

Tribal/Interior Budget Council
April 9-11, 2019
Washington Plaza Hotel
Washington, DC

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Invocation

Juana Majel-Dixon, Pauma Band of Mission Indians

Roll Call:

Quorum Present

TIBC Co-Chairs:

- Chairman Ron Allen, Jamestown S’Klallam Tribe (Present)
- Chairman Rick Harrison, Chickaloon Native Village (Present)
- Chairman A.J. Not Afraid, Crow Tribe of Montana (Not Present)

Alaska Region

- Chairman Rick Harrison, Chickaloon Native Village (Present)
- OPEN

Eastern Region

- Chairwoman Andrews-Maltais, Wampanoag Tribe of Gay Head (Aquinnah) (Present)
- Kitcki Carroll, Executive Director, United South and Eastern Tribes (Present)

Eastern Oklahoma Region

- Jefferson Keel, Lt. Governor, Chickasaw Nation (Not Present)
- Greg Pitcher, Tribal Representative, Shawnee Tribe (Present)

Northwest Region

- Chairman Ron Allen, Jamestown S’Klallam Tribe (Present)
- Greg Abrahamson, Vice Chairman, Spokane Tribe of Indians (Present)

Great Plains Region

- Chairman Harold Frazier, Cheyenne River Sioux Tribe (Present)
- Chairman Larry Wright, Ponca Tribe of Nebraska (Not Present)
- *Alternate:* A. Gay Kingman, Executive Director, Great Plains Tribal Chairman’s Association (Present)

Midwest Region

- Chairman Aaron Payment, Sault Ste. Marie Tribe of Chippewa Indians (Present)
- Chairman Derrell Seki, Red Lake Band of Chippewa (Not Present)

Navajo Region

- President Jonathan Nez, Navajo Nation (not present)
- Vice President Myron Lizer, Navajo Nation (present)

Pacific Region

- Chairman Robert Smith, Pala Band of Mission Indians (Not Present)
- Chairman Russell Attebery, Karuk Tribe Of California (Present)
- *Alternate:* Juana Majel-Dixon, Pauma Band of Mission Indians (Present)

Rocky Mountain Region

- Chairman A.J. Not Afraid (Not Present)
- Terry Tatsey, Councilman, Black Feet Traditional Council (Present)

Southern Plains Region

- Chairman Ronnie Thomas, Alabama-Coushatta Tribe of Texas (Present)
- Angela Thompson, Tribal Council Member, Pawnee Nation of Oklahoma (Present)

Southwestern Region

- Joe Garcia, Head Councilman, Ohkay Owingeh (Present)
- Shawn Duran, Tribal Administrator, Taos Pueblo (Present)

Western Region

- Herminia Frias, Councilwoman, Pascua Yaqui Tribe (Not Present)
- Chairman David Decker, Elko Band Council (Not Present)
- *Alternate:* Michael Dallas, Sr., Salt River Pima-Maricopa Indian Community (Present)

Approval of TIBC April 2019 Agenda

Motion to approve the April 2019 TIBC agenda passes.

Approval of TIBC November 2018 Minutes

Motion to approve the November 2018 TIBC Minutes passes.

April 9, 2019 Opening Remarks, Tribal Caucus Update, and Discussion with Assistant Secretary Sweeney

Tara Sweeney, Assistant Secretary for Indian Affairs: Thank you. So, good afternoon and I thank all of you for coming to this session. I also want to recognize the hard work put into bringing TIBC together by

the Budget Office and just the countless hours and the back and forth that George Bearpaw, Jason Freihage, Jeannine Brooks and many others have put into making sure that your voices are heard inside of Interior and within the Indian Affairs hallway. So thank you to the budget team at [the Office of the Deputy Assistant Secretary – Management (DAS-M)]. The deliberative process that we're carrying out over the next couple of days is a new approach developed in response to input from this group and I believe that it will be successful in outlining major priorities within Indian Country and how best to address the success.

We have a limited number of resources and a huge amount of responsibilities. The input that you provide at these sessions helps us to prioritize how best to meet those responsibilities. We appreciate your ideas and feedback on how we can expand our resources which is not always asking about money. We need to look at how we handle our responsibilities and determine if there's a better way we can do things more efficiently. Can we deliver services in a manner that allows us to get more out of the pot of funding that we have and currently practice?

Administrative adjustments within and developing stronger partnerships with other agencies are areas that will allow us to be more responsive to the people that we serve. As part of Interior's ongoing work to leverage the use of taxpayer dollars as well as in consideration of feedback received through consultations with tribal governments, the Department will realign two offices. OST within ASIA and the Land Buyback Program within OST.

Congress has had no objections to the OST related organizational changes in the 2019 budget. The move of OST will improve communication and coordination between BIA and OST for more effective delivery of services to Indian Country. The reforms that have been realized through OST must be institutionalized and that means a higher standard of care and best practices necessary for fulfilling the Secretary's trust responsibility.

This transition facilitates that important goal. This move maintains all OST functions in the Office of the Assistant Secretary. OST currently provides significant support to the Land Buyback Program. Thus the realignment of the Land Buyback Program will enhance the coordination of support activities and technical assistance provided by OST and present opportunities to streamline processes.

As an example of our efforts to look for better ways to implement our programs and have an incredibly positive impact for our native youth, 2020 will be the first year that we have separate budget requests for both BIA and BIE. And I come from a family⁸ of educators and the education service we provide to our youth is second to none on my priority list as your Assistant Secretary.

We've worked very hard on this in conjunction with the Appropriations Committee and OMB on this effort because our students deserve the best that we can give them. In addition to our recognition of the need to stand up BIA capabilities independently, both Appropriations Committee report language and other congressional direction has also compelled Indian Affairs to make this great improvement. Tony Dearman is here, as you all know, and he can address the details of the proposal later this afternoon.

I know you will be outlining your tribal priorities this week and formulating a tribal budget proposal. As you consider your priorities, the pillars supporting the administrative and policy functions of Indian Affairs include economic development, looking at ways to reduce the regulatory burden on our tribal lands and leading with Indian Country on categorical exclusions, administrative streamlining, standardizing our processes. And I've been to [Reservation Economic Summit 2019 (RES)], I've spoken about this at NCAI, I will be speaking about this at NAFOA but looking at how we can make administrative tweaks inside of Indian Affairs I believe will have a positive ripple effect throughout Indian Country. The fourth is education and providing a quality education for our children and public safety, improving public safety in Indian Country.

I wanted to note that I do have congressional obligations after my remarks. I do have a hard stop at 2:30. I want to convey that does not mean that I do not value the input and the discussion here. What we have...what we are going to do during this meeting is have a presence from the Assistant Secretary's office with Mark Cruz, John Tahsuda and Jason Freihage. I will be back to join you on Thursday and I look forward to hearing the reports. But I have my management team here because we are in continuous discussions about how best to serve Indian Country and it's important that we all have exposure to these issues. So I look forward to rejoining you on Thursday to hear the results of the sessions and anticipate the presentation of your final proposal, proposed tribal priorities budget in the near future so thank you for that time and the opportunity to provide comments.

Chairman Ron Allen: Thank you, Madam Secretary, and we definitely appreciate your presence and also are very respectful of how intense your schedule is. We know that going up and talking to the leadership on the House side is very important with regard to the myriad of issues that are taking place up there including appropriations stuff. We appreciate you being here again and talking about the things that are important to you to advocate for the tribes. We have a long list of issues and I'll try to tag team with Rick, here, on the issues that are so important to us.

Without a doubt we're here to talk about the proposed President's budget but we'd be remiss if we didn't say that we're very disturbed over the zeroing out of many programs, such as the Loan Guarantee Program, the housing program, Small and Needy Tribes, Climate Resilience and many other programs. There was quite a few that have been actually cut [in the President's Budget]. We know about the programs that you're trying to enhance. So, we appreciate that, and we understand how the budget works and that there's a balance in agenda. We also understand that up on the Hill, Congress has ways to restore and move those agendas forward, but some of the things that we want to mention to you is that the program cuts and restoration process is a bit frustrating. If the tribes come and advocate for programs A, B and C, whatever they may be, that are so important to us, and the Department feels that it can zero the same programs out and still meet its trust obligations, that is not just frustrating, but disturbing for us as tribal leaders.

We spent a lot of time talking about some of the reports that are out there: the most recent one by the Civil Rights Commission on the Broken Promises that was updated from 2003, and then there's a GAO report about high risk agencies that are not living up to their responsibilities. Those things relative to the budget and the budget priorities are a bit on the frustrating side and we are asking the open-ended

question of how we, the tribal leadership, can partner with you, and the leadership of Interior, to try to step up the budget to meet more of these needs.

The breaking out of the BIA and BIE budgets is of great interest to us. One of the things that came up out of our subcommittee on Education was how we participate in the prioritization of the BIE programs, and how to better work with Tony [Dearman] and that team on what BIE priorities are; what BIE deficiencies are, whether it's programmatic stuff or whether it's construction issues, such as deficiency of facilities and accommodations for our Indian schools that are out there, or Indian education programs that are out there. Those things are going to be critical.

We do want to point out there's a lot of vacancies in the different agencies and area offices that need to be filled, in order for them to do their job to represent the tribes and move our agenda forward.

We had good conversations in our Public Safety & Justice Committee. Kee Allen from Navajo Nation chairs that particular subcommittee. One of the interesting conversations this morning was that there's a lot of programs over at DOJ and there's a lot of programs in the Office of Justice Services. The frustration is the flexibility and nimbleness of those programs for the tribes to be able to use those resources more effectively to better serve the tribes for enforcement, justice services, and all the issues that are surrounding public safety and Justice—the violence against Indian women, the violence against Indian children, missing women and children that are out there, much less the crimes of drugs and so forth that many tribes are struggling with.

Those things are stuff that we had talked about and then we talked about ideas that we need your help. So when you talk about those programs, how can we make them more effective, how can we make them more collaborative? Should there be a 477-type program for public safety and justice? Maybe that's what is needed. We know that the Tribal Law and Order Act is being entertained for reauthorization. There's some legislation that would help make a 477-type program for public safety and justice happen. Your support on those issues would be very helpful.

We continue to advocate for stable base funding for the tribes, whether they're direct service, 638, or self-governance, it doesn't make any difference. That is an important agenda. Getting inflationary adjustments is kind of a non-starter, quite frankly, but there are other ways to try to make those kinds of adjustments in those base funding amounts that are going to be critically important for us.

The Transportation Subcommittee had a good conversation. With respect to maintaining the roads that we have right now, we're losing ground. Even though the Department has advocated a million here, two million there to increase that budget, the que list of road maintenance need continues to grow. As we understand it, we're over \$300 million now in a waiting list. So that makes it really problematic for us and we're going to be advocating some ideas to improve that agenda.

Outside of that, I want to point out that this last shutdown and the continuing CRs have been very, very frustrating for tribes. So, the advance appropriation legislation that is being entertained in Congress, we hope that you're very supportive of it because that's not fair or right for tribes, whether they have

resources or not. Many don't have resources so when those things happen, they don't have any money to run their operation. That's going to be an agenda that is very important.

I will stop there, with those comments because I know that Rick has some others, and I don't want to interrupt the flow of different folks.

Chairman Rick Harrison: Thank you. Ron touched on most of the things that we discussed. One of the main things in our discussion is parity across the country - and that means how tribes are being treated compared to the rest of the country. We need some parity in all these areas, all these funding areas, and part of that starts with an increase in base funding. The co-chairs, Ron and I, we got a request from Yakutat Tlingit Tribe. They got one time funding, court funding, and they're requesting that their base funding needs to be increased to stabilize and maintain these programs. This issue is not unique to them, it's in every area of our BIA budget and it's across the country for all the tribes. They need this increase in their base funding and there needs to be parity across the country.

A prime example of what was brought up as far as receiving funding as base funding versus through grants is this new VOCA money that's come out. It is an utter disaster on how it's been released, and I know that's not your department, but it's a prime example of how it came out last year and then FY19 came on the back of that funding and it left no ability for tribes to even apply for the funding and very inflexible use of the funding. It's such a large pot of money, almost \$300 million, and that could be incorporated into base funding.

Tara Sweeney, Assistant Secretary for Indian Affairs: I wanted to address the issue of the shutdown and I apologize for not including that in my opening remarks. I did at the Self-Governance Conference briefly touch on that. We had a skeleton crew working inside of Indian Affairs and there was a time where Jason was down in one end of the hallway and I was down at the other. We brought on staff in accordance with what was allowable during the parameters of the shutdown. There were things that we learned during that process on what we needed to do better and there are two specific things that I wanted to share with you. One is that we've got to do a better job of getting short term CR money out the door faster. Because we cannot predict the politics of a funding cycle, I became increasingly aware as we sat over spreadsheets and started to assess with self-governance and with BIA where the money for tribes was sitting and it ran the spectrum. And so I recognize that yes even if we have short term CRs, we need to get that money out to tribes faster. The other is communication and I know that there were other departments who were hosting national calls. Well, with such a skeleton crew inside of Indian Affairs, we were trying to figure out how we were going to keep our detention centers open and provide services for Child Protection Services, among other things. But we do need to do a better job of communicating in stressful times like this and what we did provide online was an avenue for tribes in an emergency if they needed to submit information, we had a dedicated email address. We also provided online a dedicated webpage that had the cell phone numbers of the superintendents and the regional directors. If we ever find ourselves in this situation again, instead of reaching out to the program directors who may be on furlough, we want to ensure that you have the contact information for those

who are either exempt or in accepted status that can take those phone calls and start troubleshooting your issues. So you have my commitment that if we ever find ourselves in this situation again the communication is going to be different and it will be improved.

One thing that I would like to stress with all of you here is I need to understand from you how the shutdown impacted your communities. I'm looking for holistic input. I'm not looking solely for Indian Affairs input because what I would like to do with that information, and the 'Dear Tribal Leader' letter is going out on Friday, is to request information with a deadline of June 30th for you to submit to my office how this shutdown impacted your tribe or your community. And if it was a USDA issue, if it was a BLM issue, if it was a BIA issue, SBA, I'm open to receiving that information because I would like to share that internally with my colleagues at Indian Affairs but also across the Federal Government. I leave that with you.

Chairman Aaron Payment: When I was writing my dissertation, I comprehensively researched this: The boarding school experience, reservation experience, removal experience all was intended to strip our culture and identity and assimilate American Indians. The Mariam Report that led to the Indian Reorganization Act has a chapter called the Indian Problem and it focused on, at the hands of the Federal Government, creating this situation where we have the worst of the worst environmental factors. American Indians, as you well know if you read through the Broken Promises Report and also in the Quiet Crisis Report, have the worst of the worst statistics on every spectrum. The [Johnson O'Malley (JOM) program] was created in 1934 in the Indian Reorganization Act to ameliorate the impacts that forced assimilation. In 1969 my friend over here, Gay, cited it today, the Kennedy Report echoed that and said that 'at the hands of the Federal Government, you created this problem and the Federal Government has an obligation to correct it.' 1972 Indian Education and Self-Determination Act, 1993 Clinton Administration Summit, 2014 Consultation Process with the BIA, which there were 22 meetings across the country of which I attended three of them - there were consultation sessions - echoed that report and the need to help facilitate language and culture back into tribal communities.

So, we know that historical trauma is at the core of the reason we have the worst of the worst statistics and we know from all these federal reports going back to 1934 that the solution lies in education, culture, and language and returning it back to Indian Country. It is just totally disturbing that Republican presidents, routinely, I think it might just be a Republican president thing, propose to zero out Johnson O'Malley [program funding lines]. It's disturbing to us at TIBC and our regions when we help formulate and advise to create these budgets and then it seems like all of that's for naught because the President and the Administration just proposes to eliminate Johnson O'Malley.

One thing that we talked about and that we're going to formulate into a request to you is to report back to us as to how you reconcile what we request with what you propose to Congress because there seems to be a pretty vast disconnect. Johnson O'Malley is how we bring culture and recreation to our respective tribal communities and our education departments. It's critical, it's our very first program that was enacted by Congress and that seems to be the first one that Republican administrations propose to eliminate.

Tara Sweeney, Assistant Secretary for Indian Affairs: Thank you. Thank you for your comments. The Johnson O'Malley fund is something that I benefited from when I was in school so I do understand those benefits that it provides. When we look at the information that's provided, where does JOM rank in the top 10 for TIBC?

Jason Freihage, Deputy Assistant Secretary – Management: I don't think it's typically...on the whole it's not in the top 10.

Joe Garcia: That may be part of our dilemma is that only the identified priority items make it on the list for survival, if you will, and others that are not part of the top 10 go down by the wayside, and that's a question that was posed in our own assemblies. Not only in education, but in all areas. So this process here, the TIBC process, is trying to establish priorities. We establish the top 10, and if your budget line item is not part of that top 10 – 'that's tough,' and it goes away. I sense that's where we're going to head.

Tara Sweeney, Assistant Secretary for Indian Affairs: We level funded it in the President's 2020 budget. I want to address your larger question there. When we're looking at the budget and making decisions, we also need to take into consideration the population that it's serving and also the depth of the population that it serves across Indian Country. So when we are faced with having to make tough decisions about funding, we're going to take a look at what has the broadest impact for Indian Country. I don't dispute the importance of the Johnson O'Malley program. Again, like I said, I was a beneficiary of those programs when I was in junior high and high school. But with the 2020 President's budget request it was level funding.

Jason Freihage, Deputy Assistant Secretary – Management: I think I would just say I think in general tomorrow when Jeannine does walk through this you'll see we tried to respect the priorities that this group provides to us. When we live within constraints and have an overall 10 percent reduction, we can't do everything. We have to make some difficult choices. It doesn't mean we don't think those programs aren't good, it's just we do have to make some tradeoffs but I think you will see we do the best we can to respect those priorities and try and make a budget that fits as well as possible. We try and protect programs that address a broader breadth of the tribes as much as we can and in the case of BIE, schools operations is a priority to keep going for example. So that's where you'll see we sometimes have to make a tougher tradeoff and maybe cut scholarships, but when we have limited resources we're trying to keep BIE operations going first. Not to say that scholarships aren't important but if we're living in constraints we have to make some tradeoffs.

Chairman Ron Allen: We just want to make sure that Tara knows that we're looking at it across the board, all these different programs as unfulfilled trust responsibilities. So the JOM is only one of them, and that, for us, is a challenge. And so when we get into if a program just got level funded, if it got zeroed out, or if it got reduced, what's the logic that the Federal Government uses in order to come up with the proposed budget? We want to get into the roots because as you well know, we leave here on the executive branch and we go up on the Hill to the legislative branch and challenge the outcome.

Kee Allen Begay, Jr., Navajo Nation: I have the Vice President of Navajo Nation and Speaker of the Navajo Nation Council and some of my colleagues with Navajo Nation Council. Back in November, Ms. Sweeney, you provided certain reports during your opening statement that you continue to improve service to Indian Country. You've indicated that there was going to be another meeting December 11th. I would like to know specifically what are the outcomes of those meetings and if they took place? There was also a town hall-type engagement that you were planning to do with the departments and with Indian Country. We would like feedback from the administration that says: what were TIBC's direct requests or direct input from the different tribes, if there were any meetings that took place regarding these requests. The partnership approach, the action plan, I think those were some critical terms that were brought up during the presentation back in November, specifically with the budget process.

The other area that I think this body really needs to be aware of is the way the federal government is responding to our needs based on the different types of how the tribes are recognized, as far as self-governance, 638 tribes, and direct service tribes. So, how specific could we get a report to say, 'Navajo Nation, this is how the strategy is specifically by each of the programs that we deal and work with'?

How is the BIA reaching across other departments, as far as like Department of Justice Office of Tribal Justice or IHS, Department of Health? I think those are some areas that we need some guidance, if you're saying that there needs to be transparency and improving service to Indian Country. It just seems to me, I apologize if I'm being too blunt, but it seems like we just get a report from certain departments saying that they have to leave for another meeting. When we come, a lot of us bear these necessary expenses of travel, but yet, it's just more of us tribes talking to each other with no major direction for our message to be sent higher to the Department of the Interior, to the President's office, or to the legislative branch.

That's what I continue to see. I say things on the floor here, but there's no action, and I know this has been discussed earlier, but I did request for specifically the BIA Office of Justice Service to have a summit relating to public safety and justice, and having public safety directors or police chief across the Indian Country to provide their input and recommendations. This was back in November. Today's April 8th or 9th but no action, nothing. So I'm assuming that I'll probably repeat myself maybe in June or July, whenever the next Tribal/Interior Budget Council meeting is going to be. I think, to me, that's just routine. So how is it that we receive a report back directly to the Tribal/Interior Budget Council specifically saying that, 'these are the action items, and these are the procedures that we as a body will want to work towards.' I think that would be a better relationship between the department, the [TIBC] body, and Congress in certain ways. We can help one another. That's more of a general statement, but with specific question, Ms. Sweeney. Thank you.

Tara Sweeney, Assistant Secretary for Indian Affairs: Thank you for your statement. I do want to just make some follow up remarks. When I was here in November we were in the midst of taking a hard look at the administrative functions inside of Indian Affairs, inside of BIA and BIE, establishing goals and metrics for them to be measured against so that we could see the progress that they were making. So since the last meeting we have established internal goals and measurement metrics for each of the bureaus and the independent offices inside of Indian Affairs to meet. So the Office of Self-Governance,

BIA, BIE, OST, Indian Energy and Economic Development, our congressional shop. We are working diligently to hold our staff accountable for delivering on the goals that have been established. So I want to report that to you. And they will be evaluated on their progress and they continue to be evaluated. One thing that I have done has instituted every two weeks a face to face meeting with the leadership of those independent hallways and with the bureaus to go over those goals and the progress that they're making.

You also mentioned the fact that I'm here and will be leaving. In my opening remarks I clearly stated that me leaving is not an indication of my lack of support for TIBC and so what we have worked out with my staff is to ensure that the leadership from ASIA is here and so you will see Mark Cruz, you will see John Tahsuda, and Jason Freihage will be here as well. Unfortunately my schedule dictates where I'm going to be and I have to be on the Hill meeting with Betty McCollum at 3:00 today. That is a date that cannot be changed and I'm sincerely apologetic over the fact that I can't be in two places at once, but I do need to meet with the appropriators. Knowing and trusting my team and the leadership team here, we're going to have a deep dive after TIBC to debrief on everything that we've heard. With respect to the types of information that you want to hear from me, help me understand what that looks like. What sort of topics do you want me to address/ I'm happy to provide that information. I want to be as transparent as possible. So, if I know beforehand the type of information outside of the budget that you're looking for, I'll present it.

Chairwoman Cheryl Andrews-Maltais: Thank you again. Cheryl Andrews-Maltais, Chairwoman at Aquinnah Wampanoag. I'm always troubled when I keep hearing these, 'we have to make these hard choices,' 'we have to make these hard choices,' and I apologize to everybody around this table that hears it 100 times a year. We're the only division within the Department of the Interior that deals with the human condition. So to hear those terms, that we have to make hard choices, not only is hurtful, it's kind of insulting because we're dealing with our children and our elders and the human conditions of our communities and they are not in any way, shape, or form on par with the rest of the agencies that are contained within the Department of the Interior. The one size fits all methodology that's going on is really troublesome and these are obligations of the United States government, which I know that you guys know that they're not fulfilling. When we hear things like level funding, our populations continue to grow; and therefore, level funding means we're at a deficit and we continue to lose ground on all of this stuff. When we talk about losing or choosing between scholarships and BIE schools, for instance: in the East and the overwhelming majority of Indian Country, our students are in public schools not in BIE schools. Therefore, when the Department makes a decision that says it's going to support BIE schools to either the zero line item or to the detriment of supporting us in the public schools, that means that the Department has made the decision to support 10 percent of Indian Country's children in our educational systems versus 90 percent of our Indian children in the public school system, and that dramatically affects our peoples from the East.

What we need to know is, what is the process by which you lobby for us in the Interior budget? And I understand, Tara, that you're going to meet with Congresswoman McCollum because you need to and that's a good start, but you're meeting with her now, and we're having this going on. It would be appropriate, as far as I'm concerned, to have the appropriators come here. If they want to hear what

Indian Country is interested in prioritizing, they should be coming to us, more than welcome, or taking us along with you because part of the problem is that we communicate to you, but you're in the Administration and you can only go so far and you can only say so much. You can't tell the truth that we need the appropriators to hear the way we need it told to them. We're having a lot of difficulties and every year we keep coming across the same thing, that we provide the guidance, which is what we're charged to do and yet that guidance is clearly not acknowledged or adhered to and the budgets come back to us with missing funding or funding that the choices that we weren't really making for them. And that's my component of it.

Kitcki had to leave, but he did ask me to inquire of a couple of things. There was a "Dear Tribal Leader" letter that was expected to come out about the reorganization and he said, 'and I don't recall receiving it' so we're wondering whether or not that has gone out and when we can expect it. He mentioned something about the 105L leasing requirements that we have not heard about and what the status is on the advance appropriations for all programs.

Tara Sweeney, Assistant Secretary for Indian Affairs: Thank you for your feedback. A couple of things. When you talk about advocacy internally, those are internal discussions that we have within the Department of the Interior and that we have across the Federal Government, and those that have worked on the inside of any administration understand that.

With respect to advocating on the Hill, there is absolutely nothing that stops tribal leaders from going to the Hill which Chairman Allen has indicated that you will be doing, to advocate for the funding that is important to your tribe or to this group as a whole. If what you would like is to have appropriators come to TIBC, then those invitations needs to be extended by this organization. If they have and they're not responding, then I would like to know that. If they have been extended and declined, I still would like to know that so that I can ask why.

The "Dear Tribal Leader" letter regarding the reorganization has not gone out, yet, and what I committed to was once we understood what that reorganization structure looked like, I will be sending a report to tribal leaders that outline what the other hallways inside the Department of Interior have done to reorganize so that you have a document to react to. And I've heard that time and time again through the various consultations and roundtables that we've had at Interior and in forums like this that Indian Country is not satisfied with not having the appropriate information in front of them to react to. I want to give you that document, I just don't have all of the information yet. But it is coming. When? I would say probably in the third quarter sometime ... third quarter calendar year, not fiscal year. The 105 leases, I'd like for Jason to address that.

Jason Freihage, Deputy Assistant Secretary – Management: Yes, on the 105 leases, as you know this is kind of an issue on the horizon for us. I think for most of you, you're probably familiar IHS has been working with them for the last several years. [105 Leases] can be a new way obviously to fund facilities that can help support programs in Indian Country. At the same time IHS has been trying to find a way to budget for them because as tribes are able to request them, we have to fund them. So it's been a little bit harder for them to budget and so they've been able to get some appropriations increases in the

process but it hasn't been quite enough to fully fund their need each year. And so, with knowing that it's on the horizon for us, we've been talking with IHS, really trying to understand how it works for them and as an issue on the horizon for us, how can we package it so that we can use the positive benefits it can have as an important tool for infrastructure and program delivery and also find a way that it can work well within the budgets that we do have. That's something that we are actively looking into and as we move forward maybe even the next TIBC meeting or other times we'll continue to keep you all updated as we figure out how this kind of fits in both the way we deliver our programs and how we fund our programs. So we know that it's definitely on the horizon for us.

I think the other question was on advanced appropriations. Same issue. We know there's a lot of interest out there, especially because of the impacts from the shutdown. It is more complicated and because of that we are looking into... IHS is also interested so I've been coordinating with my counterparts there and additionally with HIS, we've been checking in with the Veteran's Administration because they're one of the few departments that really implements advanced appropriations on a large scale. So we've been talking with them about what does that mean, what did you have to do to be able to transition to advanced appropriations, how does it affect your funding cycle, what are the benefits, what are the cons? If nothing else, it definitely does add complexity because you're effectively budgeting one more year in advance. So for example if the President's budget this year was 2020, we'd also have to include estimates for 2021. Similarly Congress ends up appropriating a year out in advance. And what that does mean is it just means another set of year of numbers we have to start tracking now. So it is additional complexity and we're trying to understand how that impacts ultimately our delivery of being able to meet our sort of 638 or self-determination/self-governance requirements to make sure that there's no unintended consequences. So long story short, they're both on our radars and we want to make sure if they do come to pass we're well positioned to implement them because they are changes and for good or bad any change does include risk and our main thing is making sure number we can keep programs running. Hopefully we have at least another five to 10 years for the next shutdown. So on the one hand this is a pretty complex solution that may not actually be used for several years so if we're going to take it on, we don't want to disrupt what we're trying to do in areas where we're trying to make progress to be able to get funds out to you all fast⁶er and at the right place and the right time.

Chairman Rick Harrison: Tara, I wanted to go back to your statement a couple minutes ago. You talked about the Department had some goals and metrics you've created. Will those goals and metrics and results be shared with us for transparency?

Tara Sweeney, Assistant Secretary for Indian Affairs: I appreciate the question. I can share high level goals with you. The minutia of how they are developed will not be publicly released but I can certainly share with you the goals that we've established for BIA, BIE and the hallways.

Chairman Rick Harrison: And the results after the analysis?

Tara Sweeney, Assistant Secretary for Indian Affairs: Generally yes. And I need to be careful on how I answer your question because there are personal issues surrounding these types of evaluations. So what

I want to commit to you is that we can share the goals and general results but I don't have the flexibility to release personnel progress.

Chairman Rick Harrison: I understand that. My next question comes back to that needs based survey or obligation/unmet need type of thing that we were looking at before and we understand the stance the Department has taken but how can you, the Bureau and/or the Department accurately determine those shortfalls without doing something like that? And then also, how can you accurately put forth a budget that would fulfill the trust obligations and would actually outline the budget shortfalls, what needs to actually come to Indian Country?

Tara Sweeney, Assistant Secretary for Indian Affairs: What I have explained in the past and I know that you've heard it from other individuals is that we are not going to be conducting a needs survey. If there is a third party organization that conducts that needs survey, certainly we would be open to reviewing those results, but we're not going to be conducting one at this time.

Chairman Rick Harrison: I understand that, but this kind of comes up because other departments have done this and they're putting forth budgets that actually identify what the obligation shortfalls are and a plan to reach the goals and we're not doing that here and I want to find a way that we can actually present a budget that meets our needs and our obligations versus what OMB constrains us in this box that you guys have to write a budget for. So that's where the question's coming from. Other departments are doing it, how can we do it?

Tara Sweeney, Assistant Secretary for Indian Affairs: Again, I would go back to if there are third parties who want to work with you on developing that survey, we are not going to be doing it. I understand what you're saying about other departments that do it. Again, we need to make decisions with our budget and I would...the direction that we're going is to use the current dollars that we have appropriated for the services that we are required to deliver and it would be helpful for I would say this group if you were to engage a third party, but we're just not going to conduct a survey.

Chairman Rick Harrison: I understand that but what I'm trying to get at is how is the Department going to actually identify what the obligation is? Congress and Senate, they ask for what TIBC says and what is put forth is this budget that is dictated by OMB and the Administration and it's not what the tribal leaders are saying the need is or the obligation is. They're looking to this body for that information, but that's not what's derived because that's not how the budget formulation process is within the BIA and the Department of Interior.

Tara Sweeney, Assistant Secretary for Indian Affairs: We're coming at this from very different positions, and I understand your desire to present to Congress what the obligation is for the services internal to Indian Affairs. It is helpful for us if tribes were to provide us with that information. Again, I just want to reiterate that we are not going to be doing a survey. We are open to receiving that information. It comes in...sometimes it comes in and sometimes it doesn't but if tribes provide us that information we're open to receiving it.

Chairman Aaron Payment: So I'm not going to kill the messenger. Obviously that messaging was crafted, but it's tone deaf to the needs of Indian Country. Interior is singularly the most prominent trustee for Indian Country and to hear that there isn't support for doing a larger comprehensive...internally doing a larger comprehensive study of the unmet obligations, in many ways this body is created and was created in 1974 I think to give voice to Indian Country to help Interior to perform their trustee responsibility. And so, I can't speak for anybody in saying this but I'm looking at the opportunity that that might represent in gaining an objective third party analysis of that. I think that that's probably bolstered if Congress is requesting it as well so that it advises not only the Administration but Congress.

On advanced appropriations, it shouldn't come as a surprise that there's a large support for it. NCAI passed a resolution at our executive winter session. Midwest Alliance of Sovereign Tribes and United Tribes of Michigan have also passed resolutions of support. The other thing I wanted to say is as our trustee and our lead advocate, you know that I've shared with you personally that my goal is to lift you up in that role and to strengthen you and give you the tools that you need to advocate for us. And so when you go and meet with Betty McCollum today, as our former co-chair of the Native Caucus and a very strong advocate, she's in a key role right now to help advocate for Indian Country budget funding. What I'd like and request that you share with her when you meet with her is that we have an interest in Interior reconciling budget formulation against administrative recommendations.

So there appears to be a real serious disconnect from what the formal process said as to advise Interior and what comes back out of the other end. In many ways it doesn't match and we know that it's because you have budget caps and you're told how much money you have to work with, but what we gave some voice to is how do you reconcile what we request through budget formulation and how those decisions are made and what priorities are made and can we get a copy of that? Can we understand that whole process?

So if you can share with her that because I think that you can be an advocate through this process even though you work for the Administration, but you are our lead advocate. And so that's a huge responsibility and so if there's some way you can mitigate and straddle those worlds and try to advocate for us and say in your official capacity, Here's our request, but through budget formulation tribes have given voice to reconciling those...the President's request against what Congress might do.'

Now we're informally doing that because when we meet with you individually what we're told is, 'Here's our request,' 'Go, talk to Congress.' And so we understand how that works, but I think that Congress needs to also know how you're making those decisions of what we share with you and how you prioritize that and what ends up actually in the budget. Thank you.

Chairman Harold Frazier: Thank you. I guess what I'd like to see from the Bureau of Indian Affairs is...we're always here to talk about the beginning and developing a budget for these programs to operate on, but we never know at the end of the year what was carried over, what was over spent, etc. so it'd be good if we could get some financial reports. That's something too that I see that is not coming from even our agency at home. Everything's pretty tough to get from our agency, regional office, etc. So it would be good. The Bureau of Indian Affairs was created for the Indians and it'd be good for us Indians

to see where our money's being spent. I don't know if we can get a commitment on that but it'd be good to see. Thank you.

Kee Allen Begay, Jr., Navajo Nation: We do our discussion at the subcommittee and we do the report back to this body here. Now, if the information is not disseminated further up, then what is it that we need to do rather than just having a discussion here?

Tara Sweeney, Assistant Secretary for Indian Affairs: Thank you for that clarification. The TIBC report is distributed to the leadership within Indian Affairs. So I want you to know that. And when we get it we're combing through that. What I was saying specifically, if there are specific items that you would like for me to address when I come to TIBC, send those my way or send them up to the Chairman who can send them to my office so that they're in one...it's in one request. And I say that because I don't want... I want to use this time wisely. I want to provide you with the information that you're looking for, you want to hear, you need and update on and that's important to me. I also want to stress that even as subcommittee members you still as tribal leaders have the option of going to any of the directors inside of Indian Affairs as far as I'm concerned. You have the absolutely right to sit down and meet with my office as well. So I want to stress that your work as a collective is as important as your voices in individual tribe.

Chairman Ron Allen: I think one of the challenges is that we know we can talk to the directors but when we are trying to push the envelope of accessing the resources of each program or in this case collaboration with other programs such as DOJ that it does have the full support of the Secretary in terms of moving that agenda forward or that we reach back to you to do what you need to do with your colleagues in another department or agency if you will. So we're looking for that assurance that there is clean and consistent communication between the departments. It can be Public Safety, it could be Education, it could be Transportation. Each of these areas are the important subject matters and we just want to make sure that there's clear support and clear communication that you and your key senior officials are onboard with this. I'm not sure if I'm mischaracterizing it, Kee Allen, but to us it's how do we get the job done.

Tara Sweeney, Assistant Secretary for Indian Affairs: Sure. Thank you. Through my hallway we are committed to interagency cooperation, such as having those discussions on issues that you specifically ask us to raise with other departments. I'm currently scheduled to meet with the Department of Energy on some issues. It was requested that I engage with the Department of Transportation on other issues that were raised last week. Looking at how we can meet with Treasury to talk about opportunity zones and new market tax credits and how to support Native CDFIs. So if there are issues that you need help with in other departments, we are onboard to help advocate for you. We need to understand the issue, we need to do our homework because I don't want us to go in uninformed and ill-prepared. So you have my commitment to the interagency cooperation on issues that are important to Indian Country. I just need to know what they are.

Chairman Russell Attebery: Just very quick and I understand your time constraints. I appreciate Assistant Secretary Sweeney for being here. And maybe you could do this Thursday. I don't know if you

had a comment on Chairman Frazier's question about funds...lack of staffing, where those funds go and also I know throughout Indian Country there's different rules, some allow carryover and some don't. Those ones that don't, we'd like to look into that, but in particular you can maybe do it Thursday or if you have a brief comment on Chairman Frazier's question about the staffing carryover.

Tara Sweeney, Assistant Secretary for Indian Affairs: My answer's going to be simple. I need to understand what we're currently doing and not doing and I don't have an answer for you on that.

BIA Update

Darryl LaCounte, BIA Director: Hello. I'd like to say it's good to be back but I never left and it's really not that good to be back in DC. I'd like to say hello to my good friend from Blackfeet. Good to see you representing the Rocky Mountain Region, Mr. Tatsey, it's always good to see you. And I think I'll just surrender my time to Chairman Frazier and let him have at it. No, they had a rough time in the Great Plains this year in South Dakota and it looks like it might not be over. First the Chairman was politely calling me about snow removal and politely calling me about flooding and he called me one day looking for some help with a bridge. There had been water running over the bridge for six days. Now that is some serious flooding and was a school route. Good to see you, Chairman.

I'll just be as quick as I can be because it looks like we're a little bit behind. I have made a selection for the Office of Trust Services Deputy Director. I can't release the name because when a Secretary isn't seated and when they're in an acting capacity you can't bring anyone new into the SES core so to speak which was news to me, but that's the rules and so we're hoping for a confirmation decision quickly so that we can staff some positions.

I have not seen the eligible candidates for the Office of Indian Services, but I'm told by Human Resources that there is a list available, they just haven't shared it with me yet. So hopefully by the time we meet next those two positions will be occupied. I'd like to address a little bit...there's a lot of things going around about what we're doing with the Branch of Geospatial Support and some of our folks and a contractor that was with the Branch of Geospatial Support kind of went around our backs to the tribes and said the sky is falling.

I'm here to assure you the sky isn't falling. Essentially what we did is we took a look at that branch and started asking what the deliverables we were getting from this contractor were. And they were really kind of unable to tell me other than, 'We're supporting this program, we're supporting this program.' I don't know what means. I said, 'What are the deliverables?' And so we're going to try and make that branch and the money that goes with it to the tune of \$6.5 million a year more accountable and more productive to you. Now, the rumor out there is that we are going to cut off the Esri [software product] licensing to tribes. That is absolutely not true. What we're trying to do is to get a handle on these Esri licenses. There are over 4,000 licenses out there for people to run Esri to the tune of \$375 apiece, and we figured that there are less than 1,500 people to 2,000 people using them. So we're just trying to right size that, figure out which licenses are actually active and being utilized. We know that there are 900 within the Bureau of Indian Affairs. The rest of them are out with the tribes.

Esri's the software that runs GIS. And they license people to utilize their software. For instance, we looked and there are 22 licenses for the Shakopee Nation and we're pretty sure they have two employees. And so it appears that what happened, as people left jobs and a new one came in to replace them, they essentially just got a new license instead of transferring the license that's there. So that's what we're trying to do. We're just trying to right size the ship and that's just about the exact same amount of money, \$6.5 million, as to what we spent on TAMS in a given year. So that's an awful lot of money for me not seeing the kind of deliverables that I want to see or what they are. As you all know, TAMS is the heart of our trust programs for our system of record and I found that the...we know what we're getting with that and we're comfortable paying what we pay with that, but I'm not comfortable paying that kind of money, especially when there are numerous examples just like the Shakopee one where we know they didn't even have that many employees. So that's a rumor that is just floating around that the sky is falling, that we're jerking all your licenses and we're taking all the money. That's not the case. There will be a little bit of probably disruption in the transition, but we're comfortable we're doing the right thing.

Juana Majel-Dixon: Before you go any further I want to get some clarity again. I realize in the cyber world and with GPS that...you're staying in line with or to date on current software to make that happen or is that also part of the budget to continue to evolve and become on parity with what is out there.

Darryl LaCounte, BIA Director: As far as I know yes we are and that's pretty much controlled by our chief information officer. As things are updated, they don't support the older stuff so you're kind of forced into. And so that's what's happening. I'm not hearing any complaints with the products that we're using but I suddenly found myself getting weather reports from this branch and I'm going, 'We have the National Weather Service already,' and whether or not they were just taking that and putting it in a BIA format and sending it to us I don't know but I said, 'This is trust money. The last time I looked I don't think the weather was trust but maybe it is.' We haven't defined what trust really is, yet. we just saw a need to take a look at what's happening with the dollars and using them wisely. To the points that you made earlier, we have no idea whether our budgets are going up or down. We're pretty sure they're probably going to stay level or down so we just want to use the money.

Juana Majel-Dixon: One more follow up question if I may. In the extension of a response, especially first responders, they tie into the systems, they're like \$3,000 radio systems that do exactly what you're describing and it's on federal lands to respond whether it be to a fire or earthquake or storm or flood and their system is tied to that because it's in Indian Country together or you're in your agency here and you get to look from afar?

Darryl LaCounte, BIA Director: No. That's more in our emergency response system. And that's through the Office of Justice Services right now. But they're welcome to any data we have that we can comfortably hand over that could be released to the public. Within our Branch of Geospatial Services there's obviously some trust data in there that can't be made public but for the most part it's a GIS mapping program and that's what we're trying to put it back to being as opposed to what it became.

Juana Majel-Dixon: Right. Okay. Thank you.

Darryl LaCounte, BIA Director: The other thing I'd like to touch on briefly is the survey that went out on the CDIBs. There was a lot of panic out there about that that we were ending that. No, we were surveying to see what you were using them for. That's what that was. The results are in. I haven't seen the final results but I feel pretty comfortable that we're going to come to a conclusion, let you know, or maybe give you some options to all tribes to send out. So again, that was a survey. No decisions have been made regarding that.

Juana Majel-Dixon: One final question if I may. I know that working with...certainly when we have disasters and other things like that and back in the day when they established some of the tribal lands on executive order and/or by treaty that they pounded in locator corner marks, the markings and I know they continue to improve upon that. Is your system allowing that improvement to occur for the tribes because if not often we have to bring in contractors to locate them especially if we have a river go through and take one with it and then we have to reestablish the marker. I'm thing what you're offering in the GIS side or am I talking where I've got to go to another department?

Darryl LaCounte, BIA Director: No, the official surveys for Indian lands, for reservations, by statute is the Bureau of Land Management. There's the one that put the corners in place. And what I find fairly humorous, I've done some surveying in my life, that now the technical wienies, the computer wienie guys come in and say, 'Oh my god, those corners don't match our maps.' Well, of course they don't. They surveyed them on the ground with somebody dragging a chain, somebody holding a rod and they're never going to match up. We document the differences between what the on the ground survey does versus what is in the system. And that's why every legal description you see says "more or less" on it because it could go one way or the other.

Juana Majel-Dixon: You know that's just wrong.

Darryl LaCounte, BIA Director: If corners need to be reestablished, again, that's the Bureau of Land Management's job. You make the request through us, we go to Bureau of Land Management and then we pay them to go fix it, even though the statute says the BLM is responsible, that's the way it works.

We're taking a look at our awarding officials for 638 contracts and trying to improve that process. Right now I think it takes way too long to get someone certified to do that. It's hurting you folks because they're the same people who award the contracts, do the Contract Support Costs, do all those things to get you that money. We're trying to make it more efficient. What's happening to us now is we put a lot of time and money into training people, we get them to where they need to be, they maybe work for us a couple years and they go up a grade to a different job and we lose them and we start over again. And we know it's causing a problem. I had a meeting this morning with the fine folks from Spirit Lake who reminded me of that, which is it's always good to know that somebody's seeing things the way I am and they offered to help, which I found very refreshing and I thank you. She's sitting by the door. You can't miss her, she's wearing orange.

Just go back and share with all your friends, since the Farm Bill came out, obviously with the language in there about hemp, we've been receiving a ton of inquiries from tribes. We've had meetings and they're kind of looking at us and in reality if you read the Farm Bill closely the U.S. Department of Agriculture

(USDA) has to put regulations in place before that goes into effect. So I don't know how quickly that will be. I would not guess any time soon but I can't speak for USDA. In our case, for the most part, if you are as a tribe or individual leasing your land to somebody who intends to grow it, I'm not sure that there'll be any grown this year on Indian land or federal lands. That's kind of in the hands of the Department of Ag. That being said, I was really surprised to learn that my home state is the number one hemp producer in the United States. I had no idea. Did you know? Did you know, Terry?

Terry Tatsey: No, I didn't. But I do know that the State of Wyoming actually sent a proposal to the Department of Ag requesting that they set regulations so they can get things moving in that state so my question is what's the opportunity for tribes and since we have that same status as a state to submit something that we create our own regulations for it?

Darryl LaCounte, BIA Director: Well, I'll certainly support you if you go forward. That I will do. If they allow a state to do it, there's no reason they would not allow a sovereign nation within a nation to do it, in my mind. And again, I'll support that. Eugenia, are you here? Ms. Tyner-Dawson. Could you chat with Terry on the side, if you would? Thank you.

When you took roll earlier, you noticed Darrell LeRoche was not here. He has decided to take a job with the Indian Health Service. So he'll still be indirectly working for you folks, but not for us anymore so that's a vacant position the Assistant Secretary's office will have to fill. With that, I'd be willing to take any questions you've got.

Chairman Rick Harrison: Darrell, could you speak to the number of vacancies there are within BIA and BIE and what the plan is to get them filled? And also could you address...give us an update on the Land in Trust?

Darryl LaCounte, BIA Director: Sure. I won't speak to the BIE staffing because Tony's here and he knows it a little better than I do. Staffing wise, we're down 20 percent. Here's what happened. If you go back to 2016, the fall of 2016 along comes October 1, which is when the new performance period starts in the Federal Government and the old one gets processed by the Office of Human Resources. And so that was their focus. And then we had an election. Then at the end of the year, about the time all the performance was done getting processed, then they started processing retirements in HR. And then their next priority would be hiring. Well, that's when the hiring freeze came and so we sat on a hiring freeze for better than a year and about a year ago, a little over a year ago, that hiring freeze was lifted and the restrictions were lessened considerably. So that's how we got to where we are. And within there, prior to that even, is when that VERA/VSIP came through where they had the early retirements and the buyouts. And so we got here through a series of events that all contributed to it. Right now, any position to be filled has to go through me that's a GS12 or above but I just learned that I can up that and I'll probably up that to a 13. But I'm seeing a lot of them and I'm signing every one of them. I have not denied any one of them and so our plan is to just hit it hard and get going.

That led to some of the carryover money that you talked about earlier and hopefully we're not going to have to have long discussions about carryover once we get staffed up again. Does that answer your question? Okay.

Land into trust. We're processing... I met with USET or I was asked to go to USET this year and I appreciate that very much. I gave them the numbers and basically we took 80,000 plus acres into trust in 2017. In 2018, we took less acres but we processed more applications. I think we processed over 350 in 2018 and right around 320 or maybe a little under 320 in 2017. The only thing that has changed is off reservation has to come to the Assistant Secretary's level from the previous Administration. And I haven't seen a lot of... Other than the famous one I don't...and that was for other reasons...I haven't seen any of them denied. I can't speak to the non-gaming ones. That's handled through the Office of Gaming.

So the [Land into Trust] program is still operating much as it did prior to this Administration and we're constantly...Mr. James and myself are constantly reminding the regional directors that they need to communicate with the tribes and tell them what is going on. As for the Alaska piece, Rick, I think I'd let Ms. Sweeney...I'd ask her that question on Thursday because I've really not been in that loop. That's at the Assistant Secretary's level and up.

Seth Damon: Thank you, Mr. Chair. My question to you, sir, as the Acting Director, the question is I know that during this long government shutdown there was not only panic and worry within Indian Country but also long term effects on how long it would take for your office and for all the area offices to roll 'til we get back on track. I know there was a backlog of whether it be initiatives or certain procedural work that you guys are doing. How long is that going to take for you guys to get back on I guess into a regular flow of things? Secondly, is there a current projection that you have for carryover that's possible because of that shutdown and how much will that be moving forth and when will the projections be available? Those are my two questions.

Darryl LaCounte, BIA Director: Addressing the carryover question I do not have a projection. And the impact, it shouldn't be too relevant to the shutdown because as you know they came along and paid everybody off anyway. There was some savings perhaps in travel that might turn into carryover but as for wages, no.

Seth Damon: Well, let me say this in a different way then. Procedural work wise, like let me say that for the month that you guys were off, there was probably about maybe 1300 to 1400 right of way applications sitting at Crown Pointe Agency in New Mexico that needed to be done. So how long is it going to take your staff to get through those kind of things in order for us to go ahead and get up to date because we have everything that was backlogged work wise that's just been sitting there? Then when they got back then they were ordered to work on current things that were still actively going through the process. So is there a timeframe for you guys to say that when you guys will actually be back on track?

Darryl LaCounte, BIA Director: Well, I like to think that we're on track. Obviously the 35 days we were shut down, nothing got processed and that's a matter of law. That wasn't something that we could change. But, in that 35 days no new requests came in and so I'd like to think we would pick up that processing and however long it was going to take to process those it should be 35 days late. That's in a

perfect world. I will certainly have the Deputy for Field Operations look at the Crown Pointe situation on the rights of way and see if there's something we need to do to help.

Terry Tatsey: Yeah, my question, Darryl goes back to the Fee to Trust. I know the Blackfeet were very active within the tribes of Montana to make sure that we had some type of agreement with the state to waive the taxes for a five year window while the land was being transferred back from fee to trust. Right now there's an individual that lives over by the Confederated Salish Kootenai Tribe that's introducing legislation to the state that they want to basically do away with that type of an agreement. Our question that we're wondering about is, is this something that can be legislated through a state process when all the things that led up to this loss of land and going back into fee status happened under a federal process? And so that's kind of what our dilemma is right now and so the tribes in Montana are pretty adamant about opposing this new legislation because we feel that this...the state of Montana shouldn't have any say of lands converted back to trust that are within our exterior boundaries when a lot of these were forced fee patents and some of those things that happened in the early days of our tribal formulation. So just what's your thoughts on that?

Darryl LaCounte, BIA Director: That is specific to the State of Montana and the way I read it was that it says, 'upon application' that five year period begins. Hopefully the state won't reverse what they [originally] did there. As for what our role would be in that, I can't speak for the Administration on whether we would intervene or something. It's something that tribes certainly have the right to go to their legislative or their Congressional people and say, 'Hey, here's something that's happening in Montana. How about you do something federal wise?' But I can't do it.

Terry Tatsey: Yeah. I'm just curious because if we adopt certain processes and legislation within our exterior boundaries it could be seen as a waiver of sovereign immunity. The reason I bring this up is because we just completed our water compact through the vote of the people and a lot of the resources we got is for property acquisition and our focus and our priority is going to be for fee property with state water permits on it, and so we're going to have a tough challenge if this legislation goes through. We have somebody going to Helena tomorrow on the council that will be speaking against it but I'm just wondering if there's any legal loopholes for us as tribes to take as far as the trust responsibility of the Federal Government to oversee these types of things that have a major impact to us as tribal governance in our sovereign immunity.

Darryl LaCounte, BIA Director: Yeah. They would certainly have. Again, I can't speak to what the Administration would...how they would communicate with the state on something like that. I can ask.

Kitcki Carroll: So here's what I would ask that you convey in that discussion with the Administration beyond the example of Montana. It is not the right or position of states, municipalities, local communities to be thinking that they have a say in fee to trust acquisitions. That is a federal trust process and they are more and more taking the position that they feel they have the right to assert their views and their position about whether those fee to trust acquisitions actually take place or not. So we view it is the role of the Administration to provide them some clarity on what restoration of homelands is all about and the whole fee to trust process. The second that they come to us and want to give us the

opportunity about things that are happening in their communities, then we'll entertain a conversation about them having a say about what happens within our communities.

Secondly, on the issue of carryover. If we're talking about two year monies and I was in and out and I heard Chairman Frazier make mention of this when I was popping in, one of the things that we have requested on numerous occasions that we still do not get yet as it relates to the two year expiration monies is we found out a couple years ago that there is a process specific to the Bureau for federal excess pass back to the Department of Treasury then that gets re-identified and passed back to the Bureau for use. We were unaware that was going on. It was used for a variety of things including technology enhancements in the millions of dollars. So what we asked for at the time that we became aware of that, at the end of that period before any decisions were made by the Bureau about expenditure of carryover dollars at the end of that two year expiration that we be consulted with and have a conversation with.

There has yet to be a moment where that conversation has come back to us to talk about that. So either that means it's still happening without our knowledge or that those dollars are being expended down to zero which I suspect is not the case. So the part that we control and can influence more directly is we've been having our regional director present to us making sure that he is spending down those dollars—and he is—but we're talking about the Central Office carryover dollars that result from a variety of reasons. So the request is on an annual basis for the two year period leading up to that that we get a report about any carryover dollars that the Bureau has that it is passing back to the Department of Treasury and have a conversation on this table about what the plans are for expenditure and use of those dollars.

Chairman Rick Harrison: And Jeannine did develop a calendar for us last year and then in the fall meeting we got a report from you and her saying there were just about zero carryover funds last year and they were all being expended. But we haven't seen anything yet this year.

Darryl LaCounte, BIA Director: What time did you get that, do you remember?

Chairman Rick Harrison: The calendar... We talked about it in March and I think she developed it and we came back in the May meeting and she brought it forward. So she had like a timeline on when things had to happen and when was appropriate for us to see it and try to make decisions.

Darryl LaCounte, BIA Director: Okay. I think we can probably do the same thing.

Kitcki Carroll: So in 2017 you guys did process 82,632 acres fee to trust. The following year in 2018 you increased your cases by about 60 but you processed 62 percent less fee to trust acquisitions. So you made a comment earlier about the Administration's position on supporting fee to trust. I don't view a 62 percent decrease as supporting fee to trust. I view that as the exact opposite. But the Administration keeps making comments about supporting fee to trust, rebuilding tribal homelands, sovereignty meaning something, etc., etc. So the concern that we have is in your long term strategic plan you did identify something in the area of a 45, 47 percent increase in the amount of fee to trust applications that would be processed on a year to year basis. So you guys are doing that. You're processing them,

you're just not approving them. So I'm not sure what the Administration's target is and I would never suggest with a new Administration that it needs to be the same sort of target goal that the Administration before it had, but it sure would be nice to know what the Administration's goal is, if it has one, so we know where the Administration stands on fee to trust. You know better than anybody in this room that fee to trust is a complicated process. It takes a lot of time, it takes a lot of resources. But if we're just processing applications for disapproval, that's not helping anybody. So it would be helpful to know where the Administration stands going from a 60 percent decrease in the amount of fee to trust acquisition from '17 to '18, excuse me and I don't think it takes a rocket scientist to know that probably some of that 80,000 acres that was put into trust is a result of processes that were started in the Administration before the Trump Administration took seat. They were already in the hopper. So we are viewing the last year's acreage amount as a statement on where the Administration stands on fee to trust acquisitions. So not to be guilty of making assumptions and faulty assumptions at that, we would like to hear some clear position from the Administration on where they stand on fee to trust and rebuilding tribal homelands.

Darryl LaCounte, BIA Director: I respectfully would disagree with the percentage that you put out. I agree, the acreage is down, but we have to have the applications in front of us that contain the acreage. It takes just as much time to process a .5 acre parcel as it does to process an 80 acre parcel and so I'm genuine. You know what I did in the last Administration with fee to trust. The only difference I'm seeing is the off reservation and there's more scrutiny on the gaming pieces but I don't deal with the gaming pieces. The off reservation, it comes here. I've only seen one in the year that I've been here that didn't make it through. And so even though the acreage is down, we're processing. I don't know of any in the field that have been disapproved. How about you, Mr. James?

Jim James, BIA Deputy Field Director of Operations: I don't. I don't. I know those statistics are probably correct but I would just remind you that at the end of 2017 we had a big acquisition, 400,000 acres or '16 and so that the number of acres and the number of applications will skew. I would agree with what Darryl said, we can't process things that aren't in front of us but we certainly encourage tribes to acquire lands that they desire. We're going to support that.

Darryl LaCounte, BIA Director: I'm serious. I'm not seeing any anti-fee to trust from the Administration right now and I would tell you if I was.

Chairman Harold Frazier: How about the Wampanoag? The Mashpee?

Darryl LaCounte, BIA Director: Well, that's the one alluded to. I said there was one and that... That land is still in trust.

Chairman Harold Frazier: The other day we were trying to get inspectors down to look at the bridge and come to find out, we were told that if the BIA comes to inspect us, we have to pay them. They take it out of our allocations. That's what we were told.

Darryl LaCounte, BIA Director: We will tell that. Don't you worry about that.

