numbers for 2020 budget, Small and Needy Tribes are not in the budget. I hear you talking about renaming. I don't think it's renaming that fast and I would like to find out where this money is going. If it's not categorized as Small and Needy, where is it? It's not in these papers that we have. It's a lot of money. Tribes really depend on this. The 2020 budget should have...if we haven't renamed it already it should be in there somewhere and it's not in there. So that's my question and going back to when we were not funded like we should have been, we heard about the shortfalls going back to the Federal Government, we were underfunded as well. You guys heard us for the last two days how underfunded we are. I have one staff person, she's our tribal enrollment, she's our administrative person. It takes her an hour and a half to make enough money to buy that gallon of milk that we talked about yesterday. I wonder how many gallons of milk you get in your one hour of time. That cost of living as I keep saying is really, really important. And it's shame on us, shame on the tribes for letting that happen, shame on TIBC for letting that happen, shame on NCAI. We should never let any tribe's money go back to the Federal Government. We should always be on his doorstep asking for that money. It's obligated money, it should have been in our account. We have to learn to budget years in advance so we don't lay off any employees. We can't afford to lay off employees and expect them to continue to work for us. That is really shameful to see and so I would like to know where this Small and Needy 2020 funds are and it is up to us to find it. If it's hidden in this thing, please show me where because I can't find it. Thank you.

TIBC Resolution Consideration

Chairman Ron Allen: Thank you, Susie. Jeannine's going to take a short break here before she gets into the update on the 2020. We want to make sure you guys are aware...we've got two resolutions that we need to deliberate on. So they're both dealing with the JOM. I just want to get everybody focused in on the JOM. One is dealing with the eligibility criteria stuff which is an issue. Tyler, you want to summarize them?

Tyler Scribner: Yes, I'd be more than happy to. I just wanted to mention that I didn't capture fully Mr. Speaker of the Navajo Nation's recommendation from yesterday and that is for higher education and education construction that has been eliminated. So to the extent the restoration of funding for the JOM resolution is put forward it is not complete at this time. It needs addition of the other programs in education that were eliminated.

Chairman Ron Allen: So the one that refers to the JOM restoration of funding is the one that would be expanded into other educational needs, right?

Tyler Scribner: I'd like to yield to Mr. Speaker of the Navajo Nation to clarify.

Speaker Seth Damon: I can clarify once it's on the floor and after the motion is made I can make a correction. I can make a modification to the motion.

Chairman Ron Allen: We're expanding it beyond JOM?

Speaker Seth Damon: Yeah, we're expanding it to scholarship in adult education, scholarship in higher education, scholarships in the science post-grad scholarship fund which isn't included in the resolution. Also, in there was, as Yakama and as Alaska nations have indicated the Education Subcommittee and from Navajo Nation too as well, construction dollars were also wiped out and so that needs to be put in there. So replacement, new and employee housing, replacement of school construction funding and replacement of facility construction funding needs to be added into that resolution too as well.

Chairman Ron Allen: If I can get you and/or your staff to work with Tyler so we can amend this resolution and so we can look at it this afternoon. Is that okay?

Tyler Scribner: They've provided me that clarification. I'll do everything I can to get that resolution amended for consideration this afternoon.

Chairman Ron Allen: They need to see it. We can't act on it unless they see it. So I want to make sure it's in the resolution and we can put it up on the screen so people can see it before they act on it, right?

Derrick Leslie: Ron, this is Derrick. So there's two different issues. One resolution deals specifically with the JOM Modernization Act and that's one separate resolution and then Mr. Speaker's issue is an entirely different resolution so I just wanted to clarify that because there was some confusion and we are working with the Speaker's office and with Tyler to remedy that issue but in reviewing the JOM Modernization Act Resolution, there's no issues and that one is good to go but it's just the Speaker's specific resolution that needs to be reviewed and amended.

Chairman Ron Allen: What we could do if people are agreeable, there's a point about the one resolution that basically says in support of tribal nations' sovereign right to determine their own citizenship eligibility for Johnson O'Malley programs and increased funding to promote this sovereign right. It's basically a JOM resolution. So that's what it's trying to do so that they don't dictate to the tribes who is eligible for JOM, correct?

Derrick Leslie: Correct. So the Modernization Act only updates the student count but it doesn't allow for additional funding to JOM programs and so I don't know if Sharon would like to elaborate on that, but that's the position of most tribes is one, you shouldn't be dictating blood quantum requirement and two, any legislation that comes forward regarding JOM should also include increases to that specific budget line item This is what this resolution, it captures that spirit of what most tribes feel to be true and accurate regarding the JOM Modernization Act.

Chairman Ron Allen: Okay. Scroll down. This is the resolution we're talking about right here. This is relative to eligibility. It's an eligibility criteria. Most of it is just background, the

whereas's, that's background. Get down to the Be It Resolved so the body knows what position we're taking. So basically it's saying, be it resolved that the tribal delegation of TIBC supports the tribal nation should have the exclusive domain of determining their citizenship. Further resolve, the United States should not seek to limit its treaty obligations and trust responsibilities to tribal nations based on tribal citizen blood quantum because it is inconsistent with the source from which this United States duty arises. Be it further resolved, the United States should seek to uphold its treaty obligations and trust responsibilities to tribal nations and their citizens rather than devise ways to limit those obligations and responsibilities through misguided and inconsistent federal policies. Finally resolve, Congress should appropriate funding necessary to honor the U.S. Government treaty obligations and trust responsibilities and tribal nations' inherent sovereign right to govern and determine their own citizenship. That's it. Go ahead.

Derrick Leslie: And then just one clarification. So on the 12th whereas it says, JOM higher education funding so if that higher education specific language could be removed from the resolution as that was where the confusion is currently at regarding Mr. Speaker's resolution and this JOM budget resolution respectively.

Chairman Ron Allen: Right there. So you're just editing that whereas, correct? Okay, got it.

Shawn Duran: I have one remark on the resolution. I think it's a good job. The last four whereas's and now therefore be it resolved, is it possible to take out all the 'shoulds' in the last four of the whereas's on the bottom, where it says that tribal nations should have. Could it just read that tribal nations have the exclusive domain of determining their citizenship? That the United States not seek to limit its treaty obligations--further be it resolved that the United States government seek to uphold its treaty obligations instead of saying should? The last one, be it finally resolved that Congress appropriate the funding necessary instead of saying should appropriate. I'm just asking to take a look at the last four and take out the 'shoulds.'

Chairman Ron Allen: Is that agreeable? I see heads nodding yes.

Tyler Scribner: Mr. Chairman, if I may, and Ms. Duran, some of those edits will change the syntax. Is there any position on the substitution of should in the instance of United States should not to seek to limit and the United States government should seek?

Kevin Allis: I would just propose that we consider the word shall instead of should. It's a legal term that requires there's no discretion on the part of the government at that part and I think that it also addresses the issue that Tyler just mentioned too.

Chairman Ron Allen: Okay. We're proposing an amendment to shall. I see heads nodding yes. Okay, any further edits to this resolution? Is there a motion to approve this resolution as amended?

Motion made by Herminia and second by Shawn. Okay. Further discussion? If not, all in favor say aye. Opposed. Abstain. Motion approved.

So the other one we'll...are we going to deal with that now or are we going to deal with it this afternoon? Okay. Let's make sure that we're comfortable with the language as amended and then we'll bring it up this afternoon, okay? Is that agreeable, Mr. Speaker? Okay. Let's go back to the last item for this morning which is the 2020 budget marks and so we know what's going on for next year. Jeannine.

FY 2020 Budget/Congressional Marks

Office of Budget and Performance Management Deputy Director Jeannine Brooks: For those of you that have books, the table here that Tyler just put up on the screen is also in your book and we did give some handouts to those sitting in the audience as well if you'd rather follow along that way. For the 2020 what I wanted to show here with this table is if you see this, I know you've seen a lot of this information already in prior TIBCs, for self-governance, we've addressed this but what you see in the first table is an outline of how the request played out for 2019. These are just a list of the top 11 priorities that came out. But within that you also now have the percentage of change that is from our '18 enacted levels so you can see in '19 we used the scatter approach on this to where...

Chairman Ron Allen: Just making sure everybody knows it's in Tab 6.

Office of Budget and Performance Management Deputy Director Jeannine Brooks: We used more of a scatter approach back in that and you have to remember that this was done and formulated in 2017 so it's two years prior. That was before we got into revamping what we were doing here with this group and that's why I thought it was important to show how this played out prior to what we're doing. As we went through our reduction scenario we kind of just assessed an across the board reduction. We did make sure that we hit TPA a little less than others and things like that, but unfortunately it still comes out to a whole lot of reduction across the board. That's why I included this '19 part in here. Now if you look at the '20 table, Tyler, the one below, what is new on here you now have the House mark so we can show you that as well, but what you'll see differently here, even though you see these negatives where the footnote is, those actually are not reduction, those were internal transfers where we have tribes that are moving into self-governance. So those weren't reductions at all. The funding actually stayed flatline, it just moved to the self-governance line. So in essence we only had two areas where we focused reductions or there was an actually an elimination there and while we still hate to see any of it reduced, it's through this process that we were able to look at...instead of doing that scattered approach where you've got 100 lines you have to go and try and get back and restored, we're now trying to focus our concentration on particular areas. That way, as you guys do make your effort to go the Hill and try to get funds restored, it's more of a focused approach. We try to do as least amount of damage as we can to those that you have shown as your priorities which you'll see here. These are your priorities and out of it instead of having to go back and trying to...like the chart above shows, every single one of those priorities we were looking for restoration. With this view and the way we're trying to move towards with our budget requests, there's only two of those priorities that we have to focus on getting restoration for. It makes our job, your job and Congress's job easier too as they're trying to look to restore. If you look at the House mark, not only are they proposing to restore all these areas, they're restoring the areas that we really didn't

have a reduction to, they put more money back in so we're getting a little bump up for those and they are proposing to restore everything that we focused on here under our request for these priorities. So it shows that the process and what we're doing to improve, I think this paints a better picture of how it is making a difference and how we're perceived and how we go forward and with Congress as well. As we're modifying what we're doing here with the workgroup and coming up with a better way of doing what we do in this group, it is starting to impact because we're still stuck in the negative reduction world that we're stuck in on the federal side but at least we can do it in a better manner that gives us better results for restoration from Congress. Those are the things I wanted to point out with this one.

Are there any questions and more discussion that we'd like to have regarding the 2020? This is where we are right now. We still do not have a Senate mark. We only have the House Mark. We do, as Jason introduced earlier, we do have the two year budget deal. That is out there. Whether it'll make it through the White House, who knows. But if that were to take place, it is pretty good. We're looking at instead of having a 10 percent reduction to discretionary spending we're looking at a possible four percent increase in spending. Four percent isn't much, but it's better than a 10 percent reduction. So if it were to pass, the biggest thing I would say to focus on there is of the two components, the House is looking for that funding...the extra funding to go to domestic spending which would include us, Interior and Bureau of Indian affairs, whereas the Senate's push for this funding is more for military spending. So if you want to concentrate any of your efforts when you go to the Hill, if this does come to fruition, I would say focus it on the Senate side and making them understand that we need that to go to domestic spending as opposed to all to military spending. We need to see a piece of that pie. That would be my suggestion, if we are lucky enough for this to go through and we can stop crying about CRs. Another good component of this, while it's not in the language, there's report language that is accompanying these bills that says they can no longer put the poison pills and riders onto the ends of the bills, which is what continuously holds us up and gets us CRs. So if this is granted and we have the two year and you don't have to worry about that, then essentially we would not have to deal with all the CR issues that we deal with right now. So that's another reason why this would be fabulous if the White House will buy off and do it. Whether he will or not, who knows. We can all wish, hope and cross our fingers, but it would be a great thing if we could get this through. That is my '20 part, and I can roll right into '21 because I know everybody wants to go ahead and hop out of here. For 2021 there's not a whole lot that we can talk about. We can't give particulars. The back side of that... Yeah, that's the table that once again shows where we show...I don't think they can see all the writing. This is our usual comparison that we do of enacted versus request versus enacted again so you see it all there and then the House mark. It shows the funding that we had, the enacted amounts, it shows what we requested, what the '20 request was and what the House mark is. So it's pretty much just laying out what's on those other charts in a bar graph format to look at and that is on the back side of this sheet for you to look at. Another item we did give you is that big long legal one. This I don't have up here, but this was just for you all to take a look at if you want to. This is our new way of doing business with the categories that we went through and it just lays out all of the funding, the same methodology here with your enacted versus your request amounts versus House marks, but it's done by all of our new categories and by all of the line items within each of the categories you

can see how the funding lays out. This is just a visual for you to see where we are with those various categories and where the funding lies.

Kitcki Carroll: To our friend from Alaska, I can't remember her name, the one sitting in the front row over there. Susie. To her comment that she made earlier, but this is also a comment for Tyler back there when we're talking about the reoccurring standard list of reports we've asked for. So you're probably looking at the page in the book that shows 2020 President's budget, Small and Needy and it shows it as nothing in there. So one of the reports that we have asked for within this budget space is we want to show for every fiscal year what this body has asked for, what the Administration then proposes and then what gets congressionally enacted so that will show the influence or lack thereof of this body in shaping what the Administration puts forward as a budget and ultimately what Congress ends up doing and the President signs off on. So all three of those are important to look at the whole picture about this process, how we try to influence it what the Administration does in response to what we propose and then what ultimately Congress does in response to all of that. I'm talking about for every single year. I'm not just talking about fiscal year '19. I'm talking about every single year this is something that we do and ask for full transparency on.

Susie Sam: Thank you for that, but my question earlier was to know how much was actually distributed from that Small and Needy tribes out of that \$4.4 million and that's what I had asked Mr. Harrison to try and portray is out of that \$4.4 million from 2018 how much was distributed to the Small and Needy tribes.

