

Tribal/Interior Budget Council
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Call to Order and Opening Remarks - Day 1

Chairman Ron Allen: Good afternoon, everybody. We want to welcome our Department of Interior BIA officials here representing the Bureau and so we'll get this meeting started. Let's get started in a good way and I've asked Joe Garcia if he would honor us with an invocation.

[Invocation provided by Head Councilman Joe Garcia, Ohkay Owingeh]

Chairman Ron Allen: Thank you, Joe. We always appreciate getting these meetings off in a good way, having the Heavenly Spirit be with us as we discuss these important subject matters. So we want to call this meeting to order. Mark, we've had a couple of good conversations yesterday at the subcommittee breakouts and then this morning in our tribal caucus so we have a list of issues that we want to engage with you and Darryl regarding the Bureau's performance and budgetary priorities

and needs, etc. There's lots of stuff on our minds with regard to the CRs and extended CRs and trying to get into the 2020 needs in a constructive way. This town gets consumed with things like impeachment hearings that's going on right now as we speak but we have to go home and take care of things at home which is our priority. We're hopeful that as a result of this afternoon and tomorrow that we can chart a course of actions and efforts that will continue to advance our agenda. You know well that it's complicated. From Alaska to Florida and Maine to California, Indian Country's complicated and there's many, many needs that we have. We have a number of recommendations and positions that we want to fill in the subcommittees, etc. so hopefully we'll put a little more structure to our process as well and that's one of our high priorities. So I will stop there and give a little more details in the report on the caucus. Turn to Rick, if you have some opening remarks. No, and so I'll turn it to you.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Great. Good afternoon, everybody. Thank you for coming to this session and participating in discussion surrounding the budget formulation process and the development of budgets for Indian Country. We do value the input of this council and we do our best within the allocation set for us to advocate for the priorities that this council puts forward. The agenda for the next two days includes presentations requested by members of TIBC that address education construction, the 105(l) lease program, status of funds and energy initiatives. We hope these presentations will include good dialogue that addresses many of the questions you have concerning these areas.

With this being the closing session of the 2019 calendar year meeting schedule, I'd like to look back at what we've accomplished. Over the last year I watched the TIBC prioritization process improve as we've been able to dive deeper on the various priorities across the regions by improving the ranking tool and better integrate the BIE into the budget formulation process. The streamlining of protocols in subcommittee organization will continue to lend to better results. That's all great but even with the two year budget agreement, it is very important that we continue to work together to preserve and protect the Indian Affairs budget. Stepping back, it's important to recognize that when we do prioritize, we're able to achieve great outcomes for Indian Country and I want to go over a few different things that we've been able to achieve in Assistant Secretary's Sweeney's first year at the helm. As you guys are all aware, earlier this year we proposed separating the BIE and BIA budget. We've briefed appropriations committees a number of times and they seem to be okay with that. You also may be familiar with our efforts by the Office of Justice Services in their ongoing strategies to address the Missing and Murdered Indigenous Woman epidemic plaguing our communities as well as the narcotics in the form of methamphetamines and opioids on tribal lands. They're represented by Kevin over here and we thank them for their continued efforts to rid these scourges on tribal lands. Our Regional Directors are also here today, all 12 of them and I'm happy to report that they collectively continue to address the Title status report backlog, the APD backlog and improve HEARTH Act request turnaround times. We're very proud of them for that and we've relayed to them that this is an ongoing priority and emphasis under Assistant Secretary Sweeney. The CFO shop represented by Jim Anderton over here is getting us to historic lows of spending. I'll let him speak more to the specifics of that but we're very proud of the work that the CFO shop has done in making sure that services and products that tribes request and procure are getting out to the field which have an immediate and immense impact on tribal members. Also represented here today by the Office of Self-Governance, Lance Fisher, they continue to do an excellent job of taking funds from programs and getting it out to self-governance tribes. That continues to be a point of emphasis of mine as well as the Assistant Secretary and they've also done a great job this year of clearing the

Tiwahe spending discrepancy as well as the Small and Needy Tribes lines for self-governance tribes. Looking ahead, the [Assistant Secretary for Indian Affairs] Hallway continues to focus on a couple of different regulations that we're trying to complete by the end of the calendar year. First is the Tribal Energy Resource Agreements Regulation. We had a number of consultations this year and that has a statutory deadline of the end of this calendar year so I welcome you to visit our website—indianaffairs.gov—where we provide the latest updates on where that is and I'm happy to report that that's making good progress. In addition, we have two big education regulations that are also going to be done by the end of the year. The first is the Johnson O'Malley regulation that Congress requires us to update by the end of the calendar year. And then the second is the Student Standards Accountability and Assessments regulation that is also on track to be completed. Finally, you guys may be interested to know that we are fulfilling our requirement to move the Office of Special Trustee to ASIA. That's pending the finalization of a secretarial order and they will be moved from the Office of the Secretary to the Assistant Secretary for Indian Affairs office under our purview and they're represented here by Mr. Jerry Gidner. And at that time we also intend to fulfill our responsibility of sending the ITARA Report to Congress. Finally, next week, the White House will be holding a Native American Veterans event focusing on the sacrifices and contributions of Native American troops for the Iraq and Afghanistan conflicts and many of you have heard from Tyler Fish who is a veteran himself and he is the project lead on that effort and so we look forward to a great event over at the White House next Tuesday afternoon. So that's my report from Interior and the team here and I look forward to answering any of the questions that you may have. Thank you.

Chairman Ron Allen: Thank you, Mark. And yes, we will definitely be circling back on many of those topics that you raised. Without a doubt they're very important. So we need to take care of some of our business first and of course we need to make sure we have a quorum so we're going to do the roll call. So I'm going to have Tyler Scribner from our NCAI staff, technical staff to do the roll call.

Tyler Scribner: [roll call conducted, please see tribal attendance for this meeting as Attachment A to these Minutes] Thank you Mr. Chairman, there is a quorum present.

Chairman Ron Allen: Great. Thank you everybody for being able to make it or else your designee from your respective offices. These different topics are very important to each and every one of us. Okay, the next item here. We have a draft agenda in front of you. The only thing that I know that we are asking consideration is tomorrow afternoon. We'd like to get a report from somebody from the Census Office to give us an update on the census.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: We heard that. I reached out to my political counterpart and they are working to identify someone from the Census Bureau to be here tomorrow.

Chairman Ron Allen: Okay. Perfect. With that amendment to the proposed agenda is there any other items that need to be weaved into the draft agenda? So we'd entertain a motion to approve the agenda as amended.

Head Councilman Joe Garcia: Motion.

A motion to approve the agenda with an amendment requesting representatives of Census Bureau come speak with TIBC carries.

Chairman Ron Allen: All right, we have some minutes. What's the desire of the body? Do you want to approve them now, do you want a little time to look at them and approve them later in the meeting? Any recommendations?

Head Councilman Joe Garcia: I move that we get a chance to read and correct or anything and make a motion later on.

A motion to postpone approval of the minutes to the next day carries.

Report from Tribal Caucus

Chairman Ron Allen: Okay, Report from the tribal caucus. So Rick and I will try to summarize the issues that came up this morning. There was a number of them and one of the things that we're very delighted is that all the regional directors are here. One of the topics that came up is the concern that the tribal leaders are not getting the information that they need with regard to the Bureau and what is going on in the various regions, with regard to the budget process, with regard to the availability of resources at the end of the budgetary year and there's a desire to ask the Director and Deputy to urge and encourage the regional directors to reach back out to their respective tribes so they know exactly what's going on. As everybody knows, this process is changing so many of our tribal leaders are not aware of how this process is changing in terms of the prioritization and what's going on with the budgetary process, the prioritization or what's available to them. And so there's great concern about that. There was also a desire to make sure that, if at all possible, that the budget directors are participating because more often than not the budget directors are the ones who are communicating with the tribes about the process and the prioritization to try to reach out and get more information from the tribes and get greater participation in the prioritization process from each of the regions. We recognize that some of the regions are a little more challenging than others but we feel that that is the responsibility of the regional directors and so that was an issue with the regional directors and the budget officers from each of the regions. So that was a topic that came up and is of great concern to the tribes. The other one that came up was a great concern over the lack of true and accurate profiling of Indian Country. The data that we get out of Census that many of the departments and agencies use, many of the models that the Bureau uses itself is relative to the profile of Indian Country with respect to those that are enrolled, those that are living in the area, Indians and other Indians in each of the communities, the true status of unemployment and so forth that was typically in the Labor Force Report that has not been updated since 2010 and the concern that Indian Country is raising is that that data is not available and not accurate. And so we want to urge and encourage the department to work with our data committee to one, identify a new role for the data committee and I'll come back to that a little bit later, to identify a way that that data can now be reenergized. As we understand it, there's nobody responsible for it at this juncture and so one of the requests that we'll be having with you is that who we would work with to reenergize the effort to get a more accurate data with respect to Indian Country. There's a lot of issues that are out there but quite frankly we don't believe that the data that we're getting is accurate. And one of the reasons we want the Census person coming over, we want to know what kind of collaboration is going on between the Department, Bureau of Indian Affairs and Census with regard to the new census

surveying that's going to be happening over the course of the next year. That is a big issue for us that we had a great concern over. I'm trying to remember some of the other issues that were raised.