Chairman Harold Frazier: The other thing is we talked about...I guess we all need to keep reminding you guys about the vacancies. We had a lot of issues this winter with the snow removal. There hasn't been a BIA road boss, I think that's the title, the head guy for roads and I think that position was vacant for over a year, but it wound up there's no leadership there so it wound up them guys were working from 10 in the morning to about 2 in the afternoon and quitting. That caused a lot of hardship on the tribe and we spent a lot of our monies too. I think it's important for these vacancies. Another one is the facilities. There are seven positions, four are agency and I think there's only like three or four, and that's causing hardship for our schools and I'm going to kind of back up my little buddy over there, Mr. Dearman on this, but Takini School right now does not have drinking water for the kids. That's a fact. There's no water fountains in there. There's a water tower that does not work and I just got an email from the superintendent there that...talking the Aberdeen area they said the project was approved and funded two years ago but they haven't done any assessments is what they were told by an engineer in Aberdeen. So what it's causing it now is they're on a regular water line and our water company said there's not enough pressure there without that if there was a fire, there's no way they could stop it. So that's something that's a big issue and I know BIA facilities works on them schools so that needs to happen.

Awarding officials, there's no one in Aberdeen to sign a certain number of contracts so this last time we had to wait for like eight months and they had to send our documents to Alaska where someone up there could sign the 638 contract or something.

So those authorities and stuff like that are really important trying to expedite things and stuff like that. So I hope that these vacancies and authorities can be transferred down at the local level. I ain't too worried about filling positions up here. I'm more worried about filling them out there where the people live.

Darryl LaCounte, Bia Director: I remind people every day here while I'm here, Chairman, that the action's in the field.

Chairman Harold Frazier: I know last June we had 22 vacancies at our agency and I'd like to see all them filled. I'm glad that we're finally moving to hire two more so that'll be 20 left. And again, I think it's important for us to know where the money is. Agencies don't... And that's why I have to call you and I thank you for taking my call, Mr. LaCounte. This is a good guy, a good man. He was responsive and things start happening after I call him but I shouldn't have to. I should just be able to call the agency superintendent and boom, things happen.

I really think that you need to come down to our agency and look at things. I could go on and on. One of the things, to the body here, and I was going to bring this up yesterday with the Public Safety and Justice committee is a lot of our people's rights are getting trampled by the BIA but where do we go? There is an incident, the BIA rounded up his horses. It was an unsigned letter from the superintendent. So I told him, I said, 'Don't even worry about it because it's not signed.' I had my land director there, he looked at the letter and here two days later he called my office and said, 'Hey, someone took my horses.' So then I said, 'Well, I'll call the chief of police.' So the chief come over and we got a copy of that letter and

he said, 'This don't give anybody the right to steal.' So here a couple days letter the chief said, 'I found them. They're down at Philip Livestock.' Anyway, I told the guy, I said, 'Well, if I was you I'd go down to tribal court here and press charges, stealing by the government.' Went down there and sometimes I don't really get some of these lawyers because I'm fighting with mine right now. I believe that that's where our people get justice is in tribal courts. That's why we have them. But anyway, the judge ruled that there's no jurisdiction. Even though these BIA people...there should be criminal charges filed because them BIA people down there, the majority of them are Indians. But things like that are happening on our agency.

I've got another instance where they hired some people to run a guy's...had nothing to do with anything...killed some of his horses. I don't know if you're aware of our reservation but they're running clear off our reservation. That's been all documented and turned in and nothing has happened. I could talk to you privately, give you names, tell you what's going on, but I think somebody needs to look into our agency.

We've had an acting superintendent there for three or four years. With this government shutdown, I talked to our people about it. They said, 'The government being shut down every day never did help us. We're always poor. Doesn't matter if they're open or not, don't bother us.' And that's the way our people kept moving. It didn't bother because we had to have nothing. I should say we have nothing. We just kept moving the way we always move. So that has to change. The Bureau of Indian Affairs, that's what it says right there, Indian. If it wasn't for the Indians we wouldn't have an agency, wouldn't have whatever it's called.

I just think all that needs to happen. You've got to fill those vacancies. We need reports of what's going on with every department. Another thing, General Assistance. Is that a discretionary program or not?

Darryl LaCounte, BIA Director: I do not know the answer to that. Somebody behind me is saying yes but I don't even know who it is behind me.

Jason Freihage, Deputy Assistant Secretary-Management: General assistance related to what activity?

Chairman Harold Frazier: General Assistance. A lot of our people there's no jobs. Cheyenne River we have about 85 percent unemployment and so they rely on the general assistance.

Jason Freihage, Deputy Assistant Secretary-Management: Like welfare assistance?

Chairman Harold Frazier: Welfare, yeah. It's sad that you work there; you don't even know what it is. That tells me a lot. Our people believe that in the treaties we're guaranteed the right, but yet that money comes down every other month. So who takes care of the people?

Darryl LaCounte, BIA Director: The one thing I can tell you, Chairman is that the amount of general assistance is capped by Congress and so there's X number of dollars and as you well know there's a lot of need throughout Indian Country. So hopefully it's judiciously distributed, I'm quite certain it is with what we have. I'm not saying it's what your need is, I'm saying it's what we have available to us. Congress has capped that at a certain level. I don't know what that cap is today.

Chairman Harold Frazier: What I'm getting at, it doesn't come down every month like it used to and supposed to. It comes down every other month.

Darryl LaCounte, BIA Director: Well, I hope that's a result of the continuing resolutions and the shutdown and all that and I hope things get back to normal, but we'll look at it and we'll look at the staffing at the agency and encourage them to get those jobs advertised or like we like to say 'on the street'.

Chairman Harold Frazier: How come we don't...when you guys talk about reorganizing, why don't we reorganize to where the agencies have the authority to advertise and have the authority to hire? Everything's centralized over in Anadarko and that doesn't work for everybody. It does not fit everybody. I'm more in favor...look at our treaty. They said there would be an agent on our reservation taking care of everything and that's the way it should be. The reorganization should be local controlled where we go there and we get a response. Heck, now I've got to go...I don't even know where. I was telling Mr. Dearman that one lady, Rosie Davis, in five years I don't even know what she looks like, but apparently she's the line officer for two of our schools. Never seen her. Talked to her once on the phone. They're tough to get hold of and that's why I'm a big advocate that if that restructuring needs to happen, it needs to be at the grassroots level. That's where like you said the action is. So if you have any authority and power and convince these guys, 'Hey, let's get everything out there.' Then you probably wouldn't see me.

Darryl LaCounte, BIA Director: Let me take a look first at whether or not that they have put those jobs forward for advertisement. Before I blame HR or anybody else I want to make sure that that has happened. And so we will look at the staffing there and what is being done about it. There's been nothing to prevent them for over a year now from putting those jobs out for advertisement.

Let me speak briefly to your question about the awarding officials. That's why I'm taking a look, along with Mr. James here, at how we can better run that program and how we can get people qualified to be awarding officials faster to where we're not always in the hole. And I confess, we do not have enough of them out there. Not only in the Great Plains but across the country and several of our better ones just retired and it's a time period to get them qualified again. We're looking at how we can better do that.

Seth Damon: Thank you, Mr. Chair, again. My last question is going off what Kitcki has stated again about the carryover. I think not only will be coming a...finally a recommendation letter from the nation, from the Navajo Nation, I think that all carryovers all for the past five years should be released to each of the regions so that they know what the carryover dollars are actually spent on for the past five years along with the supporting documents for this fiscal year. And last but not least, you'll be getting a letter from the Nation on that. Just before you go and we move on down, as a recurring initiative from the Navajo Nation, the Navajo Nation still strongly opposes the reorganization and the recommended organization and you'll still be hearing that coming from the new 24h Navajo Nation Council. Thank you.

Darryl LaCounte, BIA Director: I would encourage you to listen to Mr. Cameron when he comes. I think probably there's been a lot of changes to the reorganization thing but we haven't really been a part of it.

I can't speak to carryover anymore because I've probably exceeded my knowledge on it so Jeannine and George will present tomorrow.

Chairwoman Cheryl Andrews-Maltais: Excellent. Thank you. Back to the land into trust. I think what would be helpful is to get a total report of what's gone into trust in the past couple of years including the date that those applications were submitted, the date that it was approved, obviously the timeframe that it took to get those approvals and the number of acres. I think that'll help to provide the clarity that we're looking for with that. The other thing is, and thank you, Buster for bringing up the negative decision for the Mashpee Tribe, our cousins. While we don't support the Mashpee Reservation reaffirmation, we are a product or a byproduct of the fallout. We've had land that has been in application for over a year now for land that's adjacent to our current settlement lands and we have not gotten any sort of report back as to why we have had such a delay. It's been in the Eastern Region, or I'm assuming it should be in the Eastern Region, because it's not off reservation, it's actually contiguous to our original set up lands and we still have no word on that. And again, by having these reports it just lists that the application and that it's pending, but no clarity, no explanation, no nothing which is patently unfair, especially when tribes have to pay taxes on land.

Currently, my tribe, as well as probably the rest of the tribes in the Northeast are facing challenges to our current land status due to the decision made by the Department of the Interior to rescind the decision to support Mashpee's land into trust application or land in trust status. So I would like to find out what it is that the Department and/or the Department of the Interior or Indian Affairs is doing to provide some better clarity as to how those decisions are going to be made and what aspects of evidence is going to be used in order to satisfy the Carcieri evaluation that we were told didn't take place then we found out that it did take place.

Darryl LaCounte, BIA Director: I have no problem releasing the fee to trust numbers with one qualification on it. I was the one who put those together back in the last Administration and I couldn't get [records] to 2006 I couldn't find anything and I looked everywhere. There was no system of record. But from I think 2005 if memory serves me forward we have those numbers and I have absolutely no problem sharing them with you. It gives you the number of cases processed and I'm sure somebody's tracking if they're disapproved. But most of them that didn't make it weren't disapproved, they just were never completed. We didn't have all the information we needed to process them. And so that's when we wrote the rules that said, 'We're going to send them back to the tribes after a certain number of days.' We put rules in place for the solicitors, for ourselves, and for tribes because we got tired of getting beat up because they were pending for so long.

Now if there's one pending for a year that has everything in it and they haven't reached out to you and said, 'We need more information,' then there's a problem and Jim [James] and I will look into that.

Chairwoman Cheryl Andrews-Maltais: Okay because we had a mandatory acquisition that took over two and a half years and that mandatory acquisition is now being challenged because of the Department's decision to rescind the decision on Mashpee and it shouldn't be but that does not help our situation that we're going to have to incur legal costs because of a decision that was supposed to be

predicated on the Department upholding its decision to take land into trust, rolled over on itself, rolled over on a tribe and is impacting every other tribe that's in similar situation which is now having all of our lands challenged underneath APA if they have to go back that far or trying to challenge it while it's in the process.

Darryl LaCounte, BIA Director: If it's mandatory the challenge is to Congress, it's not to you. We'll support that.

Chairwoman Andrews-Maltais: Thank you.

Chairman Russell Attebery: I'll try to make mine quick. Just to tailgate a little bit on the land to trust issues. What we've experienced out in Northern California and the Karuk Tribe and I don't know if other tribes have too but we get a pretty good response from the federal level, I think we have a pretty good working relationship also at the state but sometimes when it gets to the local level we hit huge barriers and in particular the land to trust. A couple quick examples. One was the Karuk Tribe wanted to put .9 acres into trust to expand our medical clinic. We were sued by the city and they stated that we were going to use that .9 acres to put a casino in. We tried to convince them that we weren't going to put slot machines in our medical clinic, but they wouldn't listen. So it went to two levels, long story short, taxpayer money, realized they were going to lose and dropped the case. This is still going on at the local level. SGWMA in California, the Sustainable Groundwater Management Act, we wanted to be on the SGWMA advisory board for two tributaries that are main tributaries to the Klamath River that are huge spawning grounds for our fish. We weren't even considered to be on that advisory board. They said we weren't stakeholders even though we had medical clinics, again those two tributaries and definitely we're stakeholders. We had to go to the state, the California State Water Board and get a facilitator to get a meeting at the local level with Siskiyou County and we did get a tribal representative on the Shasta River advisory board, but they're still denying us one on Scott River so we may have to go back to the state water board. It needs to trickle down through all levels so when we reach that local level, is that something we can reach out to you for help or do we need to go to the state or ... ?

Darryl LaCounte, BIA Director: Well, we can certainly reach out to municipalities and encourage them to do that. I don't know that we have any authority to say 'you shall' but we would certainly advocate for you, yes.

A. Gay Kingman: My question really is for probably Tara but as long as you're all here. We haven't had a White House Council on Indian Affairs meeting and yet there is so much that we need to do in collaboration with other departments. Right now I'm working with Lifeline trying to get that out into our isolated rural areas and I'm working with FCC. It'd be good if I had some help from the Department. The Indian Ag Bill that's passed, we're going to need to be working with them, but we need our people at the top to be doing this as well as individual tribes. And there's all sorts of collaborative efforts— Department of Justice and we're working on the VAWA in the legislation. So we really need that collaborative effort. I hope that you could take that message back to the Department.

Darryl LaCounte, BIA Director: Yeah, I can take the message but that's certainly Tara's level, you're right. So I appreciate it and we will take the message.

Mark Cruz, Deputy Assistant Secretary – Policy and Economic Development: Darryl, if I can, the White House has reached out to Tara, John and I multiple times over the last two months. If anybody in this room has a resume or anybody interested in this job, please send it our way. We've really been scratching at the bottom of the barrel looking for someone to fill this job. They have a new IGA director over there and he's reached out and we've been working with him productively since the reopening of the government and that's been our biggest challenge is finding someone to actually do that.

Juana Majel-Dixon: Ron, quick follow up. We had that White House Listening session here when we were here last and Tara was a part of it. We have yet to hear some of the follow up which goes to what Gay was talking about and what you're suggesting. Ron, I know you as co-chairs that was a pretty significant meeting and I know they've had an in-house meeting to kind of catch up the White House on our discussion. What becomes critical to us is the outcome of that...going to make that White House Listening session because we made it very clear when we had Kim in there before, we don't have any Indian people that are leadership in the Domestic Policy Council.

That that was a very good meeting but we made it clear to them in that meeting that when Kim Tehi and the other ones were there under the other Administration it made a difference to have someone sitting at that level for all of the departments which I think would also lend transition for ourselves. So if you can, as chairs, make a point to follow up on that I'd appreciate it because that's kind of what Gay was talking about too. And I thank you for your comments. How many positions do you have?

Mark Cruz, Deputy Assistant Secretary – Policy and Economic Development: There are a number. There's also the Department of Education and, obviously, IHS director. We kind of did a walkthrough of all the kind of spots throughout the Administration that still need to be filled.

Juana Majel-Dixon: Maybe we could send that out because it would be good to get people in. We've got a lot of young bloods that need to step up, so we could support them and help them get there. Thank you for what you're doing.

BIE Update

Tony Dearman, BIE Director: First off, I really want to thank our Education committee because it's really grown and it's really gotten strong, even to the point that I came in a little bit late yesterday and Chairman Frazier was Dr. Frazier and I was sitting there thinking, 'Wow! Usually social media, I catch all of that anytime our tribal Chairmen are involved in something like that,' but I didn't realize until today that I'm the one I guess gave him that title. Well, it's an exciting time for BIE and want to talk to you about some things that are going on. In 2005 and 2006 we started the process of breaking BIE away from BIA and I think to really help you understand of how bad it's needed is this. The BIE, we didn't have the authority to make any purchases of \$2500 and above. And that involves textbooks, that involves milk, bread. Anything above \$2500 we didn't have the capacity or the ability to purchase. What school system out there spanned across 23 states, 64 reservations, doesn't have that ability? Also, Chairman Frazier's already mentioned, we don't handle our facility piece so we really have to work with BIA.

So when you look at the structure of BIE, we started the process in 2005 and 2006, but we just really got the title and some of the positions but we didn't have the authority. What's exciting right now is Mr. Cruz, Assistant Secretary Sweeney, when they came in, they pulled everyone together and it was about 15 hours of just looking at how the process works. And you talk about a unique structure, we have it. Meaning this: If you're a school and you put something into Maximo, it's got to go to BIA Regional Director's office, they've got to look at it, they approve it, it goes to DAS-M in Albuquerque, they look at it, they give you the funding. It goes back to BIA and sometimes we're sitting at the school not knowing where it is. Then we have to rely on someone else to come in and do the project and help us get it going. Big problem. A lot of disconnect. So what we did is we got everyone together in a room and we started trying to tie things together and look at streamlining.

When we looked at everything, again. People have to understand, you have DAS-M, in DAS-M and that's what Jason is over right now. They control the IT systems within our school system, they control new school construction and items like that, that are over \$500,000 come out of the shops. So they're really a huge part in our operations. So what our Administration wanted to do was actually separate us and have us build our capacity where we handle things ourselves and that's exciting to us because GAO has been all over BIE. GAO is taking a deep dive in a lot of our special education services across our system and they've been to a lot of our reservations, a lot of our schools. What they're finding out is that a lot of the contracts weren't done in a timely manner, but again, we haven't had control of that. So with this process, we're going to take control of our own contracts because, nothing against anybody that's done our contracts before now, it's just that we have really tight timelines that we know in Education that need to be handled before the start of school, because that is our specialty, and that's why it's important that [Indian Affairs] bring that over to us.

The prioritization of the 2020 budget remains the same as '18 and '19. Core missions of the programs, operations the BIE funded schools, post-secondary tribal colleges, universities and tribal technical colleges. We also operate two post-secondary. We have [Southwestern Indian Polytechnic Institute (SIPI)] and Haskell. And again, we have to rely on everyone else to take care of procurement, up until this year.

Right now in BIE, we've taken about a \$216 million cut and as George [Bearpaw] stated, they're going to go in the weeds tomorrow to really talk about where the cuts are and more about that piece. We wanted to throw that up there and let everybody see that we did take the \$216 million cut, and again tomorrow, we'll make sure we cover that.

As we start shifting over, we're pulling things that you normally seen in the Green Book that fell underneath BIA. Now they're coming into our Green Book to BIE's Green Book and it's out, it's freshly printed. Like I said, again, it's an exciting time that we're looking forward to.

One of the things that Congress was really concerned about is duplicating services and we wanted to make sure that we were not duplicating services. But if we are actually the Bureau of Indian Education, then we should be able to do what the Bureau of Indian Affairs does because DAS-M, the Deputy Assistant Secretary of Management Office supports both [BIA and BIE]. So we didn't want to duplicate

anything that DAS-M does for the bureaus, but we really feel like we need to build our capacity to make sure that we take care of everything that lies within BIA.

We've started really working together and I know Mr. LaCounte, Jason, they're probably tired of seeing me because coming in I had a little advantage. I've come from tribally controlled schools, I've come from BIE-operated schools and coming in I knew who I had to go see to get assistance. I'm kind of old school. I don't like emails or a lot of phone calls. I want to come and see them. So, I'm sure that they're tired of seeing me come in their doorway with needs. But hey, I always say this, 'the needs of our kids are most important,' right? They've been great to work with. They've really been great. We've had a lot of great support from our Administration with this.

We talked about the GAO. There are a lot of recommendations. We do have a five year strategic plan, and we've heard loud and clear from our tribal leaders – it's not checking off a box. With our strategic direction, what we have done is we went out to consultations, listening sessions, I believe we had five consultations, we had three listening sessions and we've taken every comment that was made. Our tribal leaders, the comments from them were highlighted. You can go to our website and we really tried to incorporate every tribal leader's comment into the direction if it pertained to the direction because we want to be transparent with our tribal leaders and how we're not just checking off a box, we're listening to what's being said because we're on 64 reservations and we have to have assistance from our tribal leaders to make sure that our kids are taken care of.

We are going out for negotiated rulemaking and we're going to have six consultations face-to-face in Indian Country and then we're going to have some webinars. Also, for [the Johnson O'Malley (JOM) Program], we're fixing to do the same thing. We're going to come out and have consultations. We're shooting at six face to face consultations regarding JOM and I would really ask, that's a good chance for our tribal leaders to make sure that you're heard.

Also with BIE and working with our solicitors, we do call it consultation. However, because we are an education system, we listen to every stakeholder. So when you look at our strategic direction online, you're going to see school board members, you're going to see other people that were identified that made comments with the strategic direction because it's all stakeholders in BIE. So we want the input from everyone.

So with the GAO, again, we're on the 'high risk.' We are close to submitting a workforce plan. The workforce plan, again, today the hiring's really been brought up. We have had an issue with hiring. When we took over directorship, I believe we were below 43 percent. We've really set back and looked at some changes we could make in order to address that.

So first thing we did is we actually said...because for some reason BIE had a regulation that stated, 'We go by the most stringent.' So if BIE is harder than the state to qualify for a position, we go by BIE. If the state's harder, we go with the state. So right off the bat, that made no sense. With the shortage of teachers across our nation, BIE was harder to get into than all the states. So what we did is we came through, we fixed it, we said, 'If the state that our schools are in recognizes certifications so will BIE.' It makes us more competitive.

The other thing we've done is we've added two talent recruiters because seriously, who comes out of a teacher education or teacher university program and you're looking on USA jobs for a teaching job. That doesn't happen very often. So what we've done, we've added two talent recruiters and they're outreach is to over 200 teacher education programs across the United States and we're getting to where we're getting more consistent in getting our name out there.

The other thing we've done and I know that if you've been around education and BIE, we lose a lot of people because of background checks, the whole process of getting through the system because it's easier to go down the road and get a job at a public school and start getting a check next month, instead of waiting three or four months – five, six – to get through the clearance. We've addressed that. One of the things that we've done is we've actually contracted with the Interior Business Center and we're showing...since the contract has started, we're reducing the time by 45 days on average that it's taking to get our staff onboard which is really again, making us more competitive.

There is one thing though that we haven't got a plan for this, yet: if you're in a public school setting and you've been in the school system for 15 years and you come into BIE, you can only bring five years in. It's hard to find a teacher, an educator that's willing to leave 10, 15, 20 years of state retirement on the table to only bring in five. And that's going to be something that we have to work with OPM, personnel management, because it makes it tough. That's why you'll see a lot of our staff when they come, they'll come on really early in their career or they'll come on really late in their career. So we're really looking at what we can do to either up that or just make changes because that has been a situation that's hindered us a little bit.

Darryl LaCounte, BIA Director: I didn't mention that when I spoke about some of our hiring problems. We share the same thing. The background investigation is timely and people sometimes don't take the jobs we offer. But it's just one more component.

Tony Dearman, BIE Director: These were the priorities that we worked with our Administration because, again, when we prioritized the biggest problem we had, it was acquisitions. When you think about that, up until about a year ago we couldn't purchase anything over \$2500. So basically all we were controlling in BIE was the environment—our classroom environment and the safety of our campuses. Anything else had to go somewhere else to be contracted. I see some people are like, "What?" But that's what we were up against. Right now what we're doing is we've started transitioning our acquisitions out of the field working with [Reston, VA, the location of the CFO's office] and our Chief Financial Officer, Jim Anderton, and Jason Freihage to start transitioning and then our goal is by next school year, we'll be a stand up. We'll be doing our own acquisitions for all of our schools.

Ms. Sharon Pinto, when she came in in September, she had no idea what she was getting into but she's been great building the capacity and the team of really bringing this on. She didn't hit the ground walking, she hit the ground sprinting, but I can't say enough about her and the staff.

The second thing is facilities. There's not one person in this room don't know that we don't have a problem with facilities and when you look at facilities, the process that it has to go through just to get repairs done, just to get a boiler system, anything purchased, it was crazy. There was a lot of different

people involved. So really streamlining this. And again, if we're really going to be our own bureau, we need to do what the Bureau of Indian Affairs does, we need to have that capacity and build that within the Bureau of Indian Education. We've actually hired our Supervisory Facility Manager, and we're looking at bringing on more staff as well because it's critical again that we have people that know our schools and know our communities and we can really get in there and really focus in on our schools with BIE.

Safety was the other one. This will be the first year that BIE has actually done 100 percent of all the safety inspections. I've been getting complaints that we've had a lot more findings but you know what, I'll say this, our kids deserve the best and we should be going in there really marking things that we're finding that our kids deserve to have better. So what I say is this, we are going to have an increase right now because we've really increased our standards in safety inspections. We're controlling that. Now, follow up: because sometimes we've been really bad because I'm coming from the school level, we'll come in, we'll do an inspection, give you a report, you don't hear or see from us again. Follow-up is going to be critical because what we're finding now is we're finding out that depending on the size of the schools, you have to be realistic, some of our schools, our principals are the cook, the bus driver, the principal, they're everything because they're small. So what we're really finding out now is they may not have the capacity or the time to do the abatement plans.

Building [the BIE] structure to where we're actually assisting our schools is critical. You're going to hear me...you've heard me say from the beginning, it's a change of mindset because I've been at the schools, I've had BIE come in and thump on me as a school leader and then leave and then come back a year later and thump on me for the same thing they thumped on me a year before. That is not service. So what we're asking now...when I say we're at 55 percent, that's staff that's going to be servicing our schools.

In our strategic direction you're going to see six things that our tribal leaders helped us identify and the one that I'm passionate about, all of them, but the one that I'm really passionate, because I've had first-hand experience in handling it, is behavioral health. If you've got a sick kid in front of you that doesn't even know if they want to be here, how are you going to teach them? If you're an administrator and you're the one handling this situation with no support from BIE, that makes it tough. Something's got to give. You're either in the classroom supporting the instruction of all the students or you're focused on trying to keep a student alive. That's what a lot of our school leaders have been faced with. We're turning that ship around because what we are developing, if we have something like that at a school, the school leader or the counselor, whoever's dealing with our child, should be able to pick up the phone, call us and we get on the horn trying to find placements. I'm going to tell you all, every state has different guidelines and we've been partnering with IHS. I heard it earlier, 'what are you doing with IHS?' IHS has a big budget. Mr. Cruz has pointed this out. IHS has a big budget. We really need to get their assistance. We're not medical doctors but we really need to work with IHS to make sure that we have the support to take care of our kids because up until now we've put a lot of responsibility out there on our schools.

The other thing is, Mr. Addington's here. I'm telling you, we've been attacking things, we've been creative. A lot of our schools have contracts for security purposes on site. So, why can't we take that money and actually hire OJS officers? We're working through some jurisdiction issues, some of the time, we've got to see who has jurisdiction. Congress has actually challenged us in looking at response time because again, 183 schools, 64 reservations, there's no system alike, no system. So we're really being creative and we're really utilizing our resources.

If you have another resource for us, please make sure you let us know. I will throw this out there. You've heard me say it over and over, USA Jobs, BIE jobs, we need all the help we can get because we're finding out that cultural relevance is so important that our tribal leaders that we embedded it in our strategic direction. We have a high turnover of non-native teachers coming into our systems and not understanding our tribes. So that's actually a piece of our strategic direction. But even better, if we can get our community members that are totally invested in the communities to look at coming into education, turnover goes down and we have people that know our community and know our kids. So we have got to do a better job, and we will, of getting out there.

We've started trainings this last summer. BIE hasn't trained in about five to seven years. We're rolling out trainings again because when you look at our turnovers in our school leaders, they don't even know what some of the funding streams that we have can be used for. So we can actually take some of the funding streams that we receive and if we've got a really good staff member that's an Ed tech... I'm going to tell you, we have some great Ed. techs out there and they'd be great teachers, but they just don't have the resources. That's our fault because we've got to train them. We do receive some funding from the Department of Ed, IDEA Title 2 where we can utilize those funds to help get them through college and get them a degree to where they can actually be certified teachers.

It's still an exciting time for BIE. I know we're headed in the right direction but we really need assistance. I would ask of all of our tribal leaders, when we come out for consultation, make us better because we have to hear from our tribal leaders. I appreciate your time, and I'll answer any questions that any of you may have.

Chairman Rick Harrison: Thank you, Tony. I do have one comment on your last suggestion you said you're reaching out to Charlie's office there to get OJS officers. I would challenge you to in every area you can to look at reaching out to the tribes and trying to get employment through them to support their program services as well. They know their communities better than anybody else coming in there and they also need that support.

Tony Dearman, BIE Director: Appreciate that. And we have. Charlie was actually on the phone with us. We had Charlie on the phone, we had tribal police, we had the Chief on and we were looking at how we could actually increase. So thank you and we have started doing that.

Chairwoman Cheryl Andrews-Maltais: Thank you, Tony. I'm glad to see that you guys are being really creative on how to rework the funding that you have to pool resources and get the resources into the schools as you need to, but as you heard earlier, our concern is that we're not getting much, if any, consideration along the lines for the tribal children that are not in BIE schools and I'd like to know what

type of a plan you have to correct or mitigate that because we too have a need for our students, but we're not getting any funding, for one. For two, the other thing is that as a self-governance tribe we've asked to pull our shares out of the Indian Education line item and that usually is a few hundred dollars and I wanted to find out how you guys are calculating that because it just doesn't seem appropriate that the only shares that we would be getting for taking over those programs and services would be a few hundred dollars. Thank you.

Tony Dearman, BIE Director: Did you say 638? Okay. I would have to rely on Sharee for 638 on any questions with that because again, that's another office we have to work with. I'm definitely not going to say we had to make some tough decisions after your comment earlier. But again, the budgetary target that we're given and then we have to go to work and really make sure we hit that target. And I know that tribal leaders are tired of hearing, 'now go to Congress.' We discussed this yesterday and the TIBC priorities with our subcommittee and Mr. Garcia is right. It shouldn't be a subcommittee. It should be stronger. Hearing the priorities of TIBC because again we put on the PowerPoint that the core mission of the BIE would be to support the instruction of the schools. That's going to be something that we have to really work with our Administration and the tribal leaders to make sure that it's incorporated with tribal scholarships. It's not that it's not important but in reality when you're given a budget amount that you have to hit, where are you going to cut?

Chairwoman Cheryl Andrews-Maltais: Well, that's the problem. We keep hearing, and this is decade after decade. I'm getting a little long in the tooth for this discussion, but we keep hearing decade after decade that a new consideration is forthcoming and if we have a specific line item that Congress has established, it's their prerogative, they established that but what is BIE doing to mitigate and provide more parity to the 90 percent of the native students or the Indian students that are in America and how are we helping 90 percent as opposed to putting 100 percent into the 10 percent?

Tony Dearman, BIE Director: I understand that. It's always been a question that we've had from a lot of the tribes that don't have our schools on the system. There are a lot of appropriation languages that we're tied to make sure that we fund the schools that are in place. We get a lot of requests about school expansion or grade expansion and there's some legislative language that's actually in our Green Book that states, if you wasn't a school before 1995 and the grade expansion is about the same, '95-'96, that it takes congressional language to change that. It's going to be the same way with the funding that we get with ISEP. ISEP, according to Congress, is going to go or any of our funds is going to go to the schools that are within our system of the 183 or the peripheral dorms.

Seth Damon: Thank you for your time today. There was one concern I had, I guess a huge concern in your presentation. I'm not understanding who's in charge of facilities now. Is that you're in charge of the facilities still or somebody else in charge of the facilities and if no, your question...your answer there. I see that there's a total amount of \$169 million that's taken out of next year's budget. Is that transferred over to another department or is that money that was just taken away from the overall programs and if so, the reason why I bring this up specifically for Navajo, the replacement of school construction and facility construction we had a total of six...I do believe six new facilities that were on that listing to be built and I just want to make sure that nothing's wrong with those facilities and hopefully they're still on

the make up in order for us to continue down that timeline. The second one is for post-secondary programs. I do look at your numbers again. It seems like for Haskell and SIPI colleges and university there's a total amount of \$22 million that was allocated this current year and it seems like that's just been taken out. I don't know if that was taken out of internal transfers. I'm not sure what that means but it seems like there was no money allocated for them this year. I don't know if that was just a one-time supplemental grant this year that was given to them for something but that's just something I was really seeing if you have any update on that, especially for our post-secondary college students that are going to be attending Haskell and SIPI. Thanks.

Tony Dearman, BIE Director: Haskell and SIPI, there's been a need...when we talk about federal shutdowns that also affected Haskell and SIPI up until this year. What we've done is we've been able to forward fund that. So when you see that it's because it's been moved to forward funding which is critical because we kind of got crazy whenever we were going federal shutdown and then we had two universities that were impacted. So this way they're going to be like all of our K through 12 schools, they'll be forward funded and it won't impact that. So that's what that transfer is.

Facilities. We do take ownership of that because as a school leader, if I've got something wrong with a facility, I need to take ownership of that and start pushing that up so BIE is involved, but we work with BIA and DAS-M in addressing any facility issues. So again, that's that piece where I was talking about if I'm at a school and I've got a project that's due, goes into Maximo, it goes to my BIA regional office, they look at it, they approve or they come back, we work together, it goes to DAS-M for the funding then it comes back and then we start working on the project. So BIE, that has not transferred over to us, yet. So right now we're working with BIA and DAS-M.

A. Gay Kingman: This morning when Chairman Frazier spoke he said Navajo has 33.4 percent of BIE or tribal schools, Great Plains has 27 percent and the Western Region has 11.6 percent of the BIE Indian controlled schools. So in your mentioning all of these things that you're doing—the rulemaking, the strategic plan, the workforce plan, everything—we want you to come out and we will sit down with you and meet with you on this because our teachers need to be involved with this. So from the Great Plains Tribal Chairman's Association, we will invite you out right now and I can set up a time with you after we finish this because our schools are in three states and as you know we really need to work on all of these areas. The other thing I have is a question about the National Johnson O'Malley Association and how do they provide technical assistance. Wow do you work with them, and do they provide technical assistance to BIE schools as well as public?

Tony Dearman, BIE Director: JOM, again, is very complicated as well. We work well with the National Johnson O'Malley organization. JOM, we have some of the contracts we handle, JOM contracts. Other contracts provided in TPA, they go through BIA offices. There's no one certain way the contracts are handled in JOM. JOM's actually predicting that once we go out and we do consultation, they're predicting that the count could be over a million students, which we've been froze since '95 in the count [of students]. We've started looking at our capacity and actually started addressing...because right now our organization only has one position so we're really going to have work with National Johnson O'Malley Association closely and we're going to have to make sure that we have the internal capacity to

handle the contracts because we've had so many tribes that have come to us and want to know when they can have a chance at Johnson O'Malley and we're really anticipating this to be a huge on taking by the BIE. But we are working closely with National Johnson O'Malley.

A. Gay Kingman: So they have a contract with you?

Tony Dearman, BIE Director: No, we don't have a contract with them. No. Any contracts with the Federal Government goes out for competition.

Kee Allen Begay, Jr.: The other area, I think I brought this up in several meetings, is teacher housing. You've talked about retention, turnovers of qualified teachers. One area that I don't know if you have any assessment you've asked for input by tribes, consultation, what specific have each of the tribes made recommendations about teaching housing because I know [Seth Damon] asked if the construction is in your shop, but it is still under the Division of Facility Management Construction, right? So I don't know how else that we'd be able to include and construct housing for teachers and how your department is making recommendations to have housing for each of the schools on the reservations.

The other area is, maybe specifically on behalf of Navajo, that I'd like to request during presentation, as I've indicated earlier, that we get reports directly of each region's situations. So for Navajo on BIE, we have a lot of situations that deal with education. We have BIE schools, we have a 638 contract school, we have grant schools across Indian Country. How will this particular plan that we're hearing right now impact some of the areas of local schools? You're saying that you're trying to be an independent agency and that's one area that we continue to have problems with, especially through 638 contracts. How is it that your office is specifically addressing these particular different type of schools in Indian Country? So that's the area, co-chairs, that I would request for BIE and Mr. Dearman. You've seen three of my requests and I appreciate you taking meetings for Navajo to meet with you regarding school improvement, housing for teachers. I also want to request that BIE work directly with the [U.S. Department of Transportation and the BIA Office of Indian Services, Division of Transportation] regarding school bus routes.

Getting information directly from the region or the [DC Central Office] level, taking it back down to the [transportation offices in the field] really helps to support justifications for reason why we continue to ask for road improvement. You're not just talking about high school or BIE school buses. You're talking about Head Start buses, too.

So I think that through your strategy, Mr. Dearman, transportation is another issue that I think the school needs to implement to get accurate information of how many routes do buses take in the morning, how many miles of route they drive in the afternoon, or even after school activity. Those are some areas that I wanted to concentrate and pose the question to BIE from Navajo.

Tony Dearman, BIE Director: Our Green Book has, I think, \$5 million for quarters renovation, and repairs, and then \$1 million for new quarters construction, if I'm accurate on that. You're right. Really there hasn't been a need for tribal consultation regarding quarters because they're bad. They're bad. We know that and we've got to be creative in making sure that we're doing improvements.

The other thing that we've got to do better with our quarters is we've got to provide training to our facility managers and our school leaders in how they go about doing renovation and repairs. Now 638 schools and 297 schools. We have three 638 schools in our system and the rest are 297. 297, we're hands off unless the tribe wants us to get involved because again tribal sovereignty. We come in and we monitor because the Department of Ed has us come in and make sure that we're monitoring the expenditures of funds for IDEA and Title. But when it's a tribally controlled school, unless we're asked, that's the tribe. The tribe's running it. So there are some differences. Navajo is very unique because that's an area where we have BIE-operated and tribally-controlled [schools] altogether and what I would really recommend is not wait 'til TIBC to get the information you're wanting because we'll send the Associate Deputy Director over Navajo or any of our budget team members to address things there, instead of waiting to TIBC. And I would ask any tribe instead of waiting for TIBC if there's something you need to know, let us know. We'll come to you and make sure that you're aware because you have every right to know. So my recommendation on that is we can come to you, not 'wait 'til we get here.'

Juana Majel-Dixon: I just want to quickly follow up and then he's after me. Because there's only three you say in the 638 and the other are 297. The reason I ask is that we've seen an increase in suicide and an increase in bullying and an increase in dating violence. We've addressed it pretty aggressively where we are because Sherman is just up the road and then we have Knowly and the charter school, but we began to ask around to our kids who had attended also at Haskell we realized that this was not new information. But what I want to understand because you have just the three, does that mean you don't get involved in that and it's just all on the tribe?

Tony Dearman, BIE Director: No, no, no. Any resources that we develop as BIE is open to...Behavior health like this, we've...Ahniwake hit it. There's no line item in our budget that addresses behavior health so we're going to get creative and really partner with tribal health clinics, IHS and IHS right now we've been meeting with them on a regular basis. We're rolling out training this year in the summer with IHS because our staff, we're asking our teachers to be counselor and everything else in our school systems without any training. So we're taking a step back and we're starting to develop training to go out for our schools. We are seeing that and it's sad because we're seeing suicidal ideations. And this is another thing.

Juana Majel-Dixon: And you're also hearing clusters coming out of that.

Tony Dearman, BIE Director: Well, yeah. Social media... I blame social media a lot of times because you have copycats. We are starting to look at that as well. We've started collecting the data. As a system, up until about two years ago, we weren't collecting that and that's a shame. We should have been and we are now because if we go to the Hill and we do any of our testimonies, the last hearing we had I was actually able to give some data on suicidal attempts and suicide completions within our system, and it's happening at different levels.

What I would really ask is if a tribe has an idea of how we can come in and work together on the reservation, please let us know because that's a problem that we really need to address. What we're seeing, it's getting younger and it's scary.

Juana Majel-Dixon: Yeah, definitely. So we'll make a point to follow through.

Courtney Two Lance: My name's Courtney Two Lance from Great Plains Region. I wanted to go back to the National JOM Association. Do you have a Memorandum of Understanding or something with them regarding their reporting to you on what they do for the tribes because they say they're an association that speaks on behalf of the students and the tribes and the parents? We have 6,000 kids that participate in our JOM program in Pine Ridge, but yet we've not seen one report from them, they've not provided any kind of technical assistance to our JOM program. What are you going to do in your strategic plan that makes them accountable to you if they're speaking on behalf of our kids?

Tony Dearman, BIE Director: Good question. I know that we've talked about MOUs and we really started reaching out to partnerships to get something in writing in an MOU. But you've got to remember, up until now, when you talk about reporting, there wasn't any bite in the JOM contract or anything in the JOM to make the contractors actually report their numbers. There's been two attempts, I think 2012 and 2014, where BIE's actually tried to go out and get accurate counts that haven't been accurate. What Senate Bill 943, if I got my number's right, is going to do is if you're a contractor and you don't report your numbers, it's going to impact your funding. That's the bite that we need in order to really make sure that we're getting accurate counts. JOM, honestly, I don't think we're not going to have jurisdiction over JOM. They're just not part of the government, we're not going to have jurisdiction. That's a partnership that we'll have the ability to work with and really...I'm going to...you're going to make me go back and look for the MOU.

Courtney Two Lance: Don't you think that that's a duplicative service and you address that because if we have it in our BIE and then this association has it over here, that's duplicating services and you're cheating the tribes out.

Tony Dearman, BIE Director: Well, we're getting the funding and we're distributing it to the contractors. Johnson O'Malley to my knowledge, and I'm going to go back and check. [The National JOM Association is] represented by National Johnson O'Malley contractors throughout the system. So I'm thinking of members that I know are part of tribal National Johnson O'Malley organizations, a lot of them are contractors.

Courtney Two Lance: The one thing that I heard from their national conference last month was they were in support of making it a competitive basis with the states. Now if you're from South Dakota, you are not going to get that, if you're a tribe. So I'm not in favor of that being a competitive basis – the tribes fighting for that funding, not the states, and I think you should step in to say, 'No, that's not going to happen here.'

Tony Dearman, BIE Director: Well, you've got remember, we're going to go out for consultation and that's where we're going to hear loud and clear from our tribes on what needs to be done and that's where we'll go.

Charlaine Tso: Thank you. Again, my name is Charlaine Tso. I'm the Vice Chair for the Health and Education Human Service Committee for the Navajo Nation, also council delegate. I do have a couple of

questions and I'm just going to elaborate a little bit more on the prior comments made. As far as with the curriculum that is being created in the strategy, what are you basing that off of? Is it the full input of all the tribal regions, and how are you coming up with that curriculum, to what extent is that being created? And number two, with the behavioral health, how are we approaching human trafficking awareness within schools because that's beginning to be a rising issue with students getting off the buses and then being abducted after school. Training with teachers, the bus drivers, how is that being incorporated into your office as well? And lastly, the number one problem that we're having in Indian Country is teacher retention as well as with being qualified. And usually a majority of them start out as para-educators and some go in with little or no experience at all. So how are we helping them succeed and acquire that higher education, and once they do attain that education, how are we helping them with loan forgiveness? Is there some sort of approach that we can take with that? Thank you.

Tony Dearman, BIE Director: Thank you. The standards assessments accountability system, we sent out tribal leader letters to ask for nominations and actually the members were cleared through the White House. So where the regions fell, I know that your region is represented on that. And again, the work that that committee has done is fixing to go out for consultation and I think...the one thing you have to remember is no matter we do, if we're required to go out for consultation, whatever's sent out there like the standards assessment accountability system, it's a draft because it's going to change once our tribal leaders get their hands on it and give us input. So everyone will have a chance to do that.

What I like about this is the fact that, using your tribe for example, the Navajo Nation, you have your own system and we've heard loud and clear from the Navajo Nation and Mikasuki that they don't want our system. They want to waive it. But a lot of other tribes are stepping up and have the ability to waive it and they're doing so.

Human trafficking. Again, so much of the local leadership...and that's a very good point because I know Charlie's been attacking that with I think some of the programs and they've been hit with that a lot. Unless it's handled locally, we haven't done anything nationally yet but that doesn't mean that we won't because what we really need to do is see where it's happening. I'd have to see some data on how we need to structure support around that.

Loan forgiveness. We're trying to be as creative as we can and we're paying for national board certification for our teachers right now and we really feel like that's helping us retain our teachers. We're actually seeing the numbers go up because we've even addressed how we roll that out because the way we rolled that out wasn't right because what we should have done is we should have rolled it out with the administrators and the teachers. We jumped the administrators and went straight to the teachers. Well, the administrators needed to support the teachers. So we took a step back and what we're seeing is we're seeing our numbers increase. So we're looking at that.

We have some locations that are very hard to fill and we're looking at ways that we can incentivize them to stay. A lot of it is just the fact that people don't know about us. We're working with Teach for America to try to get them into our school systems because they can work with our tribally-controlled but for some reason there's been something in the BIE that won't allow us to work with them in our schools. So

we're addressing that and again, if you have ideas that can make us better with retention and incentives, let us know.

Joe Garcia: Tony, I asked this question before, not with you in the position you are, but it has to do with infrastructure in BIE-operated schools as well as tribally-controlled schools, BIE funded and that has to do with the broadband capabilities. Last I heard there were at least three or four Pueblo schools in New Mexico that were still kind of hurting in terms of no broadband. And then concerning is the other remote areas of BIE schools that are in that situation. They don't have broadband services and nowadays it is a requirement to have broadband for all students and so if not, if you don't have that service then the students are the ones that are going to be hurting. My question is, we were supposed to get together in Albuquerque, I think it was after November or December last year, to talk about the infrastructure development in terms of broadband services for all BIE facilities and so I don't know where it is right now but we never got together in Albuquerque like we were supposed to and so I guess I'll bring that back up and hope that we're doing better in terms of the schools.

Tony Dearman, BIE Director: Thank you, Mr. Garcia. Our goal is to have all of our schools at 100 megs. What 100 mbps means I don't know, I'm not an IT guy, but I know that's our goal. But I know that in talking with our OIMT guys that falls in Jason's shop, we have schools that are nowhere near 100 mbps. We have schools that are like in the 20s, very low. That is a problem across a lot of our schools and you're right, that puts our students at a disadvantage.

Joe Garcia: Well, the other piece is that if you look through the budgets and look through funding, that's not even in any of the documents that I've seen, and that's part of infrastructure. So somewhere we need to bring that back up and make it a light issue and say, 'Hey, we need this part of it.'

The other follow up one is having to do with school construction but if you look at the President's budget, it's been zeroed out. And so here we are advocating, here we are TIBC trying to look at the priority items for budget purposes for BIA and BIE and on the other hand the President is zeroing out these facilities, school improvement, and school construction altogether. We're not doing something right here.

Tony Dearman, BIE Director: Well, one thing, Mr. Garcia, we are working with DAS-M, Jason and his shop to start doing assessments on our schools to see where they're at, where their need is. And then facilities piece, we're really relying and waiting on the public lands infrastructure fund which is...now has in the language 'BIE school' included in the language so we're looking at that to make up some of the shortfall.

Joe Garcia: Tony, I asked this question before, not with you in the position you are, but it has to do with infrastructure in BIE-operated schools as well as tribally-controlled schools, BIE funded and that has to do with the broadband capabilities. Last I heard there were at least three or four Pueblo schools in New Mexico that were still kind of hurting in terms of no broadband. And then concerning is the other remote areas of BIE schools that are in that situation. They don't have broadband services and nowadays it is a requirement to have broadband for all students and so if not, if you don't have that service then the students are the ones that are going to be hurting. My question is, we were supposed

to get together in Albuquerque, I think it was after November or December last year, to talk about the infrastructure development in terms of broadband services for all BIE facilities and so I don't know where it is right now but we never got together in Albuquerque like we were supposed to and so I guess I'll bring that back up and hope that we're doing better in terms of the schools.

Tony Dearman, BIE Director: Thank you, Mr. Garcia. Our goal is to have all of our schools at 100 megs. What 100 mbps means I don't know, I'm not an IT guy, but I know that's our goal. But I know that in talking with our OIMT guys that falls in Jason's shop, we have schools that are nowhere near 100 mbps. We have schools that are like in the 20s, very low. That is a problem across a lot of our schools and you're right, that puts our students at a disadvantage.

Joe Garcia: Well, the other piece is that if you look through the budgets and look through funding, that's not even in any of the documents that I've seen, and that's part of infrastructure. So somewhere we need to bring that back up and make it a light issue and say, 'Hey, we need this part of it.'

The other follow up one is having to do with school construction but if you look at the President's budget, it's been zeroed out. And so here we are advocating, here we are TIBC trying to look at the priority items for budget purposes for BIA and BIE and on the other hand the President is zeroing out these facilities, school improvement, and school construction altogether. We're not doing something right here.

Tony Dearman, BIE Director: Well, one thing, Mr. Garcia, we are working with DAS-M, Jason and his shop to start doing assessments on our schools to see where they're at, where their need is. And then facilities piece, we're really relying and waiting on the public lands infrastructure fund which is...now has in the language BIE school included in the language so we're looking at that to make up some of the shortfall.

Jason Freihage, Deputy Assistant Secretary – Management: Yeah, that would help make up some of the difference of what's being cut. And to Tony's point, we are doing an assessment both working on a contract to do assessment system wide of IT so you can see both the broadband like kind of the pipe coming in and then also to make sure the hardware inside the school can actually take advantage of bringing all that broadband kind of information in. So those are two focuses for both of us and similarly for [the Office of the Assistant Secretary for Indian Affairs].

Tony Dearman, BIE Director: And the challenge of that is going to be, Mr. Garcia, as everybody in the room knows, IT two years down the road it's obsolete, whatever equipment you may have, is actually looking at the funding and actually looking at some type of IT refreshment schedule to where we're able to go out and help schools refresh the IT equipment because there's no way we could do all of them at one time.

Kitcki Carroll: The public lands infrastructure fund is not an option. It's inconsistent with the approach that you just talked about in terms of having a strategy and then budgeting to meet that strategy. The Department should not be taking a position of making plans to fund services on a piece of legislation that hasn't even passed. That's just absurd that they're even doing that and suggestion that.

Public Safety & Justice Subcommittee Update

Chairman Rick Harrison: Next up is the Public Safety and Justice Subcommittee and they have some DOJ folks that they've invited here to do a presentation for us.

Mike Costigan, Senior Advisor, U.S. DOJ Office of Justice Programs: My name is Mike Costigan. I'm with the Office of Justice Programs. I'm the Senior Advisor there and I'm relatively new to the team, starting to get more involved in some of what we're doing with tribal grants. I understand that we had a number of questions come up in the fall which is why I brought two of my colleagues with me who can cover both budget as well as some of the legal constraints that I think some of you folks may be concerned about with respect to grants. Just a little bit on my background then I'll let these folks introduce themselves. This is my third time with the Department. I worked for Attorney General Meese right out of college. So you're looking at one of the youngest guys from the Reagan Administration, as terrifying as that may be. Also ran something called Police Corp at DOJ about 15 years ago. And now I'm back sort of helping implement a variety of projects. One of the projects near and dear to my heart is Project Safe Neighborhoods which was something I helped create with a couple of guys in Richmond, Virginia. And one of them, maybe not so well known, a guy named Paul McNulty who was a DAG and a U.S. attorney and another guy that's a little more famous by the name of Jim Comey. We all worked together on crime reduction in Richmond and then created PSN so we're back sort of... Jim is not back, but the rest of us are back sort of helping with that. In the meantime, before we kind of get into the nitty gritty, I want to introduce you to Sharon Tucker. She's with our Office of General Counsel. She can handle some of the legal issues you guys might want to discuss. And then after that I'll introduce you to Ryan Morris. Sharon, would you come up?

Sharon Tucker, Office of Justice Programs: Thank you. Yes, I'm Sharon Tucker. I'm with the Office of General Counsel at the Office of Justice Programs and I'll look forward to any questions you might have as well as follow up with you to anything that would need more specific information to address.

Ryan Morris, Office of Justice Programs: Hello. My name's Ryan Morris. I'm a budget analyst at OJP. I work in the Office of the Chief Financial Officer. I'm here to help you with any questions related to the budget for our tribal programs and the funding attached to them. I look forward to speaking with you this afternoon.

Mike Costigan, Senior Advisor, U.S. DOJ Office of Justice Programs: Again, I'm going to try jump into it so you guys can get on to more important stuff. I understand a couple of things that came out of the meeting in November were...had to do with sort of the direction of grants generally at OJP. Why, for example, would violent crime reduction be such a big issue this time around? A lot of the priorities, as you probably know already, are set by the Attorney General. When AG Sessions came in, trying to reduce violent crime across the country was a priority. That's actually one of the reasons I'm back because Project Safe Neighborhoods was a program designed to do that and it had gone from a formula program to a competitive program and was proving to be less and less effective. So we restored it to its formula funding to get money to U.S. attorneys but that's been a primary focus of what we do on most of our grants at OJP. That very issue is something that I'd like to ask Ryan to come up and talk about because I understand another big issue that came out of that meeting was why are all the grants

competitive rather than formula. So like any good soldier, I brought very good expertise with me and Ryan can speak to you about some of the statutory limitations that we face with respect to how we do some of our grant funding. Ryan.

Ryan Morris, Office of Justice Programs: In regards to the CTAS program being competitive, CTAS itself is not authorized in law and let me back up and explain what I mean by that. As I'm sure most of you are aware, all federal programs are backed in theory by two laws. The first law, an authorizing statute in which Congress describes what kind of a program it wants set up, it will sometimes specify how that program should be run, what should be included in applications, what performance measures should be tracked. It depends quite a bit program by program. The second part of the legal backing to any federal program is an appropriation. This comes in one of the 12 appropriations acts where Congress each year makes a decision about how much should be spent on a particular program. So CTAS, there is not a statute that describes the CTAS program. The way we run CTAS, OJP is using its existing authorities to create the CTAS program. We've built as much flexibility as we can into it, but at the end of the day we are still bound by those authorizing statutes. At OJP, the vast majority of our programs are competitive discretionary grant programs. We currently run more than 70 major programs. Of those, off the top of my head, only six are formula grant programs and for those we have a specific authorizing statute that sets out how that formula mechanism will work. Congress in its appropriations language has, especially in recent years, expressed a very strong preference for competitive grant programs. So CTAS, which grows out of the previous programs, has carried that competitive nature forward into the CTAS process.

Chairman Aaron Payment: So in the Tribal Law and Order Act there's actually pending legislation Senate Bill 210. I don't know if you've taken a position on it yet. It would create the law that you say doesn't exist. CTAS was a brilliant idea to help streamline and assist tribes. The only problem is we were excited about it because we're really good at grant writing, but it does disadvantage tribes that are not really good at grant writing and when we did apply, one cycle we weren't funded. So we're not really sure how those decisions are made and that's all up to somebody's discretion then. Really it should be formula funded and clustered and then put out to tribes as either part of their self-governance or 638 contracts. But there is legislation right now, it's Senate Bill 210, that would identify the areas and it's like CTAS but it's taking it another level by legislating it. And I think that's probably where you were going to touch too, Juana.

Juana Majel-Dixon: I agree with Aaron. What he said is true. What staggers me about this is the fact that I get the statute and the authorization thing and I don't know what it would take and I would need to know from you how we would begin to even consider taking that walk to change it. And I understand the parameters that it puts you in in making this work. Two factors that are critical and I absolutely agree with the formula base and I know under the current...because we keep putting the purpose areas inside of CTAS but CTAS was created fast and furious after VAWA '05 where we did the one stop shop in OVW and right behind that came CTAS. I got it because you saw the value of what we were doing inside of the now eight titles, well, we've got the ninth in there for our tribal title and I could see that as well, but what I didn't understand and considering at that time with all the federal partners—Gina I need your help on this – There was a body of federal people that would come and meet and it was the Wellness something program where many of the Fed partners sat interactive with us over a series of time. I don't

remember how long that was, but I know you know what I'm talking about Gina. Maybe you know, Charlie, what that was. But it included all the players at the table similar to something like we have here but it was DOJ and DOI and DHS that came but it was as a result of the TJAG when we had the Tribal Justice Advisory Group to DOJ before we ended up doing what is currently the TNLC. I'm trying to be respectful of her getting to the mic because she knows. It's important to have this reference because it will help you probably navigate for the rest of us our next steps. Go ahead, Gina. What was that program called?

Eugenia Tyner-Dawson, BIA: Ms. Juana that was called the Interdepartmental Tribal Justice Safety and Wellness sessions conducted from 2006 to 2013 and it was an interdepartmental effort that was...it ended. We had no more money for it and that's when it ended.

Juana Majel-Dixon: It ended up being a powerhouse in terms of giving leadership and advocates and practitioners, the whole body, our cops, everyone to interact with all those different agencies that have an impact who did the formulas base. It was their side under that statute shifted which really made it hard for us because number one, formula-based works far better than competitive indoor grants and the fact that the grants can be one year to two years to three years, rarely one year. Usually, it's kind of like how you do on the first gives you that second year. Now in this particular case, since CTAS has started, and if I understand that was in '06 because of the '05 decision, and what I don't know is how the money all came to pool but I know you worked fast and furious during that time to create CTAS but the priorities were never rolled out... Every year since then, we as tribes have asked to be a part of the priority process of what those grants will set out to achieve. In the clarity of our world, how do we work with you to shift the paradigm on the statute to move it into the formula base because I know we can't get that answer completely and maybe down the road we can because it's going to take some time to talk about that. But in my discussion and listening to public safety over the few years and everything that's going on, this has been a continuous ask. And you've been at some of the meetings where you've leant your expertise to these things and we just haven't made the shift. I'm asking now.

Sharon Tucker, Office of Justice Programs: I appreciate the information about Senate 210 because that's something that we can definitely watch, especially if it's legislated that there are formulas then there's a solution there. At this time we only have the line item appropriation from year to year and so the dollars that drive CTAS are driven by that line item and the continual implementation of CTAS. To the extent that we're looking for variation, those are departmental policies that will govern and to the extent that there have been consultations, I believe, about this very topic and then white papers are produced to give the different...on the department's end, but then it becomes...to the extent there is the legislation, the Senate bill, this law that actually authorizes a formula would be the biggest resolve.