Office of Budget and Performance Management Deputy Director Jeannine Brooks: 100 percent. 100 percent of Small and Needy funding was distributed to tribes. Did it go to all of the tribes that should have received it? No. The ones that did receive the money received actually about \$217,000 or something like that I think. We have to go back and look. That was what I was showing you the other day when we were on the sidebar. They did receive that money. It was not made base funding so you are not going to see it in those tables in the back of the Green Book that you're looking at. It was given as one time funding and that is what has been done consistently since the program was reinstated in 2012. They have not made it base funding. They've been distributing it year after year as one time funding. So it was all 100 percent distributed, it just wasn't made part of base.

Karen Lanell: Thank you. I know you and I had talked about it but for the record my name is Karen Lanell. I'm a Cheesh'na tribal member and Executive Director for Intertribal Research Commission. My request of this committee is that when you put forward a budget that you put that base need in there from the very get go. Put out the \$200,000 and the \$160,000 for those Small and Needy tribes as a base funding request and have them tell you no. Quit adding it as a one time funding. Put it in there as a base request when you put your budget forward. You can't be asking for them to raise it up to the \$300,000 level when it hasn't even been brought in as a base level of \$200,000. And I really appreciate a lot of the comments and you ladies that have been stepping up and asking and speaking and you sir for asking those hard questions. Understanding the process is a key part to knowing how this distribution happens and I agree that

we shouldn't be sending any money back and if you can move them...that funding within, there are lots of projects and lots of needs out there that can be fulfilled by sending that money out.

Rick Harrison: Thank you. Is that all, Jeannine?

FY 2021 Budget Update

Office of Budget and Performance Management Deputy Director Jeannine Brooks: I was going to do 2021, just roll right into it since that's the next one might as well just go ahead and zip through. For 2021 since we have to stay at the high level we're still embargoed with this. I just figured I'd give you an update as where we are with it. Once again, we have to do the reduction scenario that was part of our technical guidance. They're still trying to balance the budget but again, we used the same targeted approach that we did for 2020. That's the best we could do in our world. We took into consideration each of the categories and the rankings within them as we made decisions to where those reductions would be because this time we had more information to where I could actually go and look, if they went to look at a natural resource, I can say, 'Wait a minute. This is a higher priority within the natural resources category. Let's go look at the bottom line.' So all of this information was taken into consideration. We did receive our pass back from the Department on Monday overall. Considering we are in a reduction scenario, we didn't fare too badly on the scale of what the reduction is at this point. Any reduction is bad, but in comparison to what it could have been, it was not the worst case scenario of what our options were. We did appeal three items within that. We have not heard back yet. We were hoping we'd have something today to let us know how our appeals fared. Probably Monday George is saying we should have that. That's about where we are with the 2021. Once we get that final pass back we'll start preparing our actual submission to OMB. That is due on September 6th I believe and that is when we'll be submitting that. So if anyone is looking to meet with OMB, that would be a good time. Any time after September 6th and they have received our budget input is when you would want to meet with them to state your case so it can help influence what they do with our budget.

Rick Harrison: Is there any questions, comments? We've got one over here.

TIBC Attendee: Yeah. I've got a question. Thank you for letting me ask this question. I was at NCAI about a month ago and Reno and it was a BIA Appropriations update and there's a...it was said there's a House bill proposal just example tribal courts funding in 2019 was \$32.2 million and then the Admin request is \$30.9 million but there's a House bill for next year for a request of \$50.5 million. I haven't heard that brought up. That's just for tribal courts. Is that still going to happen?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Tyler, can you pull up the comp table for me please. Within the books there's a comp table too. I think it's your last tab and it includes the House markup. So it will show you anywhere...based upon our requests and what the House has proposed to put back. Like I said, we still don't have the Senate. So what is here by the House is not written in stone and we haven't seen what the Senate is saying. Whatever they disagree on has to go to conference before it comes to fruition and they

meet somewhere in the middle usually and come up with what it's going to be. So we don't know how the Senate will play out. Can you scroll us down to tribal courts, Tyler? There it is. The House mark is for \$50 million. You can see in the table that they bump it up to \$50 million, a \$20 million increase. We'll see. Usually we do get higher numbers out of the House. The Senate usually tries to pull everybody back to reality, but then they fight it out and we usually land somewhere in between.

TIBC Attendee: So when's this decision going to be made?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: We still have to wait to see what the Senate comes back with and then what they finally decide in a final bill we'll know what the final payout is. But at this point this is what the House side is proposing.

Deputy Assistant Secretary – Management Jason Freihage: Ideally they'd decide by the beginning of the fiscal year so by October, but these things usually dribble into December or later.

Shawn Duran: Quick comment. I just received an email that Congress passes two year budget deal, President signs budget deal into law that will permanently end sequestration for discretionary funds including IHS and others.

[Applause]

Rick Harrison: Do we have any other questions, comments?

Karen Lanell: Thank you, Mr. Chair. At the Budget Subcommittee meeting the other day when we were talking about the Small and Needy tribes, we were told that \$2.6 million was distributed or given out and then today it's the \$4.4 million. Can you clarify what was distributed because at the Monday meeting you said it was \$2.6 million?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: For '19 it would have been the \$4.4 million. Whatever the balance is that we've got is what we give. Melissa, can you look for me real quick or do you have your computer up? No.

Karen Lanell: The 2018 was at \$4.4 million as well and that's what they were asking about when we were talking about this whole process. Since 2016 the Small and Needy tribes haven't seen any increase.

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Until the \$4.4 million, no, there was no increase but 100 percent of funding is distributed each year. It's just distributed as far as we can get it. We can't get you to the \$200,000 threshold so we get you as far up as we can and that includes the Lower 48 and the Alaska tribes. So we get them as far as we can by same percentage to \$160,000 as the same percentage we can get you up to \$200,000. It's done with a formula that they plug in. But they have distributed up as far as they

have. Like there was only \$1.9 million and then it went to \$2 million, now we're up to \$4.4 million so that's what will be distributed. For the '18 funding, like I discussed with you, those tribes that were left off of the list that had habitually received funding up until '18, those tribes will receive their '18 funding and we're just trying to lock those funds. As soon as we get that reprogramming because there is no more Small and Needy money because like I said, we distribute 100 percent. We have to get authority from Congress to reprogram and use funds to distribute to you.

Karen Lanell: Okay. So the \$4.4 million was allocated and enacted in 2018, also through continuing resolution \$4.4 million. Where did the \$2.6 million come from that you reported to us on Monday?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: The \$2.6 million would have been what was appropriated in the prior years and it would have gone out the same way, as one time funding. It's gone. It was all distributed. Like I said, once again, none of this funding was made base funding and that was an error and it should never have done that way but they never made it base funding out of the program office that manages it. For whatever reason they did not base fund these dollars.

Karen Lanell: Who's their supervisor? Who can make that change?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: It is being made. With everything that I've been doing to reconcile and get this straight, it will be made base. I guarantee that.

Karen Lanell: Again, who's the one in charge that would make that decision and make that change?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: It will be base funded. Melissa here manages the tables and does the base and she is putting it into the base tables now as instructed to make sure we put it forward as base funding here on out.

Office of Budget and Performance Management Director George Bearpaw: We do work with Indian Services to make sure that they are in agreement with those balances. That's the department that handles the Small and Needy and we have been working with them on these balances as we go through the process.

Kitcki Carroll: If I can just real quick for clarity since you're on fiscal year '20. So the President did sign topline spending numbers, debt ceiling stuff, that sort of thing, but fiscal year '20 budget has not been approved, just the deal about topline numbers.

Justin Parker: Yeah, that's a good point. That was good news and that actually broke a couple days ago and now he's signed it, but that just gives us a reprieve from the Budget Control Act of 2011 so we still are going to have to be facing this situation when we deal with the 2022 budget. So we're only at step two of a 12 step process basically so we've got a long ways to go and you

made the comment that October 1, we haven't had a budget or appropriations approved since the Clinton Administration in FY95 right before Newt Gingrich and them took over so it's been 23 plus years since we had a budget...appropriations in place by October 1. So to answer the gentleman's question back there, I wouldn't expect anything until next spring. I'm just being honest here.

Kitcki Carroll: It's funny you say that. So our UCET impact meeting historically had always been scheduled in February because that's supposedly when it would be... We've since moved that meeting because it's never happened in the last umpteen years.

Rick Harrison: any more questions? Hearing none, let's break for lunch.

[Break]

Land into Trust/BIA Director's Update

Chairman Ron Allen: My understanding is we're at the Land into Trust and the BIA update. So Darrell, we're going to turn it over to you.

BIA Director Darryl LaCounte: First, I'd like to thank the Alaska contingent for this gracious hosting that they have done. Thank you very much. It was really nice to get out of the District to come here. As most of you know, effective April 28th I accepted the job as the Director permanently. I've been acting in it since April of 2018. I enjoy the work, and it's good to work with you and for you and hopefully we're doing a decent job. Sometimes in that regard no news is good news, but anyway, I'm proud to serve. I don't know how long I'll serve, but I'm proud to be there. With that being said, feel free to ask any questions you'd like and I'll give you a little rundown where we're at. We have 17 senior executive positions in the Bureau of Indian Affairs and 13 of those are occupied by permanent employees. We made a selection for three of the others but that has to run through the OPM process. The only one I haven't made a selection for is the Deputy Director for Indian Services. I just received that certificate of eligible on Monday so I haven't had time to spend with it and do some interviews and whatnot, but Rocky Mountain Region is open, Southwest Region is open, the Deputy Director for Trust Services is the one I had made a selection for. Well, we've made a selection for all three of those, but it has to run through the OPM process. And just so you don't get your hopes too high that they're going to be filled quickly, that can be quite a process. You make your selection and then it goes to the Office of Personnel Management (OPM) and then they have to write what's called Executive Core Equivalent and in five different disciplines it's saying, 'Here's why I deserve this position, here's what I have done in my career to basically earn this.' And the whole process can take, what I'm finding out is I made the selection for the Director of Trust in March and it just went to OPM for the second time last week. So it takes a while just so you understand but at least we are in better shape than the last time I met with you regarding that.

I met with the Self-Governance Advisory Council last month and I walked away from there fully understanding that we need to be a little more transparent in what we do budget wise. And so I

have made a commitment to the Assistant Secretary that by the November TIBC for every program we have that is a formula base funding program that whoever runs that program is going to write down clearly how that formula works, so that where every one of you can see how it works and how we distribute that money. And so I will make sure that by the November TIBC that is done and will be available to all of you.

I just learned yesterday that the mortgage handbook is final and is out on the street which is going to help considerably with your folks to get access to capital for housing, small business, whatever it may be. I'm pretty happy about that. We have recently rolled out the acquisition and disposal module in the TAMS system which it also will help us do a better job of managing Fee to Trust, Land into Trust, however you'd like to say it, and we will have access to reporting much quicker than we have now. We're in the process of converting from Google Sheets into the TAM system all of our pending Fee to Trust cases which right now there's 1500, a little over 1500 pending cases. Now I haven't taken a deep dive into those but I guess it's been nine years ago, I wrote the guidance on Fee to Trust because we were hearing from you folks a lot how long it was taking to do this process, and I agree it is a laborious process. It's not an easy thing to do. Being a Regional Director in the past I could sit at my desk and I could take land out of trust with the stroke of a pen and to bring something back in took the stroke of a thousand pens it seems like. Of those 1500 that are pending, I don't know how many are in compliance with the rules that we put out. Essentially what those rules said was, if there's not activity on a case, if we need something from a tribe and it goes past a certain timeframe, we return it to the tribe so it's not sitting on our books looking like what's been there for 35 years and we've done nothing. We can't bring lands into trust without a lot of help from the tribes. There's a lot of burden on you as well and I know you're not happy about that, neither am I, but that's the rules that we live by. With Fee to Trust...and I've said this in the past at the TIBC meeting...the only thing that has substantially changed from the previous Administration is that off-reservation fee to trust applications go to DC for a decision and that decision is made with the Assistant Secretary [for Indian Affairs]. I'm not aware of any that this Assistant Secretary has declined. However, there haven't been many that have come through. So that's the only difference. I'm not hearing from anyone within the Administration that we're anti-fee to trust. So if you're hearing that out in the field, it may be a holdover from a previous Administration, but it's not the case. This Secretary I will say is very happy when we accomplish things and he tells us that. 'That's great,' he says. So whatever else you're hearing, Secretary Bernhardt is not anti-Indian, anti-tribe, anything like that at all. I see it with my own eyes and ears. He is genuinely looking to accomplish goals in Indian Country just like he is with all the other programs. You know me, I would tell you if it were different. I would.

Rick Harrison: So you know what, I bring this up every time. Out of those pending applications, are any of those from Alaska and if not, where does that stand as far as putting land into trust in Alaska?

BIA Director Darryl LaCounte: I'm pretty sure some of those are pending in Alaska. I'll be honest with you, it's sitting in the Solicitor's office and that could be a political decision, I don't know. I'm not privy to why it's still sitting there or if it's going to sit there until the end of the Administration. I really don't know. But yes, I assume many of those are Alaska, however many

have been submitted in Alaska. And there's still just one piece of trust land in Alaska and that's in Craig.

Chairman Ron Allen: I have a clarifying question. I think I brought it up at the last meeting as well, maybe at the self-governance meeting. I'd heard that the Department was going to issue new clarifications in their [25 CFR Part 151] regulations that basically said if a state or federal road went through their reservation that those properties are no longer adjacent. The adjacent issue is a big deal to keep it in the region because you have county, state and federal highways going through many of our properties and it just doesn't seem like that's even a fair interpretation if that is being considered.

BIA Director Darryl LaCounte: There will be no changes made to the [25 CFR Part 151] regulations for the remainder of this term. So it's not in there now, Ron. However, that question is more so aimed probably at the Solicitor's office because they are the ones who make the determination whether something is adjacent or contiguous and they may have got some guidance. I know of one instance where exactly what you talked about is occurring. However, it's an interstate that divides the property which to me is probably a little bigger deal than just a right of way but I think there were some additional acres in between even though a liberal interpretation of it could have said, 'Yes, it's adjacent.' But, as we all know, sometimes tribes don't support one another and I believe in this particular case there were many tribes not supporting the tribe that was trying to make the case. That's just the reality we live in and you know that as well as anyone.