We did make a whole bunch of new recommendations for the subcommittees in terms of updating the participation and that they're consistent with the new protocols. We're anxious for Tara to sign the new protocols and get that done so that we have some marching orders and clear framework on how we're going to manage our affairs which includes the reappointments of the leadership here in TIBC and also the leadership and participation in the subcommittees. We did establish a new subcommittee that we are trusting that the Department will embrace. The new committee is Land, Water, and Natural Resources. The Blackfeet from Rocky Mountain area raised those issues and everybody embraced it. We have a number of people from throughout Indian Country who want to make sure that we touch on those subject matters because it's of such high importance to Indian Country. We didn't talk about the 105(l) leases but we're glad that it's on the agenda and we want to make sure that we talk about that subject matter. We do know that Jason has been looking into the exemption apportionment subject matter that IHS has. We talked about that because of continuity with the tribes. A lot of issues came out of the education committee of great concern with regard to any...well, whatever the schedule would be with regard to restoring or building new and upgrading our Indian schools. That was an important issue. There were other issues that were raised as well as for Indian students that are in public education institutions and the JOM. So we know that the JOM is hopefully be updated and we'll find out more about where we're going with regard to that matter and how successful we are with our student graduation rates. Public Safety was a heavily discussed topic and I need Kee Allen or others to clarify. They appreciated the summit that was held in Albuquerque. They appreciate that there's a proposed new additional summit next spring and another summit dealing with Justice Services. But there's a lot of issues that we want to make sure that that issue moves forward constructively so that we weave the Department of Justice programs and more effectively coordinate all the programs over there at DOJ with the OJS services and programs. It's been an ongoing question and challenge with regard to consistency of resources for law enforcement, justice services and incarceration detention facility accommodations.

Let me pause and ask our colleagues here on the committee or the council that is if I'm missing some key points that we discussed this morning and yesterday. If not, some of these topics are going to come back up as we go through where we are in the updates on the BIE, OST and so forth, the regional reports. So it's a big issue for us and a great concern.

The last item is I do want to raise the issue we want to see Tara. She's the one that is our key rep. We all come here from the four directions and travel great distances and so the bottom line is we know that sometimes she'll get conflicts, has to go up on the Hill and so forth but we want to see her. She's our chief advocate. We appreciate you, Mark, and we appreciate John, I guess John's on the sixth floor with the Secretary, but we want to see her. We want to make sure that as we raise these issues that she needs to be here. That's a topic that's of great concern to us. Nothing is of greater concern to us than the budgets, the resources, and identification of these very urgent needs from every program that we administer to serve our people. It's a sensitive topic and we know she's trying to do the best she can, but show up. We come and we want to see her. Joe, go ahead.

Head Councilman Joe Garcia: Mr. Chairman, I want to express the importance of understanding the new process developed for assessing and looking at school construction. I think there will be a

presentation made by BIE this session if I remember right, but if not it's something that this whole body needs to be appraised of and so it's an important point. Thank you.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Thank you for your leadership, Head Councilman Garcia. I know you attended our pilot session at NIEA and you had the idea of having it brought here so we're happy to work with you and bring that to the bigger group so thank you.

Chairman Harold Frazier: I've got a quick question. Where is Ms. Sweeney?

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Chairman Frazier, she is actually on her way to Osage. They have their Osage Summit down in Tulsa so she is participating in the Osage Minerals Council Annual Meeting. The meeting's tonight and tomorrow morning.

Chairman Russell Attebery: Mark, greetings from the Klamath Basin. Good to see you. Just a quick comment. I know I co-chaired the Education Subcommittee. We didn't get to talk a lot about it but I just wanted to keep in mind and again I think you said this might be a discussion for tomorrow. It was discussed that approximately 93 percent of Native American students attend public schools so we wanted to look into the funding and how that's appropriated and through Title VI, how those funds are used. I don't think we're reaching the Native American students in public schools.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Chairman, I thank you for that point and it may be that time where we invite the Department of Education to come through. Tony can jump in a little further but what we do in our Greenbook submission is show all the Title funds that are appropriated to the Department of Education and how they're passed through to the BIE and then how we pass those through down to our schools or the tribal grant schools. And so from our perspective it's a passthrough agency function but you're absolutely correct. Tribal leaders need to have a greater say in how those funds are dispersed, where they're going, are they being effective, and that's all administered by the Department of Ed. I will say we met with the new Office of Indian Education Director, Angela Bouley. She started earlier this year and she's getting kind of acquainted with the federal role and process and she comes from the field so she's been a very strong advocate so far in our first couple of meetings with them over there. I don't know if, Tony, you want to add onto that at all.

Chairperson Aaron Payment: So one of the follow ups from the last TIBC meeting was to extend an invitation and I checked to see and I'm not sure that that happened but I extended the invitation yesterday, doublechecked to make sure it would fit our schedule and she'll be here just before...around the time that Tony's presenting later. She's the Director of Indian Education under the Department of Education, Office of Indian Education. But one of the things people should know about is in 1969 following the Kennedy Hearings, the National Advisory Council on Indian Education (NACIE) was created with dual tracks to the Department of Education but also the Department of Interior and for years that laid fallow. I'm not sure people realized that there was a responsibility in the Department of Interior for education as well, not just the Department of Education. I serve on NACIE. We did have our first meeting in the last Administration with both secretaries present and so that's probably something we need to get back to and realize there is a line of authority even on the public education side. 93 percent of our kids go to public schools, seven

percent go through BIE schools and there's funding that's synonymous on both sides. When we plan for the education for our children we don't only focus on one side of the aisle or the other but we look at it in a comprehensive. Angeline will be here. She committed she'll be here just before Tony goes on to give an update and really to ask us what it is that we would like her to report on during our TIBC sessions.

Chairman Ron Allen: Chairman Seki, you wanted to talk about opiate issues.

Chairman Darrell Seki: My name is Darrell Seki, Chairman of Red Lake and a concern we have in our reservation is the opiates. Now it's meth. It was opiates, heroin, now meth is coming back. The problem we're having is these non-members are coming...bring these drugs in our reservation. We're a closed reservation and our officers arrest these non-members but we can't incarcerate them so we have to transport them to the county, then they get released in two days and nothing happens. They're not prosecuted. They come back to our reservation and abuse our women and the children and nobody's listening to us. I've been saying this for years now. The last three years I've been addressing this. Nobody answers. They come visit us. 'Sure, we'll look into it.' That's all we hear. I even talked to Charlie Addington, I believe. I don't know if he's here. And the other problem we have, our officers are not recognized outside our reservation by the county and the state saying they're not police officers. They go to a police academy and our CIs go to FBI training, all that. They're probably more qualified than the county sheriffs or state police but they're not recognized. And then these non-members go on Facebook and say, 'Yeah, I'll go to Red Lake. Nothing's going to happen to me anyway. They'll arrest me and then the county will let me go and I can go back to Red Lake. I can go back anytime I want to because they can't do anything to me.' That's what we hear. We see it on Facebook. And the Federal Government's not doing [anything] about it. It's time to step up or otherwise... We locked up a non-member here a couple years ago and I kept not letting him go and they threatened to take our funds away. They also were going to charge me obstruction of justice because I wouldn't let that non-member go because we already had a removal order on him but he kept coming back to our reservation bringing in drugs, abusing his woman. When is the Feds going to wake up and do something about what's going on? Thank you for listening to me.

Chairman Ron Allen: Some other issues, Mark, We've identified the tribal reps on all these committees and we want to coordinate with you and whoever is the point on who is the BIA participants in each of these committees so we can finish that out with regard to the roster.

Chairman Harold Frazier: Can I follow up real quick? Chairman Seki just brought up an issue and he got ignored. This is the reality of what's happening out in Indian Country. Where is Addington? Why does the White Man have more authority than us Indians on our lands? You guys going to ignore him? He just brought up a major issue that's a problem throughout Indian Country and, yet, we're moving on, finding out how many people could sit on a committee. I think Red Lake deserves an answer. Thank you.