Juana Majel-Dixon: Right. And we haven't been invited to that particular table but I do know those consultations she's referring to, the majority of them were done in DC at the Department and it was at the behest of the different program directors. I'm losing...because I've been doing Bureau so long I'm disconnecting your structure. But for the tribes, I know for us that are tribes in a 280 state, you're talking about 380 tribes, you become a central core body of funding that we can't get from the Bureau. So I'm urging on behalf of them that we do have the sit down and the chairs...I know that this is a request that

we made earlier but I want to hear, is there any other input from you on some idea or response on this as well. But in formula base we need you guys to really begin to think about that and make that shift because you've got to realize, CTAS got that statute. Statutes are doable and I've seen it done in CGS. When we roll out the big bill and we're looking at it and some of the riders that go in there, we're doing that now with our 477 and blending what was TLOA. So it's doable, we just need to bring the language together to make it happen and whatever expertise in the room can lend that help, that'd be great because we've done it. It's just how do we help get ourselves there again?

Ryan Morris, Office of Justice Programs: I was going to say as you've noted where you would be talking about a larger change. Again, our role in the legislative process directly is very constrained. We can, if the Department is asked for views, an OJP staff person, if they are...authorizing or may express a view on behalf of the Department. However, we do not participate directly in the legislative process. If you are looking at that larger change... I'm somewhat constrained in what I can tell you. I would urge you that those kinds of decisions involve some heavy policy issues and are perhaps best pursued through engagement with the Department at higher levels through OTJ, you may have other mechanisms. We certainly, to the best of our ability, convey the feedback that we get to interested parties. However, that's the extent of it. We certainly try as much as we can within the authorities we do have to accommodate you. However, as I've said, there are statutes on the books that we simply must comply with. I'm sorry. I know that's perhaps not the most satisfying answer.

Juana Majel-Dixon: I respect your position, and as attorneys you're doing well. But if the language were to come forward, but I'm asking also what has been achieved with OJP and Bureau on behalf of the tribes in going more for a fare base funding that is more realistic of what we need to ask than what we're achieving. It would be best us as tribal leadership to seriously consider a walk down that road together to effect a change as you say with deputy directors, directors within the structure. I'm not sure if we're going to be replacing anybody down there or who's shifting because there are shifts so you could at least give us a printout of who you might suggest we speak to. It could begin to start moving this to a formula base that I think would be far more beneficial to you as tribes inside of Justice. I think what you've asked for in the 477 and the programs you want to work for the tribes that are 638 or compact, then we need to look at that seriously and this would be the vehicle to do it. But for us in a [P.L.] 280 state it would not help us because we can't get money from the Bureau but we would be supportive.

Mike Costigan, Senior Advisor, U.S. DOJ Office of Justice Programs: I'd be happy to make sure you get a list like that. He's right, most of the legislative activity at the Department is being handled by the Office of Legislative Affairs and there used to be more collaboration in previous administrations with...between OJP and the Hill but for the last couple years it's been almost exclusively OLA, Legislative Affairs. Those would be the ones...the guys you'd need to convince.

Chairman Rick Harrison: Michael, you'd mentioned that there was another...was it the attorney generals or something, that they went from formula based to competitive and back to formula so there's an example where you've done it before.

Also, Ryan said that it's Congress's preference. That's a far cry from, 'This is the only way that you can do it.' And so...

Mike Costigan, Senior Advisor, U.S. DOJ Office of Justice Programs: That's absolutely right and it's just a matter of convincing them. With respect to PSN, that originally was set up as a formula grant, the idea being we wanted to get money to every U.S. attorney and those districts to be able to manage it. Why it went to competitive I have no idea but it wasn't as effective and they did go back to the formula grant.

Chairman Rick Harrison: And so I'd hope that you would report back to them your experience with that and the changes you had to make to make that more effective and we're experiencing the same things and probably to a higher degree.

Chairwoman Cheryl Andrews-Maltais: If it is a preference, it's just a stated preference and if you make that change, wouldn't all you have to do is justify why it went into a formula base versus a competitive base? Again, if the wording is preference, it's a lot different.

Mike Costigan, Senior Advisor, U.S. DOJ Office of Justice Programs: No, I think that's right. It's just a matter...and I think generally that's the case with respect to most things the Congress do. If they can be convinced that there's a better path, a better way to fund, they will make the changes. But that's probably where the majority of information is going to need to flow. We can't, as a Department we can't lobby one way or the other, we can only talk about the effectiveness of a program versus in the case of say PSN, we can look at how it functioned as a formula grant versus how it functioned as a competitive grant then we can say it was a lot better as a formula grant and they could switch it back.

Chairwoman Cheryl Andrews-Maltais: Yeah, but again, if it's only a preference, why do you have to convince them of anything?

Mike Costigan, Senior Advisor, U.S. DOJ Office of Justice Programs: Well, they're going to have to change the funding mechanism. They're going to have to change it so they're going to have to put it to a vote and then they're going to have to create a statute that will guide the funding. It's not like they're... There is a formal legislative process for it but it can be changed.

Chairwoman Cheryl Andrews-Maltais: So there's no authority to make discretionary decisions with regard to the Department to say, 'Okay, here's the legislation, our preference is that it's formula...our preference is that it is competitive.' However, it's a preference not a mandate.

Sharon Tucker, Office of Justice Programs: It's tied to the authorizing statute and so a lot of our formulas, the actual authorizing statute establishes the formula such that it has been discussed the criteria that's used, that it impacts across the board, what equally or however you want to distinguish or set up criteria, the authorizing statute will allow you to do that. And without that, the Department does not have that guidance as to how to create formula for lack of a better word. So that's where Ryan mentioned the formula programs that we currently have are all specifically as a result of the authorizing statute like Title II, the Juvenile Justice Delinquency Prevention Act, the Burn JAG funds, all of those

types of OJP Department of Justice funding are all formula based and that's based on the actual authorizing statute for those programs.

Dave Conner: Thank you. We'd like you to consider this government to government consultation. We know there's a consultation opening right...still for the Victims of Crime Fund tribal set aside and in 2018 there was \$133 million enacted and OVC made \$110 million available as grants to tribes. It was an extremely laborious two phase grant process. Phase one had to be done last August. If you made it through phase one, you had to go through a laborious phase two. That was due January 4th. And then you turned around and took the 2019 VOCA and placed that under CTAS and they replaced a former CTAS purpose area with the VOCA purpose area and you gave us 30 days to get that in. It's almost comic but also sad in order to even attempt to try and put something together. We had to divert attention away from other potentially valuable CTAS areas to focus on VOCA due to the critical nature of it and the amount of funding. And some of the things that happened also when you moved it into CTAS, you cut the maximum amount you could request in half from the '18 amount and yet the 2019 enacted amount was \$168 million versus \$133 million. And also there was a lot of paternalistic language in 2019 CTAS purpose area 7. They had like in bold letters, YOU ABSOLUTELY CANNOT PUT ANYTHING IN THIS APPLICATION THAT YOU HAD IN A PREVIOUS APPLICATION. That caused a lot of stress at the tribal level. Basically, what's happening is a train wreck. Some of the things we'd like to know out of that \$133 million for 2018, what'd you do with the \$21 million that you kept back? And out of the \$110 million you were making available as grants, how much of that is actually getting awarded? And for the 2019 \$168 million set aside, we know that could not have worked at all with that 30 day deadline for us to submit requests. All of the problems that are being caused weren't the fault of tribes, but we had to try and address these unbearable conditions and grant conditions on this new program that really was intended by Congress and has the potential to be the most important program to serve through the Justice Department and to serve crime victims that's come along in decades. The set aside program is extremely likely to continue at the five percent and absolutely if ever there was a program that needs to be formula-driven and not grant based, it's this one. Please take some of these comments to heart and realize that what you've got going with this Victims of Crime Fund and we know your intent is good, but your thwarting the intent of Congress without any question and you're harming tribes and tribal victims. NCAI knows for a fact from talking with DOJ that because they placed the 2019 VOCA into CTAS that the amount of requests they got was pitiful in relation to the amount of funding. So I know NCAI is strongly advocating that you need to take an action along the lines of reopening CTAS for that Crime Victims Fund purpose area and just please don't wait months on this. We have to take some action. Thank you.

Mike Costigan, Senior Advisor, U.S. DOJ Office of Justice Programs: I'm taking notes. I'll get working on this this week.

Juana Majel-Dixon: In the first part it was \$750,000 that you could ask for and this one is \$500,000 and when you consider you've increased it by \$133 to \$166 million. Also what concerns me at this point is the set aside in VOCA and the work that we did, suddenly, we had a very good thing that we worked very hard on and Eric Holder made a very strong point to make that be a priority as our Attorney General. What ends up happening is that you have allies, but then all of a sudden in the stop grant...and I know a lot of our leadership don't know this but the stop grant also goes to the state based on your

tribal population. What hasn't been fixed and I need your ideas and thoughts on this as the legal end is that for example, I can tell you in California, we got \$264 million based on our population in California. Whatever your tribal population is in your state is what that amount is going to be based on and you get to apply for those monies as a tribe within that state. What they don't tell you as a victims program is that the state requirements begin to be part of the stipulation and in our world to grandfather state law into tribal lands is not our number one priority to do. It can create very strong problems unless you have a nonprofit tribal organization. But in our world where we were on the Pacific, that \$264 million, we only had three tribes apply. One designated the money to a nonprofit, the other one only did \$100,000 because they weren't sure what the state laws were going to grandfather in. The third one did close to half a million, but they did it more of an inner tribal PSA advertisement kind of thing instead of victims...it was promotional mostly to more preventive program which didn't bring a lot of the headache that a true victims administration program would have done most likely under the laws and forms that are used within the state. So your relationship with your state will dictate to how that will come into your nation. And every single one of us who are in a tribe...a state where the tribes are, that money automatically rolls out to you based on your population. So you need to look it up what it is. I did ask them because that came to like maybe \$1.5 million so I said conservatively \$2 million. I said, 'Okay, you've got \$264 million, what did you do with the other \$262 million?' I said, 'Did you give it back to DOJ?' And they said, 'No.' They did trainings for you, they did webinars for you, they did promotional items for your school, the things we're talking about, the issues or whatever you want to bring up, whether it's stalking, trafficking, DV, dating violence, whatever those are, they did for you. And I was kind of shocked by that, but it's again the dialogue and the relationship and to me that felt real wrong, on the edge of absolutely illegal to our eyes that in our name you did this. Now that used to happen back in the day with the Bureau stuff, but this, I need you as legal eagles out there to check that out because there needs to be a better relationship because depending on your state you know the MOUs, MOAs or whatever you can do for services and programs. Bring those forward and bring that relationship forward so you can control the money in the sense that you don't have to be smothered in what is state programs. Now I would like you to look into that. Existing states that have had good relationships with their tribes that they continue to have that MOU or MOA and they don't get grandfathered into the craziness of what could be behind the reporting process with the state. Now I know that statistical data helps the state but if you're not even aware of it and participating, it's not to your benefit.

Chairman Rick Harrison: That's a good point that she brings up is this issue with the states. Some states, it might work good for tribes, they have good relationships. There's many states that they don't. Alaska is an example that the state doesn't recognize the tribes. If they want to get any funding through the state you have to sign a waiver of sovereign immunity which most tribes won't do so they're not applying for these funds.

Otto Tso: Thank you. My name is Otto Tso and I'm a member of the Navajo Nation Council. We have an issue with some of the grants that Navajo has been applying for. The issue is they apply for the grant, grant was appropriated and so forth but the office from Albuquerque said, 'Oh, you need this, you need that.' But according to what our statute requires and so forth, only requires a certain individual to

accept the grant. But they indicated that they want certain documents. What I'm getting to is the collaboration between the program and the tribes, their process. For instance if a grant comes in and the majority of the grants indicate that it requires a tribal resolution to be attached to the grant. But with our system requires only our president, our president can accept the grant on the Nation's behalf. It's legislated through our system. So we try to educate the federal entities regarding those issues and they keep putting their feet down and say, 'No, this is the way it is and this is what the bible says.' But what I'm saying is, the collaboration of your office and the Indian tribes across America here, they have a different system here and each tribe is different, each tribe is unique and I just would like that collaboration and that issue for you to research out each tribe to see what the process is because like I said, we almost lost that grant and it was down to the nitty gritty a couple hours before the deadline. And finally I think...it's what it is when you become a federal worker, your interest is to protect the Federal Government and you want to know what it is. But how can you create better relationships with Indian tribes so that other tribes are not in that scenario. I serve as the Vice Chairman for the Law and Order Committee for the Navajo Nation and this is one of the areas that I see. And other grants that actually come through, they come across that. So just want your office to research that our so that we don't have BIA or the program bossing us around telling us what to do.

Sharon Tucker, Office of Justice Programs: We're taking that down and I know as far as OJP, Office of Justice Programs and Department of Justice the language has been changed for tribal resolution or other authenticating document. There's language in there to allow some flexibility as to what the requirement to show the authorization of the tribal entity. And I also know that there's specific language when we ask for consortiums or when we're talking about tribal designees and there's also allowability there such that we wouldn't necessarily deny the application through our review process but have a condition prior to releasing those funds that there would be the additional documentation submitted. But it would not stop the award from or the application from getting reviewed. So I know that that's some of the considerations that have been done as far as OJP. I don't know necessarily with COPS office or OVW, all these other acronyms in the suit, but I know that that's one of the specific things that OJP has done.

Juana Majel-Dixon: I have gathered the statistical data in terms of crimes and I was looking at the fact the rape crimes that are occurring and we're trying to add in TLOA to be able to have jurisdiction over sexual assault. And I want you to be aware of what that looked like because when we don't have the response and the fact that...when Dakota, Shawn, and I were talking about how to have immediate response, maybe [Shawn] can jump in on that.

Shawn Duran: Well, I've been like saying I wasn't chomping at the bit here to talk about this. I come from a small community in Northern New Mexico and here as a representative for Southwest Region in New Mexico. And tribes vary, they're diverse in size, in capacity, and those are the types of things that need to be taken into consideration when these types of monies come down because if we're not careful in how these monies are distributed, it makes it look like tribes don't need it, when we do. When Red Lake was explaining the process, that's exactly what all of us went through. We had real quick turnarounds. Some tribes don't have the luxury of having grant writers or planners to do this work so they're having to take away from their direct service to do these things and we do them because we have to for our communities. But when these funds are counted as formula-based but they're put

through a competitive process, it makes it very difficult for tribes. I think a lot of us dealt with those 80 plus page applications that they had to go through and all the attachments that had to be made when it could have been a simpler process. And I think that we need to really pay attention to the diversity and the capacity of tribes and how we're able to access these funds. Plus, in looking at the legislation of [S. 210], I think that's important because it gives the tribes the ability and flexibility to do what they can like make a plan and put these funding sources to them. Not every tribe will take advantage of every single funding source but the ones that they do need they should be able to do that with and it would go into their base funding instead of one time grants because it makes it very difficult. Tribes don't all have capacity to supplement what they need to do and if these can be given that way, that would be very helpful in considering the diversity of tribes and the capacity that tribes have. It varies across the country.

Mike Costigan, Senior Advisor, U.S. DOJ Office of Justice Programs: Do you mind if I ask you a question on that because I'm sympathetic of what you're saying. I hear that a lot and I know that smaller organizations and tribes and others often don't have grant writers or skilled grant writers and I hear all the time that a lot of the grants or money within OJP provides training for that kind of thing but is it useful? Are people able to take advantage of that kind of... I hear that there's training for this stuff all the time because I've inquired about it, but I don't know that... Are you able to access stuff like that?

Shawn Duran: Again, that depends on the timing that tribes are notified about those things if they're able to get folks to those trainings or if it could be webinars, things like that that are more distributive across the board because if it's a meeting like this, not everyone can make it to DC or things like that. It needs to be able to be accessible and flexible for tribes.

Chairwoman Cheryl Andrews-Maltais: Part of the problem too that we see and I don't want to be a repetitive wheeze, but the tribal set asides going through the states is just clearly... it's counter culture and it's counter responsibility. We have a government to government relationship with the United States not with the individual states. And so our tribe vehemently objects as well as most of the tribes in the Northeast or in the Eastern Region because of the relationship not being existent within our states, at least not a friendly relationship. Since it is in that state and we can't change it, yet, and we're hopeful that you guys will work to figure out a way to change that and have the monies coming in through our base funding on a formula basis, how does DOJ keep the states accountable for the monies that are set aside for tribes that we don't see and what happens to that money because we don't see that money coming through and how is it that the states get a chance to get monies that are supposed to be allocated to tribes, the tribes don't see that money, are not even made aware of the money coming out to the states for our behalf, and then if we don't get it, what happens to it? Are the states able to just hold onto it and use it for any purposes that they'd like because I know we're held accountable to great detail in great granule and minutia on all these DOJ grants and I just don't understand how states can get monies for tribes but we never see it?

Sharon Tucker, Office of Justice Programs: Well, in [regard to pass though funding], I'm thinking very big picture not granular, but those types of misuse of fund issues, those are reportable type of issues regarding federal funds. Any time I hear funding isn't used in the way that it's supposed to be used or

not going to where it's supposed to go and there's an award that says that that's what the state's supposed to do or anything, there's a legal document that speaks to where that money is going and it's not going there, those are reportable abuses that the Office of Inspector General or Audit and Liaison Division within the Office of Justice Programs, those are the types of reviews that would be conducted. Grant monitors who monitor grants...that's why I asked you what program because if it's a BJA program it would be a BJA grant monitor and OJP, if it's a JJ program would be a JJ grant monitor. These are the types of activities that grant monitors are responsible for reviewing when they go on site or conduct desk audits of the various programs whether they're discretionary or formula.

Chairwoman Cheryl Andrews-Maltais: So, when the monies go out to the states for their intended purpose, no matter which purpose it is, is there a mechanism [for informing tribal nations]? I've never seen a letter. I'm a tribal leader, and I've never seen a letter coming out of DOJ saying that \$2.5 million went to the Commonwealth of Massachusetts for these particular programs. Out of that \$2.5 million \$250,000 is set aside for the two tribes in the Commonwealth of Massachusetts to trigger me to know that the state's got it and then birddog the state to say, 'Where's our money? Isn't it supposed to be coming to us?' and if it doesn't, then that gives me the basis or the foundation with which I go to the Office of the Inspector General, or whomever I need to, to report that they're not providing the services or the funding that they're supposed to provide based upon the money that was given to the state that was intended for the tribe.

Sharon Tucker, Office of Justice Programs: That I don't have an answer to. I'd have to get back to you on that because I don't know what... I myself haven't seen the notice of award to determine when it's a formula and it's supposed to go through a pass through, how does it speak to that money being allocated. Does it identify specific tribes or does it say it's allocated throughout all the tribes within that state? I'd have to get back. Like is there a CC to the tribes or something along those lines?

Chairwoman Cheryl Andrews-Maltais: Or something, right?

Chairman Ron Allen: I think what we need to do, Michael, Sharon and Ryan, we want to thank you for coming over here and talking through all these different programs and you can see that there are some systematic challenges that we have.

The main message that we're conveying here is there's a need and the question is how we can improve the system so that we can access it and improve the flexibility and the coordination with the BIA programs in terms of public safety. There's a lot of different programs you have, there's a lot of different mechanisms you use and I just think that we should follow this up with the workgroup to talk about it a little bit more thoroughly.

We had this conversation yesterday for four hours so we just spent maybe 45 minutes to an hour right now. So it really requires some focused time to share with you what some of these problems are with these programs so that they accomplish their objective, and that's the bottom line. Public safety, the welfare of our communities, etc., and they need to work together. Dave and some others have showed you and expressed some frustrations and so we don't want you to be frustrated, we want you to be some of the problem solvers to help us remedy the system to make it work.

There is a huge need. Those VOCA monies, big deal opportunities. We want to make them work and so I think that we need to follow through with you. Juana and I and others, Gay Kingman, we're on the DOJ Advisory Committee. Now we have not had face-to-face where we used to have face to face with them on a regular basis to talk with you folks about these kinds of issues. We need to reenergize that effort and talk about these kinds of issues and collaborate with the Office of Justice Services over at the Bureau of Indian Affairs, as well, so that everybody's in the mix.

One of the things that we have asked is that we have a summit, two or three day summit, whatever makes sense. It's being proposed that we would do it in a few months, maybe down in Albuquerque where OJS has some facilities and start talking our way through these issues including other agencies that have a relevancy to these topics and these issues. We would welcome you to be a participant in that effort so we can try to challenge and solve these bigger problems. I'm counting on Charlie to coordinate. They're already coordinating with your office and we can step it up. It was Charlie that got... I think Charlie or Gina that got you guys over here. I think we can follow up with that in terms of putting something together. One of the things we appreciate is you're listening, you're hearing us and so how do we improve the system? How do we fix it so that the resources are getting out to our communities because we've got some problems. We've got some issues out there that we need to remedy. We know that the intent of Congress and the Department is to try to address those challenging issues out there across Indian Country.

Juana Majel-Dixon: Well, we know we have to do that statutorily change to change it from grants to formula based and until we do that you're kind of like stuck where it's at. That should be another discussion to make happen, but that's going to fall on us as leadership because it's going to be with the politicians and all of that, right?

Public Safety & Justice Subcommittee Follow-up from TIBC Meeting Day 2:

Juana Majel-Dixon: Thank you. For all the leadership in the room, you did a pretty extraordinary job of conveying a message of wanting to know what was the purposes for grants and formula base [funding mechanisms during the DOJ presentation]. The discussion yesterday was very fortuitous of our chair, Kee Allen. The work he's done in preparing us to be where we are, I fortunately was put in a position to benefit from that work, and we are going to have the public summit on safety in New Mexico in June. It's going to take us together. I'm asking the chairs to consider and you as leadership to create a working body, at least the beginning work and maybe a task force within you, that will look at the statutory language of shifting the definition of how to take [funding] out of grant process to a formula based process inside of DOJ and OJP and that would make a big difference. And at that point I actually believe we'll have an opportunity to set the priorities of what is needed.

The other counterpart to here in OJS, in the budget it's extraordinary what they have in budget, but it's not quite clear to me how it breaks out and when you look at the devastation to Cops and tribal communities, tribal societies I should say and I would like just to make sure we caveat note that we revisit that and probably could do that in Public Safety that sums it up in terms of what our asks are.

Chairman Ron Allen: Charlie [Addington] is not here but we need to follow up with him with regard to the proposal of a working group and how we're going to improve the collaboration with DOJ and his operation, plus the summit proposal that has been recommended for the summer.

Kee Allen Begay, Jr.: Good morning, TIBC leadership and all the representatives from each of the regions. I appreciate [Juana] for taking up the meeting on Monday. I wasn't able to attend. I continue to request this body to specifically, especially the area directors, to help assist to disseminate information to Public Safety division directors and police chiefs to help coordinate this particular meeting. My understanding that there was an email sent out [from Charlie Addington] with no response. I didn't receive anything as such. So I don't know if that's the case. If so, why didn't at least one person respond? I continue to say to this body that we address our concerns and issue here but it's just more of comments or verbal, but we never go further to act on a lot of these requests. I don't know what's another way for us to say let's get together and get this done. Specifically for the summit purpose is to get direct input from our field officers. That's the intent and purpose because we could make a decision right away but each region's public safety issues and concerns are different. So how do we coordinate that to say a rural tribe to a metro surrounding tribe? Those are areas that we have to consider and that's the reason why we continue to ask to have an input directly from the police chiefs or police division directors. I know some tribes utilize surrounding community police force. Maybe invite those city police as well. I think that's what we're trying to get to. It will take a lot of effort to do this, and it will probably take time to coordinate this but we ask and I ask specifically to the co-chairs again, write a letter maybe this time requesting the BIA Office of Justice Services [take action on this summit], and we'd like to have the Department of Justice, Office of Tribal Justice to be in attendance as well. So those are critical. So that way we argue and we make the position, we make the statements based on what were given to us directly from police officers. So that's...again, that's the intent of it. So again, I appreciate and continue requesting for your support, and I ask each body—representatives, tribal members, tribal officials, area directors to help coordinate this. Thank you.

Chairman Ron Allen: Thank you, Kee Allen. So what we told Charlie Addington Monday is that, quite waiting for us to respond, do we need a summit or not? Yes, we do want a summit. We suggested to him that target June or July and FEMA was in the room, DOJ was in the room. They agreed that they would be participants. We pointed out there may be other agencies that are relevant to the justice issues. So we weren't clear whether or not it was a two or a three day session because of the complexity of all the matters that you wanted to talk about, which is inclusive of the incarceration and juvenile detention facilities and capacities, etc. Then there were other issues that actually was dealing with opiate problems that are relevant to law enforcement. So they were going to draft up a proposed agenda and then work back with us, the Public Safety & Justice Subcommittee, on was two days sufficient or would it require three and then who all would participate. There was a suggestion maybe even Homeland Security would be involved. So he's supposed to get back, he's supposed to coordinate with all those agencies. Am I correct, Juana?

Juana Majel-Dixon: You're absolutely right. [Department of Homeland Security], I'm glad you said that. One other thing to add to that, Ron, which all the lists you made are excellent in your recommendations which is why I've enjoyed watching you do the leadership on this and I thank you for that. The other

thing, just give us some thought and I'm going to ask our team from NCAI, our legal team because we have a Senate bill coming forward and we know that in December under Tester, Danes, and Murkowski they wrote the Not Invisible Act and that's being kind of pushed forward again. But it has many of the players we just described involved in that because of [missing and murdered indigenous women (MMIW)], trafficking, and stalking. So let's just kind of pay attention to it, and we'll have [NCAI] pay attention, but if we need to respond to that, it's going to be something important that would help in terms of what we talked about right now but we have to do it in a way that it's tailored not to take out the current VAWA in the House. It's just a note that we have potential legislation to affect some of the change we're describing here.

Education Subcommittee Update

Chairman Aaron Payment: We've been peppering this discussion throughout yesterday and we have expressed at the Education Committee with the BIE staff that we need to understand a little bit better how our budget formulation is reflected in their recommendations, in the administrative recommendations. There seems to be a little bit of a disconnect between budget formulation and what the Administration actually recommends and so we did have a little bit of a discussion with that yesterday and also when we had our Education Subcommittee, Tony Dearman, BIE Director, explained that there is a process where they analyze and they reflect back the budget requests and how they make their decisions. And so, we had talked about having that somehow a feedback loop back to TIBC so that we can understand that and how those decisions are made. When we go forward we looked at the different sources of funding and we identified ISEP. ISEP's probably the largest single in the education line, it's the amount that is per pupil and it's formula driven. The way we understand it, it's a three year running total average and so what we had asked for was in those cases where schools do have increased enrollments if there's some way to do a supplement. So in public schools the way it works is you get a base amount after fourth Friday then it adjusts based on what your enrollment actually is and I'm guessing that several years ago budget formulation recommended some kind of an average so that would stabilize the revenues per pupil. But in those cases where there are increased enrollments in some schools, maybe some kind of a supplement. And I know in my tribe's case, whenever we build an addition to our school, which we pay with our own money, but whenever we add classes or grades, we have to wait until it catches up. So it would be nice if we actually had that supplement in some kind of a tickler rather than have to wait for a three year average.

We identified the need to try to understand the different transportation funds and they crosscut between BIA Transportation and also transportation that's provided through bussing. Facilities and maintenance and facilities and improvement, we understand that that's a little bit of a turf war sometimes because that's not directly under the BIA. It's a little bit separate. Also, where education funds were advance funded - I'd like advanced appropriations, which we're pushing for other areas. It is not for operations and maintenance.

We talked about the construction backlog and discussed that at the pace that we're going it'll take about 150 years to get the construction backlog. That's primarily because for about 20 years or so there was a 'no new construction' moratorium and we're starting to get caught up...not caught up, but we're

starting to make some headway in getting new school construction but at the pace we're going, again, it'll take about 150 years to get caught up. And so, we had talked about coming up with some creative ways to help finance school construction. The way my tribe has done it is we build it and then we use space cost to pay it down. So, we use any fund balance or we borrow money from the tribe and we built it. Now that's a unique situation that my tribe's in. Not all tribes are in that situation but if we had tax-exempt on bond financing, if tribes qualified for that, then rather than think in terms of how do we budget for new construction for all the schools because that's probably not going to happen any time soon, that we find some creative ways to leverage funding so tribes can build new schools and then populate those schools and pay it back with space cost or per pupil cost.

There are some schools that still have dormitories for students and also some in rural areas they have need for dormitories for staff and that's a critical area that's underfunded, and it's hard to recruit teachers to work in those rural areas. Scholarships and grants and then the crossover with the Department of Education. We heard it several times yesterday from [Chairwoman Cheryl Andrews-Maltais] that 93 percent of native students are in the public school system and so the BIE doesn't directly impact that but the vast majority of our students are in the public school system and maybe expanding education opportunities and tribal grant school opportunities might help tribes to take on that education challenge themselves and shift it from maybe public education to increasing the BIE task. When it's done right, it's done really well.

Chairman Ron Allen: Were all those categories, they were all BIE, none of them were Department of Ed monies?

Chairman Aaron Payment: Well, there was reference to the Department of Ed because of the 93 percent of the students. Also some Title funding that makes its way into Indian Education is funded on the Department of Education side. So Title VII, I believe, different Title programs are funded under the public schools. Impact Aid is not funded under the BIE as well. Impact Aid, for those who don't know, is funding that we receive for reservation land or Coast Guard or military bases and that money supplements public education. It doesn't necessarily have strings attached and sometimes it gets washed into the general fund and doesn't have specific goals and objectives for tribes.

Joe Garcia: There also may be Special Ed funding from the Department of Ed for BIE schools as well as those in public school. The reason they're listed in that is because they are all part of the budget for BIE. So, we have to reflect where those dollars come from into BIE and if we don't then we're missing out part of the budget for Ed.

Chairman Ron Allen: Are they interdepartmental transfers?

Chairman Aaron Payment: Yes.

Mark Cruz, Deputy Assistant Secretary – Policy and Economic Development: They're in the Greenbook. You can look at our Greenbook. Tony [Dearman], what's the total, \$200 or \$300 million, roughly? (yes). Line-by-line, Title-by-title it shows you what Congress appropriates to the Department of Ed, what comes to BIE and then what gets distributed out to schools.

Chairman Aaron Payment: One question that came up the other day was the transfer...smooth transfer from Department of Education to BIE. I know that a few years ago Department of Ed was holding back some funds because they were demanding, I think it was the assessment in detoxification and whether or not that's appropriate.

Mark Cruz, Deputy Assistant Secretary – Policy and Economic Development: That's a great issue for NACIE to grapple with.

Chairman Aaron Payment: We also talked about the delay in filling positions and there's a question about what happens with those dollars, how they might be redistributed and the response we got back was that they're working diligently to try to fill those positions. They're critical positions if this system is really going to work. But if there are unexpended funds, the question is how are those funds reprogrammed and can we weigh in on providing advice about how those funds may be reprogrammed. I know that the current budget, the President's proposal is to zero out scholarships and so maybe there's some reprogramming that could be done with scholarships. New construction might be another area. I already previewed that, and that at the current rate it will about 150 years to get new construction.

Line officers. There was some debate back and forth about the efficacy of the restructure and verification of the BIE. There was an assertion that there was a consultation leading up to that reorganization. I know that there were consultations because I attended at least three of them myself, but I also know that we were given assurances that for the Lakotas that there wouldn't be diminishment of access. And as it turns out it does look like that officer was eliminated, and so in the restructure we have lingering questions and requests to analyze whether or not you're sufficiently staffed. We know that under the previous Administration, they were going to try to do the reorg with existing funds, reprogram existing funds, and not ask for new appropriations. But if it turns out that this reorg is putting some areas at a diminishment of service, then we need to relook at that. And I personally would advocate that the Lakota position be there because we were told that it's not being eliminated, and they did just that. I remember that distinctly.

So we did talk and I stand correctly. Yesterday I said that [the Johnson O'Malley Program (JOM)] was zeroed out and as it turns out it's not. I was reading the chart incorrectly. It says zero impact so that means level funded and so we wanted to emphasize the importance of JOM as our first funded education program in our history of the country dating back to 1934 and the recognition of the Federal Government to return what they took away from us through the boarding school experience, with respect to culture and language and the relationship of that historical trauma – the worst of the worst – and if you read through the Broken Promises it confirms that.

We again talked about impact aid. I know in my community, just as an example, there's a requirement for an annual meeting on the reservation that the public schools have to have and they used to have them and they would come and brag about the increased number of Native American students graduating until I asked them out of how many – relevant to what. The percentage actually had been decreasing. It was the effect of the baby boom that made it look like there was increased numbers

graduating. So we developed a task force and now we're monitoring the percentage that are graduating. And so potentially strengthen that impact aid and the public schools don't just take that money and white wash it, so that it doesn't have anything to do with education. I talked already about the supplemental funding for increased tribal enrollment beginning one month after the beginning of the school year. If we can demonstrate that we have an increased enrollment then maybe we can get access to some increased funding. And I know that's complicated in the budget formulation process but tribes that have successful schools should not be held back.

Other areas were improved communications, such as with the Lakotas, the exact staff position that didn't continue. I know there was a claim that there is going to be a position in Pine Ridge, but the school systems in that part of the country are so bad that they might need to dedicate an officer in their area. And so also in communicating we have discovered that Indian education is very complicated because you have tribal grant schools, you have some schools where tribes contract with the district to provide education and so the communication sometimes takes effort to get to the tribal leaders. Consultations should never be misunderstood. It should be with tribal leaders, tribal governments. Consulting school boards doesn't replace consulting tribal government. And so maybe try to have an individualized approach when you identify what that communication line is to that tribal government. While it may include stakeholders, school boards, and districts, that consultation must ultimately take place with the tribe.

Improve consultation and notice ahead of time. All funding progress in the reorganization is needed, maybe some kind of an assessment of what that funding looks like, what additional funding might be needed for the reorganization to be effective, and reporting back progress to tribal governments. I think I hit all the points.

Joe Garcia: The point about line of authority came about as an issue because we were questioning the reserve funds for unexpended things from not employing people, and so the monies are left over and what happens to that money and we didn't get a direct answer about who has the authority to shift those line items or shift those dollars into other programmatic areas and so that's why it's on there. There could be large funds available. That was the point. And there are other needs within the educational system that could benefit from those funds.

Jason Freihage, Deputy Assistant Secretary-Management: It obviously depends on the range of purposes you want to move the funds. So just stepping back, big picture, we do track the balances and Tony's folks, if necessary, can talk to just programmatically what they use their lines for if you need that. But I think someone suggested moving funds to scholarships. Depending on the amount, that could require reprogramming through the Department, OMB approval and then going to the Hill. There was some mention of moving funds to construction. Congress would have to do that. Since it's a separate account, that's a statutory change. And frankly, whenever we reprogram money to an area that different, what you're saying is, my level of effort for...like for my management areas is so much lower, I prefer [that the funding be moved] over here and they might say in future years, 'then you need less funding in that [original] area.' And I think as you guys talked about staffing up in some parts of BIE is necessary to meet their need. I think pressure is better put on encouraging funding for construction, in

general, rather than taking funds out of that spot and moving it over. But we do track the balances, and we work with our programs to be able to make sure that within their two year authority, the funds are used as well as possible.

Chairman Aaron Payment: So we did have a conversation and recognize that we are advisory, but in the event that there are unexpended funds, at some point through the fiscal year when you know that...because you can't pay somebody for work they didn't provide so those monies are going to be unexpended...that you work with TIBC to identify some drivers for where those dollars could be re-spent within the authority. So we understand it can't be spent outside to construction but that potentially they could be...like if the issue in recruiting and retaining people to work in those positions, maybe we need to build your own, maybe we need some scholarship money or training. So work with us to develop drivers so that we can have a role in trying to reprogram those dollars. We know that we're advisory though, so we recognize that.

Chairman Ron Allen: So is the subcommittee desiring for this to be a point of discussion on those matters with the BIE?

Chairman Aaron Payment: Yeah, the subcommittee and for TIBC – that we help create those drivers [at the department] and then the information bounce back through the subcommittee and through TIBC, then back at the department.

Joe Garcia: Well, I know that we're labeled a subcommittee but because the BIE is a separate bureau, we need to get away from being just a subcommittee. We're actually a full committee, a part of BIE but part of TIBC. And so that subcommittee you might say it's a lessened or a name that lessens the efforts, at least in my way of thinking. But the intent would be here that any action that we propose to do or that we are recommending, we need to work together as tribal leaders, members of TIBC and BIE so that we're doing work on the side as well not just come to a meeting and then work here in the meeting and then expect things to be all hunky dory. That's not the way it works. When we leave here, we really need to get some questions, a workgroup together, so that we identify all of the special interests that we have and to preserve our educational funds and to obtain more funding and other ideas that we may be able to recommend as part of this body. And so, that's really the intent of why that bullet is on there.

Chairman Ron Allen: So that's a subject to clarify on the consultation and the advisory forum for BIE and the collaboration with TIBC.

Joe Garcia: Yeah. And I think it's important that when we go back and report to our regions we also identify people that may be interested in serving in a workgroup and will continue to work throughout the year rather than just wait for TIBC meetings. So we'll have a lot more productivity in that way rather than having three meetings and then we come together for a few hours and try to resolve all the issues that are facing us.

George Bearpaw, Office of Budget and Performance Management Director: I know the carryover came up yesterday and it's coming up again today. Typically we've given that report during the summer session. It's really not been that specific as far as BIA and BIE. We may need to do a little bit more

specific report on what the carryover balances are. But I've talked to Jason and we'll do that at the next meeting just to give everybody the information that they need to make some decisions regionally as well as here in headquarters or central office. But typically we do that in the summer session.

Chairman Ron Allen: But now this is the first time you've broken out the budgets, BIA versus BIE so that report can be broken out and then any restrictions that Jason was mentioning could be identified or courses of action to reprogram.

Jason Freihage, Deputy Assistant Secretary – Management: I think by then we'll be a little farther along too in our latest reform efforts, we'll have a status of being able to bring people onboard, where we are, so you guys also understand our stresses and challenges too of how it's...I think you know everybody's working hard to get to the right place.

Chairman Aaron Payment: So I want to refine our request. So what we're asking is not after the fact to get a report of what wasn't spent but maybe on a quarterly basis or whatever to identify the unexpended funds and how they can be reused, and for us to assist in identifying drivers for how you can reprogram those dollars so that they don't get unexpended at the end of the year.

Jason Freihage, Deputy Assistant Secretary – Management: Also just to take one quick step back just to make sure... We have two year money too. So the availability is good throughout the year, and that goes into some of our planning. So, I think what we would be saying is there could be funds that are unexpended but there would also be areas that we still might be planning to use and so to the degree possible we can say, 'This is the softer area we'd like or we might have some flexibility for some input.' I think that's more likely how it could work because sometimes, let's just use construction as an example: the funds aren't obligated, but there's already designs out there, there are pieces. We can't just yank everything back. I say that just to sort of set expectations that again there may be dollars on there which if I pulled a report out of our system now it would say 'unobligated,' but there might be steps in place or we've already worked 2/3rds down the way of hiring five people and they're going to hit our rolls in another month or something. We'll provide this data, but we'll also help provide that context about even if it shows up as unobligated right now, not all of that is on the table free [moving] money that doesn't have [plans and need associated with it].

Chairman Ron Allen: In all fairness, Jason, we expect the report to reflect that. Plus we expect the report to tell us, is it one year money, two year money, is it no year money so that we know the differences between those different sources.

Jason Freihage, Deputy Assistant Secretary – Management: That's not a problem.

Chairman Rick Harrison: So I just want to reiterate what I talked about yesterday. We all are aware of this, we've been down this road and had this conversation many times. Last year, Jeannine prepared a calendar that outlined these tables and when decisions had to be made and typically George [Bearpaw] is right, we are getting that report in the fall session, but that's too late to make decisions and so the calendar outlined when we need to get this information so we could be part of that decision making process and normally that would have been this time and we don't have that this time. And so that's

what we're getting at, that we need the information so we can be part of that process. It's good to have the other information but we're mainly talking about the two year money that's expiring before it goes back to Treasury.

Jason Freihage, Deputy Assistant Secretary – Management: And that's a relatively small pot [of money]. Yeah, by the July meeting we'll have it then and then for next year we'll try and [update the report] a little to be as responsive as we can.

Kitcki Carroll: So, just to clarify and make sure I'm following this conversation properly and following what the Chairman just said: one of the discussions that we've been having and it's a recurring discussion is what should the focus of TIBC be in terms of its agenda. To the question about the first year of two year monies and carryover balances, that should be a report that this body is receiving every single meeting as it relates to, at that point in time, are there any carryover balances on the books so we can be having a discussion about why that is, both at the regional level and at the Central Office level because from an advocacy standpoint the last thing we want to be doing is to be saying to Congress, there are all these unmet obligations here but then there's all these unused dollars. That just doesn't gel together.

To the second point though, which I will push back a little bit and say this is not something that we have received on a consistent basis until recent time and in recent time it hasn't even been consistent is the expiration of the two year money. So every year there's an expiration of those two year monies, right? So the concern that we have had is we learned recently that the expiration of those two year monies, I can't speak to the technical part of this because I'm not an insider but there's a process that allows BIA at the end of those two years to send those monies back to Treasury, Treasury then basically re-designates those back to BIA for BIA to have the discretion to use those dollars.

The reason that became a concern to us is that there were decisions being made about those dollars being returned to BIA that did not include Indian Country. And when we learned about that an example was there was some sort of IT initiative going on at BIA in the six figures if not the seven figure threshold, in terms of how those dollars were being used. What we were arguing is, if we're starting from a place that there are severely underfunded programs, why is there not a conversation about using some of those dollars for programmatic purposes. So the question then becomes, going back to Chairman Payment's question, is it or is it not correct that when those dollars come back from Treasury are they specific or can they be used for a broad set of areas that you really have discretion to decide about?

Jason Freihage, Deputy Assistant Secretary – Management: It does have to meet trust responsibility. So I think in the past sometimes we've used it for TANs or for some [other program]. so it's not just across the board for anything possible. There are limitations.

Kitcki Carroll: But in saying trust responsibility, that's fairly broad unless you guys are viewing that through a different lens.

Jason Freihage, Deputy Assistant Secretary – Management: Yeah and it's usually because of the nature of those I would say trust and then usually one more of a one time cost. They wouldn't be operational, outgoing, just because the nature of the balance is coming in, fluctuates. It's more of to meet some immediate needs related to priorities or trust responsibilities.

So what I would ask then is...so you guys operate on the federal fiscal year (October 1 – September 30) the same way that we do. We're starting our audit towards the end of the year, getting our final report the very beginning of the year. So at that point we know what our year end position is. I would assume the same holds true for the Federal Government, which would be the time that we would get the information about what is your year-end position as it relates to a surplus or deficit position.

Jason Freihage, Deputy Assistant Secretary – Management: The nature of these is they sit for five years in Treasury I think once balances expire. So it's a little...we don't know exactly what the final picture's going to look like for each year until that next one but we do get a report out of that.

Chairman Aaron Payment: So to be really specific again, what I'm asking for is on a quarterly basis maybe or some determinate time is that in those unexpended dollars that we advise on how you can spend those. I'm not asking that you have to come back to us and get our permission or anything like that. I'm saying that knowing that there's unmet need, that we help create those drivers so that within the domain of having to spend it back on trust responsibilities, that you reprogram those back.

Now just finally I wanted to say is... So the 1969 Kennedy Report really crystallized the need for Indian education and it created accountability back to Congress that the Administration needed for follow and that NACIE, National Advisory Council on Indian Education. That was intended to be a report back up to the Department of Education. We're housed under the Secretary of Education but we also have dual reporting back to the Secretary of Interior because of BIE, at the time it was BIA. In the last Administration we were moving towards creating some dual accounting and reporting back and the reason for that, it's very important because the funding is not solely under BIE or Department of Education. Indian children are spread out. They're seven percent under BIE and 93 percent under the U.S. Department of Education. So whatever we can do to create that line of accountability so that the Secretary of Interior knows they have a role in this as well in the reporting back. NACIE does an annual report and we labor through it. We've got some of the best experts across Indian Country that write recommendations, we work on this report and then it just kind of sits there. And then the Tiwahe initiative is another one and the White House Education Initiative and how all of that comes together. So cross pollinating across with Secretary of Interior and Secretary of Education for education accountability back to the Congress is something that we were working towards, that we want to continue to do.

Roads Subcommittee Update

Dakota Longbrake: 'Morning everybody. For those of you that don't know me, I'm Dakota Longbrake. I'm the Director of Transportation for the Cheyenne River Sioux Tribe in South Dakota and I'm one of the co-chairs of the Transportation Subcommittee here for TIBC. To speed things up a little bit this morning

we were going to do some more background on why the committee was started and then do some of that, but we'll get down to all the asks and some of the survey data that we had and we put through here this morning.

The committee was started to try to gather more data on road maintenance so we could shed road maintenance in a better light, in a different light, and try to get road maintenance more to the forefront. In years past, everybody was all about construction, construction, construction and road maintenance got left off. But that's the purpose of the committee and what we found is there's not a lot of data out there, hard data to try to track maintenance costs. We summarized some things and did the little cost comparisons as to what we are compared to counties, compared to states and other things like that, but if you wanted to ask the Federal Government, how much does it cost to blade a gravel road in wherever, the data's not really there to support it. So that's what our goal is now is to start collecting more data to be able to answer some of them questions when people ask, what does it cost to maintain a mile of asphalt or blade a mile of gravel road or those type of costs.

We had 142 different tribes and BIA agencies that are doing road maintenance respond to this. And like we've said at previous meetings, there was a very good turnout. I wasn't expecting to have this many people respond to the survey. When asked the tribes, what are your highest priorities for road maintenance, and you could pick from these, snow and ice removal was the top candidate by quite a bit actually and then followed by pavement maintenance and gravel surface in signing, sealing, other maintenance, culverts, and ditch work. The thing I want to touch on I guess a little bit on snow removal is it's very important when you need it, but when you're all done doing it, your road is still the exact same road that it was before and sometimes it's in worse condition than when you started with it. You put all this money into snow removal and you're still left with the bad road that's underneath it and you're not gaining anything, but it's just something you've got to do. That was a push to help try to have some set asides and maybe some emergency set asides for snow removal emergency-type situations.

When asked [on the questionnaire] , what are your top three ranking for highest priority for road maintenance, as you can see, funding was way ahead of everybody else. It was marked as the number one priority and then there was a pretty good drop down to equipment needs and paved road maintenance. We talk about funding all the time, but equipment and the amount of work you can get done and all of that comes down to funding. At home there's all kinds of maintenance things that I can see and I want to do, and to do them I need to have more guys and I need to have more equipment and I need to have more purchasing power to buy mix to fill potholes. There's one thing you need for all of that and that's more money. There's a lot of hard working maintenance people out there, there's just not enough of them and it's just hard to keep up with everything.

When asked, do you have a road inventory, 94 percent of the people said yes. When asked if they have an active asset management system, 62 percent responded no, so there's not very many out there. When asked about methods of data collection, only eight and a half percent responded that they keep electronic records of their maintenance data. Almost all the data that's out there, if there's maintenance data recorded or being kept, is in paper form. Hard to share, hard to get out, hard to analyze.

If electronic data is used, is it shareable? 67 percent said no. Again, trying to share data, trying to collect data, trying to do data analysis. If we can't share it and get it out to everybody to look at it, it's not doing us any good. When asked if they maintain road data, 76 percent said yes. So there is a fair amount of people recording their road maintenance data, it's just in paper form and it's not shareable.

We like to show this slide every time. This is our TTP construction funds. Spent \$34 million of construction dollars on road maintenance in 2016, spent \$47 million in 2017. Some early projection numbers from Federal Highways from the port reporting, the 2018 number was \$46 million. In the three years of doing port reporting, tribes have spent \$130 million essentially from the construction pot on road maintenance. Just think about that number. \$130 million come out of the road construction pot and went to road maintenance. The deferred maintenance now is at \$390 million. We used to always report that number and it was always around \$190 million.

Again, we were tasked as a subcommittee to try to get better data and shed more light on road maintenance. I think the next step that we've talked about and we've been talking about is we need a system, electronic shareable road maintenance system to start collecting some of this data so we can have a database. It's important that we talk about it here as a committee and try to move forward as one goal. The BIA is stepping up now and they are getting ready and they are down to start getting this pilot program and the software and some of this stuff narrowed down to try to ask some of the questions that we were talking about in our tribal caucus. There was a lot of unknown questions. That's the goal is for me to be able to come back to you guys with all the answers to those questions, but we need to move ahead more with this pilot program to get to, what are the costs going to be, how is the data transfer going to work, all those questions we need to move forward. We need to keep moving forward and get this thing narrowed down.

Leroy Gishi, BIA Division Chief, Transportation: Actually I wanted to mention that we've been very fortunate that although there's a huge need as Dakota mentioned, in 2016, 2017, 2018 and now in 2019 we've seen increases in the road maintenance budget. I know there's a lot of factors involved but I think one of the critical areas is the tribes are becoming more active in that area.

The emphasis has been school bus routes again in conjunction with a lot of the concerns out there in education. That's where the emphasis is. Recent hearings on the Hill continue to emphasize the need for making sure that school bus routes are open, that absenteeism is reduced and so particularly again the emphasis is in those areas of unpaved roads, which 21,000 miles out of the 29,000 that we have that are BIA roads are either earth or gravel surface and so you can imagine, as Dakota mentioned, you may go six months and then you get a storm overnight and everything you have is gone and you're back to square one and restoring and doing the things that you need to. So from a budget standpoint we are back up in that area of \$35 million this year, for 2019. But that's important to note because we're hoping that we can continue to work with the committee and provide whatever support they need to be able to begin the process of collecting data. It's really important that the whole purpose of this subcommittee when it was established in March of 2016 was we need information, we need data to support the efforts and this is what the subcommittee has done. Many of the meetings have been held out in the field and the result of that has been they've come to the conclusion and this is wonderful

because the tribal leadership came up with the survey and I don't think anybody could have done a better job of looking at and trying to get responses from that could start...begin the process of what's the direction that needs to...that the program needs to head so I wanted to just add that.

Chairman Ron Allen: Can I ask: There's X number of dollars, it gets allocated out to the different tribes for their road maintenance programs. So when a crisis happens, for example, the flooding in the Dakotas and then roads get wiped out or a bridge gets wiped out, how do you handle that emergency crisis problem? Where do you turn to for funds?

Leroy Gishi, BIA Division Chief, Transportation: Very good question. In fact we're experiencing a lot of that right now up and down the...in the Midwest and a lot of it deals with immediate response is to coordinate with local agencies with the tribes to identify resources that are available. One of the areas, particularly in transportation in recent years has been FEMA but also we've had a program in the Federal Highway Administration called Emergency Relief for Federally Owned Roads and that ERFOR account allows funds to be established for the purposes of addressing needs that are out there related to bridge washouts, roads. There's a portion of it that deals with emergency maintenance and then another portion that deals with permanent repairs. There are some criteria as to the threshold for that funding, but when you have an event like we're having right now, it clearly exceeds that amount. So it's important for the coordination to begin and that's where this whole concept of being able to know your costs that you can get better estimates of what you're planning on doing out there. Right now we're basically going off of experts like Dakota out there and they're projecting what's happening almost on a day-to-day basis as to what they need to do. But coordination is important whether it's with state, local governments, other federal agencies, certainly BIA and the tribe itself.

Chairman Ron Allen: Just a general observation, for FEMA resources they're pretty slow in responding aren't they?

Dakota Longbrake: they are. The Moreau River at home hit its highest flood stage ever on the 24th of March [2019]. We haven't had a FEMA representative. Well, we've had some state initial talks, but we haven't had anybody in the field, yet. We're at week three and we haven't had anybody in the field from FEMA or ERFOR. When you have an emergency like that, you just respond. You call and you try to get as many different people as you can whether it's rescue from state or local fire departments or wherever. You just to do it. You've got to go back to your roads when the gravel washes off and you've got to try the best you can right away to get gravel and everything back on them. You need to measure, assess, and just keep on working and get your roads back open to the people and then your next step is going to FEMA and some of that all intertwines and goes together but you try to reimburse them costs later. When you have a major disaster, it's probably likely that you're not going to see any money back for your efforts to repair for probably a year, probably longer than that and that's how it works.

Chairman Ron Allen: Yeah, that's the concern I have is the budget, even though it's been increasing, you're losing ground. You've got more roads to repair than you're repairing. Basically you want to try to stop the bleeding of the road maintenance and catch up, at least maintain the pace of the need so the inventory doesn't keep growing like it is.

Jason Freihage, Deputy Assistant Secretary – Management: Because of the impacts of the floods we are regularly going out to our regions and programs and starting to capture, as people are able to get out and assess, when it's safe enough or when the water's low enough to assess initial estimates of cost so that down the road if there's opportunities, if there ends up being big enough that there's emergency appropriations or other exercises or even going to the Department or FEMA or others, we're in a place to quickly summarize impact by the type of natural hazard and we're ready to be poised because sometimes the Hill turns to you in a second and says, 'Hey, what do you have? What are your problems?' So we're trying to find some other ways to be more proactive and kind of aggregating these types of costs, whether it's roads, bridges, dams, across the board so that whatever the opportunity we can be as responsive as possible. And like they were saying, the challenge is you want to address it as quickly as possible and if you cover it then it's hard to get FEMA. so we're balancing all those but we are trying to be as poised as possible to get what we can when the opportunity's there to address these new costs which do impact our [base funding amounts for programs]. Thanks.

Terry Tatsey: I just want to support what the Great Plains Region is doing because those of you who heard about what we went through in Blackfeet Country in the last couple years in our winter, we had snow banks a lot higher than this ceiling that we were dealing with. But the other part of the factor that we experienced is we had a town of Browning, Montana that disincorporated under the state, so the tribe had to assume all the road maintenance, the construction, all of those variables that aren't part of this equation. So, we had to make that adjustment and it really put basically a strain on our construction budget because we had to take care of all the roads in the former town of Browning that we inherited. So as other tribal nations face this type of dilemma, when you get a town that disincorporates that's the size of ours, there's a lot of responsibility and costs associated with that too. And those things aren't factored into the annual budget. Those things aren't factored into the budget that you're projecting either. These are things that happen, they're reality and things that we have to adjust and so if the Great Plains Region is willing to take on a pilot that addresses costs associated with this comparison analysis for maintenance in urban areas, rural areas, and ice land in America, I'm for that because we face these realities. And the percentages of costs, whether it be maintenance or construction, when you get to ice land in America which we are, those costs increase. And so that's something that has to be factored into the equation. If they're willing to do the pilot, Rocky Mountain Region's behind that.

A. Gay Kingman: I didn't hear what Jason said very well, but I do know that the Commissioner of ANA put together a conference call with different agencies including BIA, HIS, and different agencies and it was the most beneficial thing because we were able to talk with emergency managers in different departments. I think that kind of thing needs to happen more often. I'm sorry, Jason, I didn't hear what you said, but this goes with coordination and communication. Also, it would be helpful if we knew when these people do come out because I did get a message saying that somebody was going to be in Rapid City, South Dakota, Saturday such and such and would tribes be available to meet but that was Friday afternoon I got the message and it was too late to get a lot of the tribal emergency people in to do that meeting. It really needs to have some forethought I guess.

Jason Freihage, Deputy Assistant Secretary – Management: We can pull together our emergency management and let our emergency management folks know so that when they pull together the FEMA

and tribal representatives to set some meetings that it's coordinated as well as possible. And the only other thing I was just noting was to help to get to this point of understanding what the costs are from these storms, whether it's roads, facilities, dams, whatever, we are kind of doing regular check ins so that as data becomes available when it's safe enough for them to get out and assist, we're tallying up the cost because you never know when OMB or Congress or somebody else is going to say, 'Okay, the emergency supplemental is moving,' or there's some other ability or they say, 'What do you need from FEMA?' So we're just trying to be as poised as possible with the latest data we can, as it comes out. So as we move through these storms we're kind of keeping track of this and even long-term if there's no windfall through an emergency supplemental, this also helps us budget in the future to think about how can we think more about addressing these types of unexpected needs. The main point I was just trying to make is we're trying to track these costs a little more closely as we go through them to help us get a handle on it and to be able to respond to external opportunities.