Delano Saluskin: Yeah, thank you. I just want to make a comment and perhaps maybe it is a question. I know that where I'm from on the Yakama Reservation, we haven't had any real luck processing fee to trust applications. And one of the biggest holdups for many of our tribal members is that they tell me that they have to pay up to \$10,000 for an environmental review and many of our tribal members own homes within city limits and they feel they should have the ability to turn those homes within city limits to fee to trust. It's within the reservation and everything like that. I just want to make a comment and I don't know who created those regulations that you had to have an environmental review to turn your lands to fee to trust because they sure don't need an environmental review to take it out of trust and turn into fee. That's a comment and kind of a question. I don't know who created those regulations. And the second thing with regards to TAAMS, your Acquisition and Disposal (A&D) process. It's a nightmare quite honestly for your A&D module. Our tribe has a hard time trying to adjust to that. We like what you guys did in the land buyback. The process was simplified, it was easy to work through but now when we have to convert and start utilizing that A&D module in TAAMS, it's not working for us.

BIA Director Darryl LaCounte: First, I'll address the environmental question that arose. For the United States Government to make a decision, we have to comply with NEPA, the National Environmental Policy Act. But that should not be a burden on your members. That's our burden, and if in the Northwest Region they're telling you that you have to pay for that, we need to hear about that and we'll make sure that that changes. But we can't do most things without addressing NEPA and oftentimes it's a categorical exclusion, but other times it's something else. In the Fee

to Trust process we have to comply with some departmental policy, as well, that can be worse than NEPA which is looking for hazardous materials on the property but that's not the burden of you. That's our burden. So if you're getting billed for that then we'll fix that.

Delano Saluskin: We'll let you know. Again, I really appreciate hearing that because that has been a constant complaint to the tribal council at Yakama. Thank you for that.

BIA Director Darryl LaCounte: Regarding the TAAMS A&D module, I haven't become familiar with it myself, but here's what I will say: it was designed by people who were in the A&D world, in that realm. This is the first automated system that we've ever had for acquisition and disposal. Like any system that is new, we're looking at it because we're hearing some complaints, but I haven't seen it personally and I had a lot to do with TAAMS back in the day. I actually ran the project when we converted all the other modules. This one I didn't have my hands on but I will say that A&D people, I've been around them, they don't like change and so I'm trying to weigh whether or not what they're saying is legitimate or it's, 'Look, we don't like change.' The idea behind the A&D module is to eliminate or significantly reduce typos in deeds and legal descriptions and tract numbers and names. It allows us to draw from the same data in TAMS that we do for leases and rights of way and everything else. You don't have people keying in that allow them to make a mistake and the more things you do manually, that's more opportunities to make mistakes and we're trying to eliminate that. We will continue to look and develop and modify the A&D module until we get it right.

Delano Saluskin: Thank you. Again, that's good news. I would just make a suggestion that perhaps you talk to some of the end users in the tribes to kind of get some feedback as to how you can make it better then. Thank you.

BIA Director Darryl LaCounte: I hear you loud and clear and we'll talk to our own users, end users and we will also talk with some tribal folks.

Juana Majel Dixon: A couple things. I like your responses to help fill in some of the gaps I was already lining up for questions. In talking with you and Yakama, as well, we went through some of the same mitigation issues and under EPA the tribe has the ability to become the permitting agency to carry out FONSI's, which is Findings of No Significant Impact (FONSI). When you do that, and you're able to do that along with the environmental review, it's referred to as staking sometimes. What it is, is a hollow pipe that goes down that pulls out the dirt and gives you the measure of whether or not you have any kind of significant finding that then triggers some of the other things that we're talking about. What we learned, being a part of the TNLC where the AG's office is, tribes began to either go into a further mitigation process that all of a sudden involved DOJ and the ENRD unit because once it hits the level of the Solicitor and if there's any kind of...I don't know the term other than another tribe as you were describing earlier might not agree. When it hits the ENRD unit which is the Environmental Natural Resource Department and DOJ under the Attorney General's office and you might remember Tom Perrelli. He was a part of that. He was probably one of the most significant ones in our times that actually engaged tribes on some of these issues and reaching that and mitigating these issues by having both

players is one of the first times I saw how the Solicitor's office worked with the AG's office and DOJ to mitigate a particular piece of land that wasn't all encased inside the tribal lands and it impacted with a fire road that was on one side for forestry. Our particular situation, and you have to decide whether or not you as tribes will do this, we had become the stewards of the National Forest of Cleveland South. So when the fire road that went through the forest was a federal forestry road, it shifted the responsibility and began to be two Federal sides inside the Interior and it made a difference. If you don't look at those relationships, you may miss an opportunity to mitigate this real smoothly because you know what goes with them and what's required of them to do and the records they keep are much stronger.

The other aspect of that, it helped mitigate the impact of acquisition and disposal because one of the lands had the clandestine labs which are those wet labs where they cook drugs in the back. They're manufacturing. So then the land becomes contaminated from the pours that they do and if it's along any river or anything like that and when you live like we do near the border and all you 11 states along the north have the same impact, we worked with that unit together and there might be something that we need to consider coming back to, Ron as the TNLC and see what we can help mitigate this issue because you are doing an extraordinary job. When you came in there's been a shift and because of your history it's been a good thing.

I do have a question about BLM who thinks they can do just about anything in Indian Country very quietly and there are some serious things happening and I'm hoping that together we can have eyes on that because they're taking some liberties they shouldn't be. That's probably going to come up in your division because it's the land issue. Who's going to address it? Who's going to be the lead on this on your side? You know we'll pick it up, but I want to have that further down the road because that's not part of the budget right now. This piece in terms of being able to mitigate your own land that you're acquiring in terms of passing through the gradation of whether or not it's environmentally safe and that process is designed already inside the system to not only support what you're doing, but give the tribe even greater footing in terms of having met all those requirements of whether or not it's usable, attainable, the access, egress, all of those issues come up. I'd be willing to give you some of the documents. We dealt with this, Ron, probably about two years ago at TNLC but Yakama, you've been kind of like a real lead runner on some of the things that have been going on with land and these particular issues so whatever we can do to help, I'd rather bring that forward because your partnerships, it was before you came back that this happened but I think we can benefit from it together.

BIA Director Darryl LaCounte: Thank you. If you step back and you look at this and try and be as rational as you can, we have 56 million acres of trust land out there right now and what are we doing to ensure you don't contaminate them? Absolutely hardly anything at all. You get to use your lands how you want. However, to bring some in the bar gets absolutely raised to the ceiling so you can't make sense of some things in government and that's one thing I've never been able to make sense of. My good buddy Terry Tatsey is here. He said he waited just to hear me speak so I'll tell you a Blackfeet story. Years ago they had 160 acre parcel that they wanted to bring into trust. We went out and did the inspection on it and there were three junk cars sitting on it. We said, 'No.' What did they do? They drug the three junk cars over to a piece of trust land

and guess what, we said, 'Yes, we'll take it in trust now.' And that's true. That's not something I made up. I called it ingenuity, but if you think about it it's just almost stupidity.

Chairman Russell Attebery: Darryl, congratulations on the permanent position.

Congratulations, I think. A couple of questions. One, it's been a couple years ago that I attended a listening session with Jim Cason on land to trust issues and they talked about the backlog, the stack of papers for fee to trust applications. My suggestion was the fee to trust applications, we think it got slowed down because of the casinos wanting to put land into trust by an interstate or whatever. So, to separate those when you're talking about...and when I'm talking about the Karuk Tribe we don't have a reservation so we're dependent on having this land into trust for housing and for ceremonial purposes. So, to separate those two items and maybe that would help expedite some of those non-casino issues where you're actually just talking about fee to trust for housing or ceremonial purposes, that sort of thing, and maybe that would lighten the load a little bit on that backlog. He seemed to agree that that might be a good idea. I don't know if that's gone any further yet. I bring this up because the Karuk Tribe, we have to ask permission or have an MOU with the Forest Service in our area to be able to do our ceremonies. There's been times when we didn't get that, but we have our ceremonies anyway. And we're talking about an area where the nearest town has 150 people in it. It's a place where we've been doing ceremonies since time immemorial and for us to need an MOU to do that, we're not going to put a casino there obviously and ceremony is what it's used for. We was hoping to expedite. At this time right now and my second question is we're looking at a land transfer and so I guess my question is what's the difference between a land transfer and putting land into trust?

BIA Director Darryl LaCounte: It depends upon the authority to do the transfer. If it's a congressionally mandated thing that says, 'Thou shalt transfer this land, it shall become trust,' then it's easy. If it's congressionally mandated, but it doesn't mention trust, then you have to go through the same process after the transfer. If it's neither of those, if it's just two people wanting to swap or two entities wanting to swap lands, the exchange would be made and then you would have to go through the 25 CFR Part 151 process and get it done that way. If it's Congressional and you've got your delegation supporting it, it's always best to address trust before you get it within that act and if Congress does that, it's easy. As for the gaming piece, yes, that is difficult. Like we said earlier, this isn't an easy process to begin with and then you add California to it, it gets harder and then you add gaming to it, it gets even harder. I hear you loud and clear.

Chairman Russell Attebery: One other thing real quick is we come here with our Federal partners and we have good conversations. We work well with our state and I mentioned Governor Newsome just met with the tribes and he has said he's going to get some extra funding, apologized to the tribes for the genocide that happened, so this is a step forward and we're very proud of that. Often though, we get opposition at the local level. So it works well at the federal level, works well at the state level and then we get held up for years. A real quick example, our health clinic. We have three health clinics and the one we have in Yreka we wanted to expand and so we wanted to put 0.9 acres into trust. We got the clearance to do that. A lawsuit at the local level and again they were saying, 'Well, we don't want to do this. You're going to put a casino in there.' And I mentioned this before I think at our last meeting. We're not going to put slot machines in our medical clinic. It was really absurd. They went to two levels, went to the 9th

Circuit before they lost and said, 'Oh, okay, you're not going to put a casino on there, you're just going to expand your health clinic.' It cost local taxpayers money. It was just absurd. And then the tribe for the local people, they don't understand. We get a lot of the blame. Again, how do we combat that at the local levels? I know you do what you can at the federal level and the state does that. I guess right now I'm thinking and I took Ron's advice years ago because I asked him, 'How do we deal with the local people that really just don't like the tribes in their area?' and he said, 'You work hard to get the people in the community on your side.' And we've been working hard to kill them with kindness and it's worked to a certain point. We'll keep moving forward with that, but any suggestions on if it's okay at the federal level, it's okay at the state level, why do we see these barriers at the local level?

BIA Director Darryl LaCounte: It is frustrating to me personally to see inaction exactly what you just described but we do see it in places, California being one of them. South Dakota we see it a lot where they probably even know they're not going to win, but they just try and outlast you and make you spend money. The best we can do is process the thing as quickly and as efficiently as possible. If the 9th District wants to insert itself, we don't have any choice, but to pay attention to them. If it's just noise, the Pacific Region needs to be processing, period, and if they're not, if they're saying, 'Well, wait, we anticipate a lawsuit,' no, we charge forward and I will get that message out loud and clear. We're having a regional directors meeting in two weeks and I will address that. This is hard enough without us injecting our own local personal feelings or anything like that and that was what I tried to do way back when I got the task in 2010 and held onto that for I suppose four or five years. But that was it, we were trying to get directly to the regulation, period. No local added, 'We need to address whether there's potential for oil and gas development,' or anything like that. We're going to follow the book and what we were hearing from tribes is that we were making you jump through various hoops and steps and it's probably time to revisit that again and remind folks, 'Here's why we did what we did,' and I will remind them. I have no problem doing that and I'll be very firm about it.

Mike Williams: Mike Williams from Akiak Native Community. Welcome to Alaska. My congratulations to you. I'm just looking at Alaska's situation with 229 federally recognized tribes and only one tribe, and it's Metlakatla, that is Indian Country and they're doing very well down there and with their trust land. In terms of the issue of jurisdiction, it's what we've been fighting here in Alaska and our people are wanting to do that but ever since December 18-19, '71, they felt that they could not spend their time putting applications together to put lands into trust because it's cumbersome. We don't have any land with Akiak Native Community. As a tribe, we don't have any land. It's under the village corporation and the regional corporations have our state charter and have control over all of that land. We filed suit with four villages and one individual and settled that case that in Alaska we could put lands into trust as tribes. We as Alaska tribes don't feel like we should be treated differently, and as tribes, we've been treated as an exception and that has created a lot of issues of jurisdiction and solving our own problems at the community level with law enforcement jurisdiction and prosecuting criminals and whatever with those. After that lawsuit wasn't challenged by Governor Walker, we applaud the Craig Tribe for putting into trust that one acre in Craig. I think that is solid. That is a solid example of what the tribe can do. For that one acre, they spent lots of their resources, lots of money to put that one acre into trust. But that is the determination that the Craig Tribe had. I think all of the

tribes in Alaska, I think each tribe should decide what they want to do with their acquired lands, etc. and they should be afforded to do that and we should be afforded. We should not be treated in a different way. I think the solution is that right now we've had no other choice, but to start working on prosecuting our criminals in our communities even without trust land, the issue of jurisdiction with our native villages and our native communities. And we have no choice but to deal with these issues at the tribal level right now because our women are battered and our children are affected by it and the sexual abuse is the highest in the nation and we're dealing with all of those statistics that we've been working on for years. We've told that story to Attorney General Barr, when he came up just a short time ago. He agreed with a lot of our issues that declared emergency funding. I think we need to be afforded that in Alaska and I'm just reading what is happening in the East Coast as well. It just really bothers me how tribes in certain areas are being treated by our trustee.