Darryl LaCounte, BIA Director: Chairman, I will address that when my time comes, if that's okay.

Chairman Ron Allen: Okay. I just want to make sure I finish off the issues that came out of the tribal caucus. So we need you to come up with the BIA reps in these committees. I have one other issue from the tribal caucus. We had a long conversation about the Small and Needy Program and we got a report from George and Jeannine (Office of Budget and Performance Management) that in '19

that we should be fully funded for the \$160,000 and the \$200,000 up in Alaska and that those monies were going to be moved over into the Aid to Tribal Government. So our hope is that that won't be an issue anymore but we will give you a heads up that we've had conversations in the Budget Subcommittee that it's been \$160,000 and \$200,000 for a long period of time. I can't remember the number of years—15 plus years—and it really does need to be bumped up so we're looking to you guys to help challenge that because those small tribes who don't have a lot of money, \$160,000 and \$200,000 is not a lot of money to work with so that's a huge issue. We really want to be able to stabilize that agenda. That was another issue that came up. And then when we get to Jason's update, we'll talk a little bit more about the advanced appropriation conversation as well. Let me go to the BIA update, unless there's any other discussions on updates? Any comments on your part?

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: No, we'll go ahead and let the Directors give their reports and if there's anything that needs to be followed up, happy to do that at that time.

BIA Update

Darryl LaCounte, BIA Director: Thank you, Chairman. Just acknowledge it is Native American Heritage Month and it kicked off here at Interior yesterday with the Eskimo Ninja. Have any of you ever seen the American Ninja Warrior? I hadn't, but we had one of them here. He's from Alaska. He was a motivational speaker as well and he had a great message and a lot of it was to do with what Chairman Seki mentioned—drugs and alcohol. I had never heard of the Eskimo Ninja, but I guess he's got a social media following and it's quite a deal and he's on the program. He showed us clips from when he was on the show. Anyway, it's Native American Heritage Month so I hope you all celebrate in whichever ways you do at your respective tribes.

When I got here in February of '18, the Office of Trust Services was having a negotiation with the Census Bureau on Indian lands and I said, 'What are you doing? The Census Bureau doesn't get to negotiate Indian lands. We keep Indian lands and we give that information to them.' And so we'll do whatever we can to help your committee with the Census. They genuinely thought that they could negotiate what was Indian land and what wasn't, which is purely 100 percent the United States Government or the tribes if they have that program contracted. So just wanted to touch on your questions with the Census. That being said, I'd like to speak to the staffing in the Bureau right at the moment and I'm happy to say that all but one of the senior executive service positions are filled or have been selected. The Office of Indian Services is not. I don't have a selection made there but every regional director is filled or a selection has been made so we have 11 full-time Regional Directors out of the 12 and we've made a selection on the 12th. The move to Albuquerque with the Division of Trust Services is complete and they will start staffing up immediately and a lot of staff.

Chairman Harold Frazier: How come there was no consultation on that?

Darryl LaCounte, BIA Director: That decision was made before I got here, Chairman but I didn't oppose it. I could have changed that decision but I looked at it this way that 95 to 98 percent of the lands and the trust resources that we manage are west of the Mississippi River and if you are in Alaska, at best you had four hours a day to contact somebody from the Office of Trust Services. So I thought the Mountain time zone was fine. I could have put a stop to it but I chose not to and as for consultation, I wasn't around when that move began. I don't know.

I think we have a better opportunity to hire more qualified people in Albuquerque, New Mexico than we do in Washington, DC. I'm sorry that there wasn't consultation with it but it has occurred.

Chairman Ron Allen: If I might ask a question here. Quite a few of us will have applications that go into our regional office and then if it's not within the reservation border or adjacent then it automatically goes to DC. So that means that they don't go to DC, they go to Albuquerque, is that correct?

Darryl LaCounte, BIA Director: That is correct.

Chairman Ron Allen: So that notice is going out to the regional directors and the regional directors are keeping the tribes well informed so they're not sending it to the wrong location? I'm trying to remember the new director, Rountree or something like that.

Darryl LaCounte, BIA Director: The Deputy Director of Trust Services is still located in Washington, DC. The Associate Deputy Director is here as well. Trust isn't completely gone from DC so it wouldn't matter if they send it to DC or to Albuquerque, it's going to get to the right people.

Chairman Ron Allen: So one of the requests. When tribes put their applications in and they automatically go to the DC office, whether it's processed in Albuquerque or not, it's hard for us to know exactly where is it in the queue. So do we expect it to be done in a month, a year or longer, whatever - but we don't know. So there needs to be a way for us to have a feeling for where it is and if it's gotten to the top of the list that's being reviewed. Is there anyway you can do that?

Darryl LaCounte, BIA Director: Well, we thought about that and we're leery about publishing all of that data out there because some of you may not want your data for the most part out there. So right now we haven't arrived at a consensus on how to make that available to you but that would be something we would certainly like input from you on. I know to go to a webpage and find it, that would be great for you but maybe you don't want somebody else seeing that.

Chairman Ron Allen: Yeah, that's fair enough. Many tribes don't want the general public to know what we are processing, even though the general public knows because we have to let local governments know that we're taking land into trust and off of their tax rolls and then you look for feedback from them according to your process, if I'm correct about that. But more importantly, we need to discuss how we can come up with a system so that tribes know where those applications are so they have a feeling for when they will be completed. Many of them are very controversial. Gaming has a whole different process, but after months and sometimes years, we need to know. It seems reasonable that there's got to be some way to have a process to keep the tribal applicant informed.

Darryl LaCounte, BIA Director: We recently implemented the Fee to Trust Module in TAAMS. Within the last month we have done that. So your regional offices are still responsible to keep that system up to date. At any given time they should be able to go to that system and tell you exactly where it is in the process. The Fee to Trust process is a 16 step process with off-reservation, non-gaming applications. The first nine steps of the 16 step process are done at the regional or agency level before it ever makes it to the Office of Trust Services those steps are completed. But after that, they're still updating the system and at any given time somebody that's got access to TAAMS should

be able to tell you exactly where your application is in the process. That being said, I understand that some of them have been out there for a long time and my direction, my guidance to them was when they converted the data from basically a spreadsheet into the TAAMS system, I said, 'I want everybody to comply with the policies that are in place and I don't want to see things in this system that are out of bounds with the policy.' And the policy says if there is not movement on this, if we need something from a tribe, there's a certain timeframe that's set up for the tribe to provide that after we give them notice that we need it. I haven't had an opportunity yet, it's been so recent, to take a look at the data that was converted in there but I will. That's a process that we put in place in the last Administration because of what tribes were telling us. And so we put timeframes on ourselves, we put timeframes on the solicitors and we put timeframes on the tribes, which is only fair. It's a tough process, it's a cumbersome process and we just have to follow our own rules and I'm happy to say that we will be staffing that office up much heavier so in the next three to six months there should be many more folks onboard that are capable of processing those in the Office of Trust Services and I'm pretty confident that it will improve the quality and the timeframes associated with off-reservation fee to trust.

Rick Harrison: Darryl or maybe Mark, where are you at with Alaska being able to take land into trust?

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: The solicitors are still reviewing the comments from their consultation over a little more than a year. I do know that we will be up at Provider's Conference in a month and so I hope that we have a better update there. This is some end-of-year business trying to get out. I think if you could hold Friday, December 6, we're trying to plan a meeting that day.

Chairperson Aaron Payment: I just want to add to that question. With the *Carcieri* issue, with the Wampanoag issue, with the Alaska issue, there's clearly an impression that's demonstrated on this Administration's support or not support for land into trust and it's one thing to say, 'Well, the Supreme Court made a decision, we're bound by that.' It's another for conversations to happen that are prospective and consultation with tribes about what do we need to do. This Administration was very quick to try to change up the land into trust process with their idea of how they wanted to do it and tribes universally shut that down through the consultation process. So we know that the Administration can pull together a series of meetings and ideas about what it should look like but in good faith what I'm going to ask, and I asked Secretary Sweeney this last week, she was at MAST, is for some leadership, looking for some leadership from Interior to say, 'Okay, notwithstanding the Supreme Court decision in *Carcieri* and these backward motions with Alaska land into trust and Wampanoag land into trust and other issues, what can the Administration do to prospectively do consultation with tribes to fix that problem?' That's what I'm looking for. And she wrote it down so I'm hoping that we're going to see something.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: I'm happy to take that back. I know this was also a topic last week at USET and I talked with a few tribal leaders after my presentation and the same kind of vein, arranging these meetings and so I know I talked to Assistant Secretary Sweeney when I got back and I heard about that up at MAST and so it seems to be something that we need to act on and I'll provide further detail once we iron out how we do that. Thank you.