Courtney Two Lance: Today at Pine Ridge we were hit just like Cheyenne River two weeks ago with that blizzard and today Pine Ridge is getting hit again. And so we have everybody shutdown, we have our patients to the casino and this is going to be like a really bad storm again for us. The assessment from the BIA was done this past Friday and that was like two weeks after the storm. We barely got to the last community we could get to, and then we're getting hit with another storm. So the assessments from the Bureau, if you want to get the data, that needs to happen quick because we're dealing with floods, we're dealing with break up in roads, sink holes. This last storm I don't know if any of you saw it but a lot of our farmers and ranchers, they had to dig cattle out of the snow. So there's a lot of things that are being assessed and when Leroy had mentioned for all these other federal agencies to come in it had to be a federally-owned road. A lot of our tribal roads are not federally owned and we have like 21,000 roads or 2100 roads in Pine Ridge that are tribal roads. So those are not going to get the help. They're probably going to get assessed from the air but you should try to drive there or try to get those people out. So today, I'm getting text messages from Dave Kelly who should have been here but he's like, 'No, the people are more important. You guys talk for it, get this pilot project going, so you can see that we will get you the data that you need and maybe this will help increase road maintenance funding. We can't be supplementing road maintenance with our construction fund or we can't fix roads. We don't get that money back. Everybody keep those people at home in your prayers because this is going to be an ugly storm again. I'm hoping we don't get stuck at the airports, Gay, but we probably will. We need your support in getting this pilot project going. The road maintenance survey that was sent out to the tribes, thank you to the 142 tribes that responded. It shows that a tribally-driven initiative can make a difference. If you need the support when you go to the Hill, the tribes need the support when they go to the Hill, we have to do this. So we're asking for your support on that.

Dakota Longbrake: That's exactly where I was going to go. The flooding is widespread. It's the whole entire Midwest and it takes a lot of response and a lot of effort from the Federal Government as well as tribes in cooperation on all of that. The whole week that I've been here. we measured everything up last week but I've been here this week trying to pencil in time to estimate quantities and try to put dollar amounts with stuff and I'm going to do my estimate and in two or three weeks we're going to sit down with ERFOR and with FEMA and we're going to sit down and then we're going to compare estimates and

change stuff and do all of that but it's an ongoing thing. Just like Courtney said, all the schools are closed, there's no travel advised at home right now. It's April but here we are looking at another [blizzard]. That's also getting off of our topic a little bit and we probably should bring it back in here and discuss the pilot program and the direction of how we think it needs to go forward.

Chairwoman Cheryl Andrews-Maltais: Dakota, I have a quick question. I've heard this a couple of times, and we certainly support the pilot program to make sure that you guys get the resources you need, but what I continuously find troubling is that I've heard a couple of times that unless the Bureau owns the roads there's no funding. I need an explanation of some real clarity on that because we're a self-governance tribe so we've assumed all of those responsibilities, so our situation might be different, but I don't understand, the Federal Government owns those roads if the land is held in trust and/or are a reservation status. So I don't understand how there's a delineation between whether it's listed on the tribal side of their inventory or the BIA side of their inventory because it's still under federal protections, it's still under federal law and those federal funds should still be allocated to assist the tribes in not having to use our other funding to preserve the roads that are required for us to be able to operate.

Chairman Rick Harrison: And to add to that point, all roads that receive federal dollars are considered Indian reservation roads.

Dakota Longbrake: That's just what I was going to touch on. ERFOR should cover tribally-owned roads that are in the inventory. Now if you have a tribally-owned road that's not in the inventory, that may be questioned by ERFOR, but as long as it's in the inventory as an officially tribally-owned road ERFOR will cover those costs.

Chairman Ron Allen: I know you're going to get to your ask in terms of how to deal with what we've got to improve our current system etc. and I certainly am very supportive of it but I just want to put a place marker here. The road maintenance inventory of need, the \$390 million you talked about, plus the infrastructure things that we need from Federal Highways, which is insufficient, we keep asking for more, we don't get more, but there's an initiative being discussed now for the last year plus by the President and by Congress with regard to a trillion dollar infrastructure project. That's our opportunity. So you guys and Leroy and we need our administrative leadership to champion that number. If we're ever going to catch up, that will be our opportunity and I would point out that our need, the \$390 million or maybe it's a couple billion in total including roads improvement and fix the roads so that it reduces the actual road maintenance cost. But that's our opportunity, Leroy, and we need to make sure the numbers are accurate and we're ready to go. The last time this happened during Obama Administration, it was a shovel ready concept and we need to make sure that not only is shovel ready, but it's also the resources necessary to engineer updated, upgraded bridges and other infrastructure needs on the reservations. I'm very sensitive to what we can do right now, but that's coming around the corner and we better be ready.

Dakota Longbrake: Just to touch on one point on that, shovel ready projects are one thing but road maintenance is definitely right now, and everybody seems to forget about road maintenance when you talk about infrastructure bills or even in the ARRA bill. Road maintenance is right now. You fund road

maintenance and road maintenance crews tomorrow will be out there doing more things. When we're talking about that type of stuff, remember that. Road maintenance is right now.

Juana Majel-Dixon: I'm grateful for your remark there, Dakota because it's absolutely true and this has been the confusion and what you said about construction, the fact they had to use \$47 million of that to offset what was done because there wasn't enough but in the description of the budget that was approved for 2019, it distinctly separates each of those out, but they only put in a total amount and not break it out to what you really need. And what I understand to be asked with what you supported in terms of the data in the pilot program and crafting that request is what we have to do here to move them forward and we have to clearly understand it's maintenance. It's not about paving the road, it's not looking at all the other stuff that we've been describing. When you consider that there are 29,000 miles of gravel, earth surface roads but you have 900 bridges and you only have up to \$34 million, when you just do that in terms of the amount per mile it gets pretty crazy. So what Dakota needs for us to do... I don't know if it's a motion, I don't know if it's a directive because the buy in... I talked to the tribes at home and they're saying, 'Hey, this makes sense to us. We're willing...' because you asked if there would be buy in and we checked, and I know you're going to go home and check. So some of us have picked up the ball and want to do that. The other aspect of what you said, Dakota, this doesn't have to do with you but it's critical with what you said, and you were right, this definition of how it turns public is what happens with a Bureau road. It's still yours, but you gain public access to that road because they did it which is not giving up your road but it's giving up your road because you now have to let public through and that's a crazy, crazy, crazy interpretation of the law what happens when you do a paved Bureau road on your res. So you all got it wrong on the Fed side, so we need to help them get it right because that shouldn't be happening because you're national. When you look at what's in the Bureau, that national trust responsibility and you look at the overarching principles of what is Interior, that's where you capture it. That's what we learned yesterday with DOJ, that it was the overall principles within the language directly affected that program. Same thing here with the overall Interior principles and you have to look at it because it's right there. So if we could...I know Ron wanted a proposal. You and him were supposed to pull that together today. Do you have that up there so we can make that?

Dakota Longbrake: No, I guess is the answer to that. The BIA is ready to move forward with this pilot project. They are going to absorb some of the costs within their budget. We would like to do it in the Great Plains Region. We have kind of started the initiative and taken it and we're willing to, as tribes in the Great Plains Region, absorb the cost of the software. A \$15,000 hit to my road maintenance program at home is a significant hit. I figure that I have \$20,000 to \$30,000 worth of buy in power a year and that's to buy asphalt patches and stuff like that, or culverts or whatever. So a \$15,000 hit to a program is a big hit to a program, but there's enough tribes at home that are willing to get into this and get this started and work out the kinks and get the software and the hardware and the data exchanges figured out and then we'll come back with some strong costs of what we think it's going to take to go nationally to different tribes, but we'd like the support of the committee to move our pilot program forward.

Kee Allen Begay, Jr.: We're just talking about road maintenance so we have to go further than that because we're talking about school bus routes and also again this comes back down to the regions, their

situation. Especially the rural part for Navajo, we've got close to 6,000 plus maybe of dirt road. So how do we begin to even say that we want to do a pilot project, but this has been in the need for all these years? So one area that when we're talking about maintenance, the thing that we deal with in Navajo is the approval process for resources meaning sand and gravel. This is on reservation but we still have to get the okay and go through the process of if there's a washout, obviously, you've got to bring sand and gravel back to that area but in order for that to happen we've got to get the okay to extract certain resources otherwise we just have to purchase some of them from several miles away which adds more cost to maintain and fix these roads. So I think that's one area that I'd like for the subcommittee to look into as well. How can BIA be there, but be at the minimum, to say yes or no to tribes utilizing their resource to fix these roads?

As far as equipment, that's another area. This equipment, I'm sure they cost a lot. How much of it are we talking about for each region? Those are some areas I think in order to maintain and fix these roads you've got to have the equipment there. How much is being proposed and maybe that's one area that needs to be identified from all this feedback. Specifically for Navajo, BIA right of ways - the coordination. That's another area. For Navajo we're into like the state of New Mexico, Arizona and Utah. In each of these areas we have different counties. For the state of Arizona portion we've got three counties— Apache, Navajo and Coconino County. So how do we get across having both the counties and BIA be able to say they're okay to maintain the roads that our tribal members utilize, specifically the school? I guess that's some areas that I would make a recommendation to the subcommittee and see how far the pilot project is going to go and see what the outcome of it's going to be. But the other area that would further request for tribal input to see if they could be able to have specific region of each of the roads that they maintain currently and especially the data because if we don't have the data specifically this goes back into public safety because if we don't have any crash data or certain area to justify that certain design of this particular road needs to be fixed. So I think that's an area that if we have the data available, who's going to have access and obviously if we're going to be dealing with the state, we're talking further in jurisdiction issue. So that's some of the things that I think the subcommittee if they could be able to further provide that information maybe at the next TIBC meeting.

Kitcki Carroll: So first I want to commend Dakota for the work that he's been doing. He's been persistent at this for a long time. I know before him, Big John and working in partnership with Big John. But I want to attempt to kind of tie this altogether for a moment if I possibly can because based upon what I just understood the reason that we're doing this isn't necessarily to have data for our own purposes, that's going to be helpful yes, but it's also to have the data to justify the requests and asks that we're making to show about the severe underfunding for road maintenance, correct? ("right."). Okay. Circling back to yesterday's conversation though, maybe using what they're doing as a model and as an example, also further understanding the position that the Administration has taken about the removal of the unfunded obligations component to the budget formulation process, what we are talking about right now about road maintenance needs to be replicated across every other single issue area that we talk about around this table. So while we're talking about data for road maintenance, we also need to be talking about data for social services, we need to be talking about data for the law enforcement and justice work and on down the line. So somehow I'm just trying to figure out a way that we broaden this

conversation, definitely support what's going on in this road maintenance area, but definitely want to see if there's a way that we can learn from what they're doing and just kind of thinking out loud of this, couple of additional dots to go along with. Yesterday you mentioned in your remarks, somebody had asked about the possibility of expanding the pilot. I think the question's being posed for a little bit different reason. The reason why it's stuck in my mind though is I don't think that it's feasible or reasonable to think that we're going to be able to get data from 573 tribal nations on every single issue area. I think you're seeing that with what you just did in yours. So I think the answer then to that is a sampling size, a sampling size that's diverse enough to capture large land based tribes, small land based tribes, all these different sort of situations that we can then extrapolate and make some assumptions about need and unfunded obligation. So I know there's a lot of similarity for the tribal nations in the Plains Region so the only reason why I'm interested in maybe the question that was posed yesterday is there a ways to broaden out that pilot base to achieve a greater diversity of sampling, so that when we make this...when we use this data that it's a little bit more comprehensive of the realities and diversity that you find within Indian Country, and then if we could replicate that across all issue areas. Just something for us all to think about because somehow we've got to find an answer to this issue, at least in the current environment where we've been left to our own vices to come up with the data, to come up with the figure and to put a dollar figure tied to that. Just some thoughts I wanted to share.

Joe Garcia: Good morning everyone. Just a simple question. Where does the transportation funding that BIA gets that's part of this budget process originate? Originates at DOT, right?

Leroy Gishi, BIA Division Chief, Transportation: No, it doesn't. The Bureau of Indian Affairs Road Maintenance program budget which this council has oversight over comes from the Department of Interior annual appropriations. The other fund that we are talking about here, the \$47 million, is the construction account that comes from USDOT. It's separate. In 2005, they began a real vigorous process of allowing tribes to use a portion of their funds for road maintenance. No other program has that ability within USDOT but the tribal transportation does. And so that's the reason why you're seeing those numbers that are up there being projected. The tribes are utilizing what they can.

Dakota Longbrake: It's both. Road construction is DOT and road maintenance is DOI.

Joe Garcia: The reason I'm asking is because I do know that from the FAST Act in 2016 when it was implemented, the Fast Act provided \$465 million and from that \$465 million part of it comes to Department of Interior, BIA for roads. Now the question is related to what would it cost a tribe to implement such a project? Does it come from tribal dollars – per tribe dollars – or does it come from special project funding and what does that cost to implement the project because if it comes from Okay Owingeh's tribal funds, I don't know if it's worth it to get into that or not because I don't know what the cost is and I don't know ...there are some other tribes in New Mexico that are questioning what it would cost to do such a project and the benefit to having the project.

Leroy Gishi, BIA Division Chief, Transportation: That's a good question. In fact, one of the first things that's important to note is that the two accounts that currently exist that we mentioned, the USDOT funds, it's very clear in the law that every amount of funding that's available is specific for a certain

program and of that...of course all of those programs with exception of the admin funds for FHWA BIA are contractible and none of those funds are what we're looking at in this particular case because those are identified as tribal shares and they cannot be used for anything other... Now a tribe can go out and utilize those funds and make decisions if they choose to do so on management systems and there's a number of them—congestion management, pavement management—that are available that tribes can do, but for purposes of what we're talking about here that's not the intent.

The other part of that is the DOI appropriations for road maintenance, that, as we mentioned, is pretty much identified through historic percentages that go to the regions to tribes who have BIA roads and who are part either through a contract or through direct services, that in this case is not being impacted here. What we're looking at is utilizing funds that we have from a prior year to be able to at least start. Depending on what the subcommittee looks at in putting it together will dictate a lot of what this cost is going to be. So it may be that the pilot project may be only a couple locations, just simply because of funding restrictions. But the point is that what Dakota was pointing out is they're pointing out where they need to start going forward to collecting the data. Mr. Garcia, you're aware of last week when they had a hearing, that was one of the issues that was emphasized again from the committee was data information inventory associated with the tribal transportation program.

Chairman Rick Harrison: And Joe, what you articulated is exactly one of the reasons why they want to do the pilot project is to analyze this and determine how much it will cost. Dakota's saying that some of their tribes in their region are willing to put up their own money to start this and then once we can determine how much that's going to cost and what it's going to do, then we can bring it back and roll it out and see if we can find appropriate funding for it.

Shawn Duran: What do we need to do in this body to make that happen? Is it that we make a motion for them to go ahead for the pilot project? Then I make a motion that they go ahead for the pilot project.

Chairman Rick Harrison: Aaron, second. Any further discussion? Any nays or abstention's? Hearing none, the motion passes.

Dakota Longbrake: Thank you. I just wanted to touch on one thing before I go. We will definitely look at gravel pits and equipment deferred maintenance. I think that is...the equipment deferred maintenance is something I think that we can separate out of that deferred maintenance number and take a look at it.

You really got my brain thinking here on the gravel pit stuff. Most of the time pits and things like that are open through different pots of money, through your construction dollars mostly. But the Department of Mining and Minerals has very good grants that not only help you find your gravel, but help in the process of getting all your permitting done to get your pits open too so that's a very good source to go after is the Department of Mining and Minerals grants for that. Thank you everybody. I appreciate it. Thanks for your time.

Juana Majel-Dixon: Dakota, if I may. Because of the devastating emergencies amongst our relatives in the north and the fact that they're getting hit with a storm now and it's going to get worse by Friday and we know that talking with Gay and the leadership that the fracking that occurred also in that corridor of

the world has poisoned their wells. And because their wells are poisoned, tribes have been contributing water, but they're going to need more now that this with other storm's coming through. But in our discussion with Dakota, we talked about this, is that we have a cooperative that will haul and take our road machines and I'm going to bring that up to the cooperative in California to go to their area and help get them out of that situation and we're going to have to coordinate that with you guys, so stay in touch. But I'm also saying that if you have something similar, as tribal leadership we have got to begin to go and that unified response in those kind of catastrophes. You did that for us in some of the wildfires we had and some of the other things that have happened even in New Mexico when they had it. So even if we keep a record of it, it shows that the sovereigns are doing for themselves and supporting one another knowing very well that the budget that we're working on right now doesn't cover that cost unless you use their systems. And as he says, he doesn't expect to get paid back by FEMA but this situation is now, it can't wait, and they know the costs are recovered later. If there's a way to just put that on a list of things to follow up on.

Dakota Longbrake: Yeah. Thank you. We're humbled by that. We have a regional transportation meeting next week in Rapid City. I'll relay that to hopefully all the tribes in the region. So yeah, thank you. We appreciate it greatly.

FY 2019/FY 2020 Budget Updates

Jeannine Brooks, OBPM Deputy Director: Good morning, everybody. I'm Jeannine Brooks. I'm the Deputy Director for the Office of Budget and Performance Management. We're going to walk you through...Dave Connor and I. Dave is from Red Lake and we are going to walk you through the latest and greatest on the '19 budget and the '20 proposed budget.

So for our '19 enacted budget I know most folks have probably gotten ahold of a comp table (budget comparison table) one way or another. I know we do have one in your book if you do need to look at it. We did get another \$3 billion budget. Thankfully everything was restored from our '19 request with the exception of some administrative stuff, which is usually the case. They don't give it back, if we offer it up. We're going to step through real quick how we did fare. We got some extra money for road maintenance. We got one million dollars for the school bus routes. We also got some extra money under Natural Resources, but that was specifically designated. For once we got an earmark. We haven't had those in quite a while. We got an earmark for a [?? 01:38:32]. That money has to go straight out to Northwest Region. It is for a land purchase under Public Law 102-495. And that was in the bill so we have no choice. Under Forestry TPA we got \$500,000 there and the program tells me that is going out to cover wildland fire prevention under the projects line. Under Criminal Investigations and Police Services they bumped up our opioid's funding by \$750,000. So the total for that is now sitting at \$8.2 million. Detention and Corrections we got \$2 million there and that is supposed to be spent specifically on hiring correctional officers. It was in the bill language. And then we got some money in Tribal Courts and there was no language accompanying that so the programmers told me they're treating it as a general increase and it would be pro rata distributed to those that are operating courts programs. So, it's just going to be a pro rata distribution to those that have base funding within the courts program. Under Community and Economic Development, this was a surprise that we got here. We got a million dollars

that is going to be added onto Economic Development grants. The program has been scraping up money here and there to support these grants that come in people requesting assistance for economic development projects and they actually gave us a million dollars that wasn't requested in our budget and they put it in the bill and said, 'This is what you'll use it for.' So that was a little present from Congress to us. Irrigation Project Rehabilitation under the WIN Act. They gave us \$4 million in additional funding for WIN Act projects. But out of overall funding \$10 million is being devoted towards WIN Act and will be distributed under the regulations and methodology of WIN Act. We also got our bump up for Tribal Grant Support Costs, so that we can give 100 percent of that out, \$1.9 million. Education also got facilities operations funding. \$2 million extra dollars and that's going to cover about 63 percent of their calculated costs for operations at this point. Tribal Colleges and Universities got a bump up of one million dollars and that's for supplemental operation of TCUs.

Now for the part that nobody likes—the reductions. We did have a few in here but I wanted to explain some of them to you. As I said, we did get a cut in Executive Direction. We took a \$2.5 million hit to Executive Direction as a whole. The largest chunk of that came out of Administrative Services and the hardest hit is my world (OBPM), Jim Anderton's world (CFO), all of the offices that are at DAS-M level. There is also the minus \$22.5 million on Haskell & SIPI line. That is actually not a true reduction. I heard this was talked about a little bit yesterday, while I wasn't here. That was us just moving money from that line to the forward funded line, so it's a wash. We take it away from one but we add it on the other end. So it provides full funding now at the forward funded line.

The Contract Support costs. We want to talk about this a little here because it looks like it's a \$15 million reduction to Contract Support costs but the reason this came into play, it started out being a \$5.4 million increase but what happened is under the authority under the new appropriation, we have indefinite authority to go back and request funding. In '18 so far we've gone back and requested another \$44 million in Contract Support funding. So what we looked at as was going to be an increase for us now is actually a decrease because when we were formulating and saying we're going to need another \$5.4 million, we didn't know that we were that short on meeting your 100 percent Contract Support needs. Now that we've gone back and all the regions have assessed, we've gone and had to ask for more money. So now we know we're actually going to be short and we've been working with Congress to profile what we think is going to be a true level of need. For years we based it on the 11.8 percent of the overall OIP line would cover that, but now we know we're more at like 12.7 percent is what it's going to take to give full Contract Support cost funding. So that's why this looks a little crazy. It looks like a \$15 million reduction, but that's not what we requested. We thought we were requesting more but now that we have a better grip on what the true need is, we know we're going to be looking for more probably again. But we do still have that authority to go back to Treasury and request additional funds, if necessary. And we are getting a better grip on what that percentage should be going forward.

For Settlements, we did have a reduction of \$5.4 million. That is because Hoopa Yurok is now closed out so that was \$250,000. The rest of that was reduced off of the Blackfeet settlement as we still have several years to accomplish that so we scaled that back a little because we got a huge flux of money for last year for initial forward funding. So onto our 2020.

Chairman Rick Harrison: Before you move on, going back to the reduction of the Executive Direction for Administrative costs, do you know if there are going to be any impacts to services that tribal leaders should be aware of because of those reductions?

Jeannine Brooks, OBPM Deputy Director: Most of the cut is applied at Central Office Administrative Services. None of the TPA lines within Exec Direct were impacted by this. Actually I think some of those lines got fixed cost increases where the rest of us got reduced. There is I think about a \$200,000 reduction to Administrative Services Regional, like \$252,000, but that's spread across all 12 regions. I don't see that as being a huge impact. Well, we'd all like to have our money back. I think it'll be minimal as impact. Like I said, all the TPA lines are being held at level.

Jason Freihage, Deputy Assistant Secretary – Management: I think it's important to note you immediately don't see that, but all these things eat away at our ability to keep funds flowing to you guys faster. Again, it's not like we're living in excess here, either. We can find some ways to muddle through, but these are some losses and over time, when we start hearing about things like 105L leases, when we hear about things like Advanced Appropriations, one of my lessons learned from VA was they needed extra bodies to deal with that because it was a very significant blow. So these are areas that in an ideal world we wouldn't be taking these types of nicks. So they are... That's why you see in our 2020 request it was actually level. We were able to get those funds added back. So we can make do this year, but I think given some of these mounting needs, the types of things you all are asking for, more information on unobligated balances, those types of things, it is helpful to get those pressures. That's why we do like the amount in the 2020 request.

Chairman Aaron Payment: I have a question for, at the regional level, if there's any analysis of any pushback or analysis from them about how it diminishes support to tribes. Can we get that? We covered in a previous slide, the reduction for the administrative costs and it's easy to kind of dismiss the top end, don't worry about that, but how does that affect the regional end? Does it diminish services at the regional level or access? What's the trickle-down effect?

Jeannine Brooks, OBPM Deputy Director: Just like Jason said, of course there is going to be some impact. There was like I said I think a \$252,000 reduction to regional services as a whole. So that is going to play out over there. Everyone's going to have to tighten our belts, we're going to have to...maybe that vacant position that we truly could use we're not going to be able to fill. Those types of things are going to happen. So it is going to impact. We'll do our best, like Jason said, to continue to provide everything we need to provide, but it does get tough when we lose the funding that we have as well to continue to serve you. Jim, do you want to address any further?

Jim James, BIA Deputy Field Director: I could add a little bit and Darryl kind of touched on it a little bit, Chairman Payment yesterday when he said that we're looking at creative ways and ways to collaborate where we might have a potential adverse impact from these kind of reductions. And so when we were talking to Ft. Totten yesterday, they're actually the ones that kind of raised the possibility of, 'Well, how can we work cooperatively or collaboratively with you in the area providing contract support awarding, information, that kind of stuff?' And so that got me to thinking that we need to start doing more

collaboration. Midwest has done an excellent job in the Partners in Action forum and that's a great event. I participated in that last year and I would like to see that brought to all the regions. In the meantime though, I think we need to look at those kind of creative solutions, if you will, and have more collaboration within the tribes that we service. I know in Pacific Region we have the Land Consortium that works out there, does a lot of work on fee to trust applications and tries to move those forward. Those are good examples of efforts that we are doing together. So that's what I'd like to do. At the end of the meeting tomorrow, I've asked all the budget officers to stay with me to talk about some of what you just raised. Are there some impacts and if there are, how do we get ahead of it? I think Jason's right. Part of what we do sometimes in my mind, if this is a bureaucracy and sometimes I scratch my head going, 'Why are we still doing it like this?' So there are three or four different stops before the funding gets to the tribes and we need to figure out a more streamlined effort to get that to the tribes upfront instead of along the way. Sometimes things are out of our control, we don't have...we can't tell Congress, 'Give us a full years' worth of funding,' which would be ideal, but we have the opportunity right now I guess to just kind of go to the end of the year. But we'll see what happens moving forward. Some things we don't have control of but I would hope that we would work together to try to figure out ways to fill in those stop gaps. In other words, in my mind our Plan A is always for us to get the money to you guys as soon as we can and to respond to those kind of questions upfront. If we can't, then we need to have the ability to make sure that we've got it covered. And fortunately we've been working with Jason (DAS-M) and his team, Jim Anderton (CFO) and Jeannine's group (OBPM) to make sure that we see ways from Central Office to the regions to make sure that we are addressing those potential shortfalls or gaps. So that's what we'd like to continue to do. I want to move in a direction that provides solutions rather than let's 'just keep recycling the way we do business. Let's find better ways to do our business.

Chairman Aaron Payment: So my ask is to have some kind of a summary or analysis of if that diminishment is happening how it affects services that are provided at the regional level. And I will also echo we have a really, really good relationship in our Midwest Region with our team. They work with us and Partners in Action I didn't know that that was not something that everybody was doing, but that provides immediate access to the team and so we're protective of them because they do provide services and at different times when cuts have happened or when there's been vacancies and we've had to move people around, they do that seamlessly, but it does slow services. And we don't want to slow services.

Chairman Rick Harrison: Right. And this is why I brought up the question just to highlight to tribal leaders that this may be an impact that we may see because of this.

Kitcki Carroll: Just a couple thoughts and I truly do offer these in the spirit of trying to improve the work of this body, not to be critical. But I want to note, for the record, once again, here we are a day and a half into the actual full TIBC coming together and convening that we're actually getting into some numbers as a budget council. Fiscal year '18 is where this conversation should be starting about to reflect the earlier conversation that we had about any surplus positions because we've already talked about at any point four budgets are going on. So you should start off with the one that's closing out, what information we have at this point to share with this body about what that position is. Secondly, what we've talked about, we were just about ready to skate right through fiscal year '19 after a 30

second explanation of it. So to make everybody's lives easier, I've got about 100 pages of information over here that I'm getting the week that I arrive for a meeting. If I did that to my board, they'd probably fire me. So what we need is easily digestible information. So for fiscal year '19, I want to see what the percentage increase or decrease is over the previous year, plain and simple. I want to see without having to compare five different pages, yes, there were some enacted amounts but if you go to the book and you look at fiscal year '19 about what the Administration did, 37 percent cut, 28 percent cut, eliminated, 28 percent cut, 10 percent cut, eliminated, eliminated, 25 percent cut. So yes, did Congress restore some of these dollars, sure they did but we're not sitting here right now having a discussion with Congress. We're having discussion right now with the Administration and we need some answers about why there was proposals being made that put forward such dramatic drastic cuts. This is not rocket science. I'm so tired having to repeat this over and over and over. This is simple stuff and I don't know for the life of me it takes an act of God to get this stuff to the information where we need it to. So for fiscal year '19, yes we did end up in a place if you go to the sheet that shows '18 enacted versus 2019 omnibus and you go to last page, you're sitting with a very modest, less than one percent increase and we just went through what the increases were but there were some shifts that occurred within that space to get those increases because something had to be offset if you don't have a significant increase to achieve that. But again, that's the congressional side that restored that not the administrative side. So I'm asking, once again I'm pleading, we just need simple information that shows for fiscal year '19, here's what the tribes asked for, here's what the Administration proposed. Why did they propose something different than what the tribal leadership asked for and what did Congress ultimately do?

On this last conversation about Executive Direction, if I were to ask you, is your office fully staffed? The answer's 'no.' So we know that there's an impact from the Executive Direction side of the equation that's going to impact all this. It probably is part of the impact behind getting stuff last minute so I'm not criticizing Jeannine and her staff. It's the reality that they're not staffed appropriately. So we've also said numerous times there's two parts to this conversation. How well is the United States honoring and fulfilling its trust and treaty obligations as it relates to the programs that we either contract or compact away or that the Federal Government takes on as a direct service provision? That's one element. The other element is how well are they doing their job and are they staffed appropriately? Last TIBC meeting there was a request made of us. Tell us what you think is not adequately being staffed or resourced at the regional level. Why are we being asked that question? We're on the tribal side. I don't work in the offices of the BIA at the regional or national office. I don't know what's going on over there in terms of whether they're staffed up or not. The Assistant Secretary needs to be asking their own staff about whether they are staffed up or not and telling us whether they are or not, not the other way around. That's passing the buck. That's putting responsibility and accountability to people that don't have that responsibility and authority because we have no right to make any decision about anything that we find as deficient. So somehow this has got to improve in terms of how we are going through this information from the jump, when we get here, so we know exactly where things stand. Where did the last fiscal year end up, what got approved for the current fiscal year, what's in the hopper for '20 and then the process that we're engaged in right now for '21. That should be 90 percent of the focus of the work that we do when we're together here, but for some reason it's still not. So I am interested in the question because I'm not interested in hearing how Congress restored. I'm interested in hearing answers why the

Administration took the steps that it did to propose these eliminations for fiscal year '19 contrary to the very guidance that this body gave to it. That's what I want an answer to.

Darryl LaCounte, BIA Director: That's a hard act to follow. I don't have the answers to that question, but what I do want to reiterate now that I have the budget officers here and Ms. Adams has joined us, regardless of what the amount is, Jim [James] and I have given direction to the RDs that whenever your money is available, you're to be put on notice immediately. I'm finding out that might not be happening. So now that I have the budget officers here I want to reiterate that with you. Please, when you get money available for the tribes to draw down, let them know immediately that it's available.

Kee Allen Begay, Jr.: I appreciate the comment from Kitcki. Maybe our requests, is a motion asking for the Bureau and the Department to specifically justify with the purpose and reason why particular areas were selected or targeted for elimination or decrease. We would like to have that in writing.

Chairman Rick Harrison: Is there a second? Any further discussion? Aaron.

Chairman Aaron Payment: I'm looking at this thing that we were provided. It's kind of like the topline description. So I want to give kudos where kudos are due and it might sound a little schizophrenic because when you look at where we are in the proposed budget for 2020 versus the previous one, it is an improvement. It's kind of like a zero sum statement because we're improving over something that was completely nonsense. 37 percent cuts to ICWA. And when you look at it, how we're faring in Interior compared to other budgets, somebody's doing a pretty good job because they're fighting and advocating to try to reduce the impact on BIA/BIE, but when you look at this one sheet where it shows the zero percent cut which is level funded, which is still a cut. Level funding is still a cut because costs increase. So I recognize the hard work of the people, whoever we can credit that to, but it belies an ignorance of the unmet obligations. We use two different terms—unmet needs and unmet obligations. We can justify with unmet needs and blow the budget out of the water. The unmet obligations is something that recognizes the treaty and trust responsibility that we prepaid with the 500 million acres of land that we ceded to the Federal Government. If you do evaluation of that, you see that we're getting a pittance in comparison to what we prepaid. The Michigan 1836 tribes traded 14 million acres. If nothing else happens as a result of all of this effort, if we can get the message up through the advocates that work in Interior that it's not acceptable to bring to us budgets that are level funded, that we need to see growth in our budgets and that means that the caps in the normal way of doing business where the Administration, the President's office says, 'Here's your caps,' or whoever's setting that direction, we need to be exempted from that. That's an idealistic sort of statement, but I did want to recognize though that the little bit of progress that we are seeing because instead of an empty headed across the board 30 percent cuts, we're seeing minimized impacts compared to the previous year but it's still not acceptable. level funding is not acceptable when our needs are... You're not even scratching the surface of our needs.

Kitcki Carroll: Just for clarification. I'm speaking about fiscal year '19. We haven't even got to fiscal year '20 year. So the comments that I'm making are specific to fiscal year '19. I'll reserve my comments for

fiscal year '20 when we get to fiscal year '20, but my comments that I just offered were specific to what information is before me as it relates to fiscal year '19, the year that we are currently operating in.

Chairman Rick Harrison: Any other discussion? Any nays or abstentions? Hearing none, motion passes. Any other comments on fiscal year '19 budget? If not, we'll move on to fiscal year '20.

Jeannine Brooks, OBPM Deputy Director: For 2020 the request is for \$2.8 billion and it's a nine percent reduction over the 2019 enacted. We know and we just had this full discussion here that those are the parameters that we were held to by OMB. That's what we had to work within. I will say though that our strategy did push forward this year to ensure the tribal priorities as much as possible. We did fare better than the other bureaus. We took a nine percent reduction whereas they ranged anywhere from 12 percent to a 29 percent reduction for the other bureaus in Interior. So while we do have our limits, we did fight hard and push forward for a strategy to try to do the best we could for the tribal priorities. Out of those, nine of those tribal priorities maintained their enacted levels. There are still two of those, because there were 11 priorities last year, that were scheduled for elimination on the basis of they serve fewer tribes and with that premise still carried forward into this 2020 budget so that was the Housing program and then under Education it was the scholarship program because that goes out to other than BIE schools which have to be the priority mandated focus of education. We don't dispute that scholarships are important for Indian students. We understand that, but that money does go to other schools besides BIE schools which is our true mandate.

We also had the breakout this year and BIE was made the independent Greenbook. They have their own budget now. We are still under one appropriation but we did prepare two books. We're hoping that is going to help in reform of Education and give more accountability to Tony and company. They can manage and operate their own budget. They still operate under the umbrella of our budget shop though helping them formulate the Green Book.

Kitcki Carroll: Jeannine, when we're looking at the 2020, so just so I'm clear based on what you just said, we have the 2020 budget comparison table, back side of that on the summary shows 2018 enacted \$3.084, 2019 CR \$3.116. Then it shows the 2020 budget request at \$1.853.

Jeannine Brooks, OBPM Deputy Director: That is just the BIA. You have two tabs in there. You have a BIA and you have a BIE comp table.

Kitcki Carroll: What's the total of both combined?

Jeannine Brooks, OBPM Deputy Director: It's \$2.8 billion.

Kitcki Carroll: Okay. So then just help me. So there's reduction in there for '20 being proposed. If I were to do an '18 versus '19 versus '20, I would show \$2.8 proposed for '20 versus \$3.08 enacted for '19, correct? Roughly.

Jeannine Brooks, OBPM Deputy Director: Yes. The '19 enacted is \$3.081132.

Kitcki Carroll: So then in comparing that against the Administration response to 2020 TIBC budget priorities, though most of those are showing as flat, those cuts are in lines that we're not seeing on that page?

Jeannine Brooks, OBPM Deputy Director: Yes. Those cuts were taken elsewhere within the budget and we did our best to hold sacred those priorities that were found by this group as we were required to take a reduction but that at least let us make sure we didn't go towards those as opposed to the others. Most of those reductions unfortunately did come out of Natural Resources. You were also handed out red and green tables, those are a summary of reductions and increases. And when you look at it, you're going to see where it looks like we did take cuts to those human services programs, but we did not. If you look at the 2020 portion and the dark red are true program reductions. The lighter pink colors, those ones are internal transfers. We had several tribes last year where their funding didn't get base transferred into self-governance, and then we had some this year that moved as well so those...where you see those lighter pink ones, those are actually transfers. The funding is still there, it is still being used for those programs but it's just been moved to the self-governance line. If you look at the budget comparison table without internal transferred noted, it's going to look like we took cuts to all of those lines, and when I first saw it I went into a panic too and said, 'Who screwed with the budget?' But that's not what it is. It's internal transfers moving that money to self-governance. If you look at the self-governance line, you'll see there's a \$12 million, \$13 million increase on that line. Those are those transfers being pulled out of those programs and moved to that line. So we did not take cuts to those programs as they were tribal priorities from this group. What these do is it's just a simple summary for you so you can see what actually happened line by line. Red is reductions, green is plus ups and it'll tell you why it was...whether it's a program change or whether it was just fixed costs and internal transfers. If it's for specific purpose like on new tribes it's for the Monacan Indian Nation, so we put that on the line. The table is just a quick summary sheet for you so you can see line-by-line the individual budgets. We have that for 2020 and we have it for the '19 so you can see where any of these increases were specific in the bill, it's outlined what that money's to be used for.

For this last part, we did have increases within this request even though it was a reduction scenario. Another \$2.5 was requested for the opioids initiative. \$2 million was requested for native language immersion within the education program enhancements. \$2 million was requested for early childhood development. We have the \$44 million for full contract support costs and \$500,000 for tribal grant support costs to ensure that we covered those funds fully. That's the end of what I'm doing, but Dave wanted to go through his piece of it and his analysis of it and that's why I asked him to join me here and those are the tables that Chairman from Midwest Region was referencing. But I'm still here if anyone has questions. Dave, I'll turn it to you.

Dave Conner: Good morning. Thanks, Jeannine. I wasn't originally planning a little presentation, but we had made a few update charts on the budget status and so now we have an opportunity to talk a little bit about them. The first slide references the 2019 enacted budget and Jeannine went over most of the details on the funding, what happened. But overall the '19 budget is just about \$3.1 billion and they provided about \$17.5 million of increases above the '18 enacted levels. Most of them were very small increases scattered over several accounts.

I want to make a little discussion and point that this '19 bill, it was kind of a deal that was done. Last July both the House and Senate on the floors of both chambers fully passed and adopted the Interior Appropriations Bill, but the House version of the bill or the House's passed version was \$40 million more than the Senate. So the House had some \$45 million of increases for BIA and the Senate had about \$8 or \$9 million. And this isn't uncommon. It happens fairly regularly and usually the House requests more, the Senate requests a little less and then it goes to a conference committee and they work out the differences. And if you look back in time, usually when the conference committee process is complete the BIA ends up with the higher, closer to the House version. But something happened this year and it was called the government shutdown. Here we were stagnating along under CRs until the government shut down and everyone was trying to figure out how we're going to get out of this mess. So the House came up with a plan and the plan was to get Mitch McConnell off his duff. He wasn't going to move any bills to the President unless the President said he'd sign them. So the House...they felt they had to do something so their strategy was that they re-passed all of those appropriations bills that they had fully passed last summer, but they passed them at the Senate's lower levels. So in February they re-passed the Interior bill but they did it at the Senate's lower levels. And in the end...and that's what came to be. And in the end on the BIA side, we got about \$26.5 million less than what the House had passed last year and on the IHS side, Indian Health Service, they got \$100 million less than what the House had passed last year. So that became law and we think about the impacts of the government shutdown in terms of not getting our funding and problems, even laying people off and that, but kind of this little known factoid is we also suffered permanent losses to our Indian Affairs programs because they had to develop a strategy to get the government opened again.

I just want to give you a couple little examples of the impact. Like the original House version last July had a \$4 million increase for road maintenance and the Senate version had a one million dollar increase and so what'd we get? We got the one million dollar increase. It was better than nothing but it wasn't as good as the House. And here's an important thing. In the House passed version last summer they had an \$8 million increase for tribal courts, a full 25 percent across the board increase for tribal court programs. How long has courts been on the top of our TIBC priority list? But in the end, the Senate had nothing for an increase. We did get that \$1.5 million. So someone snuck that in in the middle of the night on February 13th. So that was good. So these are some bad things that happened out of this deal. But we have to hope... We've heard people including like Betty McCollum, Chair of the [House Interior/Environment Appropriations Subcommittee], reference being upset about the damage caused by this shutdown including this process.

So then talking a little bit about 2020, the President's budget proposal continues to propose steep cuts to Department of Interior programs. We had a chart like this last year, and then as was mentioned here briefly ago, last year they had proposed a whopping \$665 million of cuts to the BIA and BIE and it was by far the largest cut to any Interior agency by hundreds of millions of dollars more than the next biggest cut. This time around we can see that two programs, the Bureau of Reclamation and the National Park Service have substantially larger proposed cuts than BIA and BIE. The total proposed cut for BIA/BIE is \$327 million. That's about half of what they proposed to cut last year. A \$327 million cut's totally unacceptable but it is a difference than what we saw last year.

Chairman Rick Harrison: Dave, I want to point out also just to remind everybody that these other areas, they have flexibility on their decision making here on what they're cutting. These other areas, none of these areas are touching people's lives the way BIA and BIE are and so like Dave said, these are totally unacceptable cuts and these other areas, these other agencies also generate their own revenue, whereas that's not the case for BIA and BIE so keep these things in mind when you talk to your congressional delegations.

Dave Conner: Looking at things from a percentage standpoint, the combined BIA/BIE proposed decrease is about 10.5 percent overall and again, it's the smallest proposed decrease of the large Interior agencies. Last year BIA had by far the largest proposed cut. And again, I'm not trying to paint a picture that's too cozy because here's what I think had a lot to do with it and I think others here will agree. One year ago at the March TIBC when we were discussing the 2019 budget, we had the Associate Deputy Secretary Jim Cason and the then Deputy Secretary David Bernhardt who is now acting, they were here, right over there. And we were showing them some of these slides of these steep cuts and \$665 million to BIA and Jim Cason was defending it by saying they need more flushing toilets and running water at National Parks rather than Indian Affairs. Well, people here remember what you all said to them about that, and David Bernhardt dared to say, 'This is the best budget we've ever seen for Indian Affairs in three administrations.' And then he took it there too. I think to some degree that save the fact that the proposed 2020 budget cuts are less for BIA/BIE than the other Interior agencies, arose out of two scenarios—one was the beating they took here at TIBC, I truly believe that influenced that, but also the BIA itself, the budget office, Jeannine, George and Indian Affairs leadership pushed for the 2020 budget and this time there was less pushback. And again, probably arising out of last year's meeting. And I do remember and others may, I believe it was last July at the TIBC meeting in Minneapolis, Jeannine and George said, 'You might be a little surprised at the 2020 budget.'

So again, I think what the collective efforts of TIBC and the budget office and Indian Affairs leadership. The BIA, I don't know how else to say it, but they were able to hold the line and not have the same level of cuts that were demanded last year. Last year most of these programs were cut from between 28 percent to 100 percent.

Jeannine Brooks, OBPM Deputy Director: I also want to point out that when we first started our exercise we were actually going from that '19 request level which included all of those cuts. So when we were actually doing this, we were actually restoring funding to all of these lines. So keep that in mind. I know it changed around to where we came back and we have enacted funding so it looks flat but when we started the process we didn't have an enacted budget and we were working from a severely reduced budget. It is a big thing when you think about all of the funding that we put back to those lines to restore these for you and that's where we started from.

Dave Conner: Yeah, there are some anomalies here. I think it's clear there was a strong effort and push to preserve Indian Affairs programs but still you've got to wonder about the fact that all tribal scholarships for youth are eliminated. I know when they had the rollout of the 2020 budget and they had the conference call for tribal leaders, our Chairman Darrell Seki wanted to get on the line and talk, but there were glitches so he was unable to. He actually was going to comment how good it was to see

zero percent cuts for so many of these programs but he was going to call out BIA on tribal scholarships. Why are we doing that? And of course the Housing Improvement Program. So again, \$300 plus million in cuts is unacceptable but it is different than last year. Jeannine kind of went over these, but again, Small and Needy Tribes eliminated. Small and Needy Tribes has always been an overarching program just like Contract Support Costs and Pay Costs at the TIBC level going back 20 years. TIBC has always held that funding Small and Needy Tribes is a must. And then we also...

Chairman Ron Allen: If I might add, Dave, they're all really 'must' because they all address different subject matters or in different areas of responsibility in our communities, but some I would say are really head scratchers. The Loan Guarantee Program which has been amazingly successful for numerous years why you would zero that out when economic development is a high priority in the communities. There's lots of head scratchers that we need to be pushing back the Administration on their prioritization.

Dave Conner: And that gets to Kitcki's point made earlier, how can we understand why some of this is happening. We need to understand it better. It's uncertain about the Tiwahe Initiative. Remember there's two components of that. There's recurring base increases for all tribes who operate Social Services and ICWA. Eight percent base increase for Social Services, 22 percent base increase for ICWA and then funding for some demonstration sites. The Greenbook doesn't mention Tiwahe at all and the funding that's requested is the same as 2019 which included Tiwahe. Apparently Jim Cason doesn't like Tiwahe and he wants to kill it, just like he wanted to kill unfunded obligations last year. Tribal Climate Resilience eliminated, a number of Natural Resource programs were cut. Most of them were formula based rather than funds that go directly to tribes. So programs like Rights Protection Implementation, Wildlife and Parks. They had big cuts proposed last year, but this year, no proposed cuts. Of course there's a big cut to Alaska Native programs. That's about I think a third or more, 33 some percent cut. We don't understand why. The justification doesn't explain it. Litigation Support is zeroed and then some Minerals and Mining, an IT program cut. And then...actually the bulk of the \$330 million in cuts, about \$230 million are in the various construction categories and so when we say, 'How did they preserve some of the cuts to the TIBC priorities,' well, it's because they took \$230 million in cuts to construction programs. Just like Education Construction has been zeroed. And of course all tribal scholarships zeroed. If you had to speculate you would say the reason scholarships were zeroed and Education Construction is zeroed is because they know Congress is going to restore it. This is the list of programs that are proposed for elimination—Small and Needy, Tiwahe, Housing, Tribal Climate Resilience, Litigation Support, a couple Public Safety and Justice programs and then Scholarships. So it's quite a few proposals. And I already mentioned the issue where we lost money to end the shutdown, but then also another thing unfortunate is the Administration's calling for a civilian pay freeze in 2020 and the problem is, when an Administration proposes pay cost amounts or pay freezes, Congress always enacts what the President proposes when it comes to pay costs and that. So that...it's highly likely that's what's going to happen. But BIA and Jeannine say they did budget a small amount of Pay Costs for tribes. I don't know what the amount is but I'm guessing it's not going to be anywhere near what we are really obligated to receive. And we did also have an ultra small Pay Cost allocation in 2017 so we've been suffering a lot in that area because these pay costs, once they're enacted, they recur forever. They

become part of our TPA. When they don't fully fund Pay Costs, we get hurt bad, and it looks like that's going to happen again in 2020.

Chairman Ron Allen: To start it off, I was just talking to Mark and he was asking me about OMB. So this is helpful for us to walk through what George and Jeannine do in terms of packaging an update on the current budget and the next year's budget. In the past, we have had OMB here. I think that we need George's shop (OBPM) that usually asks them to participate. I know that they have a changing of the guard over there at OMB, but we've had them attend and I think we need to continue to ask them to come. We need to ask the Interior Policy Budget folks who OMB coordinates with for the Interior here as well, so that we're engaging with them regarding one of the points that Dave was making: the prioritization of BIA versus the other agency funding on those issues. Those are participants that'd be helpful to have in these conversations in our upcoming meetings.

Joe Garcia: Mr. Chairman, do we need a motion to that effect? I would do so, make a motion that we draft letters to send to the entities and the appropriate people so that they are requested to be here.

Chairman Ron Allen: Okay. Aaron, I see you second it. Further discussion on that motion?

Jim James, Deputy Director of Field Operations: Ron, just a quick point. Staff from OMB were here yesterday.

Chairman Ron Allen: Fair enough, but what we want is some feedback from you guys because there's dialogue that goes on between the Department and you guys over prioritization and for the tribal leadership to fully understand the process. The feedback when you do the pass back in terms of how well we're going to fare. And we know the conversation is not just with the BIA, it's with the Department policy folks as well and so we want to make sure that we're getting a fair day in court so to speak.

Chairman Aaron Payment: On discussion on the motion. So on behalf of our President for NCAI, I got to meet with, at the time, the Acting Chair of the House Appropriations Committee and we laid out the importance of advance appropriations to deal with shutdowns and sequestration and all of that. And I think we were registering with the people that were there and then the Chair asked one of the budget staff that report up through that chain and her response, and I told you this the other day, her response was to say, 'Well, all special interests need funds.' That demonstrates ignorance to the treaty and trust responsibility. And so we've long advocated for a native desk in the OMB and when caps are sent, it again belies an ignorance to the treaty and trust responsibility. When we have to line up like all the special interests and lobby for our funding, when we're told that the President's budget doesn't include it but, 'go talk to Congress,' we're having to lobby for what the Federal Government's responsible for. So I think that OMB should always be present, they should completely understand our requests and we shouldn't have to get in line.

Chairman Ron Allen: Thank you. On the motion, is there any further discussion? The motion is simply to continue to extend the invitation for OMB and the Department of Interior Policy Budget officials to attend and participate in this forum.

Seth Damon: Mr. Chair, thank you for recognizing me again. My question is actually on this now. What is the follow up after this? Are you specifically going to send a memo over to them or do you personally meet with OMB? What is the follow through in order for them to be there present at our next meeting?

Chairman Ron Allen: Typically what we would do is on behalf of TIBC we will communicate directly with the Secretary that that's our request and then they're the ones that would communicate back to their sister agency which is OMB and of course the division in Interior. That's their job. For the record, we want to make sure we communicate it so that's what we would do. Any further discussion on the motion? Okay, all in favor say aye. Opposed? Abstained? Motion carries.

A. Gay Kingman: First of all, the Great Plains agrees with what Kitcki said this morning earlier about this body in our advisement I guess to the budget and to OMB, I hope. I'd like to make a motion that we advise the Interior to restore all of the eliminations that were shown on the screen. We can't abide by the eliminations. Our Indian Guaranteed Loan Program, I think that needs to continue, the Housing Improvement Program and I know you said that they expect the tribes to go to Congress and testify on these and we have. We just finished testimony and we had eight tribes out of our region go in and do that and then we also had written testimony submitted. But this is our trustee and this body or this Bureau of Indian Affairs, Interior, should be advocating for us also. Small and Needy Tribes, the Scholarships Adult Education, that was our number one priority and yet it was eliminated. And in our Great Plains, we have continually requested dam safety, dam construction and if that had been honored and funded, we would not have four dams in our region break during this flood. Santee is still in trouble. We had to ship water in there continuously. The Health Service was in there, Emergency Management. As you know, they sit on the Missouri River there and that dam broke.

I understand that there in Nebraska, Nebraska lost several thousand cattle because of the blizzard plus the floods afterward. Pine Ridge lost lives, Oglala, I think, they said four deaths contributed to the blizzard and the floods. Now if we'd had the proper dam funding, this dam would not have done out at Santee. We had other dams that go out...smaller dams. But we've got to restore these eliminations and I guess that would be my motion because \$300 million cuts to our Interior BIA budget, Indian Affairs is not acceptable. Tiwahe, if anyone wants to learn about Tiwahe, we have one funded in our region, in the Great Plains and the ladies are here, the secretary-treasurer for the Spirit Lake is here and it's operating and it's doing well. Now when Tiwahe first started it was started as a pilot project and it's been successful for that tribe. We would like to see it expanded rather than cut or eliminated. Check Tiwahe out. It's very, very beneficial to the tribes. And we need to expand it rather than eliminate it. So that would be my motion.

Dave Conner: Can I make a comment to that? Chairman Seki from Red Lake just walked through the door. His plane was struck by lightning last night. I just want to say he's on his way to see Betty McCollum, the Chair of Interior Appropriations right now and knock on wood, that's going to be the ask is more Tiwahe resources for all the tribes.

Chairman Ron Allen: Red Lake is another one of the pilot tribes that started this initiative. We totally agree with you, Gay. It is an amazingly successful program, and we need to continue to underscore why

it's successful. We talk about the opiate and substance abuse challenges and dysfunctional families, suicide rates and those kinds of issues and that's one of the things they was trying to tackle to use those resources more efficiently on that matter.

Seth Damon: I reiterate and I think the Navajo Nation stands with all our regions to specifically state that this is a huge amount of funding that is cut and I would second that motion, Mr. Chair, but not only would I do that, I would add onto that to say that the Department of Interior needs to advocate to the 116th Congress to move forward in refunding these different or these specific line items. \$169,000 to education construction, those are dollars that are coming back to the Navajo Nation for our students. To all the different scholarships on here, there's a total amount of almost \$58 million they cut in funding for that and that not only impacts the Navajo Nation but that impacts every one of your regions and that's something that we really need to fight for, that's something that advocates to move forward on a daily basis in order for our students to go ahead and get a post-secondary education after high school and I think that's something that we really need to do. So I second that motion, Mr. Chair.

Chairman Ron Allen: Okay. Gay, let me make sure I'm clear about the motion itself. So are you asking us as tribal leaders of TIBC to write a letter to the congressional leadership that we urge them to restore these cut programs and we can identify the reasons why that they are all of great value?

A. Gay Kingman: And also include Interior because they're the ones that cut, the ones that eliminated. So within Interior as well as the letter should be also go to Betty McCollum and our budget appropriations.

Chairman Ron Allen: Okay. We'll get a letter drafted up with regard to the ask to the congressional leadership. We'll circulate that and make sure it's okay, clear it with you guys before we sign off on it and send it up.

Chairman Russell Attebery: Yeah, one quick comment if you're talking about the reason why tribes would advocate for reinstating these. Read right below it and it says cuts, budget line cuts, 14 important tribal programs. These programs serve small and needy tribes, children, families and the elderly as well as the education of our youth. That's reason enough.

Chairman Ron Allen: We'll give it our best shot at crafting a letter and category by category that we want restored and why. We're going to try to keep it succinct. I do know that many tribes testified a few weeks back on this same subject matter so we will be reiterating it from our TIBC leadership perspective.

Seth Damon: On that too I'd like to ask for in writing from the Department of Interior why were these cut? Why were these cut? There has to be some explanation from the Department of Interior why these were cut. That specifically needs to be answered to the tribes.

Chairman Ron Allen: So the ask is twofold. One, a message to the Congress; two, a clarification from the Administration. Further discussion on the motion? Okay, all in favor say aye. Opposed. Abstained. Motion carries.

Formulation Process Update

Raina Thiele: My name is Raina Thiele. I have worked with most of you in the past in some capacity. I am the head of Thiele Strategies which is a consulting business and prior to this work I actually served about seven and a half, eight years at the Obama White House. So I spent the first four and a half to five of those years at OMB which is of course everyone's favorite agency. Then I went over to Intergovernmental Affairs and served as the President's tribal liaison for about two and a half, three years. So over the past probably about a year because I know we do have a few folks in the room today who are first timers at TIBC. I think most folks probably have been present for this process of looking at how we improve how TIBC does their work, how do we ensure that the TIBC recommendations are fully capturing tribal priorities across the country and really reflecting that in a good way. And so this process really started about two years ago and folks who have been working on this can correct me but about two years ago it kind of came to a point within TIBC that folks really wanted to focus on. How do we make these recommendations that we're putting together, how do we make them more effective? So we have all this tribal input. It takes a lot of work on the tribal level to get that input so what are we doing as TIBC tribal reps and federal reps to really ensure those recommendations are making an impact both in the executive branch as well as on the Hill?

Initially there was a firm, and I forget what the firm was called, but there was a firm that did sort of an initial assessment of the TIBC process and it was a really great foundation to build on. It was more kind of general recommendations about understanding sort of what are the full needs in Indian Country, what of the obligation is the Federal Government not meeting? And so their recommendations really kind of built a nice foundation for us in a general sense. So what I came in and did about a year ago with TIBC was to work with the TIBC task force on budget formulation, to work with NCAI and to work with BIA to get at, okay, we have these general recommendations that this group put together for us, how do we build out some more specific recommendations that are going to help us really tighten up the way TIBC does business and ensure that the information we are pulling from the tribes is representative, that they feel like they are engaged and that they have a role in the process and once we have that information how are we taking that to the Administration and how are we taking that to our friends on the Hill so that we're ensuring that that information's getting to the right folks?

So what I thought I would do today, because we haven't talked about the formulation improvement project for quite a few months, is just go through where we currently are with implementation because what sometimes happens when we have these great recommendations, all of which this body actually approved basically in full almost a year ago, so we have these great recommendations but it takes a lot of work to implement them. So I'm going to talk a little bit about what the next steps are in terms of implementation. And if folks have questions as I go through this, feel free to speak up and ask those as we go along. What we ended up with at the end of this process a little bit less than a year ago were six general categories of recommendations and I'm not going to run through them individually because we will touch on each of them separately but the first six that you see up here on the screen, those were general categories of recommendations which were meant to really kind of streamline and ensure that TIBC is doing what they can to be efficient, effective and to really reflect what tribes are prioritizing across Indian Country. Then you see in the 7th and the 8th recommendation on the screen, those were

two of the kind of larger process change recommendations that were also accepted by this body. And then the last recommendation there was about how to apply an increase to the budget. So if BIA comes to TIBC and says, 'What would you do if you had 10 percent more money within the AS-IA umbrella overall, what would you do with it?' So we were looking at, okay, what are the different sort of strategies we can use to apply that increase across our programs? And so we did have a couple of different options for how to do that and that was actually referred to the Budget Subcommittee ultimately.