I really feel that we as tribes should be afforded all of the rights to acquire land and to put them into trust if we wanted to and I think that is a right thing to do. I think that will take care of a lot of our issues with crime that is being done in our communities, that will solve some of the issues with our Fish and Wildlife, and it goes on. The governmental services that we provide as tribes will finally be put to rest with involvement and making true self-determination in our communities to change the conditions that we are facing in Alaska. So I just wanted to make those statements. From hearing all of the tribes from past hearings and decisions by the last Administration, I thought that was settled and we don't need any more reviews and we don't need any more dragging us down because we'll help the State of Alaska, and it will be good for the people here in Alaska. And it's not a bad thing, it's a good thing and whatever that good thing is, why fight it? And we're tired of fighting and we're tired of being in courts. And with the money that we don't have, it's tough. Many of the communities in Alaska, we don't have any resources to spend any money to go through the processes of putting lands into trust. It should be simple. We should be afforded that opportunity. I just wanted to say that. Thank you very much.

BIA Director Darryl LaCounte: Well, very eloquently spoken. I'm going to borrow from Chairman Allen. If we take a look at where we are now versus 10 years ago, it shouldn't be this hard, but I listened to him talk about self-governance and the pilot project and how few there were. Now half the tribes are in the self-governance program. I think with the Craig acquisition I think it's started. We're farther along, you're farther along than you were then and as I said earlier, change is hard for folks. Someone back when ANCSA was done, and I'm not that familiar with it, made a determination that this wasn't available to Alaskans other than Metlakatla. If you look at it from a different perspective, you've got a start now and there is land into trust. It's going to be in trust. There's nothing that will take that one acre piece out of trust in Craig so it's been started. That's the best I can tell you right now and I'm sorry to hear about the conditions that your people are suffering up here. It's an issue everywhere. It gets even greater when you have isolated communities like you have, and I recognize that fully.

Mike Williams: Many people are misled and misunderstand of what that means, land into trust and what that really means and they're afraid of letting the control go and to have that controlled by our own tribes, tribal governments. It should never be understood in that way, whatsoever. It's something good for everyone and it's nothing to be afraid of. Once we get involved with Fish

and Wildlife management and taking care of our own problems in a way that we have the solutions... For example, with our involvement with our Fish and Wildlife, when the tribes get involved they multiply, they flourish, everyone feels good on what we've been able to do and also the wildlife and the fish flourish as well, they multiply. So involvement of our people in that governmental process in managing our lives is a way to go. I just wanted to thank you for those statements on Craig Tribe and I just really thank them for their effort and it's a precedent that they set and my hat is off to them.

Head Councilman Joe Garcia: If there's BLM land available and there is a transfer of BLM land to a tribe, does it automatically become trust land or does that land also have to go into the entire process of converting to trust land?

BIA Director Darryl LaCounte: Unless the authority that transfers the BLM land to a Pueblo or a tribe, unless that authority specifically says, 'Thou shalt be in trust,' then yes, you would have to go through the trust process and that's why I encouraged Buster earlier, if you're looking for legislation from Congress to do exchanges or swaps or just even acquiring and that you encourage your Congressional folks to include that language and then it's a done deal. It's a mandatory acquisition at that point and it's our obligation to take it into trust on your behalf.

Head Councilman Joe Garcia: But isn't the BLM land already federal land?

BIA Director Darryl LaCounte: It is federal land.

Head Councilman Joe Garcia: So trust land is federal land.

BIA Director Darryl LaCounte: Trust land is federal land, but we hold it in trust for your benefit. The title is still fee simple the United States Government. Most people think trust lands aren't taxed because Indians own them. That's not the case at all. The reason they're not taxed is because the United States hold fee simple title for your benefit. But that has to be explicitly stated by Congress when land is exchanged, granted, swapped, whatever. Congress is the one who determines what's trust versus what's just federal.

Juana Majel Dixon: Mike, I thank you for your comments and they're very well taken. This comes back to...we know that it hasn't been quite defined how the additional \$14 million you're going to be receiving is to be used. We learned very well from this past couple days, still don't quite have clarity on the \$10 million and we know that \$3 million has been given to the state. We know they took \$3 million, there's \$7 million available to you from what I understand of the previous monies probably a couple years back. But we know this other amount is coming and we knew that it was going to be done under many of the Justice issues that have been brought up, but it wasn't limited to that because we know that you're experiencing some horrific changes in terms of the rivers and the Yukon River a good example for you and Akiak and you're losing your homes and your villages and already the land that these villages sat on and some other along the river have already fallen into the river. I'm saying this for you to understand when that kind of issue needs to be mitigated and tribes and villages were made sovereign. When does the land that goes through such catastrophe that the village was recognized...so it is just the people

that are the two-leggeds walking around that are sovereign or where you live as well, the village itself? My understanding that it's the village in you. Now granted, they're not giving you anymore land than what the village is and that's something we're talking about as well today, but when that kind of catastrophe happens and the players within the Bureau and the Interior are on equal footing to respond and you look at the impact on your subsistence living because of this shift, that's sustainable life not only for you, but also the creatures that feed you. They have to shift to move where they go and access to that. So you're looking at a catastrophic event in different places of Alaska where this has occurred, how do we or is there intention and any kind of clarity because it will have to go to DOJ if it isn't, protections for the people in Alaska when these things are happening, as we speak and has been happening.

We knew we fought this when we argued for and against the Alaska Pipeline. We knew that it was stationed on the land and the shift that it could bring to the different herds that would traverse the land. There's records of that but this, what we're talking about that you're losing your homes to the river and your way of life of sustaining, it gets limited when that happens. We also are aware of the fact that when we think about it and this is where it comes back to you and the fee simple title, the ability you have in an emergency, this country has no problem declaring the land what it needs to be called and responsible for when we go through these catastrophic events and Alaska's getting hit with that now. Even though this money's coming, what are the futures inside of it and we know under the Forestry, under the protections that they issue for emergency protections not only for the animals, but for anyone that gets hurt, harmed or found even murdered. You found somebody's body up in these national forests and stuff, a whole slew of laws go into place, a whole lot of players go into place. What is that relationship to be defined for you? How does the land...if you don't play a part in this? Access again will be a part of this. There's a lot of partners in which you will get to weigh in, Darryl and your knowledge and your history will help but I know your situation right now is going to bring a lot of this stuff forward. It's going to put the light on what you already know and we have to take responsibility of how to best address that and support you and not have it get twisted and turned into something you can't use or it gets put on a state shelf as money. I don't even know yet that \$14 million that they spoke about and publicized about and did all kinds of PR rollout about is even going to be able to get in your hands without going through the state because the intent from what I understand from all the hearings that have been going on...and you can ask these questions to OVW as well at the consultation where I think a lot of this would need to be brought up, but I also know that Tara's going to hold a hearing at the same time we're doing our consultation which will split your tribal leadership. But you have to in a way be there and you'll probably be there, Darryl because she's bringing up these issues of the land, the issues of resources, what you need and you'll be at Bethel when that's happening. So it's hard to argue for you as leadership to split yourself knowing that that jurisdictional piece is important because if you want to do a jail, if you want to do a facility that provides the protections you need, even if it's a mobile unit or the vehicles and stuff you need under the current tribal set aside funds, those things are available to you. Do you know that 50 villages were denied funding under the FY18 set aside funds? Why? There's no real good reason why. When we went to that consultation they could not give us an answer, but because of you, because all you Alaska leaders, you stood up for us, we got that money put back into OVC available to us to resolicit out. \$151 million. Thank you. But you did it. You carried the water for us in the Lower 48.

Well, now we've got to do it with you, Darryl. We've got to work together to figure out how does this money effectively protect you with some of the things you brought up in terms of land, in terms of your land being lost to the rivers, to the climate that's occurring? We can't change what's happened but we can sure well see what is happening. So that money's not here yet but what money...that \$10 million, that \$7 million's available to you, the state has no right to hold it against you. So where is the trust responsibility when their lives are endangered, their land is endangered? This is not going to happen, it's happening. How do we change it to where you now have access to those monies to take care of what you need to take care of? That's what we should be doing, Rick. That's the kind of stuff that when the money isn't there because there were under ANCSA, this is before. This is now. They have access to affect different changes for your well-being and if your homes are gone, where are you going? What are you going to rebuild with? What did you lose? Your animals, your smokehouses, your fishery systems, your hatcheries, all those things. This is big subsistence. So I'm telling you, you document, you doc every bit of that and you make sure they get it, we get it so that when we do a fight with Darryl in terms of land availability it's real easy to write us off. 'No, you're Alaska, you're not going to get this.' It's not enough because what you're experiencing, Rick, we have to take note of because if you fall, the rest of us go behind you. I needed to put that on record for you in Alaska because no one's talking about it but we needed to. Thank you very much. Thank you, Mike. Thank all of you Alaskans for carrying that water for us.

Kitcki Carroll: Mr. LaCounte, you just made a statement that I'm asking for you to clarify because I haven't heard it in the 10 years of discussion post the '09 *Carcieri* decision. I was just talking to Mr. Tahsuda about this recently at the NCAI Reno meeting. So the BLM issued a public statement several weeks ago about land and that sort of thing and it prompted the question about payment in lieu of taxes (PILT) and you just made the statement that I had never heard before. I'm aware of once the fee conversion to trust is completed the land is held by the United States, holds title for the beneficial occupancy of the tribal nation that put it into trust. What I had never heard in that same statement though was what you said which is most people don't recognize that the United States holds that land in fee because then my question then becomes if that's true then, in the same way that the United States pays the PILT on the BLM land transfers, why is it not paying the PILT on the BIA land transfers which would then kill the whole argument by the counties about lost tax revenue. Now that's only a slice of the anti-*Carcieri* fix argument by our opponents but it is part of their argument that they're losing all these dollars to lost tax revenue, but if you're saying that the United States still holds it fee simple, it still technically is liable for the taxes on that land, but I don't ever see an offsetting line item for the BIA land to trust conversion for the PILT in the same way that I see on the BLM side. So can you clarify your statement?

BIA Director Darryl LaCounte: No, I meant what I said and there are instances I know where there's Impact Aid which subsidizes counties that have large amounts of trust land. For instance, Glacier County and Pondera County receive Impact Aid. That's where the Blackfeet Indian Reservation is located. I'm not as familiar with the PILT as I am with the Impact Aid but it is occurring. I don't think that it gets addressed, Kitcki, with new lands coming in. I don't know even how that process would be started or who starts it.

Kitcki Carroll: So my question is specific to PILT. So payment in lieu of taxes at least in the BLM model is the offset to the tax liability, so it's the same thing that happens on the tribal side with BIA land transfers. But I am unaware of any PILT offset that the BIA does for its fee to trust conversions which then hurts because one of the things that we've been wondering then is should we be having conversations with, whether it's the Administration or Congress, about accounting for PILT on BIA land transfers in the same way that they do on the BLM side for consistency reasons to at least kill the argument of lost tax revenue? So to your example, it has nothing to do with anything other than the tax piece specifically.

Principal Deputy Assistant Secretary John Tahsuda: Yes. Let me clarify one thing, a couple things. I don't know that I said the United States owns it in fee simple, but they own the title, the underlying title. For real estate law purposes make a distinction between fee simple which is individual land ownership and government ownership. On the PILT, I think there's a couple of points. To my mind it's very well taken. The tax issue...we know it's a bit of red herring but it's thrown in our face all the time, agreed. There was... Darryl, you may remember...going back a long ways, I know probably 25 years ago, there was a discussion and at some point in time I think there was actually some PILT paid by the Federal Government for newly acquired Indian lands. I don't think it was ever very much and it may have been in very specific cases, I'm not sure. I do recall way back when I was a young lawyer that this was an active discussion and why wouldn't the Federal Government pay this for tribes. Some tribes in the years after that made their own arrangements to pay like a lump sum. They'd figure out some basic future tax payments and then pay that in a lump and address it that way. I think that... That's all to say, I think this...this has been sort of a long running discussion that hasn't surfaced in recent years, but it is an old one. One of the distinctions that is made fairly or unfairly, probably unfairly, but if you look at a lot of the public lands, BLM lands, etc., if they're not mineral producing then for economic purposes they're not productive and so the county isn't getting a tax benefit from it, the Federal Government's not getting any royalties or anything from it so the Federal Government...which if the Federal Government were getting royalties from it, then the state and the surrounding area would get some benefit from that. Without that it's not. So part of the underlying philosophy is that Uncle Sam should compensate these communities for their loss of tax revenue. One of the arguments I think that has over time the tribes have turned it on its head is to say that, 'No, no, we need this land because we're actually going to make it economically valuable not just to us, but to the entire community. We're going to provide jobs, we're going to do business with local businessmen, etc.' and that's one of the arguments that they have used to counter the lost tax revenue argument that the local communities have made. So, that's a couple of points. Looking forward, honestly I think it's a challenge. We talked about this. I think it's a challenging argument to make because you're asking to spend more federal dollars for something that I don't think Congress has thought about for a while. So that's a challenge in itself for them to free up money from somewhere. I think if the tribes want to engage in that conversation, you've got to start with the Hill. The PILT funding is not necessarily some formula. There's actually like a chunk of money that the appropriations committees pass every year and give out to the land management agencies to compensate with, right?

Deputy Assistant Secretary – Management Jason Freihage: It's done centrally out of the Office of the Secretary and it is based on a proportion of federal lands.

Principal Deputy Assistant Secretary John Tahsuda: But appropriations says, 'There's a chunk of money and then you distribute it.' So it's not like there's a calculation, 'Well, XX acres...' There's no federal law that says, 'For X acres of public land, you'll get so much PILT.' And so I think if you want to have that conversation, you've got to take it to the Hill to even begin the conversation because they're the ones that have got to pay for it.