Rick Harrison: Mark, can you just take back to Tara: Me and many tribal leaders have a lot of frustration around this because we went through all this consultation already with the last Administration. They came to the conclusion, they started taking land into trust, we have one application complete in Alaska that got put into trust, and now we're going through this whole process again. You've already heard from tribal leaders, you've already had consultations. I don't understand what the hold up is.

Kitcki Carroll: Two comments. First on this fee to trust issue, we did discuss this extensively last week at our meeting as well as pass a resolution at the end of the week as well about the payment in lieu of tax (PILT) issue. It was the Department that released a memo earlier this year that was speaking to the amount of money that it had put into PILT since its creation. When we brought this up within this space a couple meetings ago, then Deputy Director Tahsuda pushed back and said it was a congressional concern not an Administrative one. We disagree with that. So my first comment is we would like the Administration to reexamine that position to see what sort of room there is for the Administration and for the Department specifically to explore this PILT idea as the offset to the argument that states and counties put forward in terms of lost tax revenue. So that's the first request. The second I want to tie it to a comment that you made in your opening remarks about the October 9th Dear Tribal Leader letter that went out from ASIA Sweeney regarding year one accomplishments. One thing I would ask for reconsideration of as well, because you also mentioned in your opening remarks, acknowledgement of the improved budgetary formulation process that this body has worked on for the last handful of years and implemented it for the last fiscal year. One of the pieces though that is absent from the completion of that effort was the unfunded trust and treaty obligations component to that and it was a couple years back now, correct me if I'm wrong, where then again Deputy Director Tahsuda took the position that it was not the job of the United States to measure what it was not doing well. We fundamentally disagree with that perspective and that position.

So when you're talking about measuring accomplishments for a given year, how can you really assess accomplishments when you don't even know what you're not doing well? So we want the Administration to reconsider its participation in a process to identify unfunded trust and treaty obligations. That is central and pivotal to measuring whether or not the Department is doing or not doing its job. So we understand that there are caps and limitations that you guys have to work with in terms of the parameters of the dollars that you are appropriated to do your work. But at the same time, if Congress is not hearing the message about what that represents in terms of the total picture of what proper funding of Indian Country would look like, they're never going to know that. So unlike on the IHS side, despite all of its faults and failures, you have RPMS system to give you some level of data to do an assessment of where IHS appropriations stand relative to that number. We don't have that on the BIA side. So in the absence of that what we need is we need to create something ourselves. But I would remind the Administration that this body is meant to be a tribal-federal partnership. So the direction that we received from Mr. Tahsuda for tribes to take this on without the partnership of the Federal Government, fails to recognize what this whole body is supposed to be about, which is about tribal-federal partnership.

So despite what the initial position was a couple years ago expressed, I would ask for reconsideration that the Department reexamine its position on that to really get to a place where it can say with a straight face whether or not it is...what it's accomplishing with full knowledge about what it is not accomplishing. It's the same information that the Government asks of all of us as tribes. You demand us to provide data to substantiate Federal investment yet you're not reciprocating that same sort of

perspective and position as it relates to your own activities. So in terms of fairness and equity, this seems to be a pretty straightforward simple request. It's going to highlight some pretty ugly things but I would think that this would be the Department that would want to highlight that to Congress to show, 'We're not doing such a good job,' and it all ties back to the findings in the Broken Promises Report. It's 15 years past the *Quiet Crisis* Report. Nothing has changed for the better. In fact the report says it's gotten worse. That's not to say that there haven't been improvements over the years but many of those dire situations still exist across Indian Country so it's about time we work together in a way that this whole body was envisioned, together, and not view it as a way to just put a smear on the Administration but a way to highlight. This is an opportunity from my perspective for the Administration to say, 'Here's what we found. Here's what we're not doing well.'

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Thank you for that. On the PILT, happy to engage. I wasn't aware of that conversation but happy to have that conversation with you. And then just for everyone's awareness, next week the Indigenous Peoples Subcommittee is having a hearing on that report, the Broken Promises Report and the gentleman to my left will be testifying at that subcommittee hearing and we kind of lay out some of the challenges that you've eluded to and maybe a working group or additional work rolling up the sleeves and looking at this in partnership is needed.

Jason Freihage, Deputy Assistant Secretary for Management: I'm expecting a similar question along the lines of what you just asked.

Kitcki Carroll: I would just conclude my statement, since you mentioned that hearing, I think it's critically important to understand that once the annual budget process shakes out and we have a passed budget that gets implemented, people fail to recognize all the steps that led up to that final approved budget, which includes the budget as proposed by the President. So using Broken Promises as context as understanding for this conversation, using the deliberations around this table meeting after meeting about unfunded trust and treaty obligations, it's unfathomable and unconscionable to think that the Administration would ever put forward a budget that proposes any reductions at any level within the BIA. So if you're going to say that you take the position that you support trust and treaty rights and obligations of fulfilling promises, it starts with budget. Budget is a policy statement and when you are proposing cuts to the budget that is already severely underfunded, you are making a very strong loud policy statement about honoring promises. So moving forward, I would hope to never see from this President again a budget that's proposed that slices and dices the BIA budget. Now Congress comes in the back and cleans some of that up but that's not because of what the President put forward. That's because of their opposition to what the Administration is putting forward on reductions against the BIA budget.

Darryl LaCounte, BIA Director: Mr. Tahsuda's not here to defend himself. I remember when that went down and he was the messenger, Kitcki. I have no problem going back—there's been some changes on the sixth floor—and reexamining that question. But understand John was the messenger and not the policymaker on that. So just to answer that question. I will lead into Mr. Seki's question whenever I get the opportunity.

Rick Harrison: And I wanted to clarify. We know that John was the messenger. We heard it loud and clear straight from Cason's mouth here last spring so I just wanted to point that out.

Terry Tatsey: Mr. Chair, I'd just like to reemphasize the reason I brought up the need to have the Land, Water, and Natural Resource Subcommittee because most of this discussion the last half hour has been land based, land related, treaty emphasized. Because this is going to touch on so many issues from water settlements to leases to wildlife issues. A good example. Tuesday was the Pittman-Robertson Act where we were advocating for tribes to have access to that to support our programs. Agriculture's another big thing, hunting issues with the Supreme Court decision, right-of-ways, the PILT, the fee to trust. There's so many caveats to the subcommittee that was created this morning that can be addressed at this subcommittee level and at least discussed. But one of the things that has really come to light in the last couple years that I've been on council was this creation of this Office of Appraisal and Evaluation and it has become a big challenge for us on the tribal nations as producers, as land managers, as practitioners of a way of life that was recognized in a lot of our treaties—1851, 1855 for our tribe. And so I guess that was one of the reasons I really wanted to see the Assistant Secretary here and even the Secretary of Interior should be here talking about how that structure is and how this Office of Evaluation and Appraisals determines. We know the market studies they've done, we know the valuation process they've come up with and that's kind of sets the parameters for the resources on our respective nations. But if we keep following that process, if we keep trying to implement those price ranges, those values based on market studies, that's not done so much on tribal property because you couldn't put a value on trust property but surrounding properties and practitioners that come onto our reservations, it's basically going to drive a lot of us out of business as agriculture producers and all these other business sectors on the reservation. And so I just want to you help me better understand this office itself and how it influences based on its market studies going to what the BIA has to enforce. Could you help me better understand that because that is a frustration not just on the Blackfeet Nation but all the tribes that I represent at this particular table for the Rocky Mountain Region. Help me better understand that and what we can do to address this because I brought this up to our local agency folks one time. I said, 'I felt this office was in retaliation to the Cobell Settlement.' Some of the contractors did come to our reservation a couple years ago. I asked the contractors that were doing the market study at the time, I said, 'Do you think this is in retaliation to that lawsuit because you want the biggest bang for that resource out there, the biggest buck for it.' And they said, 'It could be but that's something we don't want to talk about.' So I asked to come back here and set up a meeting with that office, the said, 'It's not really staffed. It's a contracting office,' and I still don't understand that process, that system. Share with me, enlighten me on what that is so we can find a way to deal with it.