So the first category of recommendations was two-way communication. And so this applied to tribal reps on TIBC as well as federal reps on TIBC. So you'll see here the first few are from the federal side. So creating a communications protocol which is currently in progress. That applies specifically to the Federal Government officials who sit on TIBC. That means that they have agreed to better communicate appropriations and budget news from the headquarters to regions and also to tribes across Indian country because what we found is that it wasn't always clear that folks were receiving information in a timely manner, that tribes were updated regularly. And so one thing that we discussed with TIBC was how do we ensure that we have some overlaps in this communication so that we know that folks are getting the information that they really need to understand the work of TIBC. And so a big part of that is ensuring that our federal partners as well as our tribal reps on this body, that everybody is working to communicate with the tribes and also working to communicate with the regional offices which of course are often the direct link to our tribal nations. The second is an update to the budget guidance which has been completed and the third is creation of a website which is currently in progress. So when you see that it's in progress, which several of these items are, what you can expect is that we will have mockups and we will have drafts for TIBC to review as we go into the next one or two meetings and so expect to kind of see this consistent pushout of information and of drafts that folks can take a look at as we approach the next meeting or two meetings.

The second piece up here is TIBC tribal two way communication. And the recommendation here was that we develop a protocol for what tribal TIBC reps are expected to do in terms of communication with the tribes in their region. And so this is going to ultimately require that NCAI play a part in this as well as the technical assistance to TIBC, but this would include things like having speaking engagements at intertribal conferences, ensuring that when there is an option or an opportunity to communicate with the tribes in your respective regions, that that's happening and in whatever way the region or NCAI can assist in that process that should be taking place.

Chairman Aaron Payment: I have a question. So the way we do it in the Midwest Region is pretty good and I think it's partially because of Partners in Action. What that is if you don't know what that is, so the BIA actually goes around the region and they host a conference and we have direct access to the regional director and all the available staff. We have different presentations, but they confer with us as we need it. Also, we work as a team to try to get the word out about budget formulation, we track if some tribes are not responding yet we just kind of gently remind them that it's critical. And so maybe it would be helpful to survey what efforts are already being done. It's happenstance that we have that kind of cooperation and so maybe memorializing it somehow, but surveying the tribes in the regions on what they're already doing to see some best practices.

Raina Thiele: Yeah, absolutely and thanks for that, Chairman. So that was part of the process that we went through was to look at what is each of the regions doing. An so we did that survey more informally kind of in person here at TIBC but what that told us was that folks were doing it very differently. Some regions did it really, really well. It sounds like it's going really well in your region. And so we were able to kind of share some of those best practices, but what became clear is that it was very inconsistent across different regions, especially regions that have a lot more small tribes like Alaska, Pacific, there tended to be a little bit more trouble kind of consistently getting the information out to tribes just because there's so much distance and breakdowns in communication. And so we talked about how do we just make this more consistent across the board and ensure that we don't have certain regions that are kind of being left out in the cold.

Chairman Russell Attebery: That would be important to get the best practices. I know in the Pacific Region we've had difficulty reaching out to the tribes. I think with the survey, out of the 110 tribes only 13 responded. We are creating an all tribes association [in the BIA Pacific Region]. It's going to include Northern California, Central California, and Southern California tribes. This will be an opportunity to get all the tribes together, so I think working with the Pacific Region BIA department we'll be able to maybe send representatives to those meetings and get more input. And the other thing, when you say 'in progress', is there a timeline associated with that? That would be helpful I believe.

Raina Thiele: Yeah. So most of these that say 'in progress,' the goal is to get these finished in the next one or two meetings, one or two TIBC meetings. So basically these should all for the most part be completed and approved by TIBC by this fall.

The last piece on the TIBC tribal side is just somebody had raised a really good point when we first went through this which is, we can have all these new rules and responsibilities but how are we going to keep everybody accountable? And so one thing that we do need to do is to identify somebody on this body, whether it's a federal or a tribal rep, who's ensuring that we are kind of ticking off all these different boxes as we go along and I'm happy to play that role while I'm working with TIBC, but we're going to need to have someone who's kind of accountable over time who's tracking whether or not these things are taking place.

Moving on, this [recommendation] was pretty straightforward. This recommendation was really out of the fact that there were about 200 forms that we received feedback from tribes across the country. We reviewed all of those and basically what we gleaned from that was that folks are generally pretty happy with the priority survey that BIA sends out. There were like kind of some ways that we could tweak it and sort of shift it but generally speaking folks did like that they could specify which programs or priorities for their tribe. And so the recommendation ultimately was that we should keep the survey process because that has been working fairly well.

Chairman Aaron Payment: At the Education Subcommittee we had talked about the efficacy of having tribal schools included in that process because there's a way to affect for those tribes that don't have tribal schools, which is more tribes than not don't have tribal schools, and so then our priorities don't

seem to show up basically. So maybe sorted by the way tribes are funded would be a way of looking at it too. So, 638 versus self-governance and analyzing the results based on that too.

Chairman Rick Harrison: And Aaron, that's one reason why we changed the process. In the past it was the top three or top five or top 10 priorities throughout the whole line item and we went to the categories so some of those issues that weren't getting...rising to the top because it didn't affect as many tribes might get more attention because a lot of the line items tribes can point at and say the same thing. We'll take a look at this year and see if we need to tweak that at all, but that's why we made this adjustment was to really get at that point you just made.

Raina Thiele: The third category that we had was Buy-in and Participation. This was really about every member of TIBC value the process, every member of TIBC is showing up and passing information along. So most of this is actually an update to the TIBC protocols.

And of course, one piece that we've already completed on this same slide which you'll see that it has kind of done marked there was to reduce the number of meetings and we've actually successfully done that. there was a March and a May meeting, and so we've combined those into one which is why we're meeting in April this week.

The next portion the first few bullets you see there that are in red, those are actually all included in the protocol changes as well and so we'll be going through those sort of line by line tomorrow. And so folks do want to take a look at that. It is included in your packet and it should be in color so you should be able to see the red line updates to the protocol. And we'll be discussing those more specifically tomorrow.

Chairman Ron Allen: So we went through it some more on Monday in our subcommittee and we tweaked it a little bit more, mostly clarification stuff so it wasn't substantive changes so we want to give you a heads up about that. We're going to roll that one out, the actual amended one tomorrow.

Raina Thiele: Sounds good. you'll also see that there is an ask that there is a commitment made by federal partners and what that commitment is referring to is that each time we start a new season of TIBC's budget formulation process, we really need to ensure that the right federal partners are here in the room with us and so this is really to ensure that we have in writing, whether that's through a letter or something less formal like an email ensuring that we have a commitment from the appropriate federal partners that they will be here in this room with us as we go through our priorities, as we talk about what we think the appropriate next steps are that we have that accountability and the transparency that comes from having the correct federal partners in the room.

The last piece there we've already gotten a start on this. There was interest in having federal partners here in the room with us, even folks who are outside of the Department of the Interior. Obviously we have many components within the Department which are non-BIA, non-BIE but we also have tribal monies across the Federal Government in basically every major cabinet agency. And so what we'd like to see more of in this recommendation is having those folks come to this session and briefing us on what's

in their budget on what is in 2019, 2020, what they're looking for in 2021 and how we can better engage kind of more broadly.

Number four here is protocol and management. The first one we have already gotten a good start on and I think this one is going to be very relevant to the folks who are here for the first time and that's new member orientation. As those who've been a part of this body for a while realized that the federal budget process is extremely complicated. We have the administrative process then we have the congressional process and it's sometimes hard to know how TIBC fits into that process and so what we've done is we've put together a presentation which is about a two to three hour presentation and it really goes through what is the budget process and where does TIBC fit in. And so we piloted that at the most recent TIBC meeting, but we're hoping that we can convert that into a webinar before the next meeting and anybody who would like to participate in that webinar, that will be available to you. And not only does it go through the budget process very thoroughly but it also goes through, how do you, as a member of TIBC, engage in the subcommittees, how do you as a member of TIBC get into a position of leadership. And so all these different things which may not naturally come to new members will now be a lot more transparent.

Another piece is meeting facilitation, tracking and follow up. One of the issues that we've noticed throughout the operation of TIBC is that sometimes certain pieces of tracking or operations kind of fall through the cracks. For instance, who's responsible for the agendas of the subcommittees, who's responsible for tracking those follow up items? And so what we are in the process of doing is looking across the roles of TIBC members, the roles of ASIA, and the roles of NCAI and identifying where are those gaps and how do we fill those gaps? One of the specific recommendations out of that which I'm hoping we can approve tomorrow during the protocol discussion is that we really need to have a single individual, a technical staff member who comes with a tribal leader rep to this body would be great, somebody who sits on the Education Subcommittee already or has that experience and who is willing to kind of be the manager of that subcommittee basically. That's one of the recommendations that's come out of that particular part of the process. And we think it'd really help to ensure there's continuity between each of these meetings. Some folks may not be able to make the prior meeting, but we need to have some way to track and push forward the work as we go along.

Number five is comprehensiveness of budget exercise. I touched on this a little bit already, but one of the things that we seem to constantly struggle with as we try to create our recommendations and push them forward is that the money that is tribal money is not all within AS-IA, not all within BIA and BIE. It's in different parts of Department of the Interior, it's also across the Federal Government in different agencies. And so there were a couple of recommendations that came out of this category, the first being that we should be doing a whole of agency budget consultation and budget process that's not just AS-IA, but a little bit broader. And the second was that the White House Council on Native American Affairs, which right now is not functioning so far as I'm aware...

Chairman Ron Allen: Can I pause you for a minute? I'm just trying to get clarification what that second bullet means. When you say the BIE survey, it's the BIE's outreach to the tribes regarding our recommendations for the BIE budget, that's what that's getting at?

Raina Thiele: Yeah and it's worded poorly but it should be the BIE survey which was previously kind of separate, needs to be combined ideally with the BIA survey. So it's like you're hitting folks up twice in a row.

Jeannine Brooks, OBPM Deputy Director: Ron, it was because we originally were going to have BIE do their own survey but it didn't come to fruition so we just rolled them into the overall survey. They were going to do their own standalone and do their own outreach and do all of that, but that never did happen and that's where this recommendation had come from that we make to make sure that survey got off the ground, but instead we just incorporated Education into the whole survey.

Chairman Ron Allen: I just wanted to make sure I'm clear. The survey is intended to give the tribes input regarding our prioritization for the line items in the BIE.

Jeannine Books, OBPM Deputy Director: Yes. It is, but we have a long way to go too just hearing conversations over the last couple days, and we have to figure out how we best want to approach this BIE portion to ensure schools are better incorporated into the data gathering process.

Joe Garcia: One of the points that we made earlier was that because there are a limited number of tribes that have BIE facilities or BIE schools or their children attend BIE schools, the concern was that since TIBC is a broader group of tribal leaders that there would not be as much support for the BIE side and that was a concern that was raised and I think it still remains. The survey goes out to a selected group of tribes. Now it doesn't say that non-BIE tribes can't participate. I think they still should because if it's education related they ought to provide input as much as they can, as well. And so support should be there. That's my point.

Chairman Ron Allen: You're talking about the 183 schools that are in the tribes that have those schools. But Tony [Dearman], I was just asking the question, don't you deal with the scholarships and JOM programs that most tribes get or do you not? Is that not in your budget? I thought it was in your budget. ("yes. It is.") Then that's affecting everybody.

Tony Dearman, BIE Director: The topic of discussion was, how come ISEP's not always in the top priorities of TIBC? So then it was discussed in the committee that not all of the schools have K through 12 funded schools so that's why they were thinking, okay, maybe there needs to be something a little different to address the K through 12 funds outside of JOM and scholarships.

Chairman Rick Harrison: But the argument is there's a lot of line items that you can point to like that. Small and Needy never rises to the top too and there's a lot of tribes that that affects. So everybody has to have input on that. Education is important to everyone, all tribes, whether they're a BIE school or not, and so everyone should have input on that.

A. Gay Kingman: Plus this also includes SIPI and Haskell and many non-BIE tribal reservations have people go there from tribes that don't have BIE schools. Thinking about this because of the conversation yesterday and maybe we could put a couple questions on there to respond to tribes that have children in public school and how we could better advocate for them because public schools get impact aid and

they get 574 funds or whatever it is from Department of Education. Yesterday, there seemed to be a little confusion on BIE Indian controlled school and public school children so perhaps a couple questions so we could assist our children that are in public schools?

Kitcki Carroll: Going back to the original question that the Chairman was posing, I don't recall it 100 percent, but to what Jeannine was responding to as well. I think the issue was there was a challenge of getting full participation and engagement on the BIE side because we were always so focused on the BIA side of the equation and trying to pull that into the conversation to make sure that every region had that BIE representation as part of the process. What was part of that same conversation though is we talk around this table, Mr. Chairman, about identifying a single point of contact on the BIA survey process side but at that same time we were having the conversation that those points of contact may not be the appropriate ones on the Education side and there was a whole conversation about principals and educators and all that group of folks that aren't generally in this space being privy and part of that process on the BIE side.

To the last remark that was made about whether BIE ever gets prioritized, we've had that conversation on numerous occasions and I used that as an example a handful of years ago because Education within the old budget process never elevated to within the top five despite our conversations about the importance of education. Then Assistant Secretary Washburn went before Indian Affairs and he was challenged on that by members and his response was, 'The tribes didn't prioritize it within the budget process.' And that was just a mathematical reality that there weren't enough tribes with BIE school interest for it to ever elevate. So to your point that you were just making, this new process that was used this year, it separates Education all on its own to at least give education a chance to prioritize within that realm of education what those priorities are. The reality though is as we continue to tweak this is, even though we're isolating Education those school interests still are a small number that's still within the Education space probably aren't going to elevate in a way that some are thinking. So that whole BIE piece of this conversation needs to be thought out and tweaked a little bit more because it is being merged with all the other things within that category as well. But I just want to make sure everybody's aware that we've recognized that reality, discussed it numerous times and this process change was to try to account for that to some extent even though it's not perfect yet.

Chairman Aaron Payment: So would you rather cut off your leg or your arm? That's an...we're doing an arbitrary exercise because you have to figure out what's going to get funded and what potentially isn't going to get funded. But remember that it's an artificial exercise because we're being forced to choose between this or that and all of it is needed and all of it's necessary. So what I was suggesting is that we be able to analyze the results in different sorts. So you could analyze by 638, self-governance, you could analyze by tribes that have schools versus those that don't have schools. When it's collapsed into overall data with tribes that don't have schools, then those tribes who have schools are never going to rank because just sheer weighted numbers. So with regard to asking questions about public education, if I had my way, we would have all tribal schools. We would get rid of public education because they have failed miserably. The graduation rate is somewhere between 50 to 65 percent still. We have the worst of the worst statistics. My tribe has demonstrated that when we take over and we operate our own school, we have standardized test scores double digits higher than the local schools. We can do it much better.

But I don't know that that's going to happen, and we have to be careful about mission creep for TIBC because we don't have any say necessarily over what happens in the Department of Education. NACIE is created for that purpose and so I can try to promote that we do those kind of surveys to find out. One thing that NCAI worked on because we saw an opportunity with the Secretary of Education who has a background in charter schools. So typically Democrats are really opposed to charter schools but charter schools have worked pretty good for Indian people. And so we've been looking at the options and had a conversation and prepared some documents for her review to look at potentially moving in a different direction with education for Indians. If we could fully fund tribal schools and tribes had the dominion and authority over their own schools, that's the ideal because we do it much better than the public schools. We're just a small little consideration for public schools. They will continue to fail our kids. That's going to happen. That doesn't mean we shouldn't try to fix it because we do need to try. But we have to be careful about what our purpose is versus what the Department of Education purpose is.

Principle Chief Kay Rhoads: Yes, I agree with what you're saying, but I just kind of want to know what is our commitment to Indian education in general because like we said, 93 percent of our kids are in public schools, and we still have a commitment to those kids as well. That's one of the trust responsibilities of the Bureau. So I am concerned about that and I think that like you were saying, do we cut off our arm or leg? But the fact is that we can't allow those other kids to go unserved as well. And we talk about impact aid. Not every school gets impact aid. There is a formula that they have to comply with in order to receive impact aid and there's a certain percentage and I don't remember what it is right off hand. A lot of the schools don't get that and so we have rural schools versus the urban schools and as I've been sitting in on all of these consultation sessions, that's what I'm seeing is that a lot of these schools are not getting very much funding from any of this. And the monies that they are receiving through these JOM and Title VI grants are going to salaries only. There is not any money going into programs to support any other type of activities for these kids. The public schools give us reports that these kids are involved in band and they're involved in athletics and all this, but it is not those earmark dollars that they're using because all of those earmark dollars, 99 percent of those monies that are being allocated to those schools are going toward salaries and a lot of it is administrative salaries not teacher salaries. So we need to address those issues as well.

Raina Thiele: Number six is impact of TIBC's recommendations. This has been an ongoing theme in the feedback that we've received from tribal nations across the country. One of the issues that they see and that obviously the members of TIBC themselves see as well is that they don't always see the recommendations reflected in the President's budget or reflected in what's ultimately enacted by Congress. One of the things that we talked about was where is that breakdown happening? Sometimes we can't control what the Administration's going to do but how do we best position ourselves as an advisory body to have as great an impact as possible on the process? One of those recommendations was to create an outreach and briefing strategy from this body to federal officials identifying who we need to talk to, when we need to talk to them and what information we need to bring to them. And so that's currently in process and I believe NCAI is helping to work...offer technical assistance on that piece.

The next one is clarify to tribes in the budget formulation guidance where their information will end up. There were quite a few concerns in the past that once tribes did all this work to submit their data and

their information that they weren't getting any sort of feedback from the process about where their information went, and oftentimes you're sending these surveys not just to a front office, but you're also sending it out to different departments. It's a whole process within each tribe, many don't have a huge capacity to do that kind of work and so we really need to specify where is this information ending up and who is it ending up with? And so that is now in the guidance and in the orientation materials that this is ending up with the Secretary of the Interior, it's ending up with OMB.

The last piece on here is that NCAI should help facilitate Hill engagement for the tribal co-chairs.

Juana Majel-Dixon: Can I ask of question of clarity on that last point? It's a good point, absolutely. If there are opportunities in which members, if we're going to go to the Hill to with a meeting with the full Senate staff committee to put forward language, it would seem like some kind of coordination would occur with you or if I understand right what you're proposing is to inform them through NCAI to make that hook up. That's reasonable. I know we can't all be here. It's the dialogue, maybe you could propose a bit of clarity of how that would be carried out because I know my leadership at home is going to ask, 'Well, how do they intend to have us do that?' And that's a pretty big body of work when you think about it.

Raina Thiele: Right and that's a really good question. The details of this one are still being worked out but the reason NCAI would be the one arranging it is because they wouldn't be able to arrange it on the BIA side for different reasons. NCAI has been helping to facilitate that in the past, right, Rick?

Chairman Rick Harrison: Yes. And traditionally they've been giving draft bullets to the whole body, so we're all on the same page when each of us go as tribes or reps to testify or comment.

Juana Majel-Dixon: One last comment to that and this is to the leadership in the room is that we've come to a time in which we don't come together as tribal sovereigns in addressing these issues collectively. I know we have regional and tribal specific concerns and we don't have the luxury of being juxtaposed to one another or reflective in terms of 'my need is greater than your need'. It seems to have more of an adversarial affect with this particular Administration and what you propose is a common ground from which for us to work on, and it's hard for sovereigns to do that when you see what's happening in your regions and I urge you, each of you, to think about how best we can put this forward because if we're successful, the things we want to achieve and the other areas will be doable. At this point, if we have cluster suicides with our children because they're invisible to this world and we cannot even affect curriculum to educate them on us, and if we have a series of events that are occurring and catastrophes that we are the people that go to help our relatives in the Great Plains or to the north or east, we're the ones responding and we're putting in our own manpower and financial support, where is our federal partners in this? I get if you streamline this and you as our chairs carry this, for the first time in doing the next step of a Department of the Interior Secretary's Tribal Advisory Committee (STAC), you're going to have a legislative strength that we haven't had before in this group. So I commend you on your recommendations.

Raina Thiele: Thank you. So those are the six categories of general recommendations. The last two that were approved, we call them process change options. They're kind of more of the big picture shifts in

how TIBC functions. The first one here because what we've experienced over the years is that most of the top 10 priorities that Indian Country puts forward, they're generally pretty consistent over time for obvious reasons and we do get a lot of pushback in the process from tribes that think that the survey is a little bit repetitive and it's a big lift. It's a big lift for many communities to do this survey every single year. And so the proposal which was approved is that at some point, whether that be in the coming fiscal year cycle or a year after that, we move from an every single year survey process to an every other year survey process. That would still allow every tribe in that off year to submit changes to their prior year survey but it wouldn't basically force everybody to do the whole process every single year if their priorities remain the same. And so that was approved by the [TIBC] body.

Chairman Ron Allen: I think we noted that typically they don't change dramatically from year to year so we're just reducing the burden of the tribes in respective regions with regard to the survey process.

Raina Thiele: Yep. And I can even show you guys. So this is kind of a visual representation of the consistency of many of these different priorities over time.

Juana Majel-Dixon: If I understand you right, in the information that you're showing in learning from your other colleagues in the room, we're at a fixed point. It would absolutely take legislative response to change that fixed point and what you're doing here is substantiating the need to do that and the better graphics you have to reflect that is to our benefit because we ended up having discussions the last couple days that weren't going to go very far because we don't have it.

Raina Thiele: This is actually reversed too by the way. So it's one to 10 going from the bottom up so it's a little bit confusing. I believe Social Services is number one. So the final process change recommendation was basically what we find within TIBC and the...

Question: So I just want to go back to that last point you made, Reyna, about what was approved last April. So I'm just trying to picture in my mind how that would play out when you're going to every other year. So for example if the President's budget is delayed, say this current year that we're working on FY20 and we're meeting here in April and it came out with a new initiative, say like Tiwahe came out, and we were in an off year, we would still be able to come back and supplement that and build off the President's budget request and still be able to incorporate that as a priority if the tribes...the [TIBC] body decides to do that?

Raina Thiele: Yeah. So every tribe would have the option in the off year of submitting any updates or changes to their priorities. You wouldn't have to, but you have that option.

Chairman Rick Harrison: But keep in mind, when we're doing this survey, like this last survey we did is for 2021. So the President's proposing budgets for 2020 right now so we would still be either right with that or ahead of that.

Raina Thiele: So this last process change option here is because we have such a rich discussion in TIBC, it's been noted by many members who've been a part of this body for a long time that the conversation can sometimes veer away from budget and go into kind of more general policy discussion—really, really

important discussion, but discussion that's probably not best suited for the work of TIBC all the time. And so one thing that folks agreed to was that there should be some sort of a body created by the Secretary of the Interior which is similar to what you see at HHS through their STAC, their Secretary's Tribal Advisory Committee, which would basically create a forum where those other policy issues can be discussed that we can really focus fully on budget within TIBC.

For those who are not super familiar with TIBC and what the current structure is, we have TIBC and we have five different subcommittees. Two of those are standing subcommittees that would be Data and Budget and the three others are non-standing subcommittees, which were created to accomplish a specific goal. So basically what we would do is we will have a request that this group will agree to on the structure of what the STAC might look like. We'll submit that to the Secretary of the Interior and the hope is that he will create a STAC-like body which would have a forum to address education, a forum to address things like public safety and roads and that TIBC can be more thoroughly focused on budget.

Chairman Ron Allen: One of the things that I have a little different vision of the STAC, HHS STAC like forum is: you've got Education and public safety. So it's true, those are big issues for the tribes but at the higher level, if we're doing it like STAC, I'm on the STAC, Aaron, I'm not sure who else is on the STAC, but we bring in all the other agencies within HHS and they all report to us. So this is where we would want the Secretary to meet with us and the Secretary typically only meets with you for about an hour, but the others then spend more time with you and give you a report on how well the tribes are doing in those programs. So we've got Fish and Wildlife, Parks, BOR, BLM, etc., and many of our tribes have programs in those areas or they serve us in certain capacities and we want better accountability and transparency. So that forum would allow us that kind of a communication and accountability by the whole department.

Chairman Aaron Payment: I'll just add to it. If you're not familiar with STAC. So I serve on STAC. It's comprised of tribal leadership representing regions. And so they probably would pick the regions that match with the regions that are in Interior and then there's a couple of at-large [members] as well. So there's a call out for people to put in their nominations and then ultimately the Secretary makes the choice. What I like about it is right now we haven't had that kind of communication with this Secretary or with the secretaries or part time people or whoever's doing it. We haven't had that at all, and in previous secretaries we've had secretaries reach out and bring in different tribal leaders and there's always a question about how did they pick who's going to get to meet with the Secretary. But we haven't had that and we recommended that at the very first meeting that we had with Jim Cason we recommended that because tribal leadership needs to be heard not only on budget items, but on policy items. This whole reorganization thing that started barreling down or changing up the land in trust process that started barreling down. If there's anything that's going to affect us, we should be involved in it and the policy level is how you do it. So I think it's a wonderful recommendation.

Mark Cruz, Deputy Assistant Secretary – Policy and Economic Development: There were three Secretary roundtables with a dozen tribal leaders at every one. I know Buster was there in September. I know you were invited to the last one.

Chairman Aaron Payment: Well, I never saw it. Rather than being kind of like a piecemeal sort of pick up happenstance sort of approach, which I would characterize it that way, having three in the last three years means you've had one per year. STAC meets quarterly. I don't want to say institutionalized because that sounds like boarding school, but systematizing this so that our voice is regular and routine and the trustee is mindful of that and making that a regular process I think is a good thing.

Chairman Rick Harrison: Aaron, I wouldn't characterize those meetings as STAC like at all. They were calling them like town hall meetings. They were selecting tribal leaders from different areas to hear different voices and perspectives and it was to get feedback but that was with Zinke. When I met with him in December, three days later he resigned, and so I don't know where that's at now, if it's going to continue and go forward. I wouldn't characterize it as STAC-like at all. I agree with you.

Chairman Ron Allen: Regardless of what the Secretary did in recent past, this proposal, Raina, if I've got it right, is we want to create a consistency about this forum like what we do over at HHS and then that creates the opportunity on a regular basis.

Juana Majel-Dixon: There are a couple things that you're doing that are absolutely right and I thank each of you as leaders for your comments. To remind you, under the GAO report that was done, not one but two, on TLOA required a coordinating officer at the level that you're describing. Please consider them to be included in that process because it's already written into it and I can give you the information on the GAO reports. I know they're going through amendments in the Tribal Law and Order Act, but I need to remind you that under Tester and Danes and Murkowski, they put the Not Invisible Act forward. The Senate Legislative Council sent it to us to review as the Tribal Task Force on Violence and in this particular case, they're referring to a coordinator of federal efforts to combat the violence going on, but we went on to include all the players you just mentioned so that your STAC you have in Indian Health, the STAC you might have at the place that you're referring to, would also be a coordinated effort amongst the STACs.

What we're also talking about is that they're proposing this bill language that it's to our benefit. It allows also to include DHS, DOI and DOJ and when you realize there's OJP and OIS, which are office of services have programs internally that marry very well what we're describing, but then it also goes back to the issue of FEMA being involved and Homeland Security which then brings more of the program stuff we're talking about. And because we're looking at the cluster suicides of our youth and the best practices for education because of the invisibility of our youth, it is included. So there's this rare opportunity without the Administration getting such an overhead but it just so happens that Trump's daughter, Ivanka, she's totally wedded to supporting this so we've got her onboard as an ally. It's better for us as tribal leadership to take hold of this rather than the White House. I'm letting you chairs know this because if we give this responsibility out, we as leadership will do what we can to help, but when we know something and we can line them up. I'm willing to do what I can, but this bill's going to go forward and we've got to pay attention. Although [Dave] Connor did blow it out of the water just about an hour ago, but it's stuff we're battling right now on the Hill and I'd rather we get you guys ready, powered up. The members, the tribal leaders that are sovereigns, I want you to consider those of you who have the wherewithal to be in this and do the foot work, boots on the ground kind of stuff is what we're talking

about, I don't have time for you to pick and choose who's going to be the good guy, good gal on this committee. I need you to suit up and show up. This stuff is happening now. If you're going to commit, commit because where we are right now we're paying too big of a price. If our people are suffering from all the catastrophes we talked about, this has to happen. So I know it can't be limited to just you two [TIBC Tribal Co-Chairs], but it's reasonable to let you two be our voice. If we could collectively give you what you need through our office at NCAI as a coordination, let's do it because this is not going to change, it's only going to get worse. Thank you.

Kee Allen Begay, Jr.: This is good as far as the improvement, the way we're doing our duty as tribal representatives. But there's some areas I do have some reservations but I'll further elaborate on that later on, but Chairwoman would like to say a few words here.

Eugenia Charles-Newton: I just want to say good afternoon. I am a [Navajo Nation] council delegate from Shiprock, New Mexico. I represent one of the largest communities for the Navajo Nation. I am council delegate with the 24th Navajo Nation Council. I'm also the Chair of the Law and Order Committee. My background, I was a former prosecutor for two years. I do have my juris doctorate degree in addition to my master's degree and I'm working on my PhD so that's a little bit of history of where I'm coming from. I'm listening to the presentations that are being provided and I'm also kind of catching up as we're moving along so this is very informative and it's very important. My question, really two questions and I'm really going to kind of make a stance here with my third, I guess with my third point. But the first question that I had is with these changes, what is the possibility that these changes that are being proposed are going to change the way things are working to better this process and to better what's happening within our communities and within our nations? So that's 'my first question. These all seem to be really great ideas, but I always say we can scream in the wind but that really doesn't mean very much unless there's really a solution to bring to the table. Is this a solution that you guys are proposing as far as trying to get us to the table to keep us informed and what are the chances of that happening with this Administration currently in office?

Two is, with the formal documents, I'm sure you guys have considered this but because I'm new I'm wondering whether we should be inviting all the stakeholders, all of those who are affected by the budget formulation and allowing them the opportunity to also give us input on where they stand. So I know you guys just recently talked about education and I believe that there was a gentleman who spoke about public education and how charter schools are working for his tribe. Those are conversations I know that we should be having at our local level but I think it's also great to invite those stakeholders here so that they see how the process works and they have input to provide to us. Because we are leaders, we're making these decisions and I agree with Juana from the Pacific Region who stated that the purpose of coming together today is really to be in unison and to move forward with this Administration and state that this is where we stand with Indian Country. So I'm kind of a political junkie. I've been keeping up with what's going on with politics and so this is really kind of troubling what's happening, but I feel like I'm here as the Chair of the Law and Order Committee and I want to advocate. I was looking at the previous presentation that was given with the fiscal year 2020 tribal program eliminations that in addition to Indian Education we also have Public Safety and Justice funds that have also been cut. And I think that every single one of us here, every single nation here has been

affected by crime and Public Safety is a huge concern and right now it's a bipartisan issue that can be addressed. We know that the reauthorization of VAWA has gone through the House, but there's still questions of whether it's going to go through the Senate. This is just one example of a piece of legislation that I think that we can all work together and we can all say that VAWA is an important issue, that we can come together and we can say, falls under Public Safety and has to be addressed.

The other issue is murdered, missing Indigenous women. I know every nation, every person here in this room can attest and say that it has happened on their reservation or has happened within their nation and if you're saying that it hasn't happened, then I would like to sit down and talk to you and ask you how it hasn't happened in your nation or your reservation because I think that would give us some guidance on what we can do to try to improve our Public Safety.

I'm looking at these eliminated programs and I'm wondering how some of these cuts have been made and I'm making a huge ploy to all of you here at this time and I'm asking that we put Public Safety and Justice at the forefront. Again, because this is a bipartisan issue, because we've heard many times about this wall that's trying to be built, many of us as nations are having to struggle right now with the amount of crime that's coming through our nations not only with our people alone, but also from outsiders who are coming in. I know that for the Navajo Nation our large reservation span makes it really hard for us to count how much drug trafficking is happening in our nation, how much human trafficking is happening within our nation because of the limited funds that are allowed through this program or through the Department of Interior, going through BIA, which we all know when the money comes down BIA takes a huge chunk of that money and gives us kind of the leftover change, but I think that now is the time to start looking at our Public Safety and Justice to really start protecting our people. And again, I am here to advocate for Public Safety and Justice because I know I for one, as a former prosecutor, am tired of that revolving door and I'm tired of our people being hurt, continuously, not only by their own family members but also people who are outside, people who are non-members, people who are non-Indians and I think we need to start working to try to strengthen that. And again, this is a really good opportunity for us to jump on that because of the wall that has been constantly been brought up. I'm sure that the stakeholders now who are making the decisions for Indian Country are aware of this. I'm sure they know the amount of crime that could possibly increase during this time and so I feel like we need to look at the political environment and try to take advantage of that and see what we can try to push through as Indian Country. So I do want to just state that and I apologize if I offend anybody of if I've said anything out of context, but again, Public Safety is a huge concern that I think that we need to address. And again, because it's on the program eliminations, it's a big concern for me and for our nation as a whole.

Chairman Ron Allen: Thank you. We need to keep going. Raina, we've got to try to get back on schedule.

Raina Thiele: We're just about done with this presentation and then we'll certainly have some time for discussion at the end I believe as well. So the ninth item here we touched on a little bit. It's the increase scenario. For folks who are not familiar with the formulation process that takes place within TIBC every single year, oftentimes the leadership is asked within TIBC, 'If you had eight percent more funding, if you had 10 percent more funding, how would you prioritize and allocate that?' And so we've thought

through this a little bit and I know the Co-chairs are going to present at some point this week a potential allocations strategy. Not right now I don't think, but probably later today.

Chairman Ron Allen: We're going to get into it after you're done here, when we get into the update of the surveys.

Raina Thiele: Perfect. So that'll be coming up next, but it's basically just a strategy for how we would distribute those resources based on the priorities from the tribes and also based on what folks discuss here in this room. The decrease scenario is sort of a similar concept. Sometimes OMB will come back and say, 'If you had a five percent reduction in your budget, what would you do? Where would you cut?' Traditionally this body has declined to take part in that exercise because they disagree fundamentally with those cuts and the decision here by this body was that there's no official policy to not do a decrease budget scenario but they reserve the option to refuse to do it annually. And with that, that is the end of my presentation so if there are questions, happy to respond to those right now.

Kitcki Carroll: Not a question, just a comment. There was a comment just made that eluded to that this was a proposition. Just so everybody knows that these recommendations actually led to the very process that we just went through for fiscal year '21, and I know that there's still some clean-up work to do to continue to refine and strengthen this, but this was rolled out for fiscal year '21. I do want to acknowledge this has been years in the making so I now that you've been doing this as a contractor for us for a couple of years. The conversations that predate that were much longer in the works than the actual last couple years of effort, so I just want to acknowledge that our federal partners were open and receptive, absent the unfunded obligations piece which we still need to continue to have conversations about, the piece that led to the survey that was rolled out fiscal year '21, it really was a product of tribes and the federal partners working in partnership to try to have a stronger product at the end of the day.

Chairman Ron Allen: Yeah, I totally agree, Kitcki. This conversation has happened numerous times over the years and I feel that Raina did a great job of listening and hearing both the frustrations and the recommendations to come up with a set of suggestions, which we have refined to try to improve the efficiency of our input and process from our respective regions so that we're making it easier to participate, trying to get greater participation but also to improve the process of being more surgical and sensitive to regional priorities. Nothing's ever etched in stone. After we go through this and if we're okay with this approach and it's suggestions that we're going to come with here in a few minutes then that allows us to take a look at it and see if it works better and then if there's a better way then we can revisit it, but this is changing a little bit from the way we've done it for many, many years quite frankly.

Kitcki Carroll: Mr. Chairman, on that point, thank you for just saying that because one of the strengths of Indian Country is we learn and we adapt very quickly. One of the challenges is it's not so easy to forget some things and the reason why I say that is, around this table we're continuing to use language that is reflective of the process of old. So when we talk about top five, top 10, all this sort of stuff, we all need to take some accountability for that and trash that terminology and use terminology that reflects what's going on right now because what I'm finding is, especially with people coming in and out of the discussion, it confuses things severely when some of us are thinking about the new process, others

maybe didn't touch it for three years and are talking about top five priorities or talking about eight percent this or 10 percent that. All that stuff needs to be trashed and everybody needs to focus and learn the language of the process as it exists today, so we're all talking apples to apples in these conversations.

Shawn Duran: I just want to appreciate the PowerPoint and the discussion. I'm new at this and I think the webinar I'm looking for to and any kind of communication and education that could be shared as a group as a whole will increase our efforts and improve the process and even bring up new ideas. So I really appreciate the thought process that went into this and the presentation. Thank you very much.

Chairman Ron Allen: we'll continue to look for ways to make the process more effective. Everyone knows that it's not always the president or the governors or the chairmen or the chiefs are the right people to communicate with to get input. There's somebody else within the tribal operations and so we're working harder at getting them to be engaged and to do their process, do due diligence processes in their respective communities. We're moving in the right direction, it just takes time and due diligence to make the process work.

Juana Majel-Dixon: Just to add to that, make sure for you that you describe the end result or the outcome that you're seeking because this is kind of unfinished, but I think the webinar will take us there but I want to support Gay in what she wants to do right now.

A. Gay Kingman: Thank you, Ron. I want to go back to what Juana said earlier on the Violence Against Women Act (VAWA) and I would like this body to also either by letter or whatever, submit something to forward to advise the Interior Department to support it because if this passes, we continue our tribal courts to have jurisdiction over non-members and Violence Against Women Act. We continue to support our women in defense against domestic violence. So we need to have Interior support it. This new legislation would also allow us to work better with Department of Justice, both Department of Justice and Department of Interior would work together on this effort. I know we're an advisory group, but if we could advise Interior to, when they asked, to support the Violence Against Women Act, the one that's now in Congress.

Juana Majel-Dixon: We passed the House and we're having a struggle with the Senate. What would be fortuitous is if the body here would send a letter of support as TIBC for the success of the passing of VAWA in the House and maybe a fruitful outcome in the Senate.

Chairman Ron Allen: Got it. So what we were intending... Right now we were going to move into the ranking process here for the categories and then how you wish to go about ranking and make a recommendation with regard to application. Tomorrow, we were going to talk about the strategy, which includes the collaboration with Congress on the legislation's proposal that will address these issues. So that was the different legislative agenda that complements our prioritization agenda for the budget taking place today. So that's what we were going to do tomorrow on the strategy stuff.

Juana Majel-Dixon: Tomorrow is good if that's when you intend to do it. Thank you.

Eugenia Charles-Newton: I'm sorry. I have another question. In regards to what the plan is for tomorrow, are we going to have congressional staffers here or are we going to have people from Congress who are going to be listening to this who are going to also be assisting with this strategy or is it just us coming together, putting together a strategy and expecting them to take that strategy and run with it?

Chairman Ron Allen: It's the latter. In the past we have asked congressional staff to come to these meetings. We've had sporadic success on that matter. And we didn't do the coordination at this particular meeting to try to get some of those folks in here from the Senate Committee on Indian Affairs or Natural Resource Committee or Appropriations, so we didn't get them here this time. Our best option right now is for us to strategize knowing that we're advocating. We'll hear about the pieces of legislation that are out there and the amendments that we're proposing that will help our cause and try to put pressure on the Administration to respond to the commitments in the legislation.

Chairman Rick Harrison: I guess there seems to be some confusion. Raina's presentation was just an overview of what was approved last year to bring all the new folks in the room up to speed on it. These recommendations have already been approved and so we're working through the process to get them implemented and looking. Next we're going to be looking at the results of the new survey that went out this last year and see how that's going to flesh out, see if we need to make any improvements to that after we go through this whole process this year.

Chairman Ron Allen: We typically have two meetings, we consolidated it into this one week. So we're cramming a lot into one week from typical two weeks. Well, two three-day sessions is what they typically are. That's what we're trying to do here and trying to use tribal leaders' times more efficiently is part of our agenda. But at the end of the day, we're going to get into the prioritization. We hope we've got enough time we can make this thing work. We want feedback from everybody regarding the prioritizations 'cause it's different this time. This time we're not just going to the top 10 or 12. There's 120 plus line items so we categorized it. We changed the categorization how we prioritize and it gets more regionalized. So this allows us to prioritize. If we get five percent we're suggesting that...an eight percent increase might be pie in the sky, but nevertheless it doesn't matter if it's eight percent or five percent or three percent, you'll still prorate it and it gives you an idea if you have X number of dollars what do you do with it. So we're going to throw out a proposal that we discussed on Monday to see what you guys think about it and then if you want a different approach, then we can modify it, but that's what our game plan is. So first we want you to see what happened in the survey, what the tribes said respectfully in the regions.

Presentation of FY 2021 Regional and National Priority Ranking Results

Jeannine Brooks, OBPM Deputy Director: Hello again. Through this whole process and like was just laid out, we moved from going to that old way that Kitcki wants us to stop using and we all want to stop using. We're no longer doing your top ten, your top five or whatever. We now have eight categories that cover all the various areas and we have asked in the last survey that everybody go out and prioritize

within those categories, so that things like Natural Resources that are very important to a couple regions didn't get lost in the process.

So we start out with Strengthening Tribal Communities and within that we included the lines of Indian Child Welfare, ICWA, Social Services, Aid to Tribal Government, Road Maintenance, Housing, Welfare Assistance, Job Placement and Training, Small and Needy and New Tribes. And what you see here is how those played out based upon the regional rollups. Each one of the eight categories are laid out this way. We took in each region, took in their tribal ones and then they rolled those up and provided us each of their regional submissions. You also have a copy of this within your books. It's under the tab 2021 and it is called the Consolidated National Priority Ranking. So you have each of these here. This is how we played out guys and what rolled to the top. You do have one insert page which is in black and white and not the blue and that is Education and that was because a five got thrown in the middle of the 12 rating and shot that right to the roof on the pretty blue one when it shouldn't have been there. You see the revised layout on that gray one that was inserted into your book. There should actually have been a weight point of 84 as opposed to 224.

You each have your own copy you can look at. This is how everything played out and this was all weighted. The weighting was done the same: what was done at each region was done at the Central Office level. We took them all and for whatever came in by region we weighted according to each category. Are there any questions on the weighting process and the rollup itself before I turn everything to Ron for our new way to approach this?

Eugenia Charles-Newton: So I've got a quick question and I'm not sure if this pertains to what you just now talked about, but I feel like it is a good time to bring this up. The topic heading 'Welfare Assistance,' that topic heading alone is not appealing and I think that anybody who sees that bold title, well, I'm going to say, the Republican Party who sees that bold title is going to have some issues with that alone. Although we know what that means, is there a push to try to get that title changed as opposed to having it titled 'welfare assistance'? The way that it's listed in the priorities it's Welfare Assistance and so that...it just doesn't sound appealing. It's in the Strengthening Tribal Communities. It says Welfare Assistance and I'm wondering if I'm the only one that has concerns about this title and maybe it's been addressed already, but I think it needs to be retitled and is that something that can be done since we're in the process of discussing how changes can be made.

Deliberations on How to Align Ranking Results for 2021 Budget Strategy (April 10, 2019)

Chairman Ron Allen: Well, I guess I would suggest this. It's too late in the process for us to change titles. I think that if someone wants to recommend and work with the Bureau on changing the title of the activity in the line item, that may be better for future discussions. Most of us know, using your example of Welfare Assistance, they know what it is. It used to be called GA (General Assistance) so they have changed titles different ways but there may be a better one such as you're suggesting. But for this purpose right now. In the past, for everybody's memories of how we've done this, we've reached out to the 12 regions, they went through all line items and they ranked them and then out of it came typically

consistent 10 or 12 top categories and it permeated through the different main categories. So this time what we did is we asked the tribes in every region to rank within the category for each program. And so they came out differently for every region. Then you still have to aggregate them. But at least what we've got is a ranking of every one of the categories. We narrowed it down to eight main categories and so one of the things that we're going to ask you folks here is, now that you've got it ranked and now you know you've got major categories, and if you look at them, look at your chart, you'll see areas where some of them are typical for your region.' The first one for example, Tribal Communities, everything from Indian Child Welfare on down to New Tribes and Small and Needy Tribes. Then you'll deal with Natural Resources and then Water, Land and so forth. So you'll see those kind of categories. Some of you are going to have more activities in one category than another. Some of you are going to take a certain category, way in the back, Economic Development, Public Safety. That was raised numerous times. That may be a higher priority for you. If you look at this chart that we just sent out that's colored, a wheel chart, we used eight percent. You get an eight percent increase from your budget.

So let's say your budget is \$3 billion. If you got an eight percent increase, then it's going to equate to X number of hundred million. Where do you put the money? Where is your priority? So we're suggesting for the sake of discussion that we would take 25 percent, in this chart. We would take 25 percent and we would dedicate 25 percent of the eight percent to TPA. TPA affects every tribe. Every tribe's got TPA money. I guarantee you nobody does not have TPA money. Then we've suggested that based on these categories that then we would rank them and everybody would participate. What's your highest priority? If you got eight, seven, six, five, four, all the way down to one point, eight points is your highest priority. If you say your highest priority is Public Safety, then you'll take eight points and put it on Public Safety. If you say it's one of the other categories, you may put eight there or you may put seven there all the way down to one, all the way down to one and we would tally that up. So the idea is that each would have a certain allocation of the eight percent increase. It doesn't matter what the increase is, we put eight percent in here for the sake of discussion. It may be three percent, we've had different kinds of increases in the budget. But the question for the Department is, where are our priorities? This would take those eight categories, move them into...from 10 percent, nine percent, eight percent all the way down to five percent in the last three categories and then there's a 20 percent. So we're suggesting that there's a bunch of stuff that happens from regions, it's a regional issue and what the budget committee usually finds out when we go into the process is what are those special issues that are regionally specific? It's a regionally specific issue from Great Lakes or from Navajo or from whoever. So then we would go into a process and say, 'You need to take \$10 million and put it in here, you need to take one million, put it over there.' And then our idea is that if that works and it may be some variation. If you guys want to have a different idea how you break it out, then we would report to you. We would give you our recommendation on how it'd break out at eight percent or five percent or three percent increases. It would equate into a number and you would see what the recommendations are. That's what is intended for next Tuesday. So we're going to be meeting tomorrow afternoon and Friday to try to go through that exercise. We report to all of you on a webinar on Tuesday, you would tell us yes, no, or modify thereof, and then that's the report that would go to the Secretary on Thursday. That's basically the game plan. The 20 percent...these are arbitrary numbers. We just come up with what we though made sense because it's a new proposal that we've never done before. We've never done this

before. We've always made the case for the top 10, 12 and then after that we made an argument for item A, B and C that came from the different regions and we made that pitch to the Secretary.

A. Gay Kingman: I'm going back to what was brought up by Navajo. Last year the Great Plains recommended that the Welfare Assistance program line be changed and it called Financial Assistance so it'd be in line with the 25 CFR Part 20, which is in the book. And I would like to continue that recommendation that we made last year.

Jeannine Brooks, OBPM Deputy Director: We understand we don't disagree with that and that is why we did actually create the category of Strengthening Tribal Communities to get away from the image that particularly this Administration takes against human service programs and that's why we created that category in the meantime to roll those up underneath, so that we can get away from that. Renaming a national budget line we do have to be careful with what we do because when we say Financial Assistance, there's a lot of things that apply to Financial Assistance like burial assistance and all of that. So as we go to thinking about what we want to change the name to, we have to be very careful. Plus we have to justify to not only our folks in the Department to change but we have to get clearance from OMB, as well as Congress to change the title of that budget line because Congress has their budget stem tables that go in bills. So they have what they call it, OMB has what they call it so it's not like we can just arbitrarily change it. It's a process we have to go through to request. So before we get to that we have to be really clear on what we want to call it so that we're not comingling it with other things. If you just call it Financial Assistance, it's going to blur the lines with those other places that we do provide types of financial assistance so we want to be clear because I don't like the title either. I agree with you. I think it hurts us in the long run.

Eugenia Charles-Newton: So would the process then be or would it include having to make a motion to change that title so that we make it clear that here at TIBC that we don't like that title and that we want it to be changed because if you guys are just sitting there saying that it's a policy, like it's going to be a policy change perhaps it should be done here. So with that said, I would like to make a motion, if that's what it takes, to change that title of Welfare Assistance to something else.

Chairman Ron Allen: You're one of the regional reps from Navajo, correct? No offense. We let anybody come to the table on behalf of Indian Country, but we have to have the rep make the motion.

Kee Allen Begay, Jr.: I make that motion, Chair.

Chairman Ron Allen: Okay. Motion by Kee Allen to urge the Bureau to change Welfare Assistance to something else? Okay, I got a second from Gay [Kingman]. Further discussion on that motion? Aaron.

Chairman Aaron Payment: So the motion was to change it to something else?

Eugenia Charles-Newton: Well, not actually the words something else but perhaps it's going to take...perhaps it'll take maybe like just a work session or something where we can identify the right title. The motion is only to make the point that that title needs to be changed.

Chairman Aaron Payment: So I'm supportive of it. Just recognize that we're advisory and they're going to have to reconcile all that in Congress and year to year reviews and all of that so it may or may not be feasible, but at least we're expressing our intent.

Chairman Ron Allen: any further discussion on this? We'll write a separate letter from us to the Secretary asking that that program be changed to Financial Assistance.

Kitcki Carroll: So I recognize and I support what Navajo is saying with their concern over that particular terminology. What I would argue though is that this whole process is littered with antiquated, inappropriate language. So my concern is there is that issue, and if we go down that road right now, we're going down a rabbit hole that's going to detract from the budget process. So we need to focus on the process as it exists in terms of producing something, but I am in agreement that there is a lot of language issues that over time we've been trying to address just like one example we talked about yesterday was unmet needs terminology versus fulfillment of trust and treaty obligations. Those are two different things that when you speak to appropriators and members of Congress and the Administration that terminology means everything. So there needs to be an effort to address that from a principle kind of systemic standpoint, but I'm a little bit concerned that if we get distracted by too much of this we're not going to get to the actual budget process itself.

Chairman Ron Allen: I totally agree. Any further discussions on the recommendation we will send a letter on this subject matter? Further discussion? If not, all in favor say aye. Opposed? Abstained? One abstention. Motion carries. We'll get that drafted up. We'll make sure you take a look at the letter and make sure we characterize it correctly, okay, on that request.

So now I just want to remind everybody what we're trying to do here in terms of our recommendations. If you look at the prioritization document and then the process that we're proposing, remember this: underneath these categories are a whole bunch of categories. So, if you say, 'I want this to be my top priority,' and let's say it's Public Safety, it gets an additional 10 percent of the eight percent or whatever the number is, then now we have to decide on how it gets broken down. So the budget committee will look at it and make a recommendation. So just using the top one which is Tribal Community issues—Indian Child Welfare, Social Services, Aid to Tribal Government, Road Maintenance, etc., Housing—these are all big time issues. Many of these things end up in the top 12 so we'll have to make a choice. Do you just break it down evenly? Then you get into some programs and then you may say Public Safety. So maybe you use 20 percent of that eight or 10 percent, whatever it is, and you put it in courts or you put it in Justice Support, etc. You break it down. So we have to kind of make our best guess and then you will see that breakout by category. Somebody's got to do that because otherwise you're just saying an additional 10 percent goes in the category and you're leaving it to the Bureau to make that decision where it would go. This is where you want to have input. It's our best option to try to have input not just by category, but also by subcategory.

Kitcki Carroll: Mr. Chairman, if I may, can I just direct everybody to the handout, the front page says 'Strengthening Tribal Communities', that's the first page. I want to remind everybody of a couple things. In past years processes what you would get is a single page that showed in some circumstances the top

five, in other years the top 10. The criticism from everybody around this table was picking five or 10 did not do justice to a lot of different line items. What this does now in the new process that started for '21 is it breaks it out by eight issue areas. So in each one of those eight issue areas, this is now the priority ranking of those line items within that issue area. The reason why I'm raising this is to clarify it was never the intention for every single one of those line items to receive a portion of a potential increase because if you did that, think of how many line items then you'd be giving... What was the number, Ron? 80 plus. 82 are in here. Compare 82 to past years where we were picking five or 10. That was never the intent. The intent was for you to see within each issue area what was gaining the greatest priority. The question now becomes to the Chairman's point, is it one, the top item that gets attention or is it all of them or something in between? That has not been something that's been decided. What I will remind everybody of is that when you look at the overall BIA budget, it is severely underfunded. So whether we're talking about a one, five, 10, even 20 percent increase to the BIA budget, it is not fixing the problem. So the question becomes, for fiscal year '21, if there was a potential increase, where do we want to target that investment to have an impact in these given areas, recognizing that they're all severely underfunded. Because if you choose everything, it gets so diluted that you're not making an impact on anything. So that's what the whole purpose was about is to broaden the area out about what can get prioritized and then now make the decision about how that potential increase would get applied.

Chairman Aaron Payment: It seems like if there's this new pool of funding which is really optimistic thinking, then my first question would be where's the need the greatest, not only where are the priorities, but where is the need the greatest. So do we have some kind of an analysis of the areas by category that are where it's underfunded because certainly you don't want to put money in an area that's close to being...well, it's nonsense to say full funded but an area that's already better funded. So Kitcki is right, that's not a question that's ever been posed out. But we have an opportunity to try to put money where it needs to go. So the question is, do we have any kind of analysis that shows us what's underfunded, what's more underfunded than other areas?

Kitcki Carroll: Mr. Chairman, the problem with what you're saying, the problem that we ran into to get that very thing you're talking about is... So that was the second part of the initially proposed process. The second part of the proposed process, just using as an example with law enforcement as an example. What we were saying was you can work with the Department of Justice, you can work with OGS, you can work with FBI, whomever and you can look at just some general assumptions about jurisdictional size, population size, part of the country and you can extrapolate from that what is the number of FTE (full-time employees) foot patrol officers you should have given that scenario and then you could backdoor your way into what it's funded at now and what's' the deficiency versus what it should be. That's the unfunded obligations piece to that. That's the piece that the Administration said they were not going to do. That's the piece that the Administration said that was not their responsibility basically to identify what they're not doing. So that's where they kicked it back to us to say, 'You need to figure that out.' That's why I was saying this morning when Dakota was making his presentation on the transportation piece, we need to be doing that with every single issue area so we can tell them. Absent that, we don't have that. What's happened in years past is we would get to this stage in the process and

somebody would see that their priority didn't make it into the top five or 10 by example and it started this round robin of everybody saying, 'Well, wait a second, A, B, C didn't make it on the list and that's critically important and that is \$50 million.' Then everybody started doing that. That had no legitimacy because it was not backed up with any data to substantiate it. So that is a critical piece that is still missing from this equation to be able to identify is Social Services at 70 percent of unfunded obligation and Roads is at 50, and maybe that would justify why Roads should get more? But we don't have that information right now, all we have right now is what the result was based purely off of the survey.

Chairman Aaron Payment: Two things happened in the last two years that probably weigh into where the priorities end up. One is a case that's potentially heading to the Supreme Court. Number two, last year Trump's proposal was I think a 37 percent cut to ICWA. That reverberated out. And so that became probably one of our top priorities, right? That's episodic, and it is one of our top priorities but everything's a priority. I don't know what the answer to that is. The methodology's a little flawed in the way that we're collecting this information, right? Having said that, until we figure out how we're going to collect what the unmet obligation is and what the need is out there and if Interior's not willing to do it, we have to figure out how to do it. The tribes are going to have to do that somehow or another. In the meantime, if for our purposes we want to propose an increase, so I think we all agree with that, right, so we have to come up with some process and to some extent it might be arbitrary. We're probably going to get attacked back home because it's not exactly what everybody wants, but if we have to advocate for it, we have to come up with some kind of justification for what we have right now. So it might be absent of where the need actually is, but where can we agree the need is based on the surveys? So that's where we're at.

Chairman Rick Harrison: A big part of this process change is transparency. So it's transparent, we're going into making the budget with a process that we all agree to, this is the percentages we're going to use. There's that 20 percent that gives a little bit of flexibility and wiggle room for issue areas that come up from year to year, but one of the big things that we got back from tribal leaders across the country was transparency and how you're coming to these decisions.

Chairman Aaron Payment: So that raises another question and this is something that we've repeatedly said at national advisories is we do not replace the requirement for consultation. That is a direct relationship between the Federal Government and each individual sovereign nation. We've been identified as people to try to represent some of those interests and advocate, not represent, those interests because we don't represent those interests. I don't represent Bay Mills, I don't represent the Huron Band of Potawatomie. I can advocate their interests but I don't represent those interests. So once we give our recommendations at this level, if it's couched with the understanding that it's a recommendation not in replace of consultation. In some way it's pie in the sky because I doubt Interior's going to recommend a percent increase what we're requesting. Maybe they will. But is there a process then where Interior will go back and have consultation out on the draft budget. We know that the President's budget is embargoed, we know we don't even get to have a say on it until it basically is released and it's usually not reflective of anything we've had to say.

Chairman Ron Allen: Short answer to your first question, no we do not have that analysis. That doesn't mean that we don't need to do it somehow with someone to do that. Meanwhile, what we do know is we always go through an exercise instructed by OMB to the Department and they allow for usually typically a tiered approach on what you would do with X percent, Y percent and in the past they used to ask us to do a negative. Years ago we said we were never going to do negative. We would never go through that exercise, do it yourself. So tribes wouldn't participate in that, in a negative scenario. We would only participate in a positive.

So, we're using eight percent for the sake of discussion and as we point out in the bullet points, the most recent enacted amounts available for tribal programs will be adjusted for inflation. After adjustment for inflation, the total sum of an eight percent increase to programs is being calculated. The amount is the total funding that TIBC would consider for program increases as part of the budget cycle. Then in the proposed scenario, TPA and TPA-like programs would receive 25 percent of the funding increases. So there'd be automatic adjustment for all those programs that affect tribes in different ways that are in your TPA base.