Kitcki Carroll: So I can appreciate that part of the discussion, yes, and we understand that there is a congressional component to our exploration of this because at the end of the day they do hold the purse strings for that PILT payment. The only reason I'm raising this right now is because there is an element to this conversation that had yet to be introduced into this conversation which was simply that the United States owns that still as fee. That's an administrative part, John. That has nothing to do with Congress and I'm hearing a little bit different from just the two of you up there about that. So there is an administrative piece to this to make sure that before we go running to Congress asking them to do anything, I want to know the facts about how the Administration is handling, whether this or prior or the next, how it's handling these land transfers and why it would be covering it in one scenario but not in the other. So the reason I was raising this is because I had never even thought of or heard of the reality that even though we talk about it as now in trust that the United States has fee ownership. That's a different discussion then. That's why I was asking for clarity on that point that you were making because it's relevant to what we are trying to do in terms of exploring how we navigate the waters on this one.

Principal Deputy Assistant Secretary John Tahsuda: Maybe I understand what you're saying a little bit better. Let me try to make sure I'm clear. You're saying hypothetically you have a parcel of land that is BLM land, public lands, and there is PILT paid to local communities for that, that land gets transferred to a tribe and eventually is taken into trust for the tribe and the PILT payment stops. Is that what you're saying?

Kitcki Carroll: The way I understand it, the way that the Administration reported out, so for BLM land that because there is PILT paid and I don't have the number in front of me, but they reported how much they have paid in payment in lieu of taxes over I think it was a 10 year period of time, whatever period of time it was, that's what they reported and that was for those lands going into federal ownership. What I'm saying then is, on the BIA side you have previously fee land going into federal hands so there's that same loss of revenue, tax revenue. So the question then is, if you're doing it there, why aren't you doing that here? So that's where we were starting with the inquiry. The new layer to this is it was never with the understanding that the land actually is fee land just held in trust for the benefit of the tribe. So it's the former part of that statement that makes this even more interesting in terms if it is in fact still considered fee land it begs the question then, why are taxes not being paid on it if it's considered fee land? So how are you getting around not paying the taxes on what's technically considered fee land?

Principal Deputy Assistant Secretary John Tahsuda: So that's why I was trying to make the distinction. It's not fee land that's taxable. This is government land, it's not taxable.

Kitcki Carroll: I don't understand the distinction. So part of this conversation, John, just out of respect for you please, it started before you walked into this room. So there was a very specific comment made about this which is driving my questions about this. It was framed as, 'Most people don't understand that these trust lands are actually still fee land.' So that's what caused my question: if they're still considered fee land, why are taxes not being paid on them or why isn't there a PILT to account for that. That's the only place that this is coming from.

Principal Deputy Assistant Secretary John Tahsuda: I don't want to talk around in circles here, but you can call it fee or whatever you call it but it's government land. When you're saying it's taxable, that's only if it's individually owned. So if you're saying this was government owned property, you can call it fee, you can call it whatever, I don't refer to it as fee because usually fee title is given by the government with the underlying ownership of the land, in this case the United States owns the continent. Fee title is then distributed to individuals. In the case of states, they have the legal authority to issue title. You have it layered—federal, state, individuals, right? It's only the individual who gets taxed on it. That's over generalizing.

Kitcki Carroll: So fair enough. So the only thing I would say then in response to that, so then what was the relevancy of saying, most people don't realize that this is fee land, to your response is, it doesn't matter what you call it. Well, there was a comment just made before you made that comment specifically saying that this is fee land and people don't recognize that. There's an inconsistency in those two statements.

BIA Director Darryl LaCounte: That's not exactly what I said, Kitcki. I said that people think that Indian lands aren't taxable because they're owned by Indians and all I said was, that's not the case. The case is that the supreme sovereign holds ultimate title which is the United States Government and the state can't tax the United States Government because it's the supreme sovereign. If I confused you with how I presented it, I apologize.

Kitcki Carroll: I understand. That's why I started my question with, can you please clarify.

BIA Director Darryl LaCounte: Have I?

Kitcki Carroll: It just seems like it's coming back my way. I'm just asking for clarity with something that was put on the table. So that's a little bit of a message from what you initially said but that's exactly why I was asking for that clarity.

Vice-Chairman Terry Tatsey: Not so much a question, but something that we've been dealing with for the last few years for the PILT money. The PILT money is payment in lieu of taxes because of the services that are supposed to be paid to provide emergency services, law enforcement services, or whatever to public properties controlled by the Federal Government, in our case Glacier National Park, Lewis and Clark National Forest. In reality for our tribe, because they're adjacent to our reservation, the Blackfoot Tribe provides the most of these services in law

enforcement and emergency services yet the county gets all the money to do these services, which they don't help us out with. So we've been kind of having this discussion for a few years now in how the tribes can become eligible for when you have federal property that's surrounding your reservations to provide these resources, to provide these services because the entity that's getting the funding isn't doing these services. So we're working with the University of Montana Law School and some others to start addressing these things, but when Former Secretary Ryan Zinke was in office, I posed the same question to him back in Washington, DC and the response I got was really kind of interesting. I think this is something that it's clear as mud internally, I'll just say that. When I asked Former Secretary Zinke, I said, 'This is what's happening. Pondera County and Glacier County is getting all the money to provide these services in law enforcement and emergency services yet the actual responsibilities fallen within our tribe and we're the one providing these services because of our proximity to situations. Why can't we become eligible for this funding?' And his response really surprised me. He says, 'Terry, I just signed a bunch of those documents a couple weeks ago, the PILT forms.' He says, 'I didn't really know what that funding was about.' And that was his honest response to me. So internally, and I don't know what the current Secretary's position or understanding of the PILT legislation or responsibilities are, but I think at this point we as a tribe are positioning ourselves to say that because we provide these services in Glacier National Park and we also provide them in the Lewis & Clark National Forest, which is a whole other department that the tribe, our tribe, should be eligible for this funding to provide these services that we do. That's the reality, so I just wanted to share that.

BIA Director Darryl LaCounte: I'll give you this year's numbers so far. We've processed 96 cases to the tune of 15,671.91 acres. 21 one of those were for agricultural property, 26 were for economic development, 25 of those properties were for housing and 24 were for infrastructure. We're a little over halfway there for the year, but that's a calendar year not the fiscal year.

TIBC Attendee: Does that include the property in New Town, North Dakota?

BIA Director Darryl LaCounte: I assume it did. I just got this report today. I hope it did because I have to depend upon my people to send me the right stuff.

Chairman Ron Allen: We'll continue to get updates, Darryl on where we are with regard to the process and how we can try to keep improving the conditions of the process. I know from personal experience that sometimes it's challenging if you take land and you're going to use it for something else, you're going to declare that you're going to use it for something else and we just don't want a higher standard than you see out there in between counties or between states and so forth. They do it all the time. They butt up against each other's areas of jurisdiction and in Indian Country you shouldn't be held to a higher standard if they acquire land for a particular purpose for that benefits their community.

BIA Director Darryl LaCounte: I agree. It just occurs to me...Mr. Tahsuda asked me about a large property on the Mandan, Hidatsa and Arikara Reservation in North Dakota. My guess is, John, is that that hasn't been recorded yet and so what I'm getting here is acreage that has been recorded in the system. It's in trust but you have to pick a point to where you start counting it and I made that determination years ago. 'Look, until we record it in our system and we declare

it in our title system of record, I'm not going to count it.' So shame on me. There probably is an additional 12,000 acres on top of that. I took the blame for that because we were all over the board. Some regions were counting it at the time the deed was signed, some were counting it when it was recorded, and some were counting at different phases.

Chairman Ron Allen: We know there's a lot of applications that are on third base ready to go home. On the BIA update, is there anything else going on within the BIA that we need to be aware of? Any changes?

BIA Director Darryl LaCounte: I'd like to talk just briefly about the move to Albuquerque. I know that's still flying around that that was a reorganization. It wasn't. It was in the plan long before Secretary Zinke announced the reorganization. Essentially, when I came in it was already in process and I came here in February of 2018 and I think he announced the reorganization in January of 2018 but this was in the process. I could have stopped it and I chose not to and here's why, exactly why. Here we sit in Alaska four hours different time zone from DC. If you're in Alaska, you had, at best, four hours to deal with people in DC. 95 percent of our lands are west of the Mississippi which is the Central, Mountain and Pacific time zones, plus Alaska. So I thought it best to put it in a location where it provided the most amount of accessibility to all tribes. I also think that we will have an easier time recruiting for a lot of vacant positions that we have in trust. Again, I just want to say that out loud because it wasn't ever a part of the reorganization and it isn't now.

Principal Deputy Assistant Secretary John Tahsuda: Darryl's had the full support of the Assistant Secretary's office and really the Secretary's office in this and part of it is the efficiency of operation that Darrell mentioned. It also has a side benefit to us on our budget. The office space in Albuquerque, which we have a large office space and it's underutilized, is half of what we pay in DC. So the more that we could get people out there doing the same job and doing it better because they're closer to where they need to be doing the work, is better for all of us.

Head Councilman Joe Garcia: The training center and the technical capabilities over there as well and you're right, it has been under-utilized but now's the time to put it into use.

Justin Parker: I guess a couple comments in regards to the points you made there. So based on that logic, you would think Trust Services would be in Seattle area or something like that relative to Alaska. But it creates for us, we're in DC half a dozen times a year if not more. Go to Albuquerque about once a decade and so having Trust Services down in Albuquerque is not ideal from that standpoint. Now maybe Alaska has a different perspective on it, but for us our move is to DC in trying to work with as many people as we can in DC versus having to add another trip down to Albuquerque. So that's just one point on that move. The second move I don't quite get, John, what you said relative to the cost of moving to Albuquerque being cheaper. I get that in that sense but is AS-IA giving up that space to other agencies because you're just going to be moving other employees around that would still land in that position, so I don't get the logic on your comparison on the square footage aspect I guess or the cost of living.

Principal Deputy Assistant Secretary John Tahsuda: It would give us the ability to consolidate our footprint within the main Interior building which is the most expensive piece of office space that we use, probably within the whole Department I'm sure it is too. We have significant space out in Reston also which is significantly cheaper and we have a lot of people out there for that reason. Not that there would be dramatically shrinking the number of people in DC, but to the extent that we can save back office dollars on administrative overhead to me it benefits everybody.

BIA Director Darryl LaCounte: I'll take his first comment please. I didn't take the plan 100 percent. I did make some adjustments to it because I knew that there needed to be people in DC. Initially the plan was to move the Director of Trust to Albuquerque, which I changed that and I added an Associate Deputy Director exactly for what you just spoke to, to where when you come to DC there's somebody other than me to talk to.

Chairman Ron Allen: That's helpful, Darryl, because Justin's point is well taken that when tribes do come into town they consistently want to be able to deal with policy matters and having to reroute and head for Albuquerque to get some problem issues resolved, that is challenging for us. For us, it's inefficiency of our resources too that's limited. We get John's point, but there's the counter efficiency point with regard to our time when we go into DC to deal with policy matters. We do need to keep moving here. What I'd like to do before we take on the next topic which is the DOI Wildland Fire update, we have one resolution that was modified and I'd like to be able to get that done so it doesn't get lost at the end of the meeting. Tyler, can you pull that up, the modifications that Navajo wanted in it so we can consider that and maybe get that passed now before we have our last presentation.

TIBC Resolution Consideration

Tyler Scribner: Yes, sir. So generally, what we've done is a correction to my original draft to expand the scope of this resolution from the JOM program lines to scholarships and adult education program lines and the restoration of any proposed reductions or eliminations for education program lines. The first page is mostly static clauses that memorialize the purpose of TIBC. This whereas clause here that you see on the screen regarding Johnson O'Malley I left in place. However, we expanded and subsequent acts were passed. We took all of the specific references to the JOM and we expanded them to education, construction, scholarships, and adult education funding. In the rest of the whereas clauses there were just technical corrections to expand that scope to what Mr. Speaker of the Navajo Nation had suggested originally: to be inclusive of all the programs.

I'm going to move to the resolve clauses where we memorialized that specific list, per the Navajo Nation delegation. That list is construction, education construction, replacement/new employee housing, replacement school construction, replacement facility construction, scholarships and adult education, special higher education scholarships, and the science post-graduate scholarship fund. We also corrected the other resolve clauses to expand the scope to account for those programs. And finally that the scholarships in adult education program line item shall be forward funded so that short term interruptions, inconsistencies, and delays in

federal funding do not perpetuate and endorse the United States government's violation of its treaty obligations and trust responsibilities to tribal nations. And then to finally capture the last piece of the motion was to specifically call upon the Senate Committee on Indian Affairs and the House Subcommittee for the Indigenous Peoples of the United States to advocate with the Administration and in Congress, including with appropriation subcommittees of jurisdiction for the BIA/BIE budget policy solutions proposed by the Tribal Interior Budget Council.

Chairman Ron Allen: Good edits. Any questions?

Chairman Russell Attebery: I'll make that motion.

Head Councilman Joe Garcia: Second here.

Chairman Ron Allen: Let's get it on the table first. Who motioned?

Chairman Russell Attebery: I'll make that motion.

Speaker Seth Damon: Second.

Chairman Ron Allen: Okay, motion by Buster and second by Seth to approve this resolution. So for discussion. Justin, do you have a comment.

Justin Parker: Yeah, I see the word forward funded but a lot of times we've been using advance funding so is there going to be an issue with that at all in terms of the consistency that's coming out of this?

Tyler Scribner: With respect to that resolution, the specific language request that was put to the floor was for forward funding. I did some research when drafting this resolution for the body. There is a slight difference between advanced appropriations, forward funding, and advance funding and that is essentially when those funds become available and how it's calculated against various budget and spending caps. In the instance of the scholarships in higher education, it appeared as if for the purpose of this resolution, forward funding would be the most efficient.

Chairman Ron Allen: It's a typical school year timing, right? I think that's what the deal is so that's why it's different than advance funding. Any other questions? Kee Allen, did you have a question or Seth? No. Further discussion? If not, all in favor say aye. Opposed. Abstained.

Motion carries. Our last item before we get to old business, DOI Wildland Fire and that's Jeffrey Rupert.