Darryl LaCounte, BIA Director: I was hanging around here right after the Cobell Settlement was done and a lot of decisions were made based upon 'this is a one-time thing'. And so to tax the land titles and records offices, the appraisers, whomever with this big influx to go do it didn't seem like a good idea. So my goal from the BIA side was to have as little disruption on the day-to-day operations as possible in light of what was coming with the land buyback thing. The appraisers who aren't under the Bureau of Indian Affairs and are no longer even under the office of the special Trustee, had a little different approach but they understood that they didn't want to impact their day to day appraisals on the ground either and so that's what you saw happen is you saw that office use some of the administrative fund out of the Cobell Settlement to basically do exactly what you just described. Get some contractors out on the ground to start doing these market studies. Well, that being said, I would disagree that it was in retaliation for the Cobell Settlement. I would say it was they didn't have another way to go about it in the timeframe they had to do it in. We had to build these offices, build these staffs as quickly as possible because the clock is still ticking. It was a 10 year window and we didn't have a dime prior to the day that the settlement was officially blessed by the Court. And so we

couldn't even start building these programs until we had money and so the first year of the program, as you all witnessed, there wasn't much land purchased because we were building the program, staffing it and I presume the Appraisal Office was doing the same thing. Now I had plenty of discussions with them and I objected to some of the things they were doing but not necessarily from the staffing perspective, it was more so from the valuation perspective. That's how it came to be what you're seeing. Now it was a decision by the Department I believe to further remove the appraisers from the BIA. As you'll recall back in the trust reform efforts in the early 2000s is when they moved to OST. Of course, we objected to that and we lost that and then I presume OST objected to it when it went to the Office of Valuation Services. In my mind, the farther it gets away from Indians there's a lot better chance that the funding that we get is going to lose its identity and so it's on us to be as diligent as we can in keeping an eye on them. And I know we do that, Mr. James does that all the time and he'll probably address it. It's a field issue. Just like every agricultural issue you mentioned, it happens out in the field and that Mr. James's domain and I constantly tell the folks here in DC, everything that we're talking about today doesn't happen in DC. It happens out there on the ground. Does that help you at all?

Chairman Ron Allen: To be continued.

Chairperson Aaron Payment: What I was going to say is a lot of things happen above your pay grade, above our pay grade with Congress, with sequestrations, spending caps and all of that and I know that that drives what you can and cannot answer, what you can and cannot request so that's all the more the reason why we should be outside of that process. We should be exempted from sequestration, our funding should be mandatory because these arbitrary guidelines that have nothing to do with the treaty and trust responsibility predetermine whether or not we even get our requests that come close to what our need is. So one thing that I don't understand, though, and maybe somebody can enlighten me. So I got the privilege of testifying on the Indian Country budget last time alongside of John Tahsuda and also Rear Admiral Weahkee for IHS. And so the same sort of parameters or restrictions on the BIA don't seem to apply to the IHS. The last time we went in front of Senate Committee on Indian Affairs and requested funding, IHS seemed to fare a lot better than the BIA and I don't know how that is. Somehow they ask for increases and what you're going to see in the budget charts a little bit later is you're going to see the requests, the asks from Interior have decreased while fortunately Congress is making up for that difference and coming through on our behalf. And thank god for Congress right now. And I know that across the board that's the understanding is there's budget caps, this is what we're working with, this is what you've got to ask. You can't ask for more than this sort of thing. But somehow IHS seems to be outside of that system. So I don't know if we should get IHS to find out how they're doing it and how they're faring better but when you look at the charts, you're going to see the decreasing requests coming from the Administration to fill the treaty and trust responsibility and fortunately Congress is making up the difference. So I don't know why it's different between IHS and the BIA. And I think that's just something we can park. We don't have to answer that right now but when you look at the charts, you're going to see that very clearly. Then I would encourage you to go back and look at the IHS budget because it doesn't look like the BIA budget.

Jamie Henio: Thank you, Chair and also members of TIBC. Two things I wanted to bring up. The first one is yesterday during the budget subcommittee an issue came up regarding not only budget but then again the upcoming 2020 Census count and how this ties in with the budget processing where everybody needs to be counted...all Indigenous people need to be counted. And so with the

Navajo Nation what we're doing is we're making a big push to make sure that all of our members are counted towards the 2020 Census. But there's one issue that came up with the U.S. Census Bureau from Denver is that it came to land status where they made a point that only if you are living on trust land you will be counted as a Native American, but if you are on allotted land or any other land other than trust, like Indian fee land, you're not counted as Navajo is what we were told. So it has a profound effect on us in the state of New Mexico. As you know, the Eastern Navajo Nation, we are checkerboarded. We have a mixture of allotted land, fee land, trust land. So therefore, if this practice is in place, then we will be severely undercounted. It'll effect our budget. So we were meeting with the Census Bureau to try to resolve this and they made a point that we also need BIA's help in this to make sure that you have BIA make a statement that this allotted land is also part of Indian Country. So maybe that's where we need your help to work with the U.S. Census Bureau, all of BIA's help to help us correct this issue with the land status so we won't be undercounted within Navajo Nation. The second part of this conversation we touched on earlier was the land buyback program. And so what we went through that process the first round, the second round and then there were also parcels of allotted land that were purchased for Navajo. But then the problem we run into is BIA's title plant where they're taking their sweet time in turning that allotted land into trust land. So that's where we need the help to speed up that process. And I'm glad to hear that the Trust Services Office will be in Albuquerque, New Mexico, which is closer so we can have easier access. But that's where we need the help in the title plan to start converting a lot of these allotted lands that were bought back into trust land for the Indian nations. That's what I'll make those two points. Thank you.

Darryl LaCounte, BIA Director: I appreciate your vote of confidence. I have one now for Albuquerque. That's good. Regarding the Census, I can reach out to the Census Bureau. I have no problem doing that. I don't pretend to know their rules but I remember every Census form I've filled out you self-identified as a Native American or not so I don't know if they've changed something. And regarding the Land, Titles and Records Office (LTRO). Every one of those particular interests that were purchased on your behalf became instantly yours through the system automatically. So I don't know what the LTRO is not providing you but I guarantee you, the system was so automated that as soon as that purchase was made we punched the button, boom, it became a tribal interest in an allotted tract. And so I'm not sure. You could speak with Mr. James and we'll figure out what it is that you're not getting from the LTRO, but rest assured those fractions are in your name, in the tribe's name.

Chairman Darrell Seki: I'm going to go back to this land in trust. We have some applications for land into trust and some of them are over 20 years old and every time our realty officer calls and they tell him that the solicitor hasn't returned them yet. So after 20 years it couldn't be the same solicitor. What bothers me is we're a sovereign nation. Sovereignty, inherent to self-govern. Why do we have to get anything approved when we want to better our lands, our people? Yet, when we submit something it just sits there, sits there and they tell us, 'Solicitors have it.' Why does it take so long for a solicitor to look at a document that we want to have better lives for our people? That don't make sense. We're a sovereign nation. We shouldn't go through all that BS. Thank you.

Darryl LaCounte, BIA Director: I agree.

Chairman Ron Allen: So when we inquire, we expect a reasonably timely response and I've made inquiries and I've had to go through the Secretary's office to find out why I'm not getting a response. So at least they could give the courtesy of timely response with what's up.

Darryl LaCounte, BIA Director: Okay. I hear you loud and clear. Unfortunately, that staff is very low right now but it's part of that staff that will be being built up and so it's almost a one person shop right now but that's going to change shortly. I encourage you to reach out to me or Johnna Blackhair because we'll make sure you get a timely response and we always do. I'd like to address Mr. Seki's previous question before I get any more. As you may or may not have noticed, Deputy Director Addington is here. Director Addington doesn't make the laws, he enforces the laws that are on the books. The reasons that you ran into the situation you ran into were not because of Director Addington, they were because the Department of Justice tells us how they interpret the statutes and the laws and the jurisdictional areas. I don't know that Director Addington had an opinion at all. We were basically directed by our solicitors who were directed by the Department of Justice, 'Here's what can and can't be done jurisdictionally.' And so if you have issues that's with the Department of Justice or even Congress, maybe those laws are there. I'm not an attorney, I've never tried to interpret that but when the Department of Justice tells you, 'Here's the way it works out there,' we don't get the latitude of arguing with them, so to speak. Attorney General Barr is the law of the land right now and that's essentially how that situation unfolded.

Chairman Darrell Seki: At Red Lake we haven't heard from anybody. I invited Addington. Remember a couple years ago I invited you to come to Red Lake to come and see what's going on but yet you never responded. These issues we have with our law enforcement not being recognized as officers by the county or the state. I've brought that up to you. We have non-members bringing in drugs to our reservation and we can't incarcerate them. Otherwise you guys are going to take our funds away if we put them in jail. That's where they belong, though. Yet, we've got to release them to the county and the county releases them in two days and then they're back on our reservation. Even though we have removal orders they don't listen to them. And I invited you... Two times now I invited you to come visit Red Lake but you haven't even responded.