The national priority rankings would then be sorted into eight categories, that's what you have on the wall, to receive additional percentage increases. The entire TIBC committee would deliberate these rankings and vote for priorities of those rankings. We had suggested that for the sake of discussion that we break the eight categories out this way. So you've got 25 percent off the top, then you've got 10, nine, eight, seven, six and then we had three that were in five percent categories for a total of 55 percent of the increases.

Under the proposed scenario no program would receive cuts regardless of rank. 20 percent of the increases would be deliberated by the greater committee beginning with increases to all TPA and TPA-like programs, allows for programs that receive higher ranking to receive an additional increase. So, you start with the 25, then additional increases based on the priority of the categories. That brings us back to this pie chart that breaks it out. Now that was our best guess. We could have put up a bunch of different scenarios but we decided just to put this one up, see how it felt to you guys and then we had this discussion that inside each category are subcategories and then you have to make some recommendations and did it make sense that we would try to have the whole body participate in a double exercise. One, prioritize the eight then turn around and start prioritizing the subs under each one. It felt a little chaotic for us and it seemed like it was easier to let the budget subcommittee do it. Now I'll remind you the subcommittees are open. We have designated people that we've assigned to the subcommittee, but we've had a number of people who just show up because they want to know what's going on and want to have input. So, they are open and so if people want to hang around tomorrow afternoon and Friday, you're welcome to do that to have input on the discussion and the prioritization. But this system promoted by a number of our colleagues is a way to have greater input. In the past we just aggregated everything and then we commented on them, including those activities that weren't in the top 10, 12, whatever. We did the best job we could to promote it with the Secretary. This changes the prioritization, this changes the input by all categories so they get something. Remember, 125 categories or so, a lot of categories. At the very bottom might be your program or one of your

programs and you felt like, 'Well, we're the last guy in the end of the bench, we got pushed off.' That's not what this is intended to do. Everybody gets something.

Chairman Aaron Payment: On here you have category one, category two. Those categories aren't predetermined, we have to identify what they are and plug them in or is there an answer key somewhere?

Chairman Ron Allen: No, our strategy was every delegate, two delegates from every region, they each get a handful makers labeled one through eight. Eight is your top number of points. So eight is the one that you rank the highest. You go over...let's say it's number one over there, Community Programs, you put eight there. If seven's your next number, let's say it's Public Safety, you put seven there. We'll tally them all up and then that'll tell us what we feel is the top number one that gets 10 percent, number two gets nine percent, etc. That was the thinking. You've got a packet, everybody's got a packet and you can look at your regional priorities. It's real thick. It starts with Alaska. So you can cross reference your own regional priorities.

Kitcki Carroll: Mr. Chairman, I'm glad he actually asked that because I was thinking about that after we concluded on Monday afternoon. It should be fairly simple for any region, I'll just speak to our region though, to be able to rate those based upon our regional results. The only difference would be if we chose to rate it different than what our region produced on its own, but we wouldn't do that. So ours would be a fairly straightforward exercise just to look at our region for each one of those and then rank them accordingly.

One thing I want to reinforce, if you go back to your initial slide on the summary starting with inflationary. Just making sure everybody is following the same. So just in a hypothetical one to two percent increase scenario, just assume for a moment that the inflationary rate was that one or two percent, that's as far as the process would go because the one to two percent would get applied as inflationary adjustment to hold everything steady, correct? Okay. The second layer then becomes above that one to two percent, a portion of that goes towards the TPA and the reason why I wanted to park there real quick is because I'm not sure if it was completed but on that same printout with the multiple pages listing the issues, it lists for each one of those which of those programs are TPA. So you'll see...you should be able to see for yourself then for each one of those categories that TPA does impact all of us. Differently, but all of us. Do we have a list to put up that shows... How many TPA or TPA like did we say there were on Monday? So about 30 or so? So 32 TPA or TPA like line items.

Jeannine Brooks, OBPM Deputy Director: The TPA-like programs are RPI, TMDP and there was something else that should have been in there...Oh, law enforcement—criminal investigation, police services and detention. Those four programs do not have TPA behind them, but they have base funding dollars so they act like TPA programs.

Chairman Ron Allen: And the value of the listing of TPA and TPA-like programs is they just aggregated them. They aggregated them, so you have a better feel for in the aggregate that TPA and TPA-like means. But you may not vote that way. You may vote based on the priorities that came out of your region.

Shawn Duran: According to the rankings from the regions, what's hard to tell is which of the eight are number one for each region. The data sets altogether, for example, Southwest Construction, where does that fall for us? By this information I can't tell if it was Public Safety, if it's Construction. Which one of those categories that are grouped together became one, two, three, four, five, six, seven, or eight for our region?

Chairman Ron Allen: Well, Construction's up there. So if you look at the categories under Construction for schools and detention facilities and all that, that's a category in there. If that's the highest priority in your region, that would get eight points from you.

Shawn Duran: But this information doesn't tell me that.

Chairman Rick Harrison: Right. That's why we're going through this exercise as a body because each region has to determine which category is the most important to them.

Shawn Duran: So it's an internal discussion with our regional folks.

Kitcki Carroll: One thought when we're talking about the modifications and enhancements to the process, so I was thinking incorrectly. What I do have is I do have by category priorities at the regional level, so I can pull from that. What I don't have is the horizontal which is more priority than the other. But thinking that through, that could be a simple tweak to the process where we're asking the region at the survey level to rank the categories themselves. That could be something that we do for the next time around. Now we have to do that our own this time but for the next time around that's an easy fix, right? That's how you can deal with that. Yes?

Chairman Rick Harrison: I agree. And this actually came up as one of the areas that we identified on Monday at the Budget Subcommittee that we need to tweak in our survey next year. This part wasn't done for us by each of the tribes. So next time, when we put the survey out, we can actually do this and it should be fairly simple to have the tribes when they put in their submissions to also choose which category and rank them which is the highest priority categories and then they'll take this process out of our hands and we won't have to go through this ranking process here at the TIBC meeting.

Chairman Ron Allen: So we're doing it a little bit right now because we have to figure out how to prioritize each of these categories. This process will be refined for next year and would eliminate any subjective approach on the subcommittee trying to make best estimates on each of the subcategories.

Eugenia Charles-Newton: Just for clarification, if we wanted to, although this has been submitted and we have a copy of it, if we wanted to make changes or edits to what was already submitted, is that something that we can do or I guess when can we do that?

Jeannine Brooks, OBPM Deputy Director: It's too late at this point. The cutoff point for this was supposed to be February. Then we extended it to March 15th because of the shutdown. It's done, it's weighted, it's consolidated. This is it for this year. The committee is making the decisions on the budget tomorrow. We don't have time to go back and readjust and reweight. It's going to be hard enough to reweight based on this. We're going to have to reweight what we're getting ready to do up here on the

wall. So, we really have no time to make changes at this point. That's why it's critical that we meet the timelines that are put forward in the guidance for it because it is a process to reweight everything and put it all back together.

Chairman Ron Allen: And one more thing. We're trying to refine it. This is a whole new process. We've never done this before and so we're learning as we go here. But one reminder, you get eight, you guys got two sets of eight for Navajo Nation. Now you might want to take all of your stickers and put it on one category. You can do that. Let's say you don't care about construction. That's not true but let's say you don't and you made a point about Public Safety. You might want to say, 'I'm going to put all our points here in Public Safety. So that way you're not losing any points and that's how you can try to help weight an area that you want to get raised up in the priority.

Kitcki Carroll: So just to reinforce, it's not going to end up with the situation where a category gets nothing. What you're doing is you're just ranking which gets the greater emphasis and the greater weight. I think that's important to note that we're not creating a situation where one of the issues areas gets nothing, it just gets a prorated ration of the overall [based on the response].

Chairman Aaron Payment: So there's stickers and they're all the same and they're pre-numbered. So every region's going to get a number one, a number two, a number three and the last two I think are a different color. But the thing is, once you cast your ballot then nobody will know whose region it is?

Chairman Ron Allen: That's correct. We didn't want them to know that. You're just going to go up and put it on the ranking charts.

Chairman Aaron Payment: Oh, one other thing. I would like to invite...I suggest... Well, this is what we're going to do for the Midwest Region, if you are from the Midwest Region, there's some council members here from the Midwest Region, or a citizen from the Midwest Region, we will talk over here initially for the Midwest. So then that way you guys can help us to figure it out.

[Ranking discussions]

Chairman Ron Allen: Okay, so we'll tally it all up and we'll report that out tomorrow and then talk through the final instructions to the subcommittee for tomorrow afternoon and Friday. Give some thought to this tonight, in terms of the process. What was good about it and what was bad about it as we try to refine it. And bear in mind somebody already made the suggestion to simplify and remove the subjective parts of the process that we can. Next year through the regions we get the tribes to give us feedback on each subcategory within the category, so that we get direction from them on that matter. That eliminates our challenge because when we look at these categories and we kind of go, 'We care about this one and a lot of these subcategories inside the category,' and then you have to make a call. So this would take that away as much as possible and the best way to say it empowers the tribes to feel that they have an input on our recommendations to the Administration. Subsequently, this will get reported to Congress so as an aggregated process this is what Indian Country felt was highly important. And one of the things we'll have to be careful about is that you take some of these categories and like tribes who have irrigation construction or irrigation projects or those kinds of things that often get left

off the table or don't get prioritized because certain regions don't care. Well, then how do we emphasize that that's still important for Indian Country, that's still a trust obligation, it's still a trust responsibility to the tribes so we'll have to sort that issue out as well.

Kitcki Carroll: Mr. Chairman, but just again to reinforce the point, let's just look at something that's clearly obvious with the construction voting. Even though construction voting is showing very low, it still gets five percent. In the old model it would have gotten nothing, in the new model it at least gets something. So that's the difference between the old and the new.

Chairman Aaron Payment: So I have a question. So how did we come up with the percentages per category? Because I would like to put more in TPA.

Chairman Ron Allen: we did our best guess. So we just thought that we needed to come up with some semblance of a ratio that eventually gets us to 100 percent. We just suggested that it'd be good for us to have a 20 percent buffer to start looking at things that we overlooked that doesn't fit well within the categories. There are things that are of unique needs to the tribes in different areas. A good example would be a problem in the Great Plains because of flooding and there's going to be a need there so we may just say, we need to put some money in Construction to cover that kind of a problem. There may be some other issues that we're overlooking that needs additional resources. We're going to identify them and then you'll tell us whether that makes sense or not.

Chairman Aaron Payment: So let me ask you this one. So once we see how it shakes out and we know the categories, can we talk about the percentages for each category because we might want to change that up?

Chairman Ron Allen: We can talk through that tomorrow. As you guys deliberate on the ratios we recommended and if you come up with a different scale from 10 to five or some other ratio, then we can discuss that tomorrow and say, 'this works better.'

Chairman Aaron Payment: One other question. Is it possible for us to have a budget tracker so we can put and get an estimate of what that number looks like or is that too much?

Chairman Ron Allen: No, we can do that because we know what the Interior's budget is. Our recommendation was to use the enacted of the previous year, working off of that base. That was the base we were going to work off. We had a choice working off the President's budget or the enacted budget. We felt the enacted budget was more accurate in terms of what we actually are working off of.

Chairman Aaron Payment: I think it might be too much to ask for somebody to do that by tomorrow morning, but I think that having the raw number so we can see what that actually results in and how much ends up in each category, the actual real dollar but by next Tuesday we probably could.

Chairman Ron Allen: We can take a shot at it. We can probably do that. It's a best estimate. It won't be perfectly accurate but we can give a good estimate. That'd be good enough to give you a feel for what would go on those programs.

Chairman Rick Harrison: Also, to your TPA question. So off the top is 25 percent going to TPA and then you have the category rankings that each get a percentage. So out of those percentages, TPA is still going to get more. All the TPA and TPA like programs are going to be more than 25 percent and we'll just have to see how that shakes out.

DOI Re-Organization

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Thank you for having me. My name is Scott Cameron, and I am the Principal Deputy Assistant Secretary for Policy, Management & Budget. When considering the reorganization of the Department of the Interior, there were such significant natural resource issues that are tied to watersheds that we really need to reflect the fact that there are these overarching resource priorities. So for instance, if you look at the Pacific Northwest, the entirety of the Klamath River Basin would be within the California Great Basin Region. It just didn't seem to make sense to have the California part of the Klamath Basin managed by somebody in Sacramento and the Oregon part of the Klamath River Basin managed by somebody in Portland. It made a lot more sense to have a Bureau of Reclamation Regional Director or a Fish and Wildlife Service Regional Director focused on the entirety of the Klamath River Basin for instance.

Similarly, if you look in Southern California, you'll see that those southern counties of California are in the Lower Colorado Basin and that reflects the hydrological and political realities frankly of the Colorado River Basin. It wouldn't make sense to have the California bank of the Colorado dealing with the Imperial Irrigation District for instance separated from the Arizona side of Lower Colorado dealing with the city of Phoenix. So we drew the boundary on the Lower Colorado so the entirety of that lower stretch of the Colorado River would again be the responsibility of the same set of Bureau regional directors in the Department. Actually, it's kind of hard to see here but Clarke County, Nevada, Las Vegas area is also part of the Lower Colorado given the significance of Las Vegas to activity on the Lower Colorado. Frankly, we thought Las Vegas had more issues at stake with the Lower Colorado than it did with what was going on in the Sierra Nevada for instance.

With those exceptions, we tried to follow state lines in the way we drew these boundaries. A few things, some general observations that I think are worth mentioning. The first is that we're not going to be moving around large numbers of BLM or Fish and Wildlife Service or Park Service employees to reflect these unified regions. Initially, at least, we are going to be covering these 12 unified regions from the existing office locations of those bureaus. For instance, if you are a Park Service Regional Director in Omaha, Nebraska, you may find that you're double hatted. You're the Park Service person who worries about the Missouri Basin Region and potentially the Mississippi Basin Region. Or if you are the Fish and Wildlife Service Regional Director in Twin Cities, you may be responsible for both the Great Lakes Region and the Mississippi Basin Region. Perhaps over time as we get some experience in standing up this system, there will be some movement of personnel from one place to another.

In terms of the regional career senior executives in the other bureaus, and again, BIA and BIE are off the table here, in terms of the regional career executives in the other bureaus, we're not planning on moving large numbers of people around. The other point that I wanted to make in terms of the field

staff in those bureaus, it's going to be business as usual. If you're running Yellowstone National Park, you're still going to be running Yellowstone National Park. If you're running the Silvio County National Wildlife Refuge in the Connecticut River Basin, well, you're still going to be doing that. If you're BLM State Director for New Mexico, that's still your job. If you are in the Tonopah Field Office at BLM, well, you're still going to be running the Tonopah Field Office, you're still going to be reporting to the Nevada State Director who is still going to be reporting to the Bureau Director of BLM in Washington. So we're not changing the reporting relationships, but one thing that we are going to be doing within these 12 regions we are going to be identifying an individual, most likely a career senior executive, to be sort of a first among equals. We're calling them an Interior Regional Director. Somebody who would be responsible for coordinating the activities of all the bureaus, again, with the exception of BIA and BIE, inside that region. This would probably be the roles or the coordination responsibilities would probably be on particular topics such as conservation, recreation, or permitting. So this person would have a convening role, perhaps a first among equals role, this would be the person who would have the authority to drag the other regional directors from Interior's other bureaus into a conference room to talk about issues of mutual interest and mutual concern. While, as I mentioned earlier, BIA and BIE are not directly involved in this, we do think that if you are a tribal president somewhere or a tribal chairman somewhere, it would be convenient to have one person who had overarching responsibility for the Department's activities in a particular region as opposed to having to put you in a position of calling the Regional Director of the Fish and Wildlife Service and then following up with the Regional Director of the Bureau of Reclamation and then following up with the BLM State Director. If you had one phone call to make to one person who had the responsibility for coordinating his or her colleagues, we think that would be a convenience for tribal leaders. So that's the big picture. In fiscal year '19 the Congress appropriated some money for us to implement these unified regions. There's more money requested, \$27.5 million requested in the 2020 President's budget for the unified regions to a large extent to stand up small offices for these Interior Regional Directors.

We are also going to be looking for ways to improve our back office functions—acquisition, human resource management, information technology. We think there may be opportunities for bureaus to share HR services or share procurement services within a region and maybe make more efficient use of that staff. And if we're right, and we think we are, that means we could free up more money for more mission oriented activities as opposed to administrative functions. So we've invested some million dollars in studies to look at HR and IT and acquisition and we're going to be exploring pretty aggressively how we could do more on shared services in those back office functions. To give you a sense, Interior spends about a little bit more than three billion dollars a year on contracting in one form or another and if we could be more efficient and save five percent of that three billion dollars, that's \$150 million. That's real money. Or even if we could only be more efficient and save one percent of that three billion dollars, then that would be useful I think to everybody in this room. So we're going to be exploring those shared services. This is a process. While this map went live August 22 of 2018, there are multiple things that have to happen frankly over a period of more than a year to make this real. The other bureaus are looking at changing the coding on their financial management systems so that if you're in the Park Service you previously had seven regions, well, now you've got to have your field offices coded to 12 regions. So there are changes to financial management system that have to happen. Little mundane

things like position descriptions and locator codes. What region is a GS-5 Range Conservationist for BLM in New Mexico associated with? So there are...there's a long path that we've started on to make this a reality, but the overarching goal, the overarching thought here is by having all of our regional leadership and again, with the exception of BIA and BIE, focusing on the same geography, we're likely to make better decisions and more informed decisions. And by having a go-to person on a multi-bureau basis within each of these 12 regions, there's one person for a governor to call, one person for a tribal chairman to call as opposed to having to potentially call two or three different people if you've got an issue with your tribe or with your state, as the case may be. I'd be happy to answer questions and I'm grateful for the fact that I came into a room where people were laughing as opposed to some other meetings I come into where there aren't many smiles when I walk in the door. So I'm happy to try to field questions if anyone has any.

Chairwoman Cheryl Andrews-Maltais: Good afternoon and thank you. Chairwoman Cheryl Andrews-Maltais from Aquinnah Wampanoag in Massachusetts representing the Eastern Region. And it's really good to hear how that reorganization is moving forward with a single point of contact. We're hoping that not only is it a single point of contact for tribes, but also that it's almost similar to an Indian desk whereas the person that would be there would be familiar with federal Indian law, with Indian issues in general and with any luck that that person is native as well so that we're talking to somebody who understands our situation and who understands the government-to-government relationship that tribes have with the United States and each of those bureaus.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Well, I pointed out you still have the BIA Regional Director around to help you and to be a point of communication. So thank you for the point.

Chairwoman Cheryl Andrews-Maltais: But just to be clear, because we all deal with each one of these agencies or each one of these bureaus within the agency, they need to understand their role and their relationship with the tribes in their region as well. So I just want to make sure that that is a conscious decision or a conscious item that when we're going through and staffing these positions for that desk that they do have those skillsets when you're going through your personnel exercise.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: That's a good point. Over time what we'd like to have happen is we'd like to have people in the role of Interior Regional Director who had had experience in multiple bureaus of the Department over the course of a career. So maybe they'd spent five years in a 20 year career in BIA for instance and another five years in the Park Service or whatever so they have a feel for the full broad responsibilities of the Department rather than having spent 40 years in just one bureau. You guys aren't going to let me off this easy, are you?

Chairman Aaron Payment: So I talk too much. I admit that. But what I'll say is that I do appreciate the fact that we can opt out, but I also am concerned about being marginalized out. The Interior wasn't perfect by any means so it did need to be restructured but by changing up the regions for Interior not tribal BIA, it potentially threatens to minimize our impact and marginalize us so that's number one.

Number two, during the reorganization we did find the letters where states had an influence on the regions and we have copies of that letter, we've seen it. I have it in a PowerPoint that we did with our region and it seems like the whole process was driven on how to gain access to our natural resources. So, that wasn't a really good way to start. So I think since then, though, it looks to me to some extent Interior is trying to find a way to mend the barreling down this path of a reorganization without consulting with us ahead of time. But I would say that opting us out is not necessarily going to address the issue that I know is going to face us, which is marginalization. So that's one thing.

The other thing is that it's kind of like a cross training exercise. I started out at McDonald's so I got cross trained on everything and I got extra pay, I think five cents extra pay by being able to do everything. But the problem with that with such a complicated duty and responsibility is the expectation that regional directors or whatever the title is, is going to have the kind of expertise across regions. That's not real. They're not going to gain that level of expertise and by the time that they might begin to approach it, they're going to rotate out and then somebody new is going to get a chance to screw it up. So I think it's naïve. I'm happy that we're not forced to be part of it, but I think that something ongoing needs to monitor that we're not marginalized so we don't have the kind of access that we currently do.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: So I appreciate that comment. Certainly there's no intention to marginalize the tribes. What we wanted to do was to err on the side of not giving the impression we were trying to force the tribes into this and maybe we went too far in the other direction as a result of not wanting to give the impression of forcing the tribes into this. But I think it'd be...marginalization certainly was not part of the goal or the intention at all. And you're right in that if...the first people who fill these jobs as Interior Regional Directors are probably going to be people who've had a more or less traditional career at Interior and it may take a while before we promote a culture of the way you get ahead in this organization is through cross training. That's how you get your extra five cents an hour or being able to show that you've worked in two or three bureaus will give you a leg up in terms of making it into the senior executive service or as a GS-15. So yeah, frankly you're right, it'll be a prolonged process. You're not going to turn someone into an Indian law expert who spent 20 years of their life in Park Service just by flipping a switch or writing a position description. But you still will have the support network of the BIA regional directors and you still have the Secretary's overarching responsibility to Indian Country.

Chairman Aaron Payment: One final point, I guess. Will there be an interagency or some kind of monitoring of that so that it doesn't get marginalized? So intergovernmental I think is the term they use...

Chairman Ron Allen: You mean like a liaison?

Chairman Aaron Payment: No, not a liaison, but a high level function that ensures that we're not marginalized.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Sure. Well, you're still going to have Mark (Cruz) and you're still going to have Tara and John Tahsuda here in Washington so there's still going to be an Assistant Secretary for Indian Affairs and a BIA Director and a

BIE Director and Jerry Gidner's not going away. So the traditional, if you will, structure, the traditional lines of communication will remain available to all of you. But we do think it'd be convenient for you to be able to make, if you wanted, one phone call to one Interior executive in a region who you knew from the get go had overarching responsibilities. We think sometimes there's this game that goes on where someone from BLM will say, 'Well, the Fish and Wildlife Service made me do it,' or someone from Fish and Wildlife will say, Bureau of Reclamation made me do it.' Well, we're essentially eliminating the ability to blame the next guy or next woman by having an Interior Regional Director who reports directly to the Deputy Secretary.

Kitcki Carroll: So we do believe in and support greater coordination of services. Let me just state that. However, the challenge that we ran into is during the consultation stage as related to the BIA, what you're seeing is the extent of what tribal leadership was offered and that map actually changed multiple times over for what the tribal leadership was getting. We didn't initially take a position of opposition to the reorganization because again, we do believe in some centralization and coordination and that sort of thing, but that's the extent of what we got in terms of an explanation of why this was happening. Ultimately we took a hard line opposition position to that because the failure to provide us any detailed information. There is no other reality where you are going to go through a multimillion dollar reorganization effort that this [type and level of engagement] is going to be enough to justify that reorganization. Within this context of this budget council, the first year for the planning phase was \$800,000 alone for the Bureau. And as we had conversations with other federal officials it became very clear that reorganization efforts are very expensive and that \$800,000 was going to be dwarfed by subsequent years with implementation. So that's ultimately why we took a position of...and within our little region it carves it up three different ways and one of the concerns that we had was there was no commitment that these regional directors had any level of trust and treaty obligation knowledge and understanding in a way that was adequate or sufficient. In fact, many of those bureaus that we're talking about that we were being told would occupy this space, take the position on a daily basis that they don't view themselves as having the trust responsibilities, that it's the BIA as the trustee and that's just a reflection of the flawed understanding of the federal system and how it works in executing that trust responsibility. The reason why I'm choosing to speak though right now is last November in this space the Assistant Secretary committed to sending a 'Dear Tribal Leader' letter to Indian Country to speak about the effect or lack thereof that the reorganization would have on tribes. It is April 10th and that letter has still yet to have gone out. I raised this at the end of last year with Mr. Tahsuda asking what the status of that letter was. He told me it was in process, in review. It's four months later, still hasn't been received. So when you say it's not going to be directly impacted, that leaves some room for ambiguity about potential indirectly impacted. So Indian Country deserves to know what impact or lack thereof this reorganization is going to have on the provision of services because at the end of the day, whether we are participating in this or not, those trust and treaty obligations do not change. They are exactly the same. So we just need some explanation about where all these things stand and I think we deserve that and it's been months in the making and we still have not received that. It's as simple as a cost benefits analysis. If you're going to spend all this money in a reorg, there has to be some tangible benefit on the back end of it. But we haven't seen anything that speaks to that yet we're being told in the initial phase of this that it was going to cost \$800,000. Along the way in one of the conversations

that we were directly involved in with the Assistant Secretary's office, one of the things that was told to us later on in the process is that any savings that would come would come back to the programs. We had never heard that before. Never heard it again after that was said. So there's just lots of confusion about what this all is and what it means and I appreciate the presentation, but there's still a lot of unanswered questions about what that means to Indian Country.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Okay. I appreciate that comment. I think, at least to my knowledge those are all good points. I defer to Mark and John about the 'Dear Tribal Leader' letter. I guess you are absolutely right I think when you say that the United States Government and/or the Secretary of Interior has a trust responsibility and that doesn't change as a result of all this. I would suggest that it would be tougher for a regional executive in the Department to dodge that responsibility if in fact they've got some sort of overarching responsibility for the activities of the other bureaus in that region. It would be tougher to say, 'Well, that's the BIA Regional Director's problem. I don't do tribal consultation or I don't do Indian trust.' I'm hoping that there would be less of an opportunity for passing the buck, if you will, if there's one regional executive who's got fairly broad responsibilities in the region. So let me elaborate a little bit on my words about direct versus indirect effect. So one of the ideas that's on the table and it's just an idea is in terms of these back office functions—IT, HR, acquisition—maybe on a region by region basis the BIA Regional Director would want to be part of a shared services operation for HR or IT or acquisition with the other bureaus. Maybe yes, maybe no. But that possibility is why I was...I used the word direct or indirect. And we're mindful of the fact that Indian Country is not a monolith. Every government is an independent government and there may be wide variations from one part of the country or one region in the country as to whether or not the tribes think this is going to help them or maybe not make much of a difference. But if the tribes that were involved in a particular region collectively said, 'Hey, we want BIA to be more directly involved in this regional setup within our region,' I think that's a conversation that we'd be open to having with you. But it's got to be I think on your initiative.

Joe Garcia: Joe Garcia, right here, from Okay Owingeh in New Mexico. Question about if there are any interim reports or trends as a result of the consultation sessions held thus far about this reorganization.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: So Mark and the folks in Indian Affairs would have a better understanding for that than I would.

Mark Cruz, Deputy Assistant Secretary – Policy and Economic Development: Mr. Garcia, are you talking about tribal consultation or the broader reorganization with other bureaus?

Joe Garcia: About the tribal consultation part.

Mark Cruz, Deputy Assistant Secretary – Policy and Economic Development: Yeah, the only update we have is what we've said in the Fall was until we hear from tribal leaders and there's an interest in being involved in the reorganization, BIA and BIE won't be a part of it.

Chairman Russell Attebery: Buster Attebery, Karuk Chairman and we're the Lower Klamath Basin tribe. We have an interest. Just kind of a housecleaning question. Would you briefly elaborate on the opt out situation. Maybe I missed that.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Our impression is that the tribes have collectively said that they don't really want BIA and BIE to participate in that so as of now at least my sense is the tribes have already opted out.

Seth Damon: Thank you, sir, for your presentation. Mr. Chair, distinguished colleagues of TIBC, I just want to first reiterate that I know that when this first was coming out there was the idea that said basically, 'We're going to present this to you and either you take it or you don't.' And on top of that there was listening sessions and I remember myself and Mr. Garcia around Albuquerque and then our President, Honorable Jonathan Nez, was there, distinguished colleagues from numerous other tribes were adamantly against this at the listening session. And it seems like from that listening session it still seems from your projection there that you still want to cut up Navajo right in half. Breaking up the nation is something that we still strongly oppose in that and even though you're saying that some of these tribes will opt out, one of the opportunities is that BLM, OST, other departments under the Department of Interior might be forced along in the initial process to start going down this line. BIE and BIA might not be saying that they're not going to be involved with this, but those other opportunities for other departments within the Department of Interior are probably going to be forced into this. Now we remember back in the late 19th century when the Dawes Act was initiated there was lines drawn up and given to our colleagues, Indian tribes across the United States and they said, 'Well, this is just for mapping and survey purposes.' So I hope this isn't something that's going to be for mapping and survey purposes when you start divvying up and carving up the Navajo Nation.

The Navajo Nation has still supported as of April 18th, 2018, that we as the Navajo Nation Council do not support this organization, reauthorization or the effects of any kind of unilateral reorganization without any further consultation to the Navajo Nation. Due to that, we still support the current boundaries of the BIA and the Bureau of Indian Affairs in our current setting but on a response to that we still believe that BLM and other departments of the Department of Interior are forced to be along with this. As Mr. Kitcki [Carroll] had indicated, \$800,000 was given and was budgeted for the purpose of reorganization of this under the Department of Interior and it's proposed \$27 million is going to be for this. I would say instead of utilizing that \$27 million for the reorganization, that \$27 million needs to go back to scholarships for within the Department of Interior. Those dollars were taken and moved around in order for this reorganization to happen without any tribal consultation even before this or any of us Indian tribes were let to know or even be heard of. There's an overwhelming response against this I know in the Southwest and it's particularly the Navajo Nation.

I know the Navajo Nation stands here before you today and we might not agree on everything and at the end of the day we might not agree on anything on certain parts of our negotiation process, but I have to say to my colleagues here that are standing here at TIBC, the Navajo Nation still does not support this unilateral push by the Department of Interior because no matter what, at the end of the day, it's still carving up not only our nation, but for future tribes this could just be a stepping stone. The

Navajo Nation then hereby has this position. The Navajo Nation Council has voted that there be no changes and those changes shall not be made into any current existing Navajo area administrative boundaries. We'd advised our Department of Justice to learn and move forward and try to get every undertaking of any necessary actions to enforce any such established consultation requirements as required for those obligations to arise and to affect our trust responsibility from the Federal Government. So I ask and again I just state to you this sir, thank you for your presentation, but we as the Navajo Nation still strongly oppose this reorganization by any efforts moving forward. Thank you.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: I appreciate that comment. You've been very clear in where the nation is coming from and I understand that and I respect that. It's probably worth pointing out briefly that this would not change the Navajo Region boundaries in BIA at all.

Tribal delegate: That's what they said in the Dawes Act.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Okay. Well, I wasn't around back then. I can only speak for where we are right now and what our intentions are right now. I invite all of you to keep an eye on us and to watch us and to give us feedback over time about what you like and about what you don't like as we move ahead. That's both your right and your responsibility and it's our responsibility to be interested in hearing what you have to say.

Jason Freihage, Deputy Assistant Secretary – Management: And I think to Kitcki's comment earlier, I know Tara has mentioned before, still wanting to provide, then we got to a place where there was enough new information, a report to Indian Country where they are and to get feedback, so I know that's something she still want to do. In some ways it was just were we at a point that there be enough worth talking to.

Juana Majel-Dixon: I thank you for taking the time, but I know when they were presenting to the tribal leadership on two different occasions with Zinke and there was some pretty strong opposition to it at the time from the tribal leadership on the floor and at that time he didn't have the executive order that was signed by the President. We were only told about it and even though in this construction being part of the lower part of California you suddenly...if you wipe out 280 I love it because it's pretty much what you will do, but that's the only gift you can give us but in this case in terms of consultation, when you have 110 tribes, eight respond, it's not meeting with the tribes.

I also certainly echo what Navajo is saying and some of the others and when you look at some of the sections and size of the executive order and once again the impression I have, you used the watersheds and stuff like that, I understand how watersheds itself could benefit from a map like that in terms of handling watersheds, but in terms of handling tribes and sovereigns and their traditional footprints and their sacred lands and the agreements we have made with one another as one sovereign to another, when there's a shared area, we've achieved a lot amongst ourselves and that wasn't even considered. In addition, I understand about the redundancies and the concerns they've replicated so many things that, yeah, they do need to tighten up their services, but that doesn't need to be at our expense.

The other aspect of that in the order, they asked you to develop a plan that would address some of this and the Director is to look at all the functions of the agency and program that's appropriate for the Federal Government, but he also put in there what is best left or better left to the state or local governments or the private sector as a free enterprise. That language is right in that order and if you know as sovereigns that's absolutely not acceptable. Living in a 280 state we understand the chokehold or the boot on the back of the neck of that order. We never asked for it. And one of the things that was asked of us is that when that order came out it wasn't even consulted with the tribes to do that and we were told in California that if you get every single tribe to refuse it, we'll take it away, the Federal Government, because they're doing what you're just doing now. They don't want the redundancy, they don't want to put their money out, they don't want to have the governments over what was in California in terms of civil and criminal jurisdiction, predominately criminal. What happens in this situation, we agreed amongst all the tribes in California agree not to accept this law, but the state of California said, 'Well, there must be something up with this law.' So they accepted it and we couldn't get the state to agree to let it go. To this day they have not regulated 280 in the state of California. That was 1954. They modified in '63 so we can get some of our jurisdiction back. TLOA modified it again by changing the Major Crimes Act. So if you look at the trail we made as sovereigns, we've done everything possible to make sure that what was created like this act, this executive order, does not replicate itself again in our world, and it's doing it again. Now if you're talking about watersheds and I get what the thinking was on that, that's a different story. But what you plan to do in this executive order, what it says, has a direct impact on us whether we agree or disagree. This is going ahead with or without us. Now you've been given a task to do so it's not about you, but it's what you represent. And if you can't convey the message I'm giving to you and what Navajo just gave to you and other leaders in this room, who do we speak to? If we have to go again back to that legislative side, the power we need to harness to stop something like this, you are going into a termination era that is unacceptable. It's hidden, it's clouded in this message, but if you read these statutes that are underneath this, the regulatory stuff that it proposes, it's going to take your sovereign authorities away. And I know that's not your job to interpret, but it's our job to recognize it when we see it in federal language and I guarantee you it's right there because I just read from the paragraph that's Subsection D Part 1. So I'm asking you as leadership, they can move and do all the ooh-cha-cha they want to do to make this forward and pull all the money they want for it. but I also agree with the money should go back, back to the scholarships if that's the recommendation we agree to. The bottom line is that they're going to move as typical federal, hire the guys to go do it and come up with the maps they have because they've been told to.

That's not what we have to accept and this is unacceptable. That's a message I'm going to ask the leadership in this room to carry forward because this can't happen, it's not going to happen in a vacuum. We're going to be impacted by this and we told Zinke this not once but twice. And now we've got a new guy and we've got to tell them. So we keep having craziness go on in the federal system, but we get it. We get what you say about the redundancy, but it doesn't have to be at our expense.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Okay. A couple points. First of all, I confess I'm not familiar with exactly what documents you were reading from.

Juana Majel-Dixon: I am reading the President's order that establishes to do, right there.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: On the reorganization?

Juana Majel-Dixon: On this, yes.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Okay. I don't know why tribal governments were not listed along with state and local governments in that.

Juana Majel-Dixon: Isn't that crazy?

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: If anyone had asked me to provide an edit, I probably would have, but I wasn't given that opportunity.

Juana Majel-Dixon: Well, then you didn't understand the seriousness of this and how indeed it does not apply to us.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: I understand where you're coming from. I would make the point that the President's 2020 budget for BIA and BIE is \$120 million higher than the President's '19 budget. I realize probably everyone in the room feels that's woefully inadequate, but my point is there is at least more money in the President's request for Indian Country in 2020 than there was in the President's request for 2019.

Juana Majel-Dixon: But can I remind you, dear, that what you're speaking of is a good thing but you have to understand under Carter's Administration when we were having that embargo that they wanted to put in place, one of the things he did, he said, 'Go out to the U.S. and find all our natural resources.' We were put on 48 million acres. We have given you 400 million acres to make this America.' But the thing is when they did that, only 20 were habitable. The other 28 weren't. You want to know why? Because we had natural resources and we have given billions and billions and billions of dollars to the federal treasury. So we don't have a deficit. We put the money in there. And Carter found that one third of all the natural resources in America were in Indian Country in that 28 million acres we couldn't live on. So we have the history and we have the documentation and we all get our records and our fiscal reports, our money all over the world that have any kind of natural resource—coal, mining, whatever it is. So you have to understand, we understand what we're talking about and we know that we have paid the price. What you're asking for now, we're not going to pay the price. You've got to understand it's not you, but you have to pass it on.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Believe me, I will provide some feedback when I get back to the office. We're all laughing, but I'm not making light at all what you're saying.

Chairman Ron Allen: As we say in Indian Country, Juana has spoken.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: And rather eloquently and with a lot of passion quite obviously and I thank you for that.

Chairwoman Cheryl Andrews-Maltais: I just wanted to reiterate some of the other statements that I think we were eluding to. This is going to cost money and the Interior budget is the Interior budget and that's what we're here to guide. I just want to make sure that the Department of the Interior is very clear that our opting out of this not only means that we're not participating in this change, we're also not donating a dime for this change. And when the cuts come in, we should be held harmless because we shouldn't be having to pay for this out of our budget or out of the line item for the AS-IA office or any of the services that are provided by the United States to our tribes for something that A, we're not a part of and B, we should have never been paying for in the first place. Back to what Juana said, we've paid for it. We've paid for it forward for centuries. We don't expect that we're going to have our budgets impacted and if you have any opportunity to impress that upon the powers that be that we don't expect that we're going to be sitting around this table looking at, while we might get an increase, it still would be more if we weren't impacted by cuts that needed to be made in order to make this reorganization a reality.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Point well taken. I guess two comments on that. First is, there is no money requested in the 2020 President's budget for BIA or BIE associated with this reorganization. So that's one. The second is, I don't know how we were lucky to pull this off but the OMB gave us \$900 million more in the overall Interior budget request for 2020 than they did for 2019. So actually what we were doing really was allocating increases as opposed to cuts. There were not tradeoffs in the BIA or BIE budgets, at least not explicit tradeoffs, associated with the reorganization request in 2020.

Chairwoman Cheryl Andrews-Maltais: But we're talking 2020 as you had already stated that this is a long process. What about 2022, 2025, 2028? We don't think of the immediate, we think the long game. We have to, we're tribal leaders. We have to provide for our people in perpetuity. So we can't be sitting there and saying, 'Well, this is good this year.' But what about three years down the road? Now all of a sudden Interior's going to need more money, OMB's not going to give another \$900 million. In fact, they're going to cut \$900 million. We don't expect that we're on that chopping block with regard to that cut.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Yeah, I appreciate that. I get the point, the fundamental point. We do annual budgeting in the federal government. Whether it's sensible or not that's the way things have been going for a couple hundred years. So yes, these are conversations that need to be obviously revisited every year.

Chairwoman Cheryl Andrews-Maltais: Well, we'll be on the record that Indian Country needs to be held harmless financially for this reorganization. And Alaska. And the Pacific Islands as well.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Message received.

Ahniwake Rose: Hi. My name's Ahniwake Rose. I'm the Deputy Director for the National Congress of American Indians and if I could put up a really large GIF right now, what my daughter uses on her phone, it would be one of those shocked faces because this entire room just went through hours of exercises,

you can see it on the wall, trying to prioritize their budget and you just told us you had \$900 million extra dollars. No, no, no. You said \$900 million extra dollars to do this. And I'm sorry, I am in shock and I'm just truly in shock and I'm usually a little more eloquent than this. I'm sorry. My mouth is still... \$900 million.

Our kids aren't safe, our women aren't safe. We're the only people in your agency, \$900 million. And you just asked a roomful of leaders who have to go back to their people and explain why they don't have funds for basic services for their people and you have \$900 million to reorganize and do this.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: No, that's not what I said or at least that's not what I meant to say. I meant to say the President's budget for Interior as a whole is \$900 million higher in FY2020 than it was for FY2019.

Jason Freihage, Deputy Assistant Secretary – Management: To provide some context, I think the 2019 request for Indian Affairs was...let's just say it was about a 22, 23 percent decrease below 2018. This is I think where Scott's trying to go. In the 2020 request we have...and granted, it's still a reduction but it's a 10 percent reduction instead of a 20 odd plus percent. So I think what he's trying to say is again we all know that no one wants to have these deeper cuts but compared to last year it was a step forward because of us being able to advocate well within the Administration just to move the marker forward. We all know whether it's your tribal budgets or anywhere, whatever targets you're working within, you do whatever you can to get it as far as it is. Is it still our ideal level or close to it? No. But whatever you do you try and get that. So I think what he's trying to say is last year it was like 22, 23 percent reduction, this year it's 10 percent and even within Indian Affairs we had about a...or the Department as a whole was closer to a 14 percent reduction and we're at 10.

Kitcki Carroll: So if not \$900 million, what's the budget amount of reorg for Interior? If not \$900 million, what is it?

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: For FY2020 it's \$27.5 million across the whole Department. But not...no money...

Principal Chief Kay Rhoads: We could very easily use that \$27.5 million to address all these needs that are up here and as they said over and over again, in Interior we're the only group of people. We're the only ones that could have spoken up about the reorganization that you guys were proposing, but you didn't consult with us. You were more concerned about land and water and minerals that you guys wanted to take from our initial lands in the first place and that we're not being treated fairly on any of that. We're not getting those mineral rights and everything because you guys are doing directional drilling and taking from the reservations and everything. And this is why you want to break up these lands the way you are. But you should have consulted with us first. And the fact that you're sitting here putting people as secondary compared to everything else up here is wrong. And taking money to do this reorganization that can satisfy these needs up here that are protecting people of this nation, voters, citizens of the United States and the first people of this country, that is wrong. That's totally wrong.

Chairman Rick Harrison: I think there's a disconnect on what we mean by hold harmless or not take any money from our budget. If our budget is being reduced and there's extra money being used somewhere else, our budget's not being held harmless.

Seth Damon: If there was an influx of dollars that you went from 25 percent down to 10, it's clearly...if there's additional money... So there was additional money projected for 2020 but you're still cutting \$110 million from BIA and you're cutting \$216 million from BIE. To me, that's just not right. That's just not right where you're cutting the dollars out of there but you're saying that there's an influx of cash or capital within the BIA and just coming from a financial background you are getting additional funds that you were not getting from 2019 or even from 2018.

Mr. Chair, I'd like to make a motion effectively just to oppose this 12 unified regions based on the watershed initiative. That's the Navajo Nation's motion. I'm saying put that into a memo format stating that and I'd really back that. We can take that and if I want to testify before NCAI or any other organization, group across this country, I will definitely be there to show the support and unilateral consensus on this so that's my motion.

Chairman Rick Harrison: We have a second by Aaron Payment. Any further discussion?

Chairwoman Cheryl Andrews-Mailtais: Would you be willing to also include a reference to the impact...the financial impact that this is having on the Indian Affairs budget because of this reorganization? I don't know how to word it but I just think that it would be important to have in there because again, being that we're the budget committee and we weren't consulted with how those numbers or those dollars are coming into us and not being applied to us has also affected us?

Seth Damon: Yes.

Chairman Aaron Payment: I'm trying to keep my cool on this. So NCAI hosted some consultation sessions for the BIA or the Interior on this and we did pass a resolution as reflective of our constituent tribes in saying that...kind of like a neutral position until we understood the full impact of it and you just revealed one of the impacts of it. When this was first pitched out, it was intended to be an efficiency move. Well, how much specifically is this change happening because you talked earlier about the total increases for Interior but how much is attributed to this change? How much is budgeted for this change?

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: For what happened in terms of the unified regions? In fiscal '19 which just began, we got our appropriation as you know just a couple months ago, there was about...if memory serves me correctly about \$14 million that the Congress appropriated and a good deal of that money is going to be going into looking for ways to create efficiencies in back office functions in particular. You often have to spend money to save money. I'm not sure I answered your question.

Chairman Aaron Payment: What about '20?

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: \$27.5 million is in the Presidents' budget request for DOI as a whole for the reorganization.

Chairman Rick Harrison: And '18?

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: '18 there was none.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: I think there was \$900,000 budgeted for planning. I don't know where the money is if there was... There was nothing requested in the President's budget in FY18 for the reorganization. I don't know where that figure comes from.

Chairman Rick Harrison: In initial discussions that was what we were told was budgeted for the planning part.

Jason Freihage, Deputy Assistant Secretary – Management: I'm wondering if that was just the estimate that was in the '19 request related to '18.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: We can look. That number just doesn't sound familiar at all. The first budget request for the reorganization from the Administration was in FY19. I'm not aware of any FY18 monies being spent on this. When you think about it, that date, August 22nd, 2018 is almost the beginning of FY19. It's just six weeks away from the beginning of FY19.

Chairman Aaron Payment: In the discussion, my position is I can't support this change until I know and have some kind of a commitment that tribes will be held harmless and opting us out is not the same thing and if Interior doesn't understand that, then you need to have another round of consultation sessions with tribes to understand how we believe this is going to create inefficiencies for us because we're opting out. And it might be, 'Well, that's your own fault because you're opting out,' sort of attitude, but we need to understand how this is going to impact our ability to deliver services and gain access to our regions. So I support your motion.

Chairman Rick Harrison: Any further discussion?

Chairwoman Cheryl Andrews-Maltais: I was trying to smith something and I don't know if this helps or hinders. As the Speaker was saying and then just including 'and its negative financial impact on tribes and the Indian Affairs budget.'

Kitcki Carroll: Just one last thing and I know you're the messenger on this and what you need to recognize is this conversation that's happening right now has been months if not years in the making leading up to what you're hearing in a very passionate way. But you just made a statement I think that holds relevance and is germane to this conversation and these folks ask well which is you said you have to spend something to get something, right?

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Right.

Kitcki Carroll: That's a cost benefits analysis. In any other reality that is something that's offered before you are asked to make a decision whether it's in your personal affairs or your business affairs. What's been absent from this space that we've been asking for from the very beginning is show us that cost benefits analysis, show us it's going to cost this, but the return is going to be this and here's how you're going to benefit from that. Absent that, we have no idea and you're just asking us to hope. And what the Speaker just sowed over there, this is the wrong crowd to be asking for us to hope and wish upon. That's never going to be the reality within this space. So we deserve that. We deserve better. We deserve to have our intelligence respected and if you're asking us to take a position that we are provided with the adequate amount of information to make that decision. Absent that, don't come asking for something because you would ask for the same exact thing in your space.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Valid point. I guess I make a couple of observations relative to that point if it's not out of order for me to do that because I know you've got a motion going on. The first is the primary purpose of this reorganization was not to save money. The primary purpose was to try to get better decisions made at a regional level by the people running our bureaus at a regional level and by getting them focused on the same geography together we thought we had a higher probability of getting better decisions made that are more consistently informed by the people who are living and working in those regions. In terms of the benefit cost analysis side, we think...most of a traditional financial benefit would probably be coming from looking at shared services and looking at how we spend our procurement dollars and our information technology dollars and our IT dollars. For instance, the Department spends about a billion dollars more or less on information technology every year. The industry standards say that if you take a really hard look at how you spend IT money, you can save five or 10 percent. So if we look at how we deliver our procurement services or our HR services or IT services, I think those are legitimate or more traditional ways of doing a benefit cost analysis, but it's hard to monetize better, more informed decision making at a regional level. If you know how to measure better decisions when you see them, even in terms of tribal government, I'd be very interested because maybe we could apply something like that to Interior.

Chairwoman Cheryl Andrews-Maltais: We've been saying that for years. Listen to us, we've been doing it for centuries in the millennia. So this new-fangled government has nothing on us. But this is just indicative of why Indian Country does not belong in the Department of the Interior competing with rocks, lizards and the natural resources. We're always the redheaded stepchild and this is just indicative or more evidence of why we should be considered completely differently than how we are rolled up into the conglomeration that all the bureaus in the Department of the Interior. But with that, I'm done with discussion so I'm ready to move.

Chairman Rick Harrison: Speaker, can you restate your motion for the record?

Seth Damon: This motion is to take a stance specifically against the 12 unified regions based on the watershed assessment that's presented to us here today and continually to be presented until further tribal consultation and further financial due diligence is presented to each one of the regions in order for

them to go ahead because I think that's a key analysis point that members of TIBC are asking for is that financial structure that's going to be based overall over the next couple years.

Seth Damon: I have one more, Mr. Chair. Councilwoman Eugenia Charles-Newton just wants to add something onto the discussion.

Eugenia Charles-Newton: So for those who are not sure how they're going to vote on this issue, I just implore that you think about the history. I did emphasize in Indian law and if there's anything that I know learning...coming out of law school learning about Indian law it's that maps have a detrimental effect on us as a people regardless of how you try to phrase it.

My big concern with this map is the division of the natural resources. Water is a very important resource that we have at this point and you know that we've had outside coming in wanting more water from our people, from our nations. So this map is a huge concern, but I think it also leads to other things that we should also be thinking about. One in particular that I think about is gerrymandering. If we split the vote on our natural resources, that splits us as a nation. Right now we've got years and years of coming together, talking about these issues, being on point about where we stand, but this redistricting is a way to try to...I believe it's a way to try to break us as a people, as a united nation, as a unified front. So we had the talk by the person who stated the history with the Carter Administration. We also had Speaker Damon talk about the Dawes Act and what that did. And so what I'm stating now is we need to be concerned about this and it should be something that we should oppose because again, maps don't just not mean anything. Maps mean a lot more than what they're presenting in front of us. And again, my concern would be how or whether that would have any effect on the gerrymandering that's happening now. And it's really interesting because I just recently read an article on gerrymandering and I thought it was interesting that the Executive Director for the National Republican Redistricting Trust said that with those maps that are in dispute, maps follow traditional redistricting criteria should be free from challenge in federal courts. So to me that is a huge concern and this is another map that we're putting on top of Indian Country that doesn't need to be there. So I'm just imploring once again to our colleagues here who are not sure about how to vote on this matter that this will have a detrimental effect on Indian Country as a whole. Thank you.

Shawn Duran: I just want to uphold the tribal leaders that spoke before and support them. I believe that just because BIA and BIE are not part of this process or they opted out, they still need to be a voice for Indian Country. I believe that all tribal leaders need to be those voices, but we count on the Federal Government, those that are employed by the Interior, especially for Indian Affairs to be that voice. Whether they're in the reorganization or not, they need to be at the table. I also think that if this does continue, because it seems like it will no matter what's being said here at this meeting, that any savings or extra funds that come as a result of the reorganization within the Interior be funneled to the only agency or department that has human lives in it which is the BIA and the BIE. Any cross savings that come from this should be directed toward the only department under the Interior that has human beings.

Terry Tatsey: Mr. Chair. Just a point of discussion for myself. I support what's being discussed around the room, but I think as part of the motion instead of just basing it on financial cost analysis I think it has to be the social economic analysis, as well because if you look at these different acts from the 1830 Indian Removal Act to the Antiquities Act in protecting our sacred lands. If we don't look at the social part of this and just base this motion on economics, we're missing a big part of our responsibility to us as people and what we stand for. So I want to make sure that is shared here today because that's a big concern of mine.

Seth Damon: Mr. Chair, I so move to modify to add that in as well.

Chairman Rick Harrison: Does second agree to the amendment?

Chairman Aaron Payment: Sure.

Chairman Rick Harrison: Any further discussion? Any nays or abstentions? Hearing none, motion passes.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: If I could, I just want to point out that while yes there are lines on a map here but a year ago, two years ago, four years ago the Fish and Wildlife Service had lines on a map, nine regions. The National Park Service had lines on a map, seven regions. Bureau of Reclamation if memory serves me correct had lines on a map, five regions. So what we're trying to do here is regularize or try to get our bureaus looking at the same geography. It's not like there were no lines on a map before August 22nd, 2018. We're trying to get people to look at the same geography instead of different geography so maybe they'll talk to each other more, maybe they'll...it'll be easier for you to talk to the right person in our other bureaus. I just wanted to make that point. There were lines on maps before this.

Chairwoman Cheryl Andrews-Maltais: And we understand that. We didn't like them either, but the bottom line is that what we're looking at is the preservation of the funding that the United States owes to us and we don't expect that the funding that is supposed to be coming to us which is grossly underfunded gets diverted to pay for something that we object to and we didn't want to be part of in the first place and we want to make sure that that message is clear and that when we say Indian Country is held harmless in that budget, none of our dollars get rerouted for it and any savings should come back to the human beings and the only entity within the Department that deals with the human condition, which is us. Thank you.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: I got the message.

Chairman Ron Allen: Like I said, the laughter was before.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: That's fine. You all pay taxes, you're paying my salary and you've got responsibility to your governments and your people and it's my job to listen and so that's what I'm doing and to try to interact with you to varying degrees of success.

Chairman Ron Allen: Scott, we definitely appreciate you coming over and talking through with us and in hearing the messages and deep concerns from Indian Country's perspective about this. And of course you walked into a forum where we're talking about budgets and insufficient monies and resources for a lot of different programs and needs. That's why it gets serious really fast in terms of set aside the objective versus how it works from our perspective. We appreciate that and definitely we will continue to have dialogue with you and follow up with regard to our recommendation to the Secretary.

Scott Cameron, Principal Deputy Assistant Secretary – Policy, Management & Budget: Thank you very much for your time and your energy and your eloquence. I appreciate the opportunity to hear from you all.

Chairman Ron Allen: Thank you.

Further Deliberations on How to Align Ranking Results for 2021 Budget Strategy (April 11, 2019)

Chairman Ron Allen: We want to resume our agenda today and as everybody can see we're going to go over the ranking and discuss how it came out. We'll discuss a little bit if there's any kind of changes people think we should be considering and also one of our objectives this morning is to provide direction and instruction to the subcommittee as they take these recommendations and flesh them out into a final recommendation back to you next week on Tuesday and then subsequently onto the Secretary. I was informed that Secretary has got some engagements this early morning so she'll be here a little bit later this morning so she won't be here as we get started here. So we want to get off on a good way so I've asked Buster Attebery if he would honor us with an opening invocation.

[Invocation]

Thank you, Buster. First things first. What I want to do, Tyler, if I can get you to hand out the report and I want to thank Tyler and our NCAI team who collated all of our prioritization numbers. We'll go over that report so you can see what came out after yesterday's discussion, and then we also inserted if it's eight percent of the 2019 enacted numbers, here's the kind of numbers we're working with so you have a feel for what does your percentages mean based on your recommendations.

In your packet, the first part of it is just what you saw yesterday with regard to the proposal from the Budget Subcommittee to you and the bases for the eight percent. So if you go deeper into the packet, you get into about page six, you'll see the actual national priority ranking and that's where you're going to see the results of yesterday's exercise. And then just so you know, if you go further back, it breaks it down by each category how they weighted. Then if you go further in you'll see the categories. It was readjusted based on your priority. So then when you get category one, the Strengthening of Tribal Communities was number one, 10 percent, etc. And then you turn the page and you'll see the actual number based on the eight percent. So it gives you a feel for that. Now 2019 enacted was \$3.081 billion and then there was an inflationary adjustment \$3.142 billion so that's where you can see the numbers

that we used that you'll see in this package. And then the very last one you'll see what the increases are per category by number.

I do think that yesterday's exercise was a very good exercise. We had a lot of fun. I learned that you guys don't listen to me. I'm kind of looking at, from now on Rick is going to give you the instructions. Joking aside, I really do think it was a good exercise that allowed each of us to go back in our own regions and huddle up and talk through what those priorities are, looking at your own documentation with regard to what resulted from your own region and then going through that process itself. One of the objectives clearly was to create greater engagement and participation by everybody with regard to it and I want to underscore Kitcki's point is that different from the previous years' nobody gets cut and everybody gets something is the objective of this exercise. And it does mean that we need to be champions on the Hill in order to try to get the numbers back, get programs restored, etc. so that we actually have these kind of hopefully adjustments and then we'll talk to Tara a little later here in terms of the exercise and then what she should expect next week when we give our final report. Here's where you see the categories. You see the weight for each category for the numbers that were actually put in there and how it came out. You can see that programs that actually serve tribal communities was clearly a high priority for everybody in all the regions and Public Safety, you guys talked about it a lot yesterday—Violence Against Women, Public Safety Justice programs, etc. You can see how that jumped up top and Education also you talked a lot about that. And then these other programs were important so they didn't drop off the bench. So you can see Natural Resources is a big deal, Economic Development is always a big deal and so forth and then as you get down it's not like Construction's not a big deal for schools and detention facilities, etc., but when it came to the priority and that's how it ends up at the bottom of the list. But clearly there's a need for more resources. Darryl.

Darryl LaCounte, BIA Director: In your minds what is economic development? I mean from our perspective? What can the Bureau of Indian Affairs do? What does that mean? It's nice that it's there, it sounds good, but what do you expect of us?

Chairman Ron Allen: Well, for me, it's a number of different layers: Strengthening tribal governmental infrastructure and political and legal infrastructure so that we can engage in economic development in our respective reservations and communities. The private sector needs to know what is due process and where is their protection, if they invest in Indian Country. So you need the political and legal infrastructure.