Office of Wildland Fire Update

Office of Wildland Fire Director Jeff Rupert: Good afternoon, everyone. My name's Jeff Rupert. I'm the Director of the Office of Wildland Fire, Department of the Interior (OWF) and I have a short presentation to share with you all to provide an overview of what we do in the

Office of Wildland Fire. It's been a few years, I think, since the Office of Wildland Fire joined this group, maybe three or four years and so I really appreciate the opportunity to come and share some information with you. I'm most comfortable talking. The presentation I have is fairly short. I invite you if you have questions while I'm going through, please ask them. Prefer easy questions, but I'll try to answer hard questions as well. And of course I'm very interested in any feedback.

To start to give you a sense, the Office of Wildland Fire in Interior, in the Department of the Interior is responsible for all of the policy, coordination and development, program oversight and accountability particularly with regard to budget development and execution for the Wildland Fire Management Program. The capacity for the Wildland Fire Management Program lies within the four land management bureaus in Interior so that's Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and the U.S. Fish and Wildlife Service. As we perform our functions within the Department, we coordinate and facilitate heavily with those land management bureaus. To give you a sense, and I'll share some budget numbers with you as the presentation gets going. To give you a sense, at OWF we account for about one percent of the capacity in the Department. The remaining 99 percent of the capacity lies within those four land management bureaus. So all of the operations occur in the bureaus. One of the fairly unique aspects of the Wildland Fire Management budget in Interior is that it comes in as a single appropriation to the Department of the Interior and then OWF, we essentially allocate that appropriation to the bureaus. Contrast that with most of the operational funds within Interior are appropriated directly to the land management bureaus and so this has a slightly different character. So budget highlights. You can get a sense there of where we are with FY19. Worth noting in FY19, if you think back, the omnibus was passed in mid-February. The prior 35 or so days to it being passed, if you remember, we were in lapse and so there was a government shutdown. That gives you a sense of where we're at. If you look at what has been published for the 2020 President's budget, you can see some of the distinction between some of those values... I'm going to go to the next slide here to give you a sense of how this has worked out the last few years. So, since 2017, generally speaking, our budget proposals, the President's budget have been somewhat similar to what you see the proposal for 2020. The FY 2019, 2018 and 2017 figures you see there are the actual appropriations and what was enacted. So Congress has been fairly persistent over the last few years in terms of what they've done with the budget proposal. If you can't really see those numbers, there's the 2020 that just shy of \$920 million figure that you saw on the prior slide and then those following...the three prior years, that's right around just under \$950 million so \$945 million to \$948 million that Congress has actually appropriated.

Rick Harrison: Jeff, on the prior slide there was one line that said BAR. What does that stand for?

Office of Wildland Fire Director Jeff Rupert: Thank you. So BAR is Burned Area Restoration. So the appropriation has several major sub-activities. The largest sub-activity that you see up there is suppression. Suppression is essentially when there's a fire on the ground that's being responded to, that response is supported through suppression. Preparedness, those sub-activities are the funds that are used to essentially purchase all of the capacity, pay the salary, buy the equipment to essentially prepare for those suppression activities or the initial

attack activities when a fire first gets reported. Fuels management is funding that supports vegetation management and that can come in a lot of different forms. It can be prescribed fire, it can be mechanical, thinning, mowing. A lot of different activities are supported under fuels management. And then BAR is Burned Area Restoration. So after a fire occurs, there is some support for restoration funding to come in after and revegetate or to try to recover acres that were impacted by those fires. I also point out, in the 2020 President's request you see note of cap adjustment of \$300 million. If you follow the fire budget, you would have seen in 2018 a lot of reference to the Fire Funding Fix. The Fire Funding Fix was an adjustment to the spending cap for the entire federal family. So the appropriation is developed or is processed through Congress, Interior and Forest Service as well for fire. There was a \$1.2 billion adjustment to that cap. That adjustment can only be used to support suppression activities. Essentially it creates almost like an emergency management account that if we overspend in suppression, which is not uncommon, with the fire budget particularly on the agriculture side and the Forest Service side, although it does occasionally happen in Interior as well, there is access to an additional \$1.2 billion to meet those needs and we've made some initial splits with that cap adjustment and the Interior piece of that \$1.2 billion is \$300 million. And then also within the 2020 budget, Interior along with Agriculture has proposed a number of legislative categorical exclusion proposals to go along in association with the budget. The idea being to reduce the time necessary to meet all of the NEPA compliance that's required when we are doing fuels management work.

Within the budget, in addition to the allocation of fuels management funding, we have a couple of tribal focused priorities within the budget. These have been in place for a number of years. One is reserve treaty lands sort of focus here, and it's a \$10 million focus that's been in place I want to say since about 2014, maybe 2013 and essentially those are fuels dollars that go to tribes every year to support fuels projects on the ground. This year there were eight new projects that were funded under that particular program and then an additional 34 projects that are already in place and that funding was continued.

Through the policy lens. In December of last year an executive order, Executive Order 13855 was issued by the President. It identified a number of priority issues to focus on through a Wildland Fire lens. With the stated purpose to reduce wildfire risk, it directs both Interior and the USDA, so the Forest Service to collaboratively develop a new Wildland Fire strategy by December of 2020 and it has a number of provisions within it. The secretarial order is essentially Interior's policy to implement the executive order. There are a number of provisions within both of those orders that are largely focused at essentially informing the development of a new strategy for 2020. The Executive Order includes a number of specific land management targets. So fuels management, acreage targets, timber targets, road maintenance targets as well as some invasive species management targets.

Juana Majel Dixon: We have Stewards of the Cleveland South in California and as you know, as we move into this time period which is the fire season, all of the forestry guys leave. It then falls back to us to really do a lot of the heavy lifting then and we've done a great fuels reduction process. We have an extraordinarily large masticator that does that and it's been a pretty good thing to have done, but I wanted to ask you a question. Your answer will help me understand this. I know under EPA and inside the Bureau as well we have to have a hazard mitigation plan.

In that hazard mitigation plan is where all of you declare essentially the makeup of your lands and the values of your lands and your resources, everything that is natural resources in the forestry side of it. We're one of the few tribes in the south that actually has a forest and that being the case, it puts us like kind of in the outside of the larger net of tribes with a forest in their territories. It's similar to here in the clear cuts and fuels that build up and if the fire were to strike and you didn't have a hazard mitigation plan, you could not have a successful burn report that would replenish and do the replantation, the reconstruction of the forest in terms of bringing it back to a new life. I'm certain those of you who do the forestry work probably are aware of this, but there's a balance that has to be done prior to getting that implemented and I saw that you had that up there even with this order and with the Stafford Act being able to declare your natural disaster help mitigate that. But it comes with a few provisions. And so my question to you and I'm aware of what you're talking about because I'm the Natural Resource Director for the last 17 years for the tribe and have gone through many fires that way, but is there a way to prepare the tribes or at least get a list of those who need to step it up because it can take up to five years to get that hazard mitigation plan approved through many renditions and modifications and yes there's money in there and if you get to the edge of where it's approved, they give you money to do the final revisions. It's a pretty good relationship. I just haven't seen you really speak to it, but you know what I'm talking about.

Office of Wildland Fire Director Jeff Rupert: I think I do and I don't want to pretend to know more than I do. I think we're sort of starting to talk about some of the like post disaster mitigation assistance that's available through FEMA. And so everything I've showed you up to this point and all of the support that's coming out of the Interior Wildland Fire Management budget is exclusive of FEMA grant and FEMA support. So maybe a couple of thoughts. One in terms of identifying tribes that might benefit from a more sort of focused pre-fire, pre-disaster planning. Who we work really closely with in Interior Office of Wildland Fire in particular on tribal fire issues, we spend a lot of time with ITC, Intertribal Timber Council. In fact we're in the process of trying to develop an MOU to make that relationship even closer than it is. I think that's one place where my head goes in terms of maybe opportunities to take advantage of some real knowledge in existing sort of expertise in that direction where we already have a lot of good work going. I'm not saying that's the only place but that's one thought. The other thing I'll mention is part of what the executive order has done is it has sort of focused the attention and a sense of priority towards fire outside of just the federal fire sort of program, federal fire family which is us and the Forest Service. There was...I think it was just this past year, some of the FEMA authorities were adjusted, legislatively amended and in particular the FEMA pre-disaster mitigation state grant program was expanded to allow for more of a focus specifically on fire. And I can tell you that we've had more real engagement with FEMA staff at a career staff level over the last say six months than we had for a number of years prior. That's, in fact, one of the things I'm really excited about is we're talking more about active management is a term you hear a lot and I'll be the first to tell you, 'Look, active management is like this big tent term because it means a lot of things.' It might mean commercial timber for an individual, an organization or tribe that's managing commercial timberland. It might be grazing for an organization or individual or tribe that's managing a grazing program. It can be mechanical thinning. It can be prescribed fire, which is a tool that you hear talked about a lot across the fire community. There's definitely much more of a focus on and a recognition and I think an increasing

acceptance that...to really start to address this catastrophic fire trend that we've been on across the whole country and those of you in Alaska have really been living that this year in particular. It's been an exceptional year here. Having vegetation and fuel on the ground to carry those fires is really like the one thing that we can actually manage before the fire occurs. I'm actually pretty optimistic that over the next couple of years I think we might actually make some success or have some success and find some ways to better connect some of the FEMA disaster grant programs, particularly that pre-disaster grant program. At least in my simple mind is an opportunity to sort of address that question of where do we find the support and the capacity to do this kind of planning, to do the kind of preparation that we can expect would actually reduce a risk to a community or a resource or whatever the case may be. So we're definitely trying to pull in that direction.

Juana Majel Dixon: You're absolutely right. We're part of the Intertribal Timber and what you describe I think Alaska, in helping them staying onboard you've done a good job and those of you who are leadership in forest areas, I know that Buster and I were talking that what we've achieved... As you know, we're fire country where we are and we've been watching the weather patterns and we know the cycle of storms only come every few hundred years and they're here now and Alaska certainly is being...and people don't understand, you cannot outrun that. It is a system that will pass you. Just be aware. And I'm trying to figure out... I didn't notice in here and I know you've got the orders up there and stuff and maybe you can get it to us later and we can share what we have to mitigate that so that we can get...we know Alaska's being hit. But we have our fire crews, we have our hotshot crews and stuff that respond and in anticipating this fire season where we know that all of the federal side in the forestry gets laid off, we take over as tribes and I don't know if you've been given that opportunity as tribes in Alaska and other parts of Indian Country where you have forests to be those shot collars during those kinds of storms. Buster and I were talking about it, because you area already working the Intertribal Timber Council that we should probably hook up to makes sure that we get everybody on page because we're moving into that season pretty fast.

Wildland Fire Director Jeff Rupert: If you don't mind, I might just give a quick kudos to ITC as well. I think in my mind everything that you're speaking to sort of is part of that real...I think it's a crisis for all of us. The trend of larger, more catastrophic, more impactful, intense fires is something that we can clearly demonstrate. In my mind there's not really an easy button to push to fix that. It's a hard, complex, big challenge. Where I think some of the really good dialogue in terms of, 'Okay, how do we start to get in front of this, how do we start to catch up on fuels treatments across a continent?' How we change this trajectory we're on is with a group called the Wildland Fire Leadership Council. ITC is a sitting member on that council and ITC is one of the really strong voices in terms of the importance of focusing on work not just how do you respond to a fire when it's burning into a community and having this...and impacting values and resources but that the real work is actually the work that needs to occur before the fire occurs to reduce the fuels.

TIBC Attendee: I'd like to in terms of the interagency collaboration, Alaska villages at one time had 77 village crews or thereabouts and now has been dramatically changed to probably less than 40. We've been trying to make headway in terms of increasing village fire crew participation not

only in the State of Alaska, but in the contiguous 48 states. However, we've been having a hell of a time with agency staff making decisions without tribal input. We were told that the BIA represents tribes in the interagency. I have a gentleman here who has been a crew boss for a number of years and has been very frustrated with the system that we've been dealing with for the last 15 years or so. I'd like to ask him to come forward to give you a perspective of the problems that we're facing and would like to wrap up the question by asking who in BIA represents the tribal interests in regards to the interagency coordination.

Pat McCarty: Good afternoon. Thanks for the budget narrative there. Fire suppression money, all that. My name is Pat McCarty. I represent the Ruby Tribal Council, Secretary-Treasurer of the Council. Fought fire for many years in the early '70s, late '60s. Been a crew boss for...since the early '70s, a crew rep, strike team training. By the way, I also served on representing Tanana Chiefs Conference (TCC) on the Intertribal Timber Council a few years back so I'm aware of what the Intertribal Timber Council represents. At the time it was mostly sawmills on reservation land, etc. There was very little discussion of fire suppression and how can we get our reservation people jobs on fires, etc. I brought up at one meeting, they were talking about getting crews over from...down under it was and there was no real...it didn't bother anybody. I said...so I finally said, 'Are they bringing crews from Indian Country to Down Under to fight fires?' They all looked at me and said, 'No.' Then I said, 'Well, why are we supporting that?' That's where I come from. We used to have 70-some fire crews in our villages across the state. Now I think we have something like maybe 11 and it's mostly because in my view they put too many silly little regulations out to stop our village people from being interested. And by the way, being the crew boss and the crew rep and the strike team trainer over the years I've never once been encouraged like to go up the ladder. By now with all my experience of fighting fires, I could probably be on an overhead team. But did I get that opportunity? No. And very few of our village people had that opportunity. But yet today now we have water scooping planes, we have that big jet that's probably costing millions of dollars, we have smoke jumpers coming in just by the planeload and yet we have our tribal members in our respective villages walking the street wondering what the hell happened. Our village people, by the way, because of our lifestyle don't need no college degree in forestry to be a firefighter. They're competitive, they're hardworking, they're firefighters by nature because we grew up with chainsaws in our hand. We had to cut wood to heat our homes, etc.