Charles Addington, BIA Deputy Director for the Office of Justice Services: Just to follow up on that, Chairman. We did send the Special Law Enforcement Commission Agreement up. That's one of the avenues that we have to assist your officers in enforcing against non-Natives and it's been sitting with your attorney since last year. So if we could get that agreement looked at and if that's something that we can help you with, we would be more than happy to provide that to you and maybe set up a CBB court where you can actually enforce against non-Natives for the violations that the U.S. Attorney will allow you to cite for under those Federal citations. That's one of the avenues that we have to help with that. And then we also have the drug enforcement folks that's been working drug cases along with your tribal officers and the task forces up there pretty heavily on the reservation. I know they've got a good working relationship with your tribal drug officers as well.

Chairman Darrell Seki: That agreement you're talking about, our attorney brought it to me and I wouldn't sign it because it included the county. We don't want the county running around our reservation and doing investigation and arrest people because our reservation, we're closed. The County doesn't have jurisdiction, the state don't have jurisdiction and our attorney submitted it back taking that county out of it and we haven't heard since.

Charles Addington, BIA Deputy Director for the Office of Justice Services: Yeah. I've talked to your attorney a couple different times and they can take any of that out. That's up to the tribe to determine which program that you want to have Federal authority, if you don't want any to have Federal authority, that's completely up to the tribe. We don't dictate that. So if it's only the tribal officers that want the SLAC's we just take that out. It all depends on what the resolution is that we receive from the tribe on who is going to get that Federal authority. So we're more than happy to take anything out of that. It's all based upon what the tribe wants.

Rick Harrison: So maybe you guys could sidebar on this so we can move on. This is the first time I've heard of this from you, Charlie. Maybe this is a discussion to have at the next Public Safety Summit because there's probably more tribes that would be interested in something like that as well.

Chairman Russell Attebery: Just a quick question, Darryl. Thanks again for being here. So it was probably I would say three years ago, I attended a listening session with Jim Cason on land into trust issues and explained that a lot of times we get blocked at the local level. Most of the time it's in lieu of tax issue. How do we combat that when you can't really explain the issues and I'll give you a quick example. A long time ago we put .9 acres into trust. We're attempting to for a health clinic, a health clinic that provides health services to the whole community, not just to our tribal members but to the whole community. So it was blocked at the local level. The city took it to court at two levels and finally went to the 9th Circuit and they lost. But the money they spent on attorney fees far outweighed the money they were going to get on .9 acres for the taxes. And also during that listening session we talked about land into trust for ceremonial areas and areas that the tribes have used for thousands of years and when I talked about Karuk aboriginal territories this is very rural areas sometimes referred to as Little Alaska along the Klamath River. And these are areas that are not frequented by tourists. Maybe 20 cars go by there a day and 10 of them are tribal vehicles. And these are where we have done our ceremonies forever but we have trouble getting those lands into trust. We have an agreement with the Forest Service because those are Federal lands. An MOU with the Forest Service. We can use that for 25 years. So during the listening session, I mentioned that yes there are land into trust issues that take some times and take some careful consideration but these type of issues, the .9 acres and land that's been used for ceremonial areas and gathering and hunting areas for our tribe since time immemorial, those are no brainers because he mentioned there's a backlog at that time. He said, 'Well, there's a real backlog on tribes.' So if you took these no brainers off the table, that's going to lighten that backlog. So after that session I had attended with our legal staff and our lead attorney who's now working out here in Washington, DC with NCAI and she said it did get some comments and maybe that's a good thing but I haven't heard any more. I'm just thinking that if there is a backlog, to me those are still no brainers. .9 acres blocked at the local level, maybe that would take some consultation with our regional director or you because that's crazy. It's ridiculous to have to delay that land into trust for 10 years when it's going to expand our medical clinic that's being used for the whole community. Things like that, I guess my question is, can we see if that's still a possibility to expedite those type of land into trust issues that are to me no brainers?

Darryl LaCounte, BIA Director: I'm not going to speak for the region but my guess would be that that's at the top of their pile. But the process is the process and unfortunately, whether you agree or disagree with the process, the local governments have those opportunities to do that and I'm not saying I endorse it but that's what it is. The last Administration didn't change that and this Administration hasn't changed it either so it still is what it is. It's a terrible answer, but they're afforded those options.

Rick Harrison: Although I would say the last Administration didn't change it, they could weigh in on it but I know when Kevin and Larry were there, Kevin made it very clear that unless they had a very, very good reason that he was not going to side with them and he still was going to approve it for the tribe. And the loss of tax revenue wasn't a good reason.

Darryl LaCounte, BIA Director: I agree with that and I don't think we've seen that in this Administration. Chairperson Payment gave me one example. That's the only example I'm aware of. It's not about approving it or not approving it. It's about getting it through the obstacles that come with the process. But so far I haven't personally witnessed one off reservation fee to trust that has not been approved once it made it through the process.

Kitcki Carroll: Mr. Chairman, just in response to the point that you were making, you're highlighting the reason why we are at least elevating this PILT discussion because we believe that states and counties are using loss of tax revenue as a scapegoat for what their real motivations are. So for consistency purposes and the way that National Forest Service, Park Service, Bureau of Land Management have that PILT offset for those fee to trust conversions, then BIA should be no different because our position is if you can then exclude the lost tax base argument from those states and counties then it leads to purity about what their opposition is which usually is an opposition to your inherent sovereign rights and authorities position. You don't have to go any further back than this year's House Natural Resources Committee hearing where Rhode Island put on full display for the whole world to see their racist views about tribes and what they feel about tribal sovereignty. So you underscoring the fact that they're willing to spend millions of dollars to make that point just underscores once again why that PILT piece is so important in this conversation about strategy. The other thing that I would also say to the conversation about delays in processing, again recognizing that this is a budget process space that we're all engaged in here, you will never hear a tribe say that funding of tribal programs and services is not priority because it is. But at the same time what this conversation is highlighting, which we've talked about at least from our regional perspective for some time now is, when you fail to recognize the roles and responsibilities that the United States still holds and if those positions aren't adequately filled then you run into 20 year delays because you don't have land surveyors, you don't have solicitors resources, you don't have all these things that are necessary in order for these processes to take place. So that's why we've always advocated from a budgetary standpoint, which is why we felt it was unfair when the President gave an executive order for assessing services within the BIA and across the entire Federal family for that matter. We're not Federal insiders so we don't know...I don't know what Bruce needs or doesn't need at the regional office. I don't know what's needed at the Central office. That's for you guys to determine in order for you to do your jobs properly. But the fact that it's comingled with fulfilling trust and treaty obligations to tribal funding is what complicates things. And you see this further exemplified within the DOI long term strategic plan. Sometimes you're measuring things that are a consequence of the tribes receiving money and providing services, sometimes you're measuring things that are a consequence of what you're doing instead of dealing with this bucket over here and this bucket over here. So somehow this process needs to evolve to the point where we are accounting for those Federal functions that we are not contracting or compacting away that need to be resourced adequately or else we're going to continue to run into these sort of delays and the answer is always going to be, 'We don't have the staff' or 'It's vacant' or 'We don't have enough funding.' That's not acceptable either in the same way that not fully funding ICWA programs isn't acceptable because

that's their function to take on that has to be funded adequately in order to fulfill that function. And saying that it's not funded adequately is never an acceptable answer.

Darryl LaCounte, BIA Director: I will commit that within the next six months we will be fully staffed in the Office of Trust Services in Albuquerque, New Mexico and that's another reason I'm happy we're there. We just have a much bigger pool to draw from employee wise. We will staff to the funding level that we get and it will improve many things in the trust process including fee to trust.

Karen Linell: I didn't like the phrase 'the process is what the process is and it takes so long.' I was just thinking is there ways to improve the process, is there ways that you can simplify it or look for efficiencies in the process for this lands into trust?

Darryl LaCounte, BIA Director: Well, I actually got that assignment during the last Administration and I did that. I put the emphasis on regulation only. In many locations they were doing different studies, they were just making things up as they went along so we focused the process straight to the regulations. But the regulations are what they are and the last Administration made a minor change, to them, but it's still there and we have to adhere to them. I will say it's a much easier process now than it was when I took up that charge in 2010 and it's focused entirely on the law and the regulations. There are no additional hurdles or burdens but there's still a bunch of them with the regs. That's what comes with the 151s, the 25 CFR 151s. I don't see any changes coming in the near future to the regs. But the one thing that did come out of the regulations in this particular Administration that I think is a very good thing was one of the hurdles that we always faced was we were bound by DOJ title standards pursuant to the regulations. This Administration to their credit took them out and that was a good thing. We're very happy about that.