The loan guarantee program is of great value so that we can go to the banks and we can borrow money for projects whether it's infrastructure, whether it's for facilities, or whether it's for economic development and we can borrow it and we can get lower interest rates. So that is of great value to us. To help champion things like the Opportunity Zone which is an opportunity to get investment, there's an incentive for investors, because we need money invested in our respective communities if we're going to develop. There's the agenda of being able to get the infrastructure upgraded so that we can have better access to the markets which is inclusive of...it's not just roads...it's inclusive of broadband capacity because the internet market is one of the emerging markets. So it doesn't matter whether you're in the upper slopes of Alaska or you're in Pine Ridge or someplace else where you might not have a strong

market, but the market is outside of you, so you need those kinds of capacities. And so what you can do to help tribes access that kind of infrastructure. So those are some things off the top of my head that I think would be helpful from the Bureau's perspective.

Joe Garcia: Good morning, everyone. Thank you for that question. I think that it is an open question but a part of the budgeting process is so that we can get ahead of the eight ball. In other words, how will the President, how will OMB know that these are our priorities in Indian Country across the land? If they don't know, then they're going to go ahead and propose haphazardly, if you will, the cuts that we've seen all along. So part of this process is to try to forge ahead so that the Department, BIA in this case, and the entire Department, DOI, can advocate on behalf of the tribes that the needs are really truly there and that these are the priorities. So when we see the President's proposal, what we don't want to see is our highest priority, our national priority, being cut and down the line. And so you'll see some of the programs may be eliminated in the President's budget but that shouldn't be happening if we're advocating in the future, if you will, because that's what we're doing. We're looking for the next budget cycle which is 2021. But that's at least my input from Okay Owingeh and from the Southwest Region. Thank you.

Chairman Russell Attebery: Again, thank you for that question, Darryl [LaCounte]. I think specifically for the Karuk Tribe and I probably can speak for a lot of tribes in the Northwest area, we would like to be able to get funding to be able to manage our forests. There's been a mismanagement of our forests for I'll say 100 years and the direct result is the devastating forest fires that we are having now. The Native Americans I know in Northern California used fire to reduce those fields since we can remember, and that ability was taken away probably 100 years ago. We weren't allowed to use fire to reduce those fields. Using fire to reduce those fields had multiple uses not just burning the brush. Their method was to burn the up-slopes around communities so they had protection of the communities and let Mother Nature take care of the high country. And then when the snows came they was able to develop a good snow pack so it provided water for the drought years. Those are all tribal ecological knowledge and we haven't been able to use those and we still can't manage... And again, the result for economic development is even the time when I was growing up, there were a lot of jobs. The economy was robust with logging and the mills. And for 30 years now there's been none. We always point to the spotted owl controversy that shut everything down, but we went from one extreme to the other. The logging practices were without consultation to the people who lived in that area. Had they done that, the logging practices would have been different and we would still probably be logging. Again, my point is, if we had the funding to develop that economy in those areas right now, then we could have a robust economy again. It's being done in a way that actually preserves the forests and it was done by the Native Americans that lived in that area for thousands of years and it can be done again. But to go from one extreme to the other is not acceptable. There's a great need for that economy in that area. The people who live there know how to get it done, but the mismanagement continues. The Karuk Tribe right now offers a training program, it's called the TRES program. We bring in different agencies to train them on how to use the fire to reduce the fuels for all the brush out there. They want to take that method and use it, but it's still being used in a wrong way. They're not using tribal ecological knowledge. They're going out and back burning areas where we have fires in the dead of the summer when it's 100

degrees and there's 30 mile an hour winds and they come to the communities and they have town hall meetings and they say, 'Well, we want to use this box theory,' something they developed. And I don't care whether it's a box theory a triangle theory or a rectangle theory, if you're doing it in 30 mile an hour winds in 100 degree temperatures, it's not going to work and that's not the way the people who lived there for thousands of years have done that. For our area, the ability to manage our own forests and the funding to be able to do that would be economic development for us.

Jason Freihage, Deputy Assistant Secretary – Management: Can I ask you a quick question just from a budget perspective then? It seems like it's a decent paring there that natural resources is pretty close to economic development so as we think about strategies and initiatives they're kind of tied together on your ranking of priorities up there and that sounds about right, just based on what you said. I know it'll depend a bit by tribe but it sounds like, if we're thinking about broader initiatives and packaging, that we could have a strong linkage there. Does that make sense?

Chairman Russell Attebery: Yeah. We're still fighting for that seat at the table. Here it's a good idea at the state level, it's a good idea but when we try to work with the Forest Service in our local area, the consultation process is, if one of our council members shows up at a town hall meeting that's consultation and that doesn't work. It has to be government to government. We need to sit down and share ideas, combine the sciences and get things done that way and we haven't had that opportunity.

Chairman Ron Allen: I guess from my perspective, Jason, it wouldn't matter whether it's timber or it's minerals or it's salmon in the Northwest, it's natural resources, and so the resources to make sure that we can manage those resources for economic development makes a difference.

Kitcki Carroll: So Mr. LaCounte, can I ask a point of clarification? So economic development as it's listed as an issue was identified by the Bureau to reflect the existing line items that it categorizes as economic development. So then we select it based upon that presentation and that understanding. Or are you asking to the comment that was just made, is there an opportunity moving forward to rethink the issue areas and economic development being one of them?

Darryl LaCounte, BIA Director: We want to know what to advocate for, Kitcki. I do. If I have to ask for money from OMB or anybody else, when they say, 'What does that mean?' I want to know what you guys mean.

Kitcki Carroll: We're talking past each other right now so let me just finish my thought. I'm not being adversarial here. What I'm asking is, right now the Bureau has a category that it identifies as Economic Development. That category that we ranked shows Economic Development TPA, guaranteed loans, minerals/mining program, oversight. That's what we were presented as the line items under that category. So what I'm asking then in your question that you're posing, are you asking whether there is an opportunity to rethink what economic development means to tribal nations? At USET, because we're building out an economic development core competency right now and a lot of times people mistakenly think economic development's just business development. From our perspective it's everything within the government infrastructure. It's roads, it's transportation, it's everything. It's infrastructure. That's what economic development is for a government structure. We've struggled with that internally

because we've tried to make it be like its own issue like health and natural resources but it encompasses everything. So what I'm asking for in clarity is, there is a set of things that the Bureau identifies right now as economic development and I'm hearing in your question a possibility to maybe rethink and expand that. That's all I'm asking.

Darryl LaCounte, BIA Director: I think you should because looking at this chart, infrastructure makes perfect sense. Absolutely. What Ron said as well, broadband, you name it. But I wasn't seeing it in here and I'm going, 'Minerals and mining, that doesn't hit anywhere close to 573 tribes. Minerals and mining program.'

Kitcki Carroll: But it's what we have, right?

Darryl LaCounte, BIA Director: You've got three categories of minerals and mining here. How many people does that impact? You have two lines of guaranteed loans and then you've got economic development. That's why I asked the question.

Kitcki Carroll: Right. But just remember, we didn't provide those.

Darryl LaCounte, BIA Director: I know. But I want to know what you guys think and what I'm hearing from you, Ron, Buster, everybody, it's infrastructure.

Kitcki Carrol: It's almost consistent with the conversation from yesterday on the Welfare Assistance conversation that maybe as part of this process we need to rethink all of these pieces about whether they make sense. So this is just another example of whether what's currently listed as economic development even makes sense the way it's categorized right now and what's under that umbrella.

Chairman Darrell Seki: Good morning, everyone. My name's Darrell Seki, Chairman of Red Lake Nation, also a I'm representative of the Midwest Region. My comments are economic development and infrastructure. But we need job placement training, we need funds because in Red Lake, we're using our job placement and training dollars to train welders and certified nurses and putting them to work. Also I want to bring up the question you're talking about. Back in the day our chiefs signed treaties and the Federal Government's trust responsibility for infrastructure for all of the failures that are going on in our Indian Country. For instance, in Red Lake, road maintenance. We need highways fixed for our children that are going to school and our elders. Also fire departments. We need buildings we have to replace. All these we have to go to get a loan to replace these, although it's the government's trust responsibility. We had to buy two firetrucks and four ambulances for the safety of our people for their health, and yet here we are sitting questioning us what we need in our reservations throughout all reservations. Reservations, they need equipment, they need their highways fixed. There's many things here on the table. Some of you guys are members from other tribes. You guys know what they need. Come to our reservation and visit us and you'll see how our tribes are living. Don't forget where we come from.

A. Gay Kingman: I think this question you asked, Darryl [LaCounte], is an opportunity because yesterday I talked about the need to collaborate with different departments and I mentioned that we're trying to do Lifeline on our reservations, but we don't have the broadband or the cells or anything out in our

areas and we have thousands and thousands of acres of land, our people live in isolated areas, we don't have cell service. So we can't institute some of the program areas that FCC has. And so if the Interior or the BIA could work with some of these agencies so we could have a better opportunity relationship and then our schools could have broadband, we could have computers in the schools better than what we have. That's an opportunity I think, and telecommunications could be an opportunity for our people to do economic development. And it doesn't take a huge building to be built or we could do it out of the homes and that kind of consideration would really help us in the Great Plains in our remote areas for our schools and our hospitals but then also provide work. We could do call centers and things like that. We did have one call center, but it ran into competition from India and some other areas where they pay such low wages. So we lost contracts. But that kind of economic development is something that wouldn't cost a lot. Although, I agree totally on the infrastructure because right now as we're dealing with severe floods after our blizzards and then now today we got another two feet of snow in Rapid City and all of our outlying areas. Our infrastructure's going to be totally ruined, whatever we have. Our bridges, culverts, everything. We anticipate more floods and so rebuilding that and we always talk to the past around about the New Deal that happened and that would be good. We've talked about CC caps coming back, employing people to work. Those kinds of things would work today for us.

Chairman Ron Allen: [to Darryl LaCounte] You opened it up...

Darryl LaCounte, BIA Director: I did and what I'm hearing is that it's infrastructure. I think maybe we rename it and that makes a lot more sense to me if you went asking and if I went asking for money to say, 'Look, they need the infrastructure in place to have the opportunity for economic development.' I was seriously asking what you guys thought it was. I wasn't being smart or anything like that.

Juana Majel-Dixon: I want to thank you. I don't know if you're attending the meetings that have been happening between Canada, the U.S., and Mexico on the trilateral. One of the biggest things about that is economic development and our Assistant Secretary has weighed in very heavily into that and there are documents that reflect her comments. One of the things you should know, and you all as sovereign need to understand this, is one of our biggest battles is that we've wanted to do fishing agreements with our tribes in the Northwest who would get our citrus because we have the breadbasket of all the citrus that you can imagine in our corridor. But we were blocked by that. So the intra-interstate tariffs or taxes and/or impediments need to be... You're not listening. Let me know when you're done. Did you hear what I said?

Darryl LaCounte, BIA Director: I'm sorry, I didn't. There's a tribe out there waiting for me and I said, 'I asked a question, I can't leave.'

Juana Majel-Dixon: You're kind. I appreciate that. But I need you to understand what I said is that the intra-interstate tariffs and taxes or impediments that don't allow us to trade amongst sovereigns, our products that we create us with citrus, they with fisheries and when we tried to do this...and Rocky Boy was a pretty strong ally who put this together to help us and Joe De la Cruz back in the day. But we've got this problem with not being able to transport it because it was our commerce coming into another Indian place, but we had to use the highways of the U.S. in the different states. So you had the intra-

interstate issue. That would be something to address, especially in these trilateral meetings. In addition to that, when you talk about the transport export, as sovereigns we have a trade agreement with Japan. We didn't have to go through the State Department to achieve that. We did it so long ago and those tribes that feel as though the State Department's an impediment, you're wrong. It's not. It's not to impede your success as sovereigns and governments that are doing business. And of course, especially the Northwest with your treaties along the ocean, a lot of them go further out, which helped us go further. Then when you're also looking at these trade zones, you have to realize the most important to us is the compacts that we achieve as being successful in areas that we are being able to be first responders as the stewards of the Cleveland South. We don't ask to be paid, nor do they offer to pay us, but that's almost a half a million acres that we're having stewardship over. So that economic relationship where we succeed and what it would cost to put the infrastructure in through Interior to put the people in there doing the fire watch. Right now Agua's going through a fire. 93,000 acres and they're evacuating everybody down there. So we know we've got weigh in. But those are the things you're talking about that these first responder programs that tribes do is an economic impact. When I think about what we need to do to train the next generation is the training that's going to be required to bring them up to measure in terms of economic development and economic strength for the tribes. So the combining of certain things would be advantageous to do and support because we used to have the journeyman, the apprentice, and the master in terms of trade and we get into the academic world where you just want degrees, we forget about this and that we need to raise that up. And that goes back to, when you want help in terms of responding any given time, reach out to us and we can give you a paragraph or two or a page within each region at least collaboratively we can have a response because every one of these pieces includes not only the land, but the water and the impact it would have on our society. So I appreciate your question and yeah you got a big answer but maybe we can talk more about it.

Myron Lizer, Vice President: Yes, thank you. I just want to bring maybe not change or rename anything. I'm not speaking to that, but as you know I declared two days ago that this is my first TIBC and so I'm learning a lot. I'm a sponge over here. I'm not SpongeBob though. I'm a businessman and now I'm the Vice President, second highest office in our land, and I'd like to speak towards the Loan Guarantee. I saw that as one of, as a businessman, one of my priorities. Anytime we've had projects in the past, a loan guarantee would have given us a shot in the arm and maybe would have took us over the top there with regard to development on our Navajo Nation. The President and I have just launched a campaign that would enhance our local patrons—Buy Navajo, Buy Local—and as you know, our tax revenue base would receive that proverbial shot in the arm. Also on that note, we've declared on those days which is our Sovereignty Day on April 22nd, no border towns for our people. We challenge them. We urge them to stay local—Buy Navajo, Buy Local. That'll keep them from going to the border towns where I say billions of dollars over the last several years have gone. Readily goes to Page, Flagstaff, Winslow, Holbrook, Gallop, and Farmington and we need to stop it. It's the equivalent of eating our young for the future generation, economically speaking. As impactful as that statement is, that's really why I took the plunge. I sacrificed my businesses to help our people to get and gain an advantage.

I think each one of our nations here, we do have an advantage. We need to learn how to come together, if that's what it takes and I see this TIBC budget formulation to be that one first step at least for my first endeavor into a public office here. With regard to the Loan Guarantee, I know we've got a lot of would-be entrepreneurs out there just waiting. There's a lot of dreams out there and I don't want to see dreams die anymore and so I would love to see an enhancement to the Loan Guarantee program. There's so many people out there with just that fortitude but they just need that extra leg up. Not a handout but a leg up. Thank you.

Terry Tatsey: Good morning, Darryl. I'm glad you asked the question actually because looking at these line items under that category, a lot of them don't really fit kind of what we're trying to do. When we talk about the local opportunities that the Blackfeet Tribe are focusing on, the tribe is probably the main owner in commercial properties on our reservation and we want to build the infrastructure of course and the facilities because our entrepreneurs, our people can't get the capital to build their own facilities and then the lease agreements they have to do with tribes are termed. So if we could build these facilities and rent them out to those entrepreneurs in some type of lease agreements, that's an opportunity that we're visiting now. Because of tourism and recreation in our area, adjacent to Glacier National Park, we're looking at these other opportunities for nature-based businesses. That's how our people survived for thousands and thousands of years on nature-based businesses, understanding the traditional ecological knowledge, how they tied that into their livelihoods and sustaining their ways of life. So, we're looking at how can we work with our local college to help facilitate some of that education and training so our people can provide tours, provide these opportunities that are going to be seasonal of course, but at least it gives them some income and revenue to support their families and the things that they need to do during that five month window for that opportunity.

Looking at some other things. Because our tribe was fortunate enough to get their water compact signed, we're looking at the infrastructure and of course deferred irrigation systems. How can we upgrade a delivery water system so we can produce more forage for agriculture industry on the reservation? The other thing we're doing a feasibility study on right now is a kill plant for bison and beef so we can support our local ranchers and market at the local products or if we go out to regional. We're doing that feasibility study and business plan now. So these are the kinds of things that aren't in these line items that I think need to be in these line items.

The other part of this is we're working with our sister tribes in Canada. Right now they don't look at themselves as selling forage. They look at themselves as selling water. They have agreements with China, Saudi Arabia, Japan, all these foreign markets where they market Timothy hay, where they market alfalfa, and they do these agreements with these foreign countries. They do these agreements for 10 to 15 years. What the foreign countries do is they help build that infrastructure for those tribes up there and the local tribes, they bring in people to train their local workforce so they know what the quality of the product is, what the dry matter of those forest products need to be so they don't deteriorate as being shipped overseas. They do these agreements for about 15 to 20 years. What that does for the local economy and for the agriculture industry up there with our sister tribes is it takes that volatility out of agriculture and production. And we're trying to get into that part of it, but because of the border, us being in the United States with the trade...what Trump is going through, we don't know

what the restrictions are, the legalities. So we're trying to create a foreign trade zone on our reservation where the tribes can ship their products down, we could source them out to the coast through our rail lines because it would be a lesser cost to the tribes in Canada. So we're looking at all these different dynamics for economic development but they don't fit what's under here, so I appreciate your question.

Kitcki Carroll: I recognize you weren't trying to be 'smart.' The reason I'm asking for clarity is because you are asking probably one of the most important questions that's never been asked at this table by a federal official, and let me tell you why. So for those of you who aren't familiar with the Marshall Plan, the Marshall Plan was a post-World War II effort by the United States to reinvest into Europe after all the damage that it created across Europe. Over about a dozen year period, they spent in excess of a billion dollars in rebuilding after World War II. Indian Country has been having conversation around that concept with the same sort of position—that the United States did tremendous damage to tribal nation economies and that it a trust responsibility to rebuild tribal nations in partnership. Why this is important and we've talked about this on a couple of occasions in this space, in the recently passed Department of Interior long term strategic plan, when it talked about insular territories, it talked about strategic investments from a very government-based standpoint. When it talked about tribes, there were elements of the discussion about tribes that talked about it as Social Welfare Recipients. That is an entirely different way of thinking about that obligation. So the opportunity here for you, when you're having this conversation, is beyond line items. It's about an entire reframe of the United States looks at its relationship with the United States from an economic development standpoint and how to invest in tribal economies as domestic sovereigns that have a direct impact on the economy of the United States. But we never get to that point in the conversation because we're always stuck and parked in all this nonsense. So you've opened up this can that has tremendous potential to start reframing from the inside what that looks like because part of it is these line items. Don't get me wrong, part of it's budget. Part of it is regulatory too.

So as our trustee, when we talk about what that role is, and we're talking about economic development and the economic multiplier effect and all these sorts of things, well, let's start with taxation. Dollars should not be leaving our communities to local communities, municipalities, states who think that they have the right to reach in and take from our economies. But the reason why I say that is we've had conversations with the Department of the Interior in the past who didn't feel it was their jurisdiction to take on this taxation issue. That is fundamentally wrong. The HEARTH Act with these provisions are an example of addressing that taxation element as part of this conversation. You've opened up a very broad conversation that where the real opportunity is to reframe this entire conversation to get the Trump Administration to think about us entirely different. Not as welfare recipient, handout recipients, but as sovereign partners of which the United States has an obligation to because it is directly responsible for the state of Indian affairs today in its failures over decades and centuries. We would just ask that you bring that conversation back. So when you hear us talking about this isn't about grants, this is about diplomacy, it sounds simple and obvious, but to people that have just been trained for the last 50 years that it is about grants, it is about awarding, it is about contracting, it misses the mark about what this relationship is all about. Some of us have been having conversations when you heard yesterday Chairwoman Maltais say that we don't belong in Interior because some of us take the position

that we should probably belong in the Department of State. I'm getting very frustrated when I walk up here every single morning and I see all the security and all the fancy cars out there for diplomats and leaders from across the globe, yet I've got tribal leaders sitting in this room who are showing up in cabs who weren't greeted in any sort of fashion. Why are we respecting other leaders from across the globe and not giving the same deference and respect to our own leaders? It's because we don't think about it the same way and that's the fundamental theory of this system that drives these sort of processes. So I appreciate you bringing up the question.

Courtney Two Lance: I work with economic development on my reservation and working with the younger entrepreneurs, the younger tribal members. Under economic development line item there isn't very much. I think we get \$135,000. Now, that puts the responsibility on me to get a networking system for investors to come to our reservation, but we need help with that. Our sister tribes are trying to get the Uniform Commercial Code secured transactions. They need help with that. The MOU with the state, it's very hard for our tribes in North Dakota because they don't have that system set up for the tribes and they're trying to charge the tribes \$100,000 apiece to build their filing system. So we need you to help us get that investing community to come to our reservations or to help build those laws, those business laws. There needs to be funding for feasibility studies. We are trying to get a holding company going and we're just running into problems. If we were going to go for grants, it's got to be this type of feasibility or another type and it's just so different. It's just accumulating dollars that I just don't get for my little program. The lending community, if they want to come to the reservations, they're going to look at your tribal court systems, they're going to look at your police systems and they're going to say, 'Is it safe to invest here?' So, we have to together say, 'Yes, this is a business-friendly environment here. You can come here. We have all of these benefits as tribes,' but we need that help and we need that money for economic development. You come to the tribe right now, you have no job opportunities because we have no money to build that private sector for those job opportunities. We need help with our local colleges in saying, 'Here, let's give you some money for certification programs.' There's just so much more. I think a sit down with all of your tribes that just deal with that issue needs to happen so we can say, 'How do we build economic development in this area here?' But if we don't get that support from our funding agency, then how are we supposed to do it, when we're already fighting other battles and we don't have enough money to take care of the necessities right now. I think we need to have just a satisfied meeting just for economic development issued.

Darryl LaCounte, BIA Director: Thank you for that perspective. I've spent a lot of my career with lending institutions trying to convince them that it is safe to loan money in Indian Country and it is the right thing to do. They look for every reason in the world to not do it. And I'll say one thing right now. I would encourage you as tribal leaders to do what you can to make it as attractive...that's probably not the right word, but as safe as you can on your own reservation. My friend [Chairman] A.J. [Not Afraid] is not here today, but the Crow Tribe thought they were doing a good thing for their people and they passed an ordinance that put every foreclosure through tribal court. So do you think any institution is going to lend money on Crow? They're not. My college roommate is the president of the federal credit union there that most employees use and he called me up and said, 'Is this a fact?' and I said, 'It is a fact.' And he said, 'I can't do it then.' For one of my own employees that was making \$100,000 a year, he wouldn't

loan her the money to build a house on the Crow reservation. So I appreciate your comments and I just ask that you all think about what you do as tribal leaders on your own reservations. I have spent a lot of time with lending institutions and they look for reasons not to loan money and I'll quit there. You know what I'm talking about and any help that you folks can do or anything I can do more so in that regard I will do, but I have spent a lot of time over the past 25 years doing that.

Chairman Ron Allen: I can tell you, Darryl, that a number of us are going to leave here, go to Portland for a NAFOA meeting for Native American Finance Officers and all the financial institutions show up and talk about the different opportunities that are out there in terms of accessing capital and using the different kinds of tax credits and the opportunity zones and so forth to provide incentives for investment in Indian Country. It's happening, but it's just been a slow process to improve access of capital for tribes, but it's working. It's just slow. But I guess one of the things because I think that all these conversations are very helpful to try to help you guys get your arms around what the Bureau can do to contribute to it. And I've said numerous times that OMB tells us there's about \$20 to \$21 billion in Indian programs that serve Indian Country. The need of Indian Country is probably north of \$200 billion. How are you going to get there, and it is economic development. It is tribal generating unrestricted revenues for the programs and services that they need. And so that is how we get there and how you can contribute to that is going to be a big issue. You may want to consider the Bureau hosting some sort of a summit, bring in relevant agencies like Commerce and EDA and so forth into the mix of how that can happen because all these different speakers just added layers to the question, which was a good question. Everybody agrees it's a good question. I'll turn to you, Kay.

Principle Chief Kay Rhoads: Thank you. Kay Rhoads, the Principal Chief, Sac and Fox Nation, Southern Plains Region. And again, thank you for the questions and thank everybody for the comments you made. I think we've kind of run the whole list of areas within the budget that we were looking at. I agree with what the last speaker was saying about our law and order programs. We do have a UCC code, but it was written in 2006 and it needs to be updated. So that's another thing that we have to do. Business and industry are hesitant to come to the areas because of everything that was said here today—the infrastructure, the trade agreements, the law and order, the safety factors, housing, education. In order to attract business and industry we have to have an educated workforce as well and that is hard to do because we end up sending our kids away to college and everything and the best and the brightest move on. They don't come back to the reservation because they can see what the economic base has been at their homes and such and they choose to move on and live a different lifestyle. It's not that they're not going to help Indian people somewhere else, but we need to grow our own and we're not able to do that because we don't have the infrastructures in place, we don't have the job opportunities in our area. Everything that has been said here today, like [Chairman] Ron [Allen] was just saying, it's all layered on top of it and everything impacts economic development in some or the other. When we were getting ready to...Dell Computers was trying to move into Oklahoma City, they were hesitant to move into Oklahoma City because they said, 'Are we going to have the workforce there?' And so whenever business and industry's looking at moving into Indian Country, do they have the workforce and usually the answer's no. We've got to strengthen that as well. Thank you.

Darryl LaCounte, BIA Director: I've never had a question so thoroughly answered. What I would like to say before I forget, Senator Thune's office reached out to me probably a month or so ago and basically the question was about lending in Indian Country and I'm a Fed within an Administration kind of on a leash, so I couldn't really say what was on my mind but you folks can reach out to Senator Thune's office at any time and talk about some of what I'm hearing today, about lending in Indian Country. [Senator Thune] was on it. He was looking at the programs and I encourage you to. The young lady that came up and answered my question then went away.

Chairman Ron Allen: Courtney. She's still here. She never leaves the room.

Greg Abrahamson: Thank you. Greg Abrahamson, Northwest, Spokane Tribe. It was great, and I agree with everybody else on a lot of this here on economic development, but a lot of the tribes with opportunities, the part that you guys can help is with like the guaranteed loan, but also America's built on the backs of small businesses. To be able to have that opportunity for tribal members to be able to get in on guaranteed loans also there and as they brought up the infrastructure, as the nation is all changing from different retail. We have Amazon in our backdoor there and stuff there and we don't have no kind of infrastructure or we have a tough time with internet on our reservation there and stuff, on our lands there and stuff. Being able to progress that further along for tribes and I know that we've had different administrators trying to improve that in Indian Country there, but it's really a desperate need in Indian Country to be able to get to that portion as it's been brought up. I know that in one of our areas in the Northwest, one tribe the students have to travel a ways to be able to do some of their school work there and stuff that's done over the internet. I don't remember if it's a whole tribe or which tribe over on the coast over there. But we do need those opportunities. The Spokane Tribe, we're one of the recipients of the promise zone during the Obama Administration and being able to partner up. So, as those partnerships, whether it's that or being able to have tax credits and the flexibility with tax credits to maybe they can take care of some of these road projects and stuff to where you can partner with somebody else to have the tax credits to build some of our infrastructure or our road systems in our areas there to be able to improve it there. Thank you.

Chairwoman Cheryl Andrews-Maltais: Cheryl Andrews-Maltais, Aquinnah and the Eastern Region. I guess this all boils down to the opportunities can only be realized if the tribes have land, sovereign land upon which to build our infrastructure, our homes, our communities, our economic development. It's critical for us in the North, in the Northeast, it's critical for a lot of the California tribes that are landless as well as others, as well as the Alaska tribes and villages. And if we don't fix the fundamental problem, half of Indian Country is going to be left out of our ability to create vibrant communities that thrive and trade with each other as we have done for millennia. Thank you.

Chairman Aaron Payment: A systemic challenge is recruitment and retention in Indian Country. Usually it is rural communities and so stabilizing our funding would go a long way in helping us with our economic development. During sequestration, during government shutdowns, we have to rely on our enterprise dollars to be able to supplement the Federal Government for not fully funding the trust responsibility. And so when we have to do that, that makes everybody's employment precarious and it sends a message. So during the government shutdown the last time, we lost six medical practitioners.

One was a doctor. Because they had no idea that they were funded basically by grants. So, that word is out there that working for a tribe is precarious depending on whether or not they've got the resources to pay you. And so government shutdowns and sequestration and all those things affect our ability to have a stable workforce. Advanced appropriations is really the solution for that. I could talk forever about the Harvard Project and Joseph Kalt's research in stabilizing our economic structures, but I think we've said enough about it. Are we going to get to walk through the priorities?

Darryl LaCounte, BIA Director: Usually I'm mad at people who make the agenda get off base but I guess today I'm it. I appreciate it. That's much more helpful with this is all I'll say to that and thank you for that.

Chairman Ron Allen: I think that we appreciate the Bureau and the Department wanting to know how it can do a better job and that's part of this conversation and just to repeat, it's layered, it's complicated and there are many factors that can weigh into how it can happen. This is one of those topics that would require a separate discussion in and of itself and all the barriers that are out there that we need to try to remove to help tribes become more self-reliant. We always talk about self-determination and self-governance and those factors, exercising our sovereignty. At the end of the day, it is how we can generate more federal and tribal revenues to do the job. And so it's a good question and of course the Bureau needs to know what it can do. We would encourage you to follow this up with maybe some sort of a summit and not just bring the Bureau in because the other federal partners need to be a part of this conversation.

We're going to circle back to where we are with regard to our ranking. We need to do some corrections here as we get into our report to you. So you can see how the categories came out as you ranked them by weight and of course the percentage of the weight. In your packet it breaks down every category, so you can see how the different categories fared. Then what we did is, we adjusted it with the 25 percent for TPA programs and TPA-like and then we adjusted it in terms of the categories, in terms of how you ranked it. So that chart is simply for you to know this is how it ranked out nationally with everybody participating. what we did is...the numbers aren't quite correct. Rick was just explaining to me that we made a mistake when we were working with Tyler on calculating the numbers. But bottom line is you can see as you go through, what would it mean relative to if we got an eight percent increase, what would the number be that would be increased in every category. So this chart gives you basically a sense of what the numbers would be. So what we did is, here's where we made a mistake. So we started with the '19 enacted budget, what we're working on right now and that's the \$3.081 billion. The mistake we made is we added two percent when really the two percent inflation is actually inside of the eight percent. So, the eight percent number, the \$251 million is not really \$251 million it's \$246 million. So all we would do is adjust the previous numbers, they would just be adjusted down just a little bit because we added money in there that wasn't a part of the factor. So, \$251 million is not the correct number. But what this does is it tells you that that would be automatic and here's where we need instructions from you guys. So the budget committee's going to meet this afternoon and tomorrow and we're going to be discussing the \$50 million. So now we need to make some additional adjustments based on your priorities, your recommendations as we take a look at what was coming out of each of the regions and then we may add X number of dollars for a program that wasn't actually focused in on, we need extra

money for some activity. We'll get feedback from the Department what they're hearing and then we'll make a recommendation. So in our recommendations, if you concur, then we'll report what we're recommending how to use that \$50 million. And then that's what we'll report to you. You'll see the number. You'll tell us yes, no, or modify it. That's what we were intending on doing. So this number is just categorically in terms of what the numbers would be, that would be adjusted because we had the two percent incorrect. So those numbers themselves would be increased per category. And then what we have to do for every category there's subcategories and so we would have to make recommendations in the subcategories because they may have greater value for different regions, etc. So we've got to go through that exercise in terms of our recommendations.

Chairman Aaron Payment: Can you go back a couple slides? The pie chart that had the percentages. Now remember those percentages were prescribed yesterday. We didn't really have a debate or discussion about that. And so the rankings you did put them in order and then...now go forward one [slide]. So basically to get the correct number you just take two percent off of those numbers because we didn't add it, we just didn't take it out. Is that correct?

Chairman Ron Allen: No, we made a mistake and we added two percent to the number. We shouldn't have done that because the two percent inflation was inside the eight percent.

Chairman Aaron Payment: Okay. So then is it deduct four percent?

Chairman Rick Harrison: So right now the way it's listed in here, it's just over 10 percent. 10 percent would be \$308 million and what we did is there's \$313 million. I've made the corrections on my sheet here with the right numbers. So the eight percent is \$246 million, the inflationary amount would be \$61 million. So \$246 million minus the \$61 million leaves \$184 million that we would apply to that scenario.

Chairman Aaron Payment: So what I would request is even though we collectively made that error that we just get that updated one, but nonetheless, the priorities that we identified are still in place, the order's still in place. The question is, if you go back one slide, is whether the budget committee or if we collectively will have any role in rethinking potentially the percentages that were prescribed for us because we didn't have a role in that, and what will affect my view about whether or not we should do that is when you get the actual raw number after the fact, after we do all the corrections, and after you go through categorically within each category how much money that actually means. So, it has to make sense. There has to be like a threshold number for it to make sense. Then we may want to look at adjusting those percentages for those categories. But I would be comfortable enough because we put the priorities in order for the budget committee to work on that and then to present it back to us. And take a look at whether or not it makes sense for some of the subcategories because the number might fall so small that it doesn't make sense or it might be greater than what it needs to be and it might be better served someplace else. So then we might want to re-look at changing those percentages. So yesterday, when I asked if we could do a budget tracker, in preparation for your work this afternoon and tomorrow and by next Tuesday, if you do that and you have it in there, then you can shift things around and you can see what the net effect of it is by changing up the percentages. Does that make sense?

Chairman Rick Harrison: Yes and when we work with Jeannine, they use an Excel spreadsheet and have the calculations in there so as we make adjustments it changes automatically. So that can happen. And we put notes in there.

Chairman Aaron Payment: One other thing is because I'm a little OCD. While we were meeting yesterday I built, not a tracker, but the percentages to add it all up and it's almost identical to the result. I've got to tell you, that's a lot of work. So I want to say thank you to Tyler for doing all of that. He sent me an email like I think about 1:00 in the morning said that he's done for now. But it's a lot of work. And it was pretty close to what our region came up with so I think if you take a look at your priorities, if you wrote them down and take a look at how it measured up. Thanks.

Joe Garcia: I just wanted to say something about the percentages that were suggested. I don't know who suggested those, but if you think about it, three categories all have the same percentage—six, seven and eight. Six, seven and eight all have five percent and so adjustment can be made, but that's just a multiplying issue anyway so adjustment can be made easy. But on that last slide, the one that has the final numbers, can you go back there? Application of the method. You see the bullet, it looks like a minus sign so if you use a different shape bullet. But that was only me and I thought, whoa, why are we using negative numbers here, negative percentages. It's just an observation.

Chairman Ron Allen: All we were trying to do was confuse everybody. How'd we do? It's not negative of course.

Chairman Rick Harrison: While that screen's up there, for everybody's reference if they want to jot it down. The inflation just by itself is \$61,620,000. The eight percent of the \$3.081 billion is \$246,480,000. So that leaves a total for the next bullet \$184,860,000.

Chairman Aaron Payment: So really if you just multiply each total by .96 that's the new number. If you added 2%, you have to just take 4% out, but you guys will take care of that.

Chairman Ron Allen: The objective is inside the eight is two percent inflationary. The inflationary goes across everything. Then after you take that out, you're dealing with basically six percent and that's where he gets the \$184 million. So regardless, we'll have to work through the numbers and then see how it fares out in every category and make recommendations. And then we need to do that and get it to you ASAP so that by the time we get to Tuesday you have time to look at it. It's going to be very awkward if you don't see it ahead of time and ask questions or think through it, does it work or not work. So we're moving rather fast because of the schedule in terms of giving the Secretary our recommendations, so that she can make her own deliberations, because that's what we're doing. We're making our recommendations to the Secretary and then we'll be doing what we have to do politically to try to champion for our recommendations.

Kitcki Carroll: I'm going to ask for your patience because I'm not sure I can articulate my question or my thought clearly. The easy one first. For this exercise in the past the Bureau has said, 'Give us a budget with a five percent increase,' by example. We haven't got that percentage increase instruction yet, correct? This eight percent is just for giggles.

Chairman Rick Harrison: No, the eight percent comes from Jeannine.

Kitcki Carroll: That's what we're using? because yesterday when we talked about it we just said this is just...ignore the eight percent, that's just... But that actually is the instruction, eight percent?

Chairman Rick Harrison: Well, she hasn't gotten instruction from OMB but she said typically they allow her to do an eight percent increase exercise. That's where we're getting it from.

Jason Freihage, Deputy Assistant Secretary – Management: I think we do need to make that clear. There's no formal guidance. This can be helpful because sometimes we're in a position to be able to provide an over target. We still play by the rules but potentially an over target so it'll be useful. For that scenario, you also never know when the Hill asks, if there's extra money instead of just for earmarked things that don't have broader breadth of Indian Country, but there's no formal guidance about it.

Kitcki Carroll: Here's my question, though and this is where I need your patience. So right now we're talking about the one percent being part of the eight percent in the adjustments that were just talked about needing to be made to these calculations. My understanding, though, based upon our initial conversation was the budget as it is right now is X. If there is an eight percent increase that adds Y amount of dollars to that X budget, what we've said out of that Y though is one percent or two percent, whatever that inflationary amount is, is off the top that gets applied to X, right? And then what we said was the protection of TPA and TPA-like is almost an off the top. The question then becomes, if that absorbs, and I don't know if it does or not, but if those two totals together equal the dollar value that's reflective of an eight percent increase, the process stops there. You don't get to these other layers until you have enough dollars to get to the other layers, right? I'm not saying you get to that eight percent with inflation or with TPA, I have no idea. I haven't done the math myself,. So say you're at four percent of an eight percent with two percent inflation, that's two off the top already, plus the TPA, whatever that percentage is, so let's just say hypothetically you're left with four, then this breakout becomes the competition of the remaining four in an eight percent increase scenario, correct? Is that right? I'm hearing it talked about like if it's one pot where actually the first two, inflation and TPA, are off the top amounts, right out of the gate, right?

Chairman Rick Harrison: Actually, the TPA part is part of the remaining balance.

Kitcki Carroll: Okay, so then inflation is the only one that's off the top.

Chairman Rick Harrison: Yes.

Kitcki Carroll: I see it reflected that way, but that's a little bit different than the way I thought we talked about it. Then I'm okay with that. So, what you're saying is the inflation is off the top. So if it's an eight percent scenario, if we're using two percent inflation, that leaves you with six percent of which this then gets...six percent gets broken up this way, right?

Chairman Rick Harrison: Yes.

Chairman Ron Allen: We're doing a new exercise, and I always want to keep circling back to a point you made yesterday and again today. Every program is going to get something and the inflationary is inside of it. Every program gets something. So the last program is the five percent. So at a minimum you've got a five percent increase.

Kitcki Carroll: Yeah, absolutely. But I'm saying everybody gets something and every line item gets a two percent inflationary adjustment. I'm not debating that. I'm talking about whether the inflation is part of that but it's separate. So you take care of the inflation first which everybody benefits from and then in this eight percent scenario you've got six left and it gets carved out that way which everybody enjoys additionally across the board, to different levels based upon the percentage but everybody benefits. I was just getting confused with the TPA piece of that.

Chairman Ron Allen: I think that we're talking the same, but sometimes I call them flybys. We're saying the same thing, but just saying it differently. So when we're done with the recommendations, we break the recommendations down this afternoon and tomorrow, then it will reflect the full eight percent, which includes the inflation, and you're going to see how it breaks out by category and subcategory by our suggestion. So that you can see how it fared. People want to know when you look at each category, if you take the big one that everybody jumped on was Strengthening Tribal Communities. So, Strengthening Tribal Communities will have a fairly sizeable number inside there. In that category is TPA so that category gets 25 percent off the top, right off the bat they get 25 percent off the top and two percent. The two percent is in there. Then on top of it, it will get another 10 percent because you ranked it number one. So those programs automatically are getting 35 percent of the money automatically. So, that's the number you're going to see and then it will break down into each category.

Greg Abrahamson: I think people are getting a little confused on when [Chairman] Ron [Allen] uses the word off the top, I guess I would say it's not necessarily off the top when it comes to the 25 percent. I think you talk about the... This I think is where people are getting a little confused. So the two percent, the rate of inflation, comes off the top. That's automatic across the board. But then when it comes to the remainder, the TPA is already determined and so it's already set at the 25 percent and then the rest of the categories fall into place based on the ranking that you all did yesterday. I think it's the terminology when you say 25 percent off the top, it's already a built in percentage and then the rest fall in line to make up the 100 percent and that's how it gets distributed for those categories. So I think that's from what I'm gathering here during this conversation people are getting a little confused with that off the top language so I just wanted to provide a little clarifier.

Chairman Ron Allen: Sometimes it's how everybody look at the number. At the end of the day, we're working with a base and we got eight percent and then it's how you're breaking it down. We'll make sure that in terms of how we had distributed the numbers throughout each category and the subcategories and then how the inflationary is inside it. The number doesn't change. It's an eight percent. So the number is \$246 million, that doesn't change. So you're not adding two percent on top of it. So that's what we're working with. Questions?

A. Gay Kingman: So Ron, on the TIBC determination of the 20 percent, who will make that? Will we make that today or tomorrow?

Chairman Ron Allen: The intent is...because it's a tough exercise to go through so typically what we normally do is the subcommittee will look at all the different issues that came from the different regions and so they'll ask the question of, based on how we broke the numbers out, so you can see all categories, the eight categories, now which one needs an additional increase or is there a special line item that needed to be addressed. We need some feedback from the Administration because they'll know about some programs that were special requests and then we'll say, okay yes. And I used the example yesterday that Great Plains has some problems because of the floods. It's a crisis. So, then they were asking for something that is a unique one-time ask. So then we'll say, what is that number? I'm just making it up. Let's say it's \$10 million. We say, well, that's a big problem. Those tribes need that, we need to plug that into a category where they would use it to address that problem and we would describe that. In our description to you we would describe, that's what we heard, that it was a special need. Typically last year the Alaskan tribes asked for the Small and Needy Tribes to be bumped up. So if we say, what's that number? Let's say we do that. I'm making it up right now. Let's say that's what we need, then we say, well, what's that number? So then if that's an increased number then we take from that \$50 million and add that number to the point where it's gone.

A. Gay Kingman: So is that the executive committee or the subcommittee on budget?

Chairman Ron Allen: The subcommittee and then that's what I was getting at. The subcommittee would make those recommendations to the full body and that's what you would get next week. And you have to concur or disagree and ask us to modify it and then we'd identify what we heard and what we thought would make sense to us. That's why we said, it's a small group and sometimes we get additional people showing up and they make a pitch from their region and we go, okay, got it, got it.

A. Gay Kingman: So you're meeting tomorrow?

Chairman Ron Allen: We're meeting this afternoon and tomorrow.

Chairman Rick Harrison: What Ron just said, this open meeting, it would be good to have at least one representative from each region to be there if there are concerns coming from their regions.

Chairman Darrell Seki: I've got a question. Say the TIBC budget committee recommends where each line item goes, say what if a tribe disagrees then who's going to correct it or how? Because you said Monday we'll know what the recommendations are, but if a tribe disagrees on some line item and they would rather have it somewhere else?

Chairman Ron Allen: That discussion on Tuesday could be a long discussion if there's a disagreement on the breakout recommendation then somehow we have to come to a consensus because we don't have an ability to vote because we're on a webinar. So we'll have to find a way to get everybody to concur that any adjustments. I'm not sure who's coordinating that. Jeannine, are you coordinating that?

Jeannine Brooks, OBPM Deputy Director: It's already coordinated. It's being scheduled for two hours beginning at 1:00 pm eastern time on Tuesday and invites will go out to all the tribal reps that are currently on the directory.

Michael Dallas: Michael Dallas from the Western Region from Salt River Indian Community. One of the questions I've got for the subcommittee, the 20 percent deliberation, tribes in the Western Region a consideration for the water resources. It was number one for the natural resources program, something that we're kind of dealing with. Water's a big issue there right now so I thought I'd just mention that.

Chairman Ron Allen: So that's what we need. We need what's the issue, the problem and the estimated help needed. If you can get that to us, that would really help. That's an example where we have to get surgical about some of the recommendations unique to a tribe or region.

Jason Freihage, Deputy Assistant Secretary – Management: That also might be for future years where that difference in breaking down detail like on construction versus programmatic efforts because you have the efforts, say irrigation, that are funded in the construction lines, but then you also have some program support through TPA and other sources. So again, may not be able to tackle all these this year but next year it might be you're pulling out pieces within broader initiatives to look at.

Juana Majel-Dixon: I want to bring back a bit of a discussion on realizing what we're talking about here, but I'm still with Ahniwake and Cheryl, you brought this up as well. There must be a way to leverage this budget and I'm hoping you will look at it. I know what you're dealing with in terms of the numbers you've been given, and I've heard echoed through the many days we've been here is that I'm not even sure how they got that number. It seems like we're given a certain level and then we work within that to do what we're doing now, which I appreciate the process and we're going to weigh in with you and be as supportive as we can because that is the mechanism. What concerns me is that when we heard that fellow speak of this mapping project getting \$900 million to do something that is absolutely useless for us and I'm not even sure it's been official because the instinctive response is that once again it's a discovery of what resources are in Indian Country that we can go get. We don't have anyone at the table paying attention to that. The leadership in the room, I need you to seriously look at the fact that this is never enough money and when it's clear in the Constitution, it's clear in the principles of what is DOI and the Bureau of Indian Affairs that the priorities are absolute, that they should be provided for. And if you've got clearly a list of priorities that outweigh the amount of money available, what is the leveraging power we have as tribal leadership and sovereigns to change that level to meet the need that we're telling you about? I don't want to have a conversation with the leadership in the room to bargain, we only got 20 percent, I can give you maybe two or three or four. I get what you're saying in terms of emergencies. I totally support that. But we're fighting over something or cutting up things to get a sliver of what we need. I'm asking you as leadership and you're moving in the right direction with the STAC thing you talked about yesterday, but there seems to be a powerless position that I'm listening to I'm very uncomfortable with. I would not expect, but it's natural that if you were once the Bureau of Wild Indians in the Department of War, now you're the Department of Interior with the Bureau of Indian Affairs, have we really improved upon that? The treaty relationships that were abrogated were not on the measures that we did. When you consider our steadfastness as sovereigns and watching each nation

respond to this, clearly Chairs and to the leadership in the room knows this and to the Bureau folks, we do not have adequate funding and that's on them. If we don't have the power legislative, we can go and talk to the President but if he can give \$900 million for a map project, what are we? It's uncomfortable to know that that kind of money when we need at least maybe \$10 to \$50 billion and we've given that in trade, in treaty, in resources, there's an absolute accountability for it. As you know under Bush's Administration, there was a two billion dollar GAO report that made them two billion dollars unaccountable and they could only find enough information on two billion, there was four billion, four billion unaccountable. We keep getting this little bit of a chokehold that's going on, and I'm asking you as leadership that parity at least meets the demand of what you clearly have said you needed. I'm uncomfortable with coming here with these things, but I'm respecting the fact that you've been down the road with this and you kind of know what you're all doing. I respect that and I know you and your integrity. I have a great deal of respect for that. But I'm uncomfortable with the fact that we have said several times over, 'This is not enough.' And I know when you look at the Broken Promises and the recommendations, they tell you clearly the failure of the system. Quiet Crisis did that. When we first got the printout like you said, Kitcki. Maybe we are in the wrong place because we're really being mistreated. I may be the new leader to the table but I've just got to say, I can't walk away and tell my people I was satisfied with this. And I don't get to hear from all these guys like George, you're a major player in this, I haven't heard a word from you. It's like your bear paw's got you. It's like, what's up with that. Is there a chokehold on our tribal members in the Bureau? Are they being stepped on because it's crazy right now. And if they have to lay low, then somebody's out with a gun to hang 'em. Think about it guys. Staff is impacted by what we do and if we don't get to hear from them, something's going on. They're our partners. They're our eyes and ears on what's on the ground here. And I'm uncomfortable when someone sits side by side next to Justin over there and don't say a word. These other fellows sitting over here, these other people. I know who speaks up and talks. Self-governance, you've all got something going on and it's so great, not all of us can do it. We champion you. You guide us, but I'm uncomfortable with that amount. What is it we truly need and why doesn't anybody say that? Okay, I'm finished.

Chairman Rick Harrison: Juana, I want to assure you that every tribal leader around the table feels the same way and we've had recent discussions and it's been brought up a few times here talking about we need to do two different budgets. This exercise is particularly just to guide the federal side on what their process is with the parameters they have to live by and can't go out of. We recognize that that's not what our obligation is from them and we need to come up with that, that's part of the data talk conversation that we had. We have some of those numbers, but we don't have all of them to articulate what the actual obligation should be and so that's something we have to work towards and we're actively talking about that and trying to work on getting that budget in the future.

Chairwoman Cheryl Andrews-Maltais: Absolutely. I think that when we submit the figures that we work on here that as a way of memorializing it, which we tend not to do as much as we should, is memorialize it that we're accepting this under duress and that we caveat it that we don't understand how if the Department of the Interior gets \$900 million of extra money and it doesn't matter what it's for, that Indian Country, that Indian Affairs should be getting a greater portion of that dollar amount that comes

into that Department. I think back to what Kitcki was saying and yeah we are in the wrong place. So maybe we should start as an initiative to be moving forward towards not only getting an Undersecretary or something better, but moving and migrating out of the Department of the Interior into something like the State Department in order to recognize A, that we are sovereign separate governments and B, that we are not on par with the lizards and the grass and everything else. There's logic behind it because we're connected with our Mother Earth, but clearly when it comes to being able to understand and respect us as tribal governments and sovereigns, it's not happening in the Interior. And being once a Fed and whatnot, you can only say so much, you have to carry the water of the Administration, so they can't say anything and if they say, 'Well, here's the budget for Indian Affairs and you go out there and you promote this,' we have to beat you up—sorry, but we've got to—but the bottom line is that no matter what, even though we have Indians in these positions, they're helpless and until the top Indian in the position is ready to go to the mat for us and lose their job over the fight for us and continuously rotate Indian warriors, male and female, for Indian Country for our budget, it's not going to happen. So we have to take what we have and constantly memorialize and then we can take that to Congress and say, 'Every year we ask, every year we're denied, we need a move, we need your help to change.'

George Bearpaw, OBPM Director: Just in response, since you mentioned my name. We have to follow the process that we have here and I think we're doing a good job. The other thing I'd like to say is that we are from Indian Country. Jeannine and I are both from Indian Country. We realize the need that's out there and we deal with it every day. A lot of the folks that's sitting here in this table realize that we do our best to advocate for different things that are needed through this process. I wish it was more. I think we all do and maybe we need to get there at some point in time, but I think it's going to be a discussion with the tribal leaders to the Secretary, to the White House, and to Congress. We do what we can do with the percentages that you're seeing up on the screen and if there's any comments like that or any ideas that you might have, we're always entertaining those ideas. In fact, at some point in time, probably the next meeting, we always ask for evaluations of our process. Some we can do, some we can't do, just because of what OMB gives us. But we do realize that and we do our best to work within the process that we have.

Juana Majel-Dixon: Thank you.

Kitcki Carroll: Just by a quick show of hands, how many people are familiar with the Reclaiming Native Truth report that was released last December? Okay, not many. I would highly encourage you to take a look at it and here's why I'm raising this. Chairman Allen reinforces this all the time. This space is a tribal/federal space to give as much voice and guidance and direction that we can to our federal partners. At the end of the day, as Chairman Payment said earlier, we're offering guidance, but we don't control and we don't make the decision. The reason why I'm raising that Reclaiming Native Truth report is we have a decision to make within this space, but kind of overall in Indian Country right now, is we've spent decades now mastering how this town works in trying to navigate forward on that playing field, a playing field that's not ours that we don't set the rules on. And we get stuck in the minutia. So earlier this week I talked to you about Chief Malerba from Mohegan and I participate on the IHS Indian Healthcare Improvement Fund Workgroup. It's been a multi-year long, many weeks a year meeting effort to debate over one percent of the IHS budget. One percent and we're having these same sorts of

conversations about who gets more of the one percent than the other, when the focus really should be on the 99 percent not the one percent.

We can continue to spin our wheels in spaces like this or we can make just a basic investment of time return for a decision. Let's get them something so they have something and give them that guidance so they can't say that we didn't offer guidance, but in the same way that we were trying to change the focus of the Indian Healthcare Improvement Fund Workgroup effort, let's focus on time on the real thing that matters which is, to Rick's point, putting forward a budget that shows the unfunded obligation and that's what I'm talking about to that Reclaiming Native Truth report. At some point, we've got to start playing their games and using their language and speaking from our place of truth and holding people accountable in a very visible way. Just one alarming thing I want to share with you that was from that report. For those that aren't familiar with the report, it was a data driven report to move beyond anecdotal to put some data behind how America thinks about Native Americans. So they did a survey effort as part of this. In that survey space they interviewed members of Congress, people on the federal circuit, judicial clerks to get a sense of what they thought about Indian Country. And more than one office reported out that when it comes to other groups like the African-Americans, the Hispanic Latinos, women's rights, LGBT community, those members know that if they say something in a negative way against those communities there's going to be immediate backlash and repercussions for that. What they said about us is they don't have that same sort of concern. They know that they can basically say or do whatever they want and there's not going to be a consequence for it because we do not respond in the same sort of way. That's on us. That's on nobody else except us. So there's a lot of finger pointing that we do all the time, but there's some personal accountability here amongst ourselves that we've got to decide where we're going to invest our time. Do we want to keep fighting and arguing and spending time after time over scraps or is our time better invested in moving the needle so 20 years from now we're not having these same conversations again? Now again, saying that, I recognize this has to happen, but let's make a decision about how much time of this has to happen and refocus our time and energy where we really should be.

Chairman Derrell Seki: I agree with everything that's been said here today, this morning and the recent comments by my friend to my right, but that's not what I'm going to talk about.

I went to the Hill yesterday, visited the Congress and Senate. There's a bill out there for Advanced Appropriations for Indian tribes. What I'm asking tribal leaders, send a letter to your congressional and Senate to support this so they can vote for it. It's for the IHS and BIA, Advanced Appropriations, because remember what happened when the shutdown happened to all of us. All of us suffered. We had to make amend, we had to make different decisions, tough decisions to make sure our people continue to have good healthy lives. So I encourage everyone to visit your congressional or Senators, send letters. Let's try and get this approved.

Chairman Ron Allen: I know we talked through a lot with regard to what we feel like the instructions are for the subcommittee and we definitely have invited those from the different regions who want to stay here this afternoon and come back tomorrow as we talk our way through the distribution and the recommendations we make to the full body and hopefully we can get this done in a way that you can

have it early Monday, so you have time to look at it before we get into the conversation on Tuesday. I think we can provide it to you. I'm pretty certain we can provide you some additional visual materials, so you can know how we went about it in terms of the distribution based on your recommendations. We want to kick that can down the road so we can move this process along. Now what we'd like to do, one of the things we need to get completed are our protocols how we conduct our business has not been updated in quite a few years. A couple years back we had a draft. It never got confirmed and approved by the Interior side and since then we have come up with some more edits to it. So Raina has been working with us on the edits on the draft. So I'd like to turn it over to Raina to walk through the draft you have.

Chairman Harold Frazier: Can I bring up, just real quick. When I look at this document here and it breaks down a percentage of the eight percent increase, what's this TIBC committee deliberation because that gets a pretty high number, 20 percent. So I'm kind of curious what is that and who determined that because I don't think that was on the rankings.

Chairman Ron Allen: What we had suggested, Harold, when the budget committee convened on Monday we thought that what we needed to do is make a proposal to the committee so that we could identify how we would take an eight percent increase and how would we distribute it. In the recommendation, we knew that there were going to be some unique needs that were not going to be identified by the categories, that were going to be unique to the regions, there were special asks and we wanted to try to reserve enough money to try to target it and then what we were going to do is identify them this afternoon and tomorrow and where we would put that \$50 million and that's where we'd get special input back from the 12 regions. Basically, that's what we were doing. There were surgical unique issues. Like your area as an example. We've talked about it before. You had some problems because of flooding so there may be a special ask coming from your region, then this solution, a distribution of these monies including the inflationary number doesn't solve that problem. That's a unique problem. So we're going to make recommendations and then you would look at those recommendations on Tuesday, hope Monday and Tuesday, Tuesday's when we discuss it. And then you would say yes, no, that doesn't work. And bear in mind now, this is a recommendation for 2021. It's two years from now. So we're not talking about next year 2020, we're talking about 2021. So that's where that came from. It was our best guess coming out of our meeting on Monday. Thank you.

TIBC Protocols Discussion

Raina Thiele: Does everybody have a copy of the marked up version or does anybody not have a copy of the marked up version in front of them? You should have a paper copy then we also have it up on the screen here too, so whichever one you prefer to look at. And just to give a little bit of context for this protocol. So as the Chairman was saying it was last updated in 2017, which was quite a while ago. The changes that we have in the document today, which everybody has in front of them, those come out of the process that we completed last year which we went over yesterday in quite a bit of detail. Most of these changes were actually tentatively approved at the last meeting in November 2018, so this past fall. The tentative approval was kicked to this meeting so that we could kind of make the final decision on approving these changes. So, most everybody in this room has basically seen all the significant

changes that are in this document or at least whoever the rep was before you should have distributed it and shared it with the appropriate folks. Hopefully what we can do today is kind of quickly go through this, answer any questions that folks have, especially new people who haven't gone through the protocol before. If you do have questions, we welcome those and we can have a conversation about what's in this document, but hopefully we can get through this today and set ourselves up to implement a lot of these changes before the next meeting that we have.