Now I want to mention just a little bit about fire suppression dollars, training dollars. Through the Alaska Fire Service that manages all that money through BIA that we've never seen any check and balance by the way, we've never seen any of our people on those boards. We're not getting people trained to be whatever in the fire business. But yet...and we don't even know by the way, I've never seen a breakdown of how much has been spent on seasonal people. Those seasonal people are getting benefits, they're getting retirement benefits yet our EFF crews are just that, emergency firefighters. They don't get no benefits. They don't even get toward their Social Security. It's not even recorded. Is it fair? No. There's a big movement to eliminate the village people from being EFF firefighters, in my view because there's more of an interest to take care of your seasonal people, your friends, all those to justify the fire scooping planes, to justify that big plane that drops retardant, smoke jumpers. In short, there's big money in it. So we get the short end of the stick and I think it's wrong. I think that all those little regulations they

keep coming up with on getting physicals, getting all that. By the way, I did that this spring. I figure at my age I'll at least get a free physical out of it. I passed it. I just didn't take the required pack test which I think by the way is an unfair system because I've been on fires in America where...many fires and many fires as a crew rep and I've seen a lot of people that one look tells me that there is not way that they can walk three miles with 45 pounds on their back, but yet they stand out there. I've seen potential firefighters humiliated because they're riding alongside of them with bikes, the seasonal people and telling them, 'You've got one minute and no running,' and all of this stuff where it's not a fair system. In short I guess, everything about firefighting in Alaska is unfair in my mind. Thank you.

Office of Wildland Fire Director Jeff Rupert: Thank you for your feedback and I will say in terms of the medical standards that you refer to, yeah, I am aware and those medical standards have been changing over the last decade and becoming more rigorous and I am aware of some of the challenges in Alaska, particular. I know we've had an exception in place over the last two, maybe even three full years in terms of applying those medical standards, trying to find some pathway to address the challenges and I appreciate your comment.

Pat McCarty: Additionally, this summer was a record fire season for Alaska and it's still happening. It's winding down of course with the inversion, but there was a lot of the village people hired as camp crew people when they should have been out on fires earning a few dollars more. Those kind of things are just unacceptable. They talk about equal opportunity. I think in my mind personally that there should have been a lawsuit in place several years ago when this first started happening and probably still not too late.

TIBC Attendee: Who in the BIA hierarchy so to speak is assigned to represent BIA on the interagency?

Office of Wildland Fire Director Jeff Rupert: Within Interior, BIA has a Fire Director in Boise who sits at NIFC that is responsible for administering all of the BIA activities within the fire program. His name is Leon Ben and he's relatively new to the position. I will also share with you, the Interagency Fire Community is not just a federal family, as most of you know it's also state fire management programs and increasingly local fire management programs, tribal programs and together they make up the Interagency Fire Community. In August of last year at the peak of fire activity across the United States, there were 30,000 firefighters on the ground. About 10,000 of those firefighters were federal, the rest were state, tribal, local, contractors. And the organization that's responsible for developing all of the standards so that that sort of diverse group can work together on incidents is called the National Wildfire Coordinating Group (NWCG). NWCG is who sets the standards so when we talk about the changing medical standards for example, NWCG has identified those changes. That's largely been in response to the reality that on average we go into a new year knowing that we're likely to kill between 18 and 19 firefighters that season and it's a reality that we've desperately been trying to change and that's a lot of the reason that the medical standards have been developing and becoming more and more rigid to try to help start to address some of that. And ITC is a member of NWCG. There is in addition to the BIA...a BIA sort of voice in advocacy on a lot of these issues for the standards, ITC is a part of that as well.

TIBC Attendee: I would strongly recommend that the BIA since it represents the Native American interest in this interagency that he meets with the Alaska Native fire crews. We've called for that before. You've got to understand, in the State of Alaska there's a high level of racial prejudices. It's real, it's very blatant and nobody cares. For example we had the newspapers here in Fairbanks at one time used to publish the names of Alaska Natives being charged with certain things and then finding out which village they're from and they're publishing that. They don't do that anymore, but they still do a great deal of bias based policy decision making and firefighting is the arena in which it's most obvious. We've been fighting this change for a number of years to no avail, really. We have lost every step of the way and right now as it now stands EFF village crews are no more, just period. It so happened that they had a record fire season this year so they hired a lot of the crews, but most of them went out as fire support group which does not require physical tasks or anything. I would recommend that the BIA person that sits on this interagency meet with Alaska Native crews. You can start with the Tanana Chiefs Convention which we have every March of every year. Thank you.

Chairman Russell Attebery: Buster Attebery from the Karuk Tribe located in Northern California. I was going to wait until you finished your PowerPoint presentation but the Alaska tribes provided a perfect segue into what I have to say. In Northern California, I grew up there, it was a very pristine area. There was steelhead fishing. We used to have a sign up in Happy Camp, Steelhead Capital of the World. There was salmon fishing, we have bear, we have elk, we have deer. People used to come there as tours and when they'd leave sometimes they'd say, 'Well, this is like a little Alaska.' So again, that's part of why it's a segue. But on the same lines and I know Mr. Tahsuda's heard this conversation before. I made it at the NCAI meeting over in Reno.

I want to disagree with one thing. I think there is an easy button to push and that button is to allow the tribes in regard to fuels reduction, fire management, forestry projects a seat at the table and co-management in these areas because what we're talking about in our area, the Karuk Tribe, the indigenous people there, used fire to reduce the fuels for thousands of years and we didn't have these catastrophic fires. We had a clean forest floor. There was multiple purposes used in the way they did fuels reduction. It was a time of the year during drought years where it's approximately 75 miles from the coast and we depended on that fish run and when they used these fuels reductions those times it would create an inversion layer that would actually lower the temperature of the river and trigger that fish run to start coming up the Klamath River. Over the years, and I'm saying 100 years ago, it became against the law to use fire to reduce those fuels. We have a comprehensive program called TREX. We actually do training that brings in and you may have heard of it, it brings in different agencies and we train them to use fire to reduce the fuels. Even though we're recognized there locally, we still can't get a seat at the table to offer our expertise or tribal ecological knowledge, if you will, on the fuels reduction, forest management and we're talking about the whole process, right down to the replanting process. Whenever the government and years ago and I know it's a lot better now, made these decisions and they don't live there, without consulting with the people that live there, it never worked. It's right down to the replanting process or the logging process. The tribe was in favor of logging, but they were in favor in a way that restored a healthy forest. Not clear cutting, not just to make the almighty dollar. That's what happened. And then when they went in and replanted, they forgot to take into

consideration Mother Nature's way of replanting and therefore they planted too close together which as a net result we have...the logging that we have basically in those areas now is thinning projects. Two problems it causes. One is when they have too many trees like that there's a fight for the water and the sunlight and the other one is they end up growing very small diameter which causes more fuel for the fires. You probably heard all this. I would like to advocate for our federal partners...and again, I get back to we do get some good response from our federal, we do get some good response from the state, but when it comes to the local level, our fire crews are like Alaska's fire crews. We're the last ones that get called out. Basically we do fuels reduction around our housing projects. Limited offers. We're the last crew to get dispatched. I don't want to go so far as to say there's prejudice there but it sure seems like it. That's my ask and I know Senator Feinstein is working on a bill, I'm not sure it's passed, it's just recent, to be more active in logging these areas so we can look at ways to help prevent the fires. Without that local seat at the table and tribal ecological knowledge, the same thing's going to happen. A quick example. A small town outside of Happy Camp, 150 people, and they have been to me...they have called the Chairman and said, 'How come the Forest Service won't consult with you or won't let the tribe implement their process for reducing these fuels?' It was two years ago, I'll say two or three years ago there was a fire in that town, it's called Horse Creek and the Forest Service came in and did their backfiring process. It's not a process that the tribe uses when there's 30 mile an hour winds and there's 100 degree temperatures. The fire got away from them and it burned some buildings. Well, you burn five buildings in a town of 150 people, that's a pretty significant change. They came to me, they're planning a lawsuit against the Forest Service and again asking the tribe, 'How come you can't convince the government to let the tribes at the very least enter into co-management agreement with these forests?' Even though we haven't been asked, we haven't been given that seat at the table, we're still preparing for that opportunity. We have a plan in place, we have a logging plan in place, we have again the fuels reduction that we do. We're ready to co-manage, to have that seat at the table, but we're still not getting any response so we're asking for help in this area because the tribes with the hundreds of thousands of years of experience backing them up have a lot to offer. Thank you.

Vice-Chairman Terry Tatsey: Good afternoon, Jeff. Terry Tatsey for the Rocky Mountain Region, a member of the Blackfoot Tribal Business Council. I just want to share a historical perspective in a lawsuit that led into...that happened with our tribe and Glacier National Park, but I want to kind of set the stage for you with a scenario that happened. I'm glad to hear the gentleman from Alaska talk about the challenge of being operations for a number of years and getting into these overhead positions because that's all the challenge for our people. I was glad to hear that. Probably in the early...around 1990s, 1980s there used to be an organization in Montana called the Montana Indian Firefighters Organization/Association if you will. And I don't know what the overall number of red card holders were at that time within the state or within that service area but just for our tribe alone we had 1100 red card holders, tribal members on our reservation that were certified sawyers. They passed all the physical examinations, the backpack test, all these things. And they were ready and our tribe was called out a lot. One of the things that kind of hurt that whole process is when they went to the contracting process. Because tribes or individual tribal members didn't have resources to get equipment, to get insurance, to get all these things that are required to do contracting on fires, it really eroded the resources for fire suppression from tribes. And so that basically started to really hurt our tribes economically.

We didn't have seasonal employment anymore. But something happened in 2006 that a fire began in Glacier National Park and our tribal experts were not allowed to go into Glacier National Park and do the investigations. From the stories and the people that were within the park in the area it was said that fire was started by a camping organization that had a campsite within Glacier National Park. We never did get to see the results of the investigations, but it led to a 13 year lawsuit by our tribe. And so if this Interior funding for fire, I'm glad to see these things...executive order and all these because these are things that kind of evolved from what happened with us. We put a valuation on our losses, the market analysis. We came up with over \$31 million in losses for our local tribal members, our logging industry. That's the value that was put on them prior to me getting on council. When the settlement finally happened last year with...between the Interior and our tribe, we just got over \$1 million for all these losses that our people incurred and our tribe as a whole. But I say that for a reason because if they would have left the resources in place for us to do our own fire suppression where we had the resources to do that and to have these understandings and agreements with Glacier National Park at that time instead of a reaction, it could have been a plan. We wouldn't have lost so much. Now we're in the regen stages again of that Red Eagle Fire and so we're going to be looking at a very dense regrowth which is going to lead to potential intense fires again and we're getting the increased numbers of visitors to Glacier National Park. We're seeing...we jumped...the numbers that... I work with Jeff Mow, the superintendent there. They went probably the last 15 years from 1.5 million people to well over 3 million people now. Those people are coming there for a reason and it's to see the reduction in glaciers in Glacier National Park. They always make the joke that sometime it's going to be called No Glacier National Park. What we've got to prepare for and we've got to plan for as we see the climate changing and temperature increasing, we know that at some point in time we're going to have this intense fire leave the park. We're on the eastern side of the park. It's going to come onto the reservation, we're going to experience the same thing, maybe more intense, maybe potential life loss and so we've got to plan for these things. So we need resources and I'm sure all the tribes do throughout the United States to start building that workforce that we once had that was taken away through contract processes or we need to have a way for our tribes or our individual tribal members to get liability insurances and resources to create these contract teams to be out there doing these activities. We have one Type 2 crew left and my brother-in-law is the superintendent, team leader. They were just up here in Fairbanks a few weeks ago and they left but if there was something to happen back home and there was fire, our firefighter hotshot team would have been up here, we would have nobody on the Blackfeet Reservation that was certified, credentialed to go out and fight fires. So we've got to start having resources put back in there, create our own workforces and have them fire ready.

Office of Wildland Fire Director Jeff Rupert: Thank you. I had a workforce slide on here and you've hit on a very acute challenge that we've got and it is the wildland fire workforce and it's exactly as you said. It is more difficult to field incident management teams now than it was a decade ago and there are lots of issues around that. And it is a real focus in trying to come up with ideas and solutions to start to address that. That kind of engagement is going on right now and I keep talking about ITC because ITC I think is...has such a good focus on a lot of these issues. That's one of the primary sort of priority topics that we talk about with ITC and more broadly is that workforce issue and trying to come up with some solutions. Certainly I think one

of the potential solutions that has been identified as we talk about that workforce issue is the opportunity for the tribes to be a part of that solution, for sure. Thank you.

Shawn Duran: Thank you for your information you're sharing with us. I come also from a land based tribe in Northern New Mexico and wildland fire is a very real reality where we live and many of the land based tribes here in this great State of Alaska, the Alaska Natives, I say just keep forward your issue and hopefully there could be a united effort to support that. I think that's in many other areas other than forestry as well. But I also want to make note in the Executive Order 13855, Section 6 it talks about collaborative partnerships and in there it talks about achieving land management, restoration goals set forth in Section 2 and it's calling for a reduction of fuel loads including 20 year contracts with states, tribes and nonprofit organizations, etc. My point there is if there is a contract that's given for that length of time and it's near a tribal resource or community that they are automatically included in that process because when it comes to wildland fire, it doesn't know jurisdiction. It's going to be across the board and I think with that there's a lot of, as the tribal leader spoke, expertise in knowing the hard terrains of those lands. I think it would be imperative to include these folks in those type of agreements if you know that they're near a tribal community, adjacent to it. We see that a lot with the Forest Service where they're right next door to tribal lands and yet there may or may not be communication or they're left out of the conversation. I would just implore you that if there are such contracts that last that period of time that are mentioned in this Executive Order that tribes are at the table that are affected by those contracts or maybe the contract is inclusive of their communities or with them, as well. So I just wanted to mention that. Also in Section 4 there's a part in there about unmanned aerial systems to maximize appropriate use and that would mean for tribes like in Taos we have a lot of cultural and ceremonial activities. I would just ask for coordination on the times of those type of flyovers if they're used because that could be an impediment to some of our ceremonial timeframes. So I'm just putting that out there. Thank you.