Chairman Russell Attebery: So just a quick comment. So I've given you two examples if the regulations were changed of no brainers and the blocking at the local level because of taxes. So when you come across those cases where it's .9 acres and talking with the Pacific Region with Amy here, it's a way to block it. It's a way to block it and hope in time that they'll get their way. But really it's a no brainer. Or the other one was places where tribes for thousands of years have done their ceremonies. So those are a couple of ways that I again termed as no brainers that could be expedited and could lighten that backlog that you have.

Rick Harrison: So I guess that was kind of my point. It shouldn't be a block. They have the right to comment on it but whether it goes through or not is still up to BIA.

Darryl LaCounte, BIA Director: No, we process those. Then they go to court with it and that's... Because they have that in the regulations, they can take these cases to court and delay, delay, delay. I'm not aware of any instance where after it cleared everything that it needed to clear regulatory wise that we didn't approve. It's frustrating and it's a difficult process. I can take a piece of land out of trust fast, but bringing it back in is a whole other story.

Kitcki Carroll: Rick, this conversation right now is highlighting why this *Carciere* issue affects all tribes because even for those tribes that may not have a *Carciere* issue, those states and those counties that don't want it to happen for anti-sovereignty reasons are going to litigate this just for the sake of litigating it even though the end result may be favorable but they know going into that the measurement that they take is, is the tribe resourced enough to fight this all the way through? So

they're making that calculation and that's why every single tribe needs to be on notice. Whether you think you have a *Carcieri* issue or not, you do because they're going to use this in a litigious way to avoid you from reacquiring your homelands. It's as simple as that.

BIA Regional Report

Jim James, BIA Deputy Director for Field Operations: So good afternoon, Chairmen, members of the committee here. My report is actually pretty short. Darryl took most of the stuff that I wanted to say and covered it very nicely. I do want to follow up on a couple of things that were raised that I know that we've been working on in the field and that we're trying to create greater efficiencies for. Chairman Seki brought up this 20 year old fee into trust acquisition. If it's 20 years old, you're right, those people are no longer around including the solicitor who's the hold up. Every quarter all of the Regional Directors or their staff are required by our policy to provide a letter to you or to your designee about the status of any pending fee into trust application. So you should be receiving those or whoever you have designated as the person to receive that should be getting it and if they're not, let me know because we don't want things to just keep pending. What we tell you in those letter is, 'Here's the status of it.' If we're looking for more information or if there's litigation pending, you will know about that. So we try to keep all of the tribal leadership informed of those types of activities and should be contained in those quarterly letters. The Census issue is kind of...that's strange that the Census Bureau would even ask that question but Darryl's right. We had some interaction with them early on. When I walked into this role and Darryl came a little bit later, there was some effort to map reservation boundaries and that led to some serious concern because those are moving sometimes. You have original boundaries but you also have acquisitions and those add to the reservation boundaries and just because reservation boundaries may be changing doesn't necessarily mean that all Indians live on reservations and it is a self-reporting exercise, it always has been and so we will make that clear again but I know that we've done that a couple of times already. A couple of things that we're working on and Mark may have touched on them already. For contracting and compacting the guidance on what's inherently Federal and what can be contracted or compacted has been pretty broad and extremely vague quite frankly in my opinion. We're working on trying to refine that and hopefully come up with something soon that'll give better guidance to tribes. It sort of became an issue as we were rolling through the Royalty Policy Commission which was started back when Ryan Zinke was the Secretary and the Indian Energy Subcommittee had raised some of these...came from Navajo, Southern Ute and others and rather than let people guess, if tribes want to engage in that kind of activity and create job opportunities, economic development opportunities, whether it's in that area oil and gas or others, they need to know what it is they can contract. And so we're trying to come up with a list and I hope that's forthcoming in the near future. The Office of Appraisal and Evaluation Services has gone through those changes and I would suggest to the Chairman that with respect to agricultural lands, there are some special provisions in the Indian Agricultural Management Act as well as some provisions in the regulations that allow tribes to basically create their own grazing policies and rules and we're bound to follow those. We support them. So if we can assist in helping you develop those, make them more economically viable or more competitive, then we need to get together with that because I'm a firm believer in the market setting the value not somebody coming in and doing a market study or saying, 'These guys are getting X dollars and those guys are getting X dollars and so you guys must be somewhere in between.' It really is truly the market that drives value and so if anything, an appraisal is in my mind kind of a threshold or a place where you can start. But everybody has the right to negotiate values for leases, for permits, for rights of ways, those types of things. So if we can help in that regard, we're more than

willing to help there. Finally I just want... I know the last time we were in Fairbanks we had a discussion about the regional directors and what we can do to help the formulation policy and to make the decision making at least at the regional level pretty comprehensive and pretty complete. I know we have a role to play but I know the representatives also have a role to play and I know the Chairman made the comment that he has to go back and report to the tribal leadership that he represents as well so I'm glad to hear that. I hope that's really happening. We have a process in the field that we are working on improving. So we get information from the Office of Budget Management who gets their information from the Department. Sometimes that's not as timely as we would like to receive it but as soon as we receive it we should be sharing that information with you. That'll either be through our budget officers at the regions or through the regional directors. And I know we've had both of them here. Based upon some comments that were made at the last TIBC meeting in Fairbanks, I wanted to make sure all of the Regional Directors were here. But I also want you to know that I was at the Partners in Action event last week in St. Paul. It was very well attended and I know Tammie had set aside some time specifically for budget formulation. I also know that MAST was happening at the same time so there was a little bit of disconnect and hopefully we'll coordinate on that better in the future. But that really in my mind is a good model for getting the budget formulation information out, getting the ranking tools out and getting feedback from the tribes. Because of maybe the conflicting scheduling there wasn't as much tribal interaction there as I was hoping to see but Tammie, the Regional Director has made arrangements to have another face to face session in Minneapolis on December 2nd. So hopefully that's been communicated and I know Amy's had four budget formulation meetings for the Pacific Region already. I know Southwest has started their process. So everybody's moving along. All the regions have engaged in that activity to some extent and I would hope that we have most of the information we need to gather completed by the time we get to the decision making process. Continuing Resolutions don't help any of us and you all know that and I don't want to steal his thunder but Jason will get into a little more detail about some of the things that Chairperson Payment mentioned about advance funding or trying to get far enough ahead of things that we're not struggling during potential shutdowns or other continuing resolutions so that we're not fully funded. Hopefully that's headed in the right direction. We don't know what anybody's going to do yet. I don't have a crystal ball. I think that's all I have. I'm happy to take questions.

Chairman Ron Allen: So I would raise just a couple things, Jim. In my opening comments and tribal caucus summary we talked about the importance of the regional director and their budget officers coordinating with the tribes in their region. So those of us who were here, those of us who come to these meetings know about the process, the change in the process or know about the process with regard to George's budget division that needs update on salaries so pay costs can get adjusted. And so it's important that they work closely with the tribes, whether they're direct meetings or whether they're webinars so that they're getting the right kind of information. When it comes to prioritization, we all wrestle with trying to get closer to full involvement with the prioritization. We're modestly successful in the Northwest. Probably half of our 45 or so tribes participate. We want more and I know that other areas are the same. Rick up in Alaska or California, Oklahoma, etc. It's important for the directors, when you guys have these meetings in terms of what they do to help make sure that that communication and coordination is happening. The budget directors and the regional directors need to be on the same page with the rest of the tribes. As you well know, many don't pay close attention and they need that information, we need them engaged. And so we want to ratchet that game up a bit and do whatever we can to help make that process work better.

Jim James, BIA Deputy Director for Field Operations: Okay. Thanks, Ron. Those are right on point comments. I would suggest to you, as I said, that what we're trying to do is we're trying to streamline the process. We're also at the same time trying to make it more efficient and change it because in the past, I don't know if the regional or at least my role was as engaged in the budget process as I am now. I think it's extremely important. So I want the Office of Budget Management to send me the information and my team as well as the budget officers at each region. In the past they've gone directly to the budget sometimes even bypassing the regions. We're going to change that process so that...I mean the regional directors...so that the regional directors and the budget teams have that and I have that too. So we just need to coordinate that. That's an internal thing that...I'll get with Jason and his team and we'll make sure that's happening. As I said earlier, also, sometimes we don't get it right away because they don't get it right away. It's a process that comes down through the Department and unfortunately I wish that we all had it as soon as it was there but some of what you just described, the salary stuff, I think came out Friday at least to the regions. And right on the eve of the budget subcommittee meeting. We would like to have it sooner than that. Sometimes it doesn't happen but we'll work on that.