So I'm not going to go through every single change because some of these are kind of more minor and just technical in nature, kind of making corrections that were in the protocol that hadn't been fixed. I'm going to walk through based on the page numbers that are in the marked up document that you have in front of you which is probably the best one to follow because it actually shows what the changes are. So, the first thing I'm going to do, I'm going to go to page 2 of 6. That's the one that has 'Membership' on the top. The change here is under selection criteria which should be at the bottom of your printed page. We've had a few folks complain that the selection of TIBC reps is not transparent or certain tribal leaders in different regions weren't aware of who their tribal rep was for TIBC. And so this section basically just makes an update saying that each region, the BIA office, as well as the current TIBC rep, should do what they can do ensure there's a transparent process which allows input from all the tribes or as many tribes as possible from each region. Before the next meeting we will actually have some suggestions for what folks should try to do at a basic level to ensure that there is transparency. And some regions have a really, really great process for determining who the TIBC rep is but this is really responding to the regions where there hasn't been as much transparency.

Chairwoman Cheryl Andrews-Maltais: Just above that where it has White House representatives, there's no longer a White House Council on Native American Affairs or a Director for such so should that remain in there or should this be some sort of a placeholder that doesn't specifically say the Executive Director or something that should be in there because I'd hate to once again pass something that we've got a reference to something that no longer exists unless we have new information that they do exist.

Jason Freihage, Deputy Assistant Secretary – Management: You could add a just 'comma, or the equivalent'. That way, whoever is like the lead in the White House for addressing Native American affairs.

Raina Thiele: Right. And we do still have hopes that that will be resurrected at some point. But I think that's a good point and we can put 'comma, or equivalent'.

Chairman Rick Harrison: And also remember, that section was new that we added on there and we have no way to make them come to these meetings. This is just to tell them we would like them here.

Juana Majel-Dixon: In our meeting that we had, White House came to our executive session and I know with Olen and the other fellow that was there and Tara you got to sit in on that, we made it clear not to put her in a threatening position because she was the only representative we had that was us sitting at that table. And one of the points we made just to let you know, and that does continue to use that triad, it was a good triad and it's the only access we've had to the White House really and we asked that they would put in our predecessor or the President before this one, had a staffer and whether it would be

Kim or the other one that actually played a more progressive role, proactive role in that particular position. It would seem that because we have the template of how it achieved what we needed to that we should reflect that and ask for something on equal footing because I think our [representative] body should be a part of that but the support of what that would lend in having someone actually working inside that system. And I know Olen and the rest of them do what they can but they're not the body. So if we could consider that and I know you know what I'm talking about, the history of that. If you could bring that back, like you were suggesting, would make a big difference, especially with what we talked about earlier this morning.

Tara Sweeney, Assistant Secretary for Indian Affairs: I would just like to recommend or solicit from this group any recommendations of names of people that you want to put forward to fulfill that position. We're happy to put those names forward to the White House for consideration.

Mark Cruz, Deputy Assistant Secretary – Policy and Economic Development: Aaron wants to do it.

Chairman Aaron Payment: No, I'm going to recommend Raina. I don't want to work in this White House, no thanks. I will tell you that right after the election we had a number of meetings and we were trying to find out how this was all going to shake out and what it would look like and I had a couple meetings with Ben Keel and Billy Kirkland. Billy was supposed to be that person and Ben. I promoted that we continue the White House Council because we were really making headway. We were getting somewhere with figuring this out. And so it's not only the annual summit but it's also the government-to-government relationship at the highest level. That function provided all the different agencies and the native people that are scattered throughout the different agencies an opportunity to crystalize the policy position of the President and it was coherent. Right now we don't have that. Good or bad, we don't really know what the President's policies are as they relate to American Indians. What we only have to look to is the first attempt at the budget which was to cut up to 30 percent.

This is an improvement. I said that yesterday. We've got to give kudos where they are. But if anybody's listening above your level, my recommendation would be that we not abandon that effort, and that we reinstate that effort and we put that back in place. I'm not really excited about going to an annual summit under this current Administration. However, you've got to take the good with the bad. Also Raina was one of those people and was very effective and that would afford all the different agencies and our purpose and mission to be crystalized and also give you access at the highest level. Our meeting that we had here...was it in this room or this building? No, it was at the other hotel a couple weeks ago. That kind of didn't really go over too well because some midlevel people were there and they didn't have any expertise in Indian policy. So crystalizing that and formulating that is really an important thing that we haven't seen yet and it would be nice to see that.

Tara Sweeney, Assistant Secretary for Indian Affairs: [Chairman] Aaron [Payment], we've raised that issue. The last TIBC meeting that I had attended here, that issue was raised and I think maybe [Chairwoman] Cheryl [Andrews-Maltais] you raised it. We have raised that issue internally and I also think that it's important to put forward names to recommend for the new Raina or the new Kim. We don't have that, and so I continue to solicit that if we had that position filled internally, those discussions

about an equivalent to the White House Council on Native American Affairs would happen more often than when I'm interfacing with the White House. So again, I go back to why it's so important that we get recommendations from Indian Country on folks who can fill that position. There is a position over there, it's just not filled.

Chairman Ron Allen: (to Chairman Payment) Are you interested?

Chairman Aaron Payment: I don't think I would pass the test.

Chairwoman Cheryl Andrews-Maltais: I think part of it is trying to figure that out and then as we said, if there are people that are willing to step up and do what they can for the amount of time that you have a shelf life, while you're there, then try to do it, but obviously we can't complain about not having a position filled if nobody's willing to step up to the plate to fill it. We have to do some soul searching.

Kitcki Carroll: Thank you. One request though. I think this is a communications issue, though. I can tell you I'm sitting here in my seat unaware that that position was funded to be filled. I can't say that I've seen any communication from anybody saying that this position is there and that they are actively seeking candidates. So if that is true, what you just said, then I would expect that there is some sort of formal communication that goes out to Indian Country one, stating that it actually is funded there waiting to be filled, and then we can have conversations about getting you names. But it's not correct to think that we're going to send names to a position that we don't even know is funded and exists. So there needs to be some proactive communication to us about the realities of that.

Raina Thiele: So moving onto the next one, if folks would go to page four. There is one line that I want to kind of make sure folks see, which is the last line right above length of service, that subpart E, the markup we see right above that. That's just to clarify that Assistant Secretary Sweeney, when she's up meeting with Betty McCollum, is able to send somebody in her stead. So, that's just clarifying that piece right there.

So if you drop down to subpart F under Responsibilities, we have quite a few different updates on this portion and this is really just to make sure everybody is clear about what the responsibilities for each of the TIBC reps is. So, in that first part there we talk about ensuring thorough communication about the activities of TIBC. This has been a bit of an ongoing issue in certain regions, not all regions, but in certain regions there have been some questions about what is TIBC doing. Some folks don't feel they have gotten a readout of what the decisions that TIBC has made in the past are. And so this is really just kind of pointing out specifically that communication is a big part of what the TIBC reps need to do. The piece below that also clarifies that the BIA regional offices, directors specifically, are also responsible for helping assist TIBC tribal reps in the process of helping to communicate with the tribes in that region whether that's with contact information or helping folks connect with intertribal leadership, so that they can give the readouts they need to give. So this kind of clarifies a lot of those things for folks in each of the regions.

Chairwoman Cheryl Andrews-Maltais: Going through that I think that part of the challenge that we have is that the demand is usually for tribal leadership and tribal leadership rarely has the time to be

doing that dissemination and because the regional directors are charged with the responsibility for making recommendations and all this other stuff that seems a little lopsided, but that's where the resources are that they have all that information. I think the regional directors should be charged with the responsibility for disseminating the information and the directives and decisions that come out of this body versus putting the onus on the reps themselves.

The other portion that I did want to add to is underneath the responsibilities in F, number 6, is that I think that if appropriate that the Chairs communicate to the tribal member representative. If they haven't met or they have been unable to get to a meeting and they've communicated, I think prior to going to the regional director to say, 'Give us more names to replace somebody,' that the co-chairs reach out to the individual rep to see if there's a problem or an issue. It could just be a matter of timing because in some regions we're spread a little thinner than in other regions and you may or may not have that backup. So before just kind of jettisoning the member, which happens on other boards and committees that the co-chairs reach out and say, 'Do you still have an interest or is there a problem that you can no longer fulfill the commitment,' before just being unceremoniously set aside or put out to pasture. It's just a matter of courtesy for tribal leadership.

Raina Thiele: (To the TIBC Co-Chairs) Cheryl's recommendation is that if somebody doesn't show up for one of the meetings and they haven't reached out to talk to you buys about it, having one of you reach out to them specifically before you kind of select somebody else to replace them. You have kind of one freebie absence and then after that there's kind of a mechanism for backfilling that spot. So what Cheryl's saying is can one of the co-chairs reach out before backfilling a spot just to say, 'Was there a reason for the extended absence?'

Chairman Ron Allen: Okay. Got it. But do you want to say it differently than the way we said it at the end where the co-chairs reached out to the BIA Regional Director to coordinate with the tribes on identification of a representative.

Chairwoman Cheryl Andrews-Maltais: Yeah, that jumps to a replacement mode versus reaching out to the individual member that might be sitting around this table that may have not been able to make a meeting for one reason or the other and it's not a reflection or demonstration of their need or desire to serve, it just might be an extenuating circumstance that they were unable to make it. So rather than jumping to replacement mode, was there a reason and do you still wish to serve out the remainder of your term versus jumping immediately to replacement.

Chairman Ron Allen: That topic is in the category above, length of service, in E. So in the event that a TIBC member can no longer serve on the TIBC, the Regional Director shall, in consultation with the tribes, appoint a new rep.

Raina Thiele: But what she's saying is that kind of a courtesy outreach to the person who was absent before reaching out to the BIA Regional Director.

Chairman Ron Allen: Okay. So maybe that question should be in this section. Maybe just make out a separate paragraph to provide the clarity that if a TIBC rep has not been attending, then the co-chairs

shall reach out to that individual to find out whether or not they can continue in their capacity, and if not, then the responsibility is dealt back to the Regional Director.

Chairwoman Cheryl Andrews-Maltais: Yeah, exactly.

Chairman Ron Allen: We can insert that. That's where it should go though, in length of service. We'll just break this out into two paragraphs for that process. Is that agreeable?

Jim James, BIA Deputy Director of Field Operations: So we're good with that. I think we sort of are doing that already. I like the addition that Cheryl suggested to have the co-chair reach out first and I just want to make sure that there's some coordination or communication with the Regional Director about that as well. So that if whoever you reach out to for example says, 'Yeah, I'm interested,' that we know that. I just wanted to go back to something you said earlier about disseminating information. It reminded me of something Raina put up on the screen yesterday regarding a website. And I think it said that the Feds were working on it. I'm not sure which federal group, if that's Budget, DASM or whom. Nobody asked me to do it, so I'm not doing it. At least I wasn't tasked to do it. But I was always under the impression that part of the responsibility of the tribal representatives here is that they were regional representatives and they would go back and disseminate the information to their tribes. If we can help facilitate that, I'm all for that because I know some regions—California, Alaska—they have a lot of tribes. Great Plains. Most everybody goes to the Great Plains Tribal Chairman's Association meetings and Gay can provide that information. But we're happy to help facilitate that we just need to figure out and maybe it's a region by region type of development to do that. In coordination with what Raina had suggested yesterday about the website, we can work regionally to get that information out.

Chairman Rick Harrison: Jim, on your point about the dissemination of information. It does have to be a collaborative effort and for my mind it's important for my region and California's Pacific Region because we're so big and deal with so many tribes, but it's also important for all the regions because before we went to this survey here, I actually started that process with a...I did a Survey Monkey and got the emails from BIA regional office to send them all out. I got nine responses. Because they're like, 'Who are you? Why would I answer your email? Why would I give you this information?' And the next year when I had the regional office send it out, we got 186 responses. So, that's part of that coordination and communication. It is important that they're involved in that because they may get more attention than a regional rep would.

Chairman Ron Allen: Two key points here. One, the regional director in the selection process, it's already identified the regional director will assist. It's being driven by the tribes in terms of who their representation is but the regional director may assist. So we got that identified. I do want to just back pedal just a second. Raina, just put a place marker. On the membership from the Bureau of Indian Affairs and the Department, their titles have changed so I was just asking Tara that her team, when we get done here, will scrub those titles because those titles are not correct anymore. Let's continue on.

Chairman Aaron Payment: Can we add language 'or equivalent thereof' because then if it keeps changing that it'll keep pace with it, for those titles?

Chairman Ron Allen: Yeah, that shouldn't be a problem. Jason was suggesting that with the White House guy anyhow. Raina, go ahead.

Raina Thiele: I think the big piece here that I want to make sure folks are really clear on is the fact that every TIBC rep would basically have one absence they can take and backfill with their alternate, but after that there has to be some extenuating circumstances. And the reason that we put this into the document is because in the past there has sometimes, not always, been a lack of continuity in the conversation because when you always have different people in the room, it makes it really difficult to have a continued conversation that builds on the last conversation. And so we end up being less efficient and it becomes kind of a waste of some people's time who spend time here and who were here for every session. So that's the reason that's in the document.

Jason Freihage, Deputy Assistant Secretary – Management: I just wanted to make sure of and George or others can back me up. On the top of page six there's new language about the TIBC will be reimbursed through the BIA regional office in a manner... We assume that's just sort of clarifying the current process for what we do. It's just codifying the way that the payment goes now. There's not any new expectations associated with this, correct?

Raina Thiele: That's correct. There were some regions where the payment was not happening which was an issue and so this is clarifying that that reimbursement process will be negotiated kind of region-per-region in a way that is acceptable to both the TIBC tribal reps as well as the Department.

Kitcki Carroll: If I may. The point of the language and it may need further tweaking whether it's reimbursement or payment up front, the point is that that payment at the regional level needs to be consistent across the regions. Right now it is not. We are region right now who is representing at this table who is not getting advance or reimbursement for our participation at this table.

Chairwoman Cheryl Andrews-Maltais: That's why it really needs to be centralized so that it is uniform across the board. I sit on other boards and FACA rules come in and it's like nobody can do our arrangements the way that we do our arrangements from an offsite location. So it makes more sense for us to be able to be able to make our hotel and transportation arrangements, submit for those reimbursements based upon the federal per diem rate and get that paid right out of the Central Office so that this way we're not overburdening for us our understaffed regional office.

Jason Freihage, Deputy Assistant Secretary – Management: The language doesn't quite reach that goal but is that something we could...

Chairman Rick Harrison: What the language is trying to reach is to do whatever option makes sense for the rep or the region because some regions gets it reimbursed through their contract, some are going through their regional office, some may want to do it that way and I guess in one case they were being told that they could do it and then they were being 1099'd which is completely inappropriate. So we just want to make it clear that they should be reimbursed. Whatever works for the region or the rep is the way it should happen.

Jim James, BIA Deputy Director of Field Operations: Without a 1099. So, we will do that. I've already talked to Kitcki a little bit about the issue at Eastern and we would like to try to make this uniform across the board, but we'll figure it out.

Jason Freihage, Deputy Assistant Secretary – Management: Just to clarify. We'll develop a standard operating procedure so that we're using the same approach.

Darryl LaCounte, BIA Director: For those that are broken, Jason. Let's not fix the ones that aren't.

Raina Thiele: Quorum and Voting. Section 5. So this shouldn't change things too much. It's just kind of an increase in the requirements for a quorum for each of these meetings. I think for right now we can ask Tyler about the exact number, but I think we have about 100 percent quorum if I'm not mistaken. Tyler, do you know what the exact quorum numbers are for this session?

Tyler Scribner: When we opened up we didn't have 100 percent but now we have 100 percent regional representation around the table.

Raina Thiele: Yeah, which I think is actually pretty common for this body. We usually have really, really good participation, and if not from the TIBC rep themselves, from the alternate and that's usually pretty well tracked. And 2/3rds had been the previous standard so this is just upping that to 3/4ths which better represents the amount of participation we usually get in this group. Number five right there. Five, Section A1 and 2. Does anybody have any questions or comments about that change?

So moving onto the next one. It's going to be under Subcommittees. So that's on the same page just like a little bit further down on that page. And this is a really important section because we've struggled a little bit with subcommittee organization in the past. So the subcommittees have generally been pretty successful but one of the things that we've heard from a lot of folks is that there really isn't a good sort of logistical or operational lead from any of the subcommittees. So, this section right here in these kind of new paragraphs that we see, those are to address that issue. So basically in that first section that you see up there, this just reiterates what we already said about the TIBC membership at large. There will be requirements for participation, for attendance and that just ensures that we're not wasting anybody's time, that folks are there and kind of understand what the work of the subcommittee is and kind of where the conversation stands. So that's subpart C.

If you go the next one down, which is subpart D, this section talks a little bit about the one absence per subcommittee meeting per budget cycle, so per year basically, except in extenuating circumstances that has to be conveyed to the subcommittee co-chair. And that can be either before the meeting or after the meeting but it really does have to be communicated because if we don't have that clarity, we really don't know who's still in the group and that's been an issue on an ongoing bases that we don't have up to date lists of folks who are parts of the subcommittee. And so this is really to address that piece.

Juana Majel-Dixon: Just for clarity purposes because I come from a system in which we're either appointed and it's not about the election process, but those who are impacted by an election process, I was reading what you were writing there and how the bottom, B, allows for a process but it didn't

include that that when someone who isn't chair or co-chair of any one committee is not put back into office. It isn't clear how that plays a role, but I understand there's a communication that must occur so they can mitigate that or mediate it? Is that what that's intended to do as well?

Raina Thiele: Yeah. So if a tribal TIBC rep is no longer in office, that should be tracked by the regional BIA office. And they inform Jeannine and Jeannine brings that to this [TIBC] body.

Chairman Ron Allen: Then the chair of the subcommittee communicates with TIBC to backfill the position.

Kee Allen Begay, Jr.: I have a question. For the Public Safety & Justice subcommittee, you're indicating that TIBC meeting with their alternative representative once per budget formulation cycle. I know this particular subcommittee was given certain tasks to work on, but there's additional area that we're proposing like the summit. How does that incorporate into our request in asking for certain areas maybe kind of outside of the task for each of the purpose of these subcommittees are formed? How will that be able to be incorporated into the subcommittee I guess duties? The Public Safety subcommittee is asking for a summit. Now will that be in the area of this particular policy that we'll be adopting, is that sufficient in the area, that we're able to do and request those type of events?

Chairman Ron Allen: The question is when the committee meets and they make recommendations are we clear that the recommendations for summits or actions are in the report to the full committee. Where's that at?

Raina Thiele: Yes, that's a good question. So that'll be a little bit later in the document but that is basically laid out under H which is just a couple sections down and it basically says that if there are major decisions, those will be brought before this body and approved so key things like what you're talking about like a summit, that would be brought before this full committee and a decision would be made by the full committee.

Moving onto subpart G here. This is actually a really important part that I think is going to really help us to have a bit of a better operation of the subcommittees. One of the issues that we've had is that sometimes folks will show up and there hasn't been an agenda circulated for a subcommittee meeting and folks aren't quite sure what's going on and the reason for that is that there's a bit of a gap kind of between what the BIA works on and what NCAI works on as the contractor handling coordination. So what we really need is to have one administrative lead for each of those subcommittee's whose responsible for a number of different things and those are listed out here one through six. It's not going to fit all the way on the screen, but you can see in the bottom of the screen here you see the first three and then I'll switch over to the last three here. But I can just quickly run through those. So basically every subcommittee technical advisor or staff assistant, whatever you want to call it, would be responsible for working with the chair or co-chair to schedule meetings. They'd be responsible for tracking meeting topics, discussions, outcomes and follow up. They'd be responsible for working with the leader to draft meeting agendas and circulate them in advance of the meetings. That's sometimes an issue. They'd be responsible for tracking subcommittee membership, which we haven't really had much clarity on in the past, but it would be really, really helpful for us to maintain a better list of who's

currently sitting on each subcommittee. Number five is working with the leader to draft talking points, meeting minutes, other relevant documents. And the last is ensuring the availability of relevant printed materials for each meeting. So as an example, and this is not prescriptive, but as an example if Jennifer were to be assigned to be the head of the Transportation Subcommittee, she would be responsible for doing all of these different things. And I think ideally we were thinking it would be somebody like a Jennifer who is here for all of the meetings, who regularly goes to some of the subcommittee meetings who could play a role like that.

Chairman Ron Allen: Okay. Questions on that? Are we good with that, those responsibilities?

Juana Majel-Dixon: Those three anyway.

Raina Thiele: Hopping down to [section] H. This basically just says that what Kee was just asking about which if there is a significant recommendation coming out of your subcommittee, you're going to bring that significant decision or set of decisions to this full body during the full meeting and we'll have an opportunity for each subcommittee to present on those decision points and then this body will decide kind of up or down whether or not they want to go forward with it.

Chairman Ron Allen: Maybe comma at the end of full body 'unless delegated by the full body'. So, if we decide we want the subcommittee to take responsibility and we delegate it to them, then they'll carry out the action.

Raina Thiele: Alright. And below that it's basically just some general but probably pretty noncontroversial rules about seconding of a motion and all that good stuff. I don't expect there's going to be a whole lot of controversy around that piece. And then the other piece here we have at the very end, Section J, this just talks about written notice of subcommittee meetings in advance. What we often see is that folks who may have missed a subcommittee meeting or perhaps just need a refresher, they don't really get a whole lot of notice in advance of when the meetings are going to take place or what's going to happen in those meetings, so this just takes care of that piece. We're going to go down to Meeting Records which is oddly enough page 8 of 6. Just ignore that weird numbering, I'm not sure how that happened. But it's under number 8. And so this is really just a clarification. Previously it read meeting records and follow up. This just expands that heading to Meeting Records, Communications and Dissemination of TIBC Documents. This is necessary to ensure that everybody's on the same page, that everybody's getting the full information that they need to be participating in this body.

Kee Allen Begay, Jr.: Going back under the subcommittees, any reason why only Budget Subcommittee and Data Management Subcommittees are listed? I think we do have a Public Safety & Justice Workgroup and Education. Would that need to be outlined and included?

Raina Thiele: That's a good question. So there's two different categories of subcommittee. The first category are the standing committees and that's the Budget Subcommittee as well as the Data Management Subcommittee. The second set are the other three that we have which is Public Safety & Justice, Roads, and Education. And so those are non-standing. Those were created to kind of achieve a

specific goal and the understanding when those were created is that at some point when they've achieved that specific goal, they will revisit whether or not those should continue to function.

Joe Garcia: Question about the subcommittees. Number one, you have an item listed as standing subcommittees and then under item J, number one and two, you have two subcommittees listed Budget Subcommittee and Data Management Subcommittee. Would the Education Subcommittee be a standing committee? I believe it would, but it's not listed here. So far what I've seen with the previous TIBC meetings is information reporting from the Roads Subcommittee. And so are those standing subcommittees and should they not be listed? I think they should be listed. That way it's obvious for anybody that reads the protocols. If not, then... But I don't know how they established Chairman Ron Allen: yeah, that's what Kee Allen was getting at as well. Maybe one of the questions for the [TIBC] body because over the years we've established a couple more subcommittees—the Roads subcommittee, the Education subcommittee, etc. So the question for the body is do you want to establish them as standing subcommittees?

Joe Garcia: Well, I propose that for the Education Subcommittee it ought to be a standing one because of the split...it's a separate bureau so it makes sense that it be acknowledged in that way so that there's always reporting to the bigger body when TIBC meetings occur. That way for sure we don't get left out. Not that we're going to, but as long as we're here we're going to keep fighting for inclusion, if you will. I would suggest that at least the Education Subcommittee be listed as well.

Chairman Ron Allen: So you're recommending that the Education be added to the standing committees? I don't have any objection to that. Is there any objections to...

Chairman Rick Harrison: I think there is some conversation that we can have. I want to let [Chairman] Aaron [Payment] go first.

Chairman Aaron Payment: We should have standing committees that then we identify those should be created by a vote and the Education was created by a vote because I made the recommendation about three years ago, maybe four years ago when I was an alternate. Then we start really focusing in on education. So there should be standing committees but then we should also have the ability...well, we don't need to put that in any bylaws but ad hoc committees are just pick up as they're necessary, they're short term in duration and then they expire.

Raina Thiele: And the ad hocs are in here, Aaron, if you look under subsection 3 under this section is Issue Subcommittees and those can be created kind of on ad hoc bases and dissolved whenever they kind of complete their role.

Chairman Aaron Payment: So it appears when we did vote to create the Education Subcommittee a number of years ago we just didn't modify the bylaws so we should do that now and I think you just asked about objection and nobody objected.

Chairman Rick Harrison: We've also proposed the STAC idea and if that gets created, TIBCs this, the subcommittees or our standing ones still would be the budget subcommittee and the data and then

around the STAC is education, public safety and justice and transportation. And so if we're going to change that, then that changes that whole idea as well and we may have to modify this again going forward. The way we wrote it out is these subcommittees are under the bullet three, under the subcommittee heading, which is issue area subcommittees and that's part of the ad hoc or whatever. So there's a bigger picture. If we change it here, we may have to change it again if we get the STAC thing created. I don't know what the difference is having it under that issue area versus the standing subcommittees. It's still our subcommittee and we're treating it the same basically.

Shawn Duran: I have a question on the Budget Subcommittee. It states in there it's a core group of six TIBC-appointed members, but in the change that we had in the deliberations and the choices we went through yesterday, of six representatives and then there's 20 percent of that budget that's up for deliberation by this committee and how do we ensure that conflicts of interest aren't there for those folks that are part of that, no disrespect to them at all. But how do we make sure that there's parity in those decision making, especially because it's changed to where they're going to be deliberating on that 20 percent to make sure that it's fair and equal to all the regions when there's 12 regions and you have six representatives going through this budget?

Chairman Rick Harrison: Well, there's only those representatives can vote, but the subcommittee meetings are open to all members. So everybody can attend. They can all speak and we can hear your voice. Also, anything that comes out of the subcommittees are recommendations back to this body.

Shawn Duran: So the recommendations then come back to the larger body for voting?

Chairman Rick Harrison: Yes, always. That's where we were talking about under the H and I, each subcommittee will present to the full body only⁸ when there are specific decisions items that require consideration of the full body and under I, in the event that a subcommittee has decision items to present, each recommendation shall be discussed individually by the TIBC and only adopted after a motion is made and seconded and approved by the TIBC.

Chairman Ron Allen: Yes. We only make recommendations, it comes back to this body, you concur or modify our recommendations or recommended decisions. It's covered and the idea is the subcommittee may be assigned a task, a simple task and you don't want everybody to be in it so you have a group that are on the committee to go do the job. But if it's a big issue like he just discussed, like we're going to do this afternoon and tomorrow, then we expect others to participate in it, they'll have input, we'll make our recommendations and then the body has to approve it or modify the recommendation. That's the way it works. The question I was wondering, Joe's comment. So we've got a budget standing committee, a data management standing committee and then he's recommending that the education be a standing committee and I'm just questioning whether or not it's located in the right place. It's under J and it just seems to me under F is where the standing committee is recognized. It's just an organizational question. Put it where it belongs because most of this is how the subcommittees function.

Kitcki Carroll: Can I ask a question before you move on, just for consistency purposes? For all the committees, when it comes to voting, is that consistent across all committees? So by example: if data

management, anybody goes to data management, if something comes to a vote, is it a select group of the people that are there or is it anybody that's attending that day that can vote?

Chairman Rick Harrison: Well, they vote on what recommendations are going to go forward. They have to come to a consensus within the subcommittee.

Kitcki Carroll: So my only point would be then all committees should be handling that the same way. Some shouldn't be defining and limiting and only allowing certain numbers to vote and then others allowing anybody who's in attendance to vote. So I don't know the way that it speaks right now but it needs to be consistent.

Raina Thiele: Yeah. I think that's a good point. And I believe we did clarify that each...in Section 6B, you can see that it says each subcommittee should have five members, but and we also need to clarify that members are the only voting eligible participants. So we will add that in, Kitcki.

Chairman Ron Allen: That's where it would belong. That's where we'd clarify it, Kitcki, that those five members are the only eligible voters for the committee. We'll add that sentence in that section.

Kee Allen Begay, Jr.: The other area that I'd like for the body to consider because we're in the process of adopting the protocol. Going into the subcommittee meeting, we're going to be deliberating on budget. So for Public Safety Judicial subcommittee, obviously we'll need the BIA Office of Justice Service, Department of Justice Office of Tribal Justice or maybe OMB. So a lot of times when we meet, we may not have these important individuals from these departments being there. So, how can we incorporate to indicate to say that we've got to have Office of Tribal Justice BIA personnel to be at these particular...especially during the budget deliberation meetings? Could that be modified to indicate that somehow to say that they have to be there?

Chairman Ron Allen: We can't instruct OMB or DOJ, etc. to attend, but what we would want is for the subcommittees to have the authority to invite other appropriate departments and/or agencies to participate in the discussion. That's where you want to make sure that that's clear. I'm not sure where that would be, Raina.

Raina Thiele: Probably at just the new section, Section K. You could add that.

Chairman Ron Allen: Or we could amend A to clarify that the chairs in coordination with the Department, with the Bureau, can invite other appropriate departments and/or agencies as appropriate to discuss the subject matter, something along that idea.

Principle Chief Kay Rhoads: I have a question. One the subcommittees, do they have to have a quorum or can just one person go in there and say, 'Okay, this is what I'm going to recommend?' because it doesn't address the quorum for the subcommittees.

Chairman Ron Allen: Well, that helps decision making. Just kidding. Yeah, quorum.

Raina Thiele: It does say in there that folks do have to be present. So you can be absent only once. If it makes sense to add in a quorum we can do that too.

Principle Chief Kay Rhoads: I think that you have an attendance requirement, but that doesn't necessarily address the quorum issue so I think you do need to have something in there that states a quorum.

Chairman Rick Harrison: We need to come back to this. We need to table this for right now and come back to this discussion. I know that Tara is interested in the economic development discussion we had this morning so we want to get to that and let her speak to that. I had a couple other things that I wanted to ring up in opening comments this morning and one was some of the questions that came up previously after she left the other day.

The question was asked about land into trust, where that's at, especially concerning Alaska and that process. Another question we got was about the NATIVE Act, Native American Tourism Improving Visitor Experience Act and in that act it named the American Indian Alaska Native Tourism Association the national facilitator. It's my understanding Ed Hall is the lead at BIA and the question is when can AIANTA expect full funding from that to get to them.

Then we had a good question from Darryl about economic development and what that means to Indian Country and at the end of it there was a suggestion about having a summit on that and bringing all the appropriate parties, not just BIA, but anybody else in the Federal Government that would have information to weigh in on that and be part of that process.

Also about a year ago I got a letter from a tribe in Alaska asking about ICWA. They were not part of the program and it was when it came about in the '90s you had to opt in at that point in time and otherwise you couldn't get in. Through that discussion there was identified other programs that had limited tribal participation because of deadlines or other factors like that and so we asked for the federal side to figure out a way how we can open that back up to tribes to get funding for those important programs.

Tara Sweeney, Assistant Secretary for Indian Affairs: Thank you for raising those issues. I understand that you did have a very fruitful discussion about economic development and that is an issue that's of high priority to me. I look forward to working with this group and tribal leaders across the country to promote economic development and growth in Indian Country. I want to work with you. I want to work with you on infrastructure, natural resources, access to capital and broadband access among other issues. I see that you have your priorities listed on the wall and I find that a very interesting way to prioritize. I've seen it done in the past in other areas and it's been very effective. And to see the visual under the different buckets there is informative so thank you for that. Regarding land into trust, in Alaska, it's still in review. We just concluded the consultations and our regulatory office is going through and organizing the comments so that we can begin the review process internally and then the discussion so I just thank you for raising that. The NATIVE Act, AIANTA, and BIA have signed the MOU and Mark (Cruz, Deputy Assistant Secretary – Policy and Economic Development), I don't know if you have any additional information about where they're at.

Mark Cruz, Deputy Assistant Secretary – Policy and Economic Development: Yeah. So the MOU was signed on March 15th between the two entities and that was after months of back and forth with the final agreement. The C2 which is what disperses the funds was also signed at the same time and so our agreement is two million dollars over five years.

Tara Sweeney, Assistant Secretary for Indian Affairs: Okay. So it is available to AIANTA. The economic development summit, I'm excited about hearing that there is interest in doing that and that's something that I've been speaking to in different forums to bring together the financial sector, Indian Country and federal stakeholders to have a very in depth discussion about economic development and growth. I stress the growth because we are, as Indian Country as a whole, in very different places along that spectrum and where some portions of Indian Country may need assistance in economic development, there are other areas where they are exercising that right and may need some assistance with the growth aspect of development. And so thank you for that. We are taking a look at what that is going to look like. I want to develop a roadmap for growth in Indian Country and what does that mean and what components are going to be included in that. And so your input is going to be extremely important in this process and I want this to be a partnership and a collaborative effort. Regarding the ICWA and other federal programs. I think we can be a partner in that. Those deadlines, if I understand them correctly and I don't have all of the information in front of me, but if they are statutorily mandated deadlines, then that's the work of Congress. And so when you head to the Hill or you continue to work with your delegations to advocate for changing the deadlines on those types of programs. It would be helpful for me to know from this group which programs, aside from ICWA, that you are encountering some of those barriers because of the statutory deadlines. If I have that information, that's helpful for me in the advocacy that I do as well.

Chairman Rick Harrison: That's the work that the federal side and I think it was Jeannine [Brooks, OBPM Deputy Director] that said that she would help with this was to get that information. When I brought this up, it was news to a lot of the tribal leaders about that ICWA and we didn't know there was even other areas that had that similar issue. So this is information we need so we can go to the Hill also and advocate.

Tara Sweeney, Assistant Secretary for Indian Affairs: There are other programs that have those deadlines, whether it's through housing or transportation. That information certainly we can do our part to identify what those programs are and then share that with this group. If there are gaps in what we find and what you know, then let's add to that list, so that we are all working off the same sheet to advocate together.

I have one more just data point. So in my meeting yesterday with Representative McCollum, I did in fact extend an invitation to her and she has an interest in participating in TIBC. What she did say though was it would have to work with her schedule and this body needs to extend an official invite. She did point out...she said, 'You know, I participate in NCAI, I've done RES' or whatever other organizations that may have invited her that have worked for her schedule. But we did stress in that meeting that while you may see some of the same people at all of these other events that this is focused on the budget. And she was receptive to that. What I will say, and I want to put this out there just as an observation. When

external people are coming in to make presentations to be helpful to this group at the request of this group, it's important to remember how we interact with them. I want people to feel welcome when they come in here. I want them to walk away feeling welcome and wanting to come back to this group to help. And so I put that out there just as a reminder on how we're going to interact with other federal officials. I understand at times that everyone around this table is frustrated with either the Federal Government or the processes. How we deal with that is important. And so I wanted to convey that to you.

As I've said time and time again, I'm going to be transparent with you, I'm going to share information as it comes to me. I may tell you information that you don't want to hear, but you need to hear, and I am going to ensure that as requests are being made for external people to come in to be helpful that they are made, I want to make sure that they're coming back and that when they come back they want to be helpful to us. Thank you.

Chairman Ron Allen: The only thing I think I would add, Tara, is on the economic development conversation this morning it was very enlightening in terms of the complexity and the multi-tiered challenges that the tribes have raised with Darryl when he brought that question out. So I just think it's one of those subject matters that's about tribes becoming more self-reliant. How can the Bureau be helpful, and there's lots of different things the Bureau can do within its limited resources and so I just think that we need to have, whether it's a summit or some sort of a meeting focused in on that subject matter. We can easily get distracted by other things, Indian Child Welfare or whatever but if we stay focused in on what is the Bureau doing well, what is it not doing well with regard to advancing economic development? When you look at your economic development program, should there be a step back and reconsider how it carries out its functions and responsibilities? I know it's always helpful when you have Commerce or EDA and other entities like that who can contribute, Agriculture, etc., but I think we're kind of focused in on what can the Bureau do and what can it do better if we stay focused in on economic development. So whether it's a summit or a sidebar meeting of some sort, getting the right kind of leadership in can be helpful I think to try to steer the Bureau down a stronger path.

Tara Sweeney, Assistant Secretary for Indian Affairs: I'm in violent agreement with you. We need to look at the micro level, at the Bureau level, but we also need to look at the macro level and at that macro level looking at what other agencies can help fill your toolbox, what other agencies can empower you and how you can leverage what we're doing at Indian Affairs with the other assets of the other agencies and in addition to that, are there creative ways that we can look at public/private partnerships and not only public/private partnerships, but public/private and tribal partnerships to help accomplish what you need to do to move your communities forward. So, I agree with you that we need to look at what Indian Affairs as an entire organization is doing, not just BIA, and how we can improve what we do deliver or how we can change what we are delivering to better suit your needs, but how we're going to help you leverage our assets, your assets with the other federal partners is going to be key. So, I'm willing to roll up my sleeves and spend the necessary time to get that input to create that roadmap because I think it's absolutely critical that we move that economic needle in Indian Country and that we create a sustainable path and a guide for outside investors who are looking to Indian Country as part of their portfolio. It's absolutely critical. So I'm 100 percent onboard.

Chairman Darrell Seki: Good afternoon, Assistant Secretary. My name's Darrell Seki, Chairman of Red Lake Nation. I'm glad that you're interested in economic development. What I'd like you to consider is job training programs and BIA job placement. This is very critical for tribes. More money and more training creates jobs, so if you can emphasize to put more money for that. Also, I visited with Betty McCollum. She said the same thing that she will try to attend a TIBC meeting.

Juana Majel-Dixon: Really good to see you this afternoon. It was like having a conversation without you yesterday and it was like, you get a little frustrated because if you were right there we knew we could have got some straight up answers in a short window of time and whatever I can do to advocate to get this further along down the road would be great. I know in the Public Safety & Justice meeting and the Natural Resources that we've talked about for tribes and the immediate concern in catastrophic events that occur on our tribal lands and we seem to have often a coordinated response. I'm working with our tribal alliance for major machinery to help pave roads and stuff because it isn't something you have, but it's something as a tribe to tribe and we're already working out the hauling process to the Dakotas for what they're going through right now. And it's something we agree to do inter-tribally, but it seems like it would be also something that could be put into place with the federal government. And I know Ron you spoke to that about people bring it up and the examples you gave, but when it's immediate and tribes are boots on the ground and they move, there has to be a relationship of coordinating that worries not about recognizing but acknowledging what we're doing is sovereign to sovereign and supporting the leveraging to be able to use... Like we're going to call if we needed to we have a relationship with Norton Air Force Base which would carry this equipment to rather than haul it across the interstate lines, highways and stuff. And we just happen to have that immediate relationship because we just under NAGPRA transferred 500 remains to our islands. It's that current stuff that we have as tribes that somehow there needs to be a messaging, Ron, our Chairs, that when we do these things and it benefits another tribe and we can make this happen to help the Dakotas in their situation, actually along that northern corridor now because that snow's hitting right now. Right now Palm Springs Agua Caliente is getting burnt up right now, not completely, but it's over 900,000 acres right now and they're evacuating. So it's something you have to pay attention to. When we know what's going on there has to be a relationship that we can build that when we respond it leverages the budget the next go round to put that kind of money in there. And there has to be a way to. I think you're getting on the edge of that with the PowerPoints that you were doing. That's information we need.

On the other side of public safety, we were approached by the Intertribal National Task Force and I know you had asked what it is we need in our last gathering and meeting together and listening to the public safety issues on the tribes. When I heard from what was going on for Harold and them and his response of, when you have Bureau police challenging tribal safety, how do we mitigate that? How do we help that work because they have up to 21 missing and murdered [people] in the last 30, 40 days, how do we mitigate that? How do we go from just knowing about it and doing something about it? So what I want to offer to you is in talking with DOJ and trying to get this balance of a partnership between DOI and DOJ and BIA because we were handed the Not Invisible act to respond as the task force and I know that Ron and our co-chairs are going to offer some direction on that and I look forward to that discussion. What's important for me is that if I know that OJP has services for the tribes that are in 280

states which is over 380, the services offered aren't available to us in terms of courts, cops, justice and BOP, the other things that go in line with jurisdiction. And as we learned yesterday from the attorneys from DOJ that we have to go over to DOJ to get this money which is grant driven, we've learned we have to change a statute to make it formula. So we're going to do the work because it has to be done, but there must be a way to look down the road and talking with Charlie [Addington, Deputy Bureau Director, Office of Justice Services] yesterday he said there potentially is and I look forward to that discussion with you in their office of how do we do that because the impression is that we don't have a way and we haven't been able to get there. And I think there's a chance to get there by learning what that is better. So in our public summit that we're going to do on Public Safety, this seems like you...the thing is that this is one of those primary focus points of the myriad of safety issues that we're being slammed with and then the tribes along the borders are also being hit just as aggressively whether it be all over northern Alaska as well as us in the south. There isn't a balance of the inclusivity of you as our AS-IA there, as our Assistant Secretary. I commend you for stepping in that White House listening session with Olen and Theo that it was a good thing. But I also agree what we said earlier about elevating it.

The last part of that and the rest of you can jump in on what you see that that is. External access is different than being a part effecting change inside. We want to be able to help, but right now we're getting countermeasure things hit to us by the Senate on our VAWA and the provisions in VAWA and being able to use that system under Section 221 in TLOA, those amendments that are coming forward. All of you will get our report that we gave to the board so you'll have the details on that and the amendments that they want to make to TLOA. And I want to make sure you have that and we work together on that and I'm not sure who would be the body that we would work with you on that, but it's something we know we're going to get hit with. So inside of the Not Invisible act were pieces...and I agree with separating missing and murdered, they're two separate issues. There's no law in the land that exists today that'll cover a woman or a man who's between that 18 and 21 and pretty much 21 is the marker. In the entire country there's no federal law or state law that requires to report them. So that's on the missing side. But if it's a murder, there's a body found, it can trip into a greater and bigger charge and we need to figure that out. But that's also the side, the Not Invisible act along with stalking. And stalking is one of the precursors to setting up our people—men, women, children, even our elders. So I'm asking that knowing that we partner up on how to best address this because I don't want the Senate to run with it because it will harm the House bill on VAWA. It could set us back by not coordinating the response to trafficking and stalking and I think that's why the Senate Legislative Council sent it to us to have remarks. And so we have a red line version and I want to make sure all the leadership get that in the bill itself. It's important to coordinate that with you and I want to learn better what OJS can do. I learned that from yesterday, well, couple days ago when the week started that the role that...we asked that there be a coordinated inter-federal partnership at this meeting as well. Remember we were saying who are all the partners, to bring them together. So it's important. There are many things I'm trying to lean into and I'm going to write...it's written up. I want to make sure you have it. But my earnest is to work this out where it benefits us and we don't get tapped out with it.

Chairman Rick Harrison: I just want to touch really quickly on one point Juana brought up and that was how these fundings are distributed and talking about the statutes and whatnot. In some cases there

isn't any direction given but the Bureau or other departments like DOJ are taking a stance, 'Well, they didn't give us a formula so it has to be a grant.' But that's not what it says and they told us that. So they're using their discretion to make those choices just like OJS is using their discretion on how 280 states aren't getting any funding. They basically are doing a formula and the 280 states are falling at the bottom. But there's no legislation requiring that. I think that that needs to be looked at and there needs to be more discretion that's in favor of all the tribes for these funding areas.

Chairman Russell Attebery: I'll be brief. Thank you, Assistant Secretary for being here, appreciate it. My quick comment is the consultation process and how important it is and I won't rehash everything that I said when Darryl brought up the question about economic development. In Northern California we've had a plan and for the eight years that I've been coming here, I've sent an invite out to the Department of Interior to come out and consult with us out there because our issues with the fires and the pollution of our rivers, the Klamath River is the lifeblood for the three largest tribes in California, and our salmon are becoming on the endangered species list and that's very important to us. With the economic development in forestry, we have a plan and we'd love to present that plan for sustainable economic development, one we'd really like to advocate for funding for infrastructure to bring that back and I explained we went from a robust economy which actually ended up private business coming in and basically extracting our natural resources to nothing. And so we do have a plan for logging in a sustainable economy that would be everlasting for there and we'd love to be able to present that.

The other quick thing again has to do with the consultation process. Yes, I think everybody at this body wants to be considerate of everybody here and we want them to come back and we want them to feel comfortable, but I think the decision again to do with the consultation process and correct me if I'm wrong, but we're probably talking about the reorganization and I think that this body felt that that decision was made without consultation with this body that's going to affect all the tribes in California and I think that's what's again the importance of the consultation process. Thank you.

Tara Sweeney, Assistant Secretary for Indian Affairs: So thank you for your comments regarding the consultation. I have heard and continue to acknowledge that the Department of Interior through the reorganization from your perspective has not been adequate in terms of consultation and some may feel even stronger than that and I acknowledge that. Again, I commit to this group that we will get you a hard document to review. I went up to PMB (Policy, Management & Budget) early this morning to have a conversation again about the reorganization and they conveyed also that the door continues to remain open. They acknowledged also that we do need to get a document to Indian Country to react to, to provide that input to review and my office will remain open to that feedback. So I still remain committed to getting you that document and for you to take a look at how the dust is settling outside of Indian Affairs and to provide that honest feedback about what your true concerns are, where the challenges are. If you're feeling like there are roadblocks or you don't have access, I need to know that, we need to know that. I apologize that there hasn't been a document provided to date, but I'm committed to getting that to you and while you may feel that this is on the back end of their reorganization efforts, it is, and I have no statement to make about that except for I'm sorry that we haven't given you documents to date, but I'm committed to getting that to all of you and your input is going to be welcome by my office and I will share that feedback throughout DOI.

Chairwoman Cheryl Andrews-Maltais: Ron, may I just be uncharacteristically brief? Tara, thank you for that but I think part of what our shock and our disappointment was, and it was profound shock and disappointment yesterday, was when the gentleman that was here was talking about the reorganization and he noted that the Department of the Interior got \$900 million extra money, of course Indian Affairs got some, but never were we informed of this extra money that was coming in and we were talking about not only the cost of opting in and out for tribes, but the cost of the reorganization and ensuring that Indian Country is held completely harmless from any cost impact of this reorganization; as well as if there are monies coming in, why are we the last person to get the scraps when Interior gets more money as opposed to us being in the forefront of those allocations for additional funds.

Tara Sweeney, Assistant Secretary for Indian Affairs: Thank you for reminding me of the request for a cost benefit analysis. That came up this morning and there was agreement that that's a fair request and we should provide that. What I will say about Scott Cameron who came in, don't kill the messenger. He is working really hard on our behalf and I will tell you that PMB (Policy, Management & Budget) has been an ally for me in obtaining information and working with them.

So when we ask someone that we know is friendly to us to come in and present, it's okay to aggressively advocate, but I want him to feel like he can come back here again. So that's where my comments were rooted. I want to bring people in here who are going to be helpful to us and I want to be able to walk into his office after a session like this and ask him to come back and he'll say, 'Absolutely.' There are folks that are working very hard on our behalf and he acknowledged...he said, 'That is a fair request and we should be able to provide that.' I said, 'Well, let's start working on it together.' And so thank you for bringing up the cost benefit analysis and as a reminder for me to share that with you.

Chairwoman Cheryl Andrews-Maltais: Well, he has to take the message both ways. As well as being a tribal leader and a Fed, I sat here, I shot the arrows, when I sat there, I took the arrows, and I sit here now again and I shoot the arrows with a lot more precise aim than I had before, for sure. But the bottom line is that we're being told things, this is a budget committee and we're being surprised by funding that we were never made aware of and that's unconscionable that we're sitting here making decisions as I think one of our tribal leaders says, we're making decisions and hard choices of what we can and cannot provide for our community, our family. And then we find this other money that's out there and it's kind of blasé and it's like, it's not to us and that money goes a very, very long way. And we appreciate it but he knows, he wears the uniform, he wears the stripe, he's got to take the arrows.

Tara Sweeney, Assistant Secretary for Indian Affairs: Understood and I do appreciate all of the feedback that you have provided to me and during this time and I'm thankful that I've been able to participate. Thank you.

Chairman Ron Allen: Tara, thank you for making it back over here to engage with us before we wrap up our business. We know you heard a lot of messages and we appreciate your advocacy for us. We wish you well and we look forward to continuing this conversation or sets of conversations in our future meetings. Go forth, do good work, just don't make any mistakes.

Raina Thiele: We're at the very end of the document and what we're going to do and what I'll work with Tyler and others on, we'll take all the suggestions we heard today, we'll put those into the document and we'll send out a preliminary tentatively final document for everyone to review before we finalize it. So everybody will have an opportunity to look at the new changes and updates and if you do want something to look different or it's not reflecting what you recommended, then that'll be your time to go over it and let us know that.

The last section here that we have is Section C and it's basically just a technical amendment which specifies that Indian Affairs is responsible for a couple of different things. The first is tracking each region's two TIBC reps, which they currently do, but this is just kind of making that more formalized. And the second piece is each region's technical support staff. So we did have a question about this because often our TIBC tribal reps will bring somebody with them as a staff member and they want that person to receive information from the full body when that's disseminated. And so this would basically be a way for us to get those folks onto the same mailing lists and ensure that when you do have a staff member that accompanies you here, which some folks do, that that person's also receiving the same information.

Chairman Ron Allen: So one, tracking each region's two representatives and alternates. It could be plural. Questions on this last section? All right, so she'll wrap this up, like she said, she'll get it to you. We need your approval to move it forward. We need to get it over to Interior for the Secretary and her team and the Solicitor's Office, they always scrub it, take a look at it. If they have any recommended changes, they'll get that back to us and we'll send it back to you if there's any technical or even legal questions that they want to raise with regard to getting the Secretary to sign off. That's the end of our issue here and we do need to add...Tyler, I don't know if we had any follow up old business.

Old Business/New Business

Chairman Rick Harrison: We have an action item list in the booklet and that's what we normally go through for old business. I guess it'd be helpful... Is there any changes or updates on the action items because if there's not, we don't necessarily need to go through them.

Chairman Ron Allen: Not necessarily old business. It's mostly new business. We have some letters that we need to get to you. Remind me now. Were we going to try to get the two letters for the Senate and the House? We were going to get that to you so what we can do is we can distribute that to you, take a look at it, make sure that it reads right. If you have edits, get that back to us. Get it through Tyler, Rick or me and we'll finish it off and we want to get it up to the Senate and the House right away.

Now we have a couple other letters that need to be written. We'll get those drafts to you. One of them was the changing of the category from welfare to financial assistance, that one. So we need to get that to you. We want to identify it and talk through that with the Administration, make sure there's no issues within the Administration in terms of changing it so there's no confusion over changing the title. But we'll get that to them to get that underway.

Tyler Scribner: I just forwarded you the list of new action items.

Chairman Ron Allen: You forwarded it to me? Okay. I got Tyler's list that he tracked. Letter to the Hill, you've got it right now. A letter to NCAI saying what TIBC wants so we're communicating with NCAI about our request. A letter the Hill, the House and the Senate, in support of H.R. 1585. Oh, yeah. This is Kee Allen. This is the letter regarding the 477 program for all Public Safety programs so that we can consolidate Public Safety monies. So we got that one.

Tyler Scribner: Item #4 on your list needs clarification from the TIBC body, sir. There was a motion for regional help to assist with regional police chiefs, a request that BIA, OJS and DOJ be in attendance. It's unclear whether we mean at the subcommittee, the committee level or as part of a summit.

Juana Majel-Dixon: It was the details of the summit.

Chairman Ron Allen: Got it. And then we had a motion expressing support of TIBC body for the Great Plains transportation pilot initiative. So we got that one. And a directive to BIA. Navajo asked us to write a letter to the Secretary asking why these programs were being eliminated, correct?

A. Gay Kingman: That was my motion, Navajo seconded.

Chairman Ron Allen: Right, thank you. Now we've got a letter to OMB and Interior PMB to urge that they continue to attend and participate in these meetings. And then a motion by us to demand that the Bureau restore the eliminated programs. A letter thanking the house for passing VAWA, a separate letter requesting the Senate to support VAWA. So those are two other letters. Then we've got a motion to urge the Bureau to change the welfare-assistance... So we got that one.

A motion to oppose the regional effort, a letter from us to the Assistant Secretary that we object to the proposed reorganization and regional watershed initiative. That's the last one I have.

So on all those last ones it's going to take us a little while to make sure that we get them written correctly. We'll have to vet that with you. So we'll send them to you, give you a few days to look at it and get back to us so we can finalize it and get it in the mail basically. Does that make sense? Any objections to that process? So we have these two letters that we want to get out right away to the Senate and the House on reviewing the Department's trust responsibility.

Kitcki Carroll: So this is a good letter so thank you for whoever drafted it, but one recommendation though. It doesn't do the last piece which is to underscore the fact that despite the findings of the Broken Promises report the Administration continues to put forth budgets that severely underfund the trust and treaty obligations. So we are requesting for a hearing in response to that. So it talks about TIBC, it talks about the Broken Promises report, but it doesn't tie it together at the end to the fact that we keep getting these BIA budgets that are not acceptable.

Chairman Ron Allen: If you have some thoughts on the language, get that to Tyler so that we can get this thing finalized.

Juana Majel-Dixon: That we just give consensus to the discussion that what he described is what we agree to and we just consensus move forward with the staff on that.

Chairman Aaron Payment: When we're done with like the business I have a request, a media request related to... Well, I guess I'll do it...related to suicide and opiates. I've done what I can with that news source but they need...they're requesting somebody with some direct experience and I don't have immediate experience. So, if anybody has that, I have a contact for you. So they're looking for somebody to respond to a media request.

Chairwoman Cheryl Andrews-Maltais: And when we're done with all business can I just ask if maybe we can have a tribal caucus of this board for just a really brief minute. I want to express something in the executive session realm...Before we break TIBC, but we can excuse everybody else that's not part of the deliberative board.

Chairman Ron Allen: First question, is there anything else, any other business that we need to handle today?

Chairman Rick Harrison: One of the other things we always touch on before we end is agenda items for the next meeting so if there are specific things we want on the agenda from the body, let us know. One of the things that Jeannine brought up was that there was a discussion earlier on what line items are under which categories. If people have suggestions for changes, take this home, make sure it's in your packet, take it home, think about it and bring it back to the next meeting so we can have that discussion. It will be on the agenda. And are there any other things that people can think of right now? If not, let us know when they come up as soon as you can so we can get that agenda out.

Jeannine Brooks, OBPM Deputy Director: Are there any other agencies you'd specifically like us to request to come to the July meeting so that I can start working on trying to get them there? I know at one point you guys wanted Wildland Fire. Are you still interested in that or is there anyone else you'd like us to bring?

Chairman Rick Harrison: That probably is an appropriate time to have them because that's the time period where we're dealing with that. And specifically in our region where we're going that tends to be a big issue at that point in time for Alaska as well.

A. Gay Kingman: Jeannine, I think somebody from the Department of Education so we understand the majority of children are in public school so we have somebody from there to come in address this body.

Jeannine Brooks, OBPM Deputy Director: Okay.

Chairman Aaron Payment: If we formalize that in a request from TIBC, I can carry that to the NACIE meeting that's just two weeks from now so it's perfectly timed.

Juana Majel-Dixon: A quick follow up and I think you have it there and I'm fine with that. Because TLOA's going to be amended, the partners, they have an MOU—DOJ, DOI and DHS—and addressing tribal provisions in TLOA. That amendment's going to be going through so we have not had them

address it collectively and if we do this in June and this gets put off with the public summit on safety, that'd be ideal to have the representatives of those three be there. TIBC is one thing but ITWG, the Intertribal Working Group is going to be meeting also at the NAC in South Carolina. I think that's in May or at the end of the month, I can't remember. But it's important that we have yet to have a meeting of the three in regards to TLOA. Look into your...with the staff and where that is in your history and where it should be placed.

Chairman Rick Harrison: So on that note, Jeannine, the players that came or have been coming the last couple meetings for the Public Safety and Justice Subcommittee meeting, DOJ and others, they would probably be good to have at that meeting. We've built some momentum around that and we want to keep that going.

Chairman Ron Allen: Okay. One last thing, Jason and George, something we didn't emphasize with Tara is we want her to talk to the Secretary about the STAC type forum utilizing this forum so we'd like to have that conversation with her after she talks to the Secretary about that request. If it's agreeable with the body, we'll craft a letter to that effect so that it's on the record about that request. We'll get that crafted up and we'll get that letter to [Indian Affairs] asap. Anything else for the good of the body here on our agenda before we go into a tribal caucus? Now Cheryl, I kind of want to have handle on...do you think it's a half hour or something like that? Do you think it's 15 minutes, what?

Jeannine Brooks, OBPM Deputy Director: Kitcki, I'll have the carryover report. In July we'll have a carryover report.

TIBC Session Adjourns

Chairman Ron Allen: Thank you. This TIBC meeting is adjourned.