Office of Wildland Fire Director Jeff Rupert: Thank you. On the 20 year contract point, earlier when we were talking about co-managing forests, 2018 was kind of a big year statutorily. We had the funding fix which adjusted the cap and there were also a few other statutory amendments that came in 2018 and one of them was expanding authority to enter into contracts for tribes to potentially access federally managed forests that sort of prior had been available through stewardship contracts through the states. Now they're also open to tribes. So there is real opportunity, more opportunity today than there was say two years ago to do some of these things. Thank you.

Kevin Allis: Shawn, that's a good point and I recognize the fact that I do know that there are other federal procurements that involve projects that are in and around Indian Country, specifically with the formerly used defense sites where there has been an active effort to recognize not only the tribal community next door, but the culturally sensitive nature of the surrounding lands of the tribal community in that there has been situations in the past where contractors come in with no awareness and it has upset the apple orchard there. We would hope that that would be a consideration and something we should look at moving forward.

Office of Wildland Fire Director Jeff Rupert: Just real briefly a little bit about technology. The Dingell Act was just passed. It has a number of fire-specific IT provisions in it including expanded use of drones, as well as new technology implementing technology for more real time situational awareness as well as firefighting equipment, real time tracking. And so we have a lot of that focus work going on. No surprise to anyone in this room, a lot of the challenge there really isn't about the technology, it's about actually the connectivity to use the technology because so much of the wildland fire response that occurs is in remote areas that don't have that connectivity. A real focus. I will say DOI is recognized as really leading, particularly in integrating drone technology. BIA has been a big part of that within Interior as well. And so as we go further down the road of implementing that, I think there is a real opportunity to make sure that we're considering all of the values and I think we have a lot of the right folks at the table to make sure we're considering a lot of these issues and concerns. Two years ago we started a Southern Border Initiative and essentially its focused along the southern border. I think we have two projects right now on the U.S.-Mexico border specifically with tribes with initiative and essentially it's where we have some particularly Border Patrol officer safety sort of objectives that overlap with natural resource objectives and so we've been able to actually leverage some of this funding with Border Patrol so they've kicked in quite a lot of support to do actual on the ground work on the southern border. We talked a lot about the workforce. This just gives you an idea of what we have out there combined right now through Interior. I would just again make that point, last August there were 30,000 wildland firefighters on the ground on incidents and this just kind of reinforces the notion this is not a DOI only issue. It's not a federal only issue. It really is an interagency community and we can't have the kind of capacity on the ground responding to fires without that collaboration across a pretty diverse community. And that's it. Thanks.

Old Business/New Business

Chairman Ron Allen: We need to take care of some business here. We got two volunteers to be on the Contract Support Costs (CSC) DOI workgroup. Joe Garcia and Rick both volunteered. So I need a motion to appoint them. Do I get a motion from anyone? Okay, motion made and second by Terry. Further discussion of those two being our representatives from TIBC to the CSC workgroup. Any objections? If there's no objections, then that motion is approved.

We do have some old business that Tyler needs to summarize where we are, but before, we're targeting some dates and we just need you to put them on your radar for next year's meeting because we need Kevin at NCAI to negotiate the rooms in DC, as well as where we're going to go in the July meeting. But the dates we're targeting for next year 2020 will be either the week of March 17th, 17-18-19, or March 31-April 2. So one of those two weeks will be in DC, the main meeting that we have in the spring. In July we're going to target the 28th through the 30th. And then there's a bunch of meetings around November because 2020 it's the election. So we're trying to have the meeting before the elections so we're suggesting October 27th through 29. That would also be in DC. What region are we missing here that we need to go to?

[Open room discussion]

They were saying Lake Tahoe. Lake Tahoe is a good option. Would that work for you all? Lake Tahoe. Anything else, you guys? Northeast. San Diego's always popular too. Lake Tahoe. Do I hear any objections to Lake Tahoe? [No objections]. All right, we're going to target Lake Tahoe in July 2020. Other old business, Tyler we need an update on old business, anything that we need to be updated on.

Tyler Scribner: We sent a letter to the Hill, both the House and the Senate regarding a Broken Promises hearing to take place. Those conversations are ongoing and NCAI continues to advocate for those as well. I believe there are some recent developments, though I can't specifically speak to those, but that's moving forward. There was a letter drafted and sent to the Assistant Secretary for Indian Affairs that memorialized many of the motions and requests from the last committee. For the sake of time you can see those in bullet form under your Actions Tracking tab. There was an invitation sent to the Office of Management and Budget, OMB. They have accepted for the November meeting. We're going to follow up and make sure that they stay on and attend that meeting. We also invited the DOI representative from Policy Management and Budget, Scott Cameron, and Scott Cameron has also accepted for November. We sent a letter to the House and Senate in support of the Violence Against Women Reauthorization Act of 2019 and we also sent a letter to the House and Senate calling for enacted streamline funding enhancements, a 477 like authority for public safety programs. There is one outstanding piece of old business. We need to draft and send a letter to House and Senate appropriators to see if they'll attend the November meeting.

Switching over to new business. We have from the whole TIBC body a STAC like structure letter to the Secretary of Interior and to the AS-IA. That was voted on today. Letter to the AS-IA asking the Bureau of Indian Affairs and Bureau of Indian Education to require its regional offices to give year end reports, like the Eastern Region provides for its tribes and also to reiterate that attendance of the Assistant Secretary for Indian Affairs is important to tribal nations and to ask why the regional directors are not all here in attendance. From the TIBC body there was a motion that there should be a report from the Office of Self-Governance as part of the Tribal Interior Budget Council. A general report on the Office of Self-Governance's programmatic mission and its operational mission to be given by the Office of Self-Governance Director. For Public Safety and Justice Subcommittee there was a recommendation to the Office of Justice Services to have greater tribal engagement in the proposed Public Safety and Justice Summit. We heard that there were some caps on attendance. Specifically, those caps should be lifted and if they're unable to be lifted for whatever meeting size purposes there are that there should be additional meetings that take place. Also from Public Safety and Justice Committee, provide notification to TIBC attendees about the upcoming VOCA funding deadline. It was recommended that NCAI follow up with communications on behalf of the Tribal Interior Budget Council. Very time sensitive.

There was a Public Safety and Justice recommendation to ask for a report on the money that Senator Murkowski put in for public safety in Alaska. The Tribal Interior Budget Council requests a report of what has been done with that money and how it is addressing the Alaskan tribal nation need. The last from Public Safety and Justice is that the Honorable Mr. Begay has sent me a message that the Public Safety and Justice Subcommittee will assist in coordinating a

meeting with the Alaskan Native leadership regarding public safety. They'll need to establish a point person from the Alaska Region to help provide input and recommendation for the purpose of the meeting. The tentative plan is to establish a date, possibly in the fall, late October or before the November TIBC meeting, establish an agenda, secure a location, invite the Alaskan leadership and develop a report to present to TIBC at the November meeting.

From the Budget Subcommittee we have a request that the Office of Management and Budget representatives who attend the November TIBC meeting come prepared to respond regarding the OMB crosscut issues. There's also a request for an inflationary analysis. How has inflation affected the purchasing power of those federal dollars over time? There was a motion requesting that Indian Affairs provide its reports a week in advance, it's budget reports a week in advance of the meeting, or more to allow tribal representatives time to review and analyze the reports prior to conversation taking place. Also out of the Budget Subcommittee, in a letter to the Assistant Secretary for Indian Affairs, who at the region is involved in the funds distribution project, simply a list of specific names. And this is from Head Councilman Garcia, he wants to know who's working on it so they can better advocate and engage at the regional level.

There was a motion to appoint Head Councilman Garcia and Mr. Harrison to the Contract Support Cost Workgroup on behalf of the Tribal Interior Budget Council. And lastly from Budget, a year-over-year analysis of what the Tribal Interior Budget Council recommended for the budget, what came out of the President's budget request in response to those TIBC recommendations and what was enacted by Congress. Not just a year by year but all of those consolidated into a rolling report.

From the Education Subcommittee regarding the JOM proposed rulemaking. Draft a resolution that tribal nations have the sovereign right to determine their citizenship and how to best provide for those citizens and that the Federal Government should increase its funding for the JOM program to fulfill the treaty trust obligations of the Federal Government. Also from Education. Invite representatives of the Department of Education to attend TIBC. Reiterate the purpose for their attendance and see if there are other tribal educational organizations that are willing to sign on with that letter. Lastly from the Education Subcommittee and the last action item that I have tracked is a letter to the Assistant Secretary for Indian Affairs encouraging the Office of the Assistant Secretary for Indian Affairs to advocate for tribal nation budgets by educating all branches of the United States Government on the special government-to-government relationship between tribal nations and the Federal Government.

Rick Harrison: Thank you, Tyler. Is there anything that we discussed that you didn't hear that might not have been captured? Hearing none, is there anything else that anybody wants to say...comment on before we adjourn?

Office of Budget and Performance Management Deputy Director Jeannine Brooks: Can I say one thing real quick? I just want to remind all of you that are the co-chairs of your subcommittees, please make sure that you don't just walk away from here like we always do, we're just as bad in Budget Subcommittee, and forget that we need to continue beyond this. And let me know, please, by the end of September if you will be meeting at the November meeting so

I can make sure you have meeting space booked for you so I can work with Holly. I usually end up having to beat everybody over the head with emails saying, ‘Are you meeting? Are you meeting? Are you meeting?’ We do have a responsibility as co-chairs to make sure we reach out. Are we going to meet? Are there issues that need to be addressed? And we are supposed to be creating our own agendas within our subcommittees so let’s not forget we need to do that.

Adjourn

Rick Harrison: Anyone else? If there’s nothing else, I’ll entertain a motion to adjourn. It’s been first. Seconded. We’re adjourned.

Attachment A - Roll Call Tracking

Region	Name	Title	Affiliation	Absences	Present		
					Apr-19	Aug-19	Nov-19
ALASKA							
(Primary)	Rick Harrison	Tribal Representative	Chickaloon Nation	0	x	x	
(Primary)	OPEN						
(Alternate)	OPEN						
(Alternate)	OPEN						
EASTERN							
(Primary)	Cheryl Andrews-Maltais	Chairwoman	Wampanoag Tribe of Gay Head (Aquinnah)	0	x	x	
(Primary)	Kitcki Carroll	Executive Director	United South and Eastern Tribes	0	x	x	
(Alternate)	OPEN						
(Alternate)	OPEN						
EASTERN OK							
(Primary)	Palmer S. Mosely	Under Secretary	Chickasaw Nation	0		x	
(Primary)	Craig Harper	Chief	Peoria Tribe of Indians of Oklahoma	0		x	
(Alternate)	Karen Ketcher	Tribal Representative	Cherokee Nation	0		x	
(Alternate)	OPEN						
GREAT PLAINS							
(Primary)	Harold C. Frazier	Chairman	Cheyenne River Sioux Tribe	1	x		
(Primary)	Larry Wright	Chairman	Ponca Tribe of Nebraska	2			
(Alternate)	A. Gay Kingman	Executive Director	Great Plains Tribal Chairman's Association	1	x		
(Alternate)	OPEN						
MIDWEST							
(Primary)	Darrell Seki	Chairman	Red Lake Nation	1	x		
(Primary)	Aaron Payment	Chairperson	Sault Ste. Marie Tribe of Chippewa Indians	1	x		
(Alternate)	OPEN						
(Alternate)	OPEN						
NAVAJO							
(Primary)	Jonathan Nez	President	Navajo Nation	2			
(Primary)	Seth Damon	Speaker, 24th Council	Navajo Nation	0	x	x	
(Alternate)	Myron Lizer	Vice President	Navajo Nation	0	x	x	
(Alternate)	Kee Allen Begay, Jr.	Tribal Representative	Navajo Nation	0	x	x	
NORTHWEST							
(Primary)	W. Ron Allen	Chairman	Jamestown S'Klallam Tribe	0	x	x	
(Primary)	Tino Batt	Tribal Representative	Shoshone Bannock Tribes	2			
(Alternate)	Greg Abrahamson	Vice Chairman	Spokane Tribe of Washington	0	x	x	
(Alternate)	Delano Saluskin	Tribal Councilman	Yakama Tribe	0	x	x	
PACIFIC							
(Primary)	Robert Smith	Chairman	Pala Reservation	1		x	
(Primary)	Russell Atebery	Chairman	Karuk Tribe of California	0	x	x	
(Alternate)	Juana Majel-Dixon	Tribal Councilwoman	Pauma Band of Luiseño Indians	0	x	x	
(Alternate)	OPEN						
ROCKY MOUNTAIN							
(Primary)	AJ Not Afraid, Jr.	Chairman	Crow Tribe of Indians				
(Primary)	Terry Tatsey	Tribal Councilman	Blackfeet Tribal Business Council	0	x	x	
(Alternate)	Richard Kirm	Tribal Councilman	Fort Peck Tribal Executive Board	1		x	
(Alternate)	OPEN						
SOUTHERN PLAINS							
(Primary)	Ronnie Thomas	Chairman	Alabama-Coushatta Tribe of Texas	0	x	x	
(Primary)	Angela Thompson	Tribal Councilperson	Pawnee Nation of Oklahoma	0	x	x	
(Alternate)	OPEN						
(Alternate)	OPEN						
SOUTHWEST							
(Primary)	Joseph A. Garcia	Head Councilman	Ohkay Owingeh	0	x	x	
(Primary)	Shawn Duran	Tribal Administrator	Taos Pueblo	0	x	x	
(Alternate)	OPEN						
(Alternate)	OPEN						
WESTERN							
(Primary)	Hermínia Frias	Tribal Councilwoman	Pascua Yaqui Tribe	2			
(Primary)	David Decker	Chairman	Elko Band Council	2			
(Alternate)	Michael Dallas, Sr.	Tribal Councilman	Salt River Pima-Maricopa Indian Communit	0	x	x	
(Alternate)	OPEN						