Courtney Two Lance: Jim, just to support what Chairman Frazier was speaking about all morning, the agency superintendents, they need to be...they need to have communication with the tribes. All of this information with budgets. I'm sure Tim could call the chairmen but it's the contracts office or the program administrators and the agency superintendents need to come with that information to us. So they should be involved in this process too. Not come here but be involved locally.

Jim James, BIA Deputy Director for Field Operations: Okay. Thank you.

Chairperson Aaron Payment: I've said this at this table before and I don't know if Interior allows the regional directors to kind of determine their own process and I don't mean this as a slight to any region but I'm going to say our region, the way we do it in the Midwest, we have a really good open communication and dialogue. That doesn't mean we always get what we want because we're never happy, we're never satisfied with spending caps but what we started years ago under Diane Rosen's leadership and on both sides, Timothy for a little while then now Tammie Poitra, is the outreach to tribes to communicate the budget process because they've shared with us they can't do their job without our voice. And when I got involved about four or five years ago, we had about 50 or 60 percent participation from the tribes in the process and then a couple of us really started calling people and engaging them and saying, 'We don't know your priorities if you don't participate.' And we got that up to 100 percent. So I would say rather than have it be voluntary and depending on the region, maybe other regions should take a look at as a model what Partners in Action is doing and maybe model that in other regions. I know that might automatically create a hostility towards our regional director for standing out and doing it right but I really think that that's the way to do it. We have a really good relationship and in addition to updates at Partners in Action, the regional director will schedule individual meetings with tribal leaders. So if you've got something hung up and it isn't moving, then that's when everything gets resolved. And what we've seen from our regional directors is that they'll get right on it, they'll get staff working on it, they want accountability and they report back to us. And so if that's not happening in the other regions, maybe Interior needs to look at making it happen and stipulating that it happen. The other thing I was going to say is that...and I know Jason's going to give the update but there was four of us that testified on advance appropriations and again back to the difference. There's a night and day difference between Interior and HHS. I serve on the HHS Secretary Tribal Advisory. We help to advise them in their budget formulation

and Admiral Weahkee testified to explain how advance appropriations would benefit tribes and how it would prevent investigations from not happening and stuff like that. But the testimony from Interior wasn't like that. It was very more tight, sticking to 'we can't advocate for legislation' sort of thing and it wasn't as clearly supportive and I know that you've got to ride that fence, you've got to be very careful, but it was very tightly not supportive. And if the members of Congress heard that, it wasn't clear to them that the BIA and the Interior supports advance appropriations. And so I don't know if maybe that testimony should have been more about how implementation would prevent certain things. We know you can't advocate for it but if you go back and look at the testimony, it's on their website, it's night and day. You hear Admiral Weahkee and you can hear in his voice that everybody behind HHS knows that this is necessary and they know that it's consistent with the treaty and trust responsibility that we prepaid for everything and so this budget crisis between members of Congress or the President has nothing to do with us. So I don't know if you can take a look at it. Now having said that, the testimony was good, it was explanatory, mildly supportive but there's a big difference and you can see the difference.

Jason Freihage, Deputy Assistant Secretary for Management: It is a tough balance. The press coverage noted neither entity supported the legislation because I think what they both nodded to though that they pulled out pieces we both noted the significant impacts of the shutdown on tribes and they did a factual description of what advance appropriations was. I think that's the primary marker of the difference. It's noted. But yeah, I think we noted we'd be there to provide whatever technical support the Hill needed to get it done too.

Rick Harrison: I wanted to respond a little bit to your first point about the processes in the regions and these processes are the tribe's processes. The regions are there to help facilitate and help get that information out and get it back and collected for the Central office. And I agree with you that there can be more work in that area but requiring tribes to do it I don't think is advantageous.

Chairperson Aaron Payment: I didn't say require tribes, I said require the regional directors to work more closely to find a process that works for your respective regions.

Rick Harrison: Oh, okay. I thought you were saying requiring tribes to do it. Because some tribes just do not have the capacity or infrastructure and that's why I've continually pushed to raise that bar for Small and Needy because I've went to tribes personally to promote TIBC and the process and they have one to three staff members that are writing their grants, doing the reporting, running the program and adding a survey to it was just too much and that was when I started working developing a more point and click type of survey versus what they were asking in the past to make it easier.

Head Councilman Joe Garcia: Yeah, I just wanted to relay that the self-governance tribes also go through a negotiation during the year and depending on the timeframe that they choose, one year, two year, three year, four year, five year funding, they go through the negotiation for their funding which is completely separate from the process that we go through as part of TIBC and the regional meetings. So I think it's important to understand that they are separate in a way but they are then meshed together here because it doesn't matter if you're self-governance or you're still direct service or 638 tribe, they are meshed together here so that it's important that the self-governance tribes and the rest of the tribes understand that there is no advantage other than being self-governance that the tribe has better control but in the budgeting process overall the tribes it comes together at this level. So there's no real clear cut difference, if you will. But the tribes back home need to know that, that

one is not over and beyond the other tribe. But the region has to understand that as well. The regional representatives of BIA have to be aware of what's going on at that level as well. Thank you.

Chairman Ron Allen: So one other thing, Jim, that came up was making sure that the agency superintendents and staff are well-informed about all this process and these issues as well. Some areas we heard some complaints that the agency leadership, superintendents, whoever they are was out of the loop. I don't know if that's true or not true and it may vary from region to region so I don't know about that matter but we want to bring that to your attention.

BIE Update

Tony Dearman, BIE Director: We've been real busy in BIE. Like Mark said in the introduction today, we've been really hooked up with a couple consultations, some big rules that have been out there. I want to talk real quick about some accomplishments because this was really important to us because right now I can't say enough about the support from our regional directors, BIA in the room, DAS-M, because again, coming from BIE, the only thing that we controlled as an education system was the environment, up to \$2,500. Anything else above \$2,500, it went to someone else. And we've started pulling that process over to BIE so I know we don't say it enough to all of our regional directors and all of our counterparts, we really appreciate the support you've always given us and continue to give us because there's no way we could do it. We've started pulling over things into BIE. Contracts this year, we're doing all the contracts. BIA, some of the regional offices actually still have some of the old contracts but the new contracts we're handling now. School safety functions. We've been at 100 percent for the last three years but this past year BIE conducted all safety inspections. I'm happy to also talk about, this is the first time in the history that all BIE schools have 100 percent abatement plans, which is huge. Because what that's going to really do is help us address all the findings from all the safety inspections because I think up to this point I don't even know if we had ever had up to 50 percent of abatement plans and we're at 100 percent. We actually prioritized with our Administration. Tara came in and spent about 15 hours with us and we prioritized critical key functions that we wanted to pull over and one was the safety, which we have. Two, was acquisitions contracts because we really feel like we need control of our own contracts. And then the third thing that's coming down is going to be the facilities piece because right now we're such a unique system you really have to know who does what. Like right now our regional directors handle all of our projects up to a million dollars. Anything over a million, then we go to Jason's shop and Jim Anderton's shop and we have to go over there and knock on their door. So knowing how unique our system is and knowing who to go to, to actually have things done for a new construction or F&I projects it's been real critical. GAO, we've actually closed 15 but I think we have three packets that are waiting on closure with GAO. We've been told that there is a good chance we're going to be going to the Hill again in the spring and hopefully by then we'll have everything closed out to where we're getting close to the '22. Still hiring. I think my first time up here we were less than 47 percent. Right now we're at 56 percent and here goes my pitch. If you know someone that wants a challenging job, have them look at BIE because we've even been working with our Administration to move our positions out in the field because a lot of people, like Darryl was talking about earlier, they don't want to come to DC and we want to be able to recruit from our communities that know our tribes, that know our traditions, know our culture, know our kids. And so we've actually started locating a lot of our positions out in the field. Looking at data. You've heard me say this before. We have to be a data-driven organization and we've started bringing a lot of data in. When we say the First Ever Data Governance Board, we're not looking at just student performance. We're compiling

a lot of different points in the data field because we're even looking at... Everyone knows the quarters piece. Right now we're doing special projects working with the Secretary on bus miles. How many hours are our kids on the bus? We're really pulling in a lot of data within our system. Broadband because again, broadband's not something we have direct control over but we go knock on Jason and his shop's door because we have to know who our Federal partners are. So we've really started collecting a lot of data within our system. HR. Everyone knows you're going to go work for the government, you have that background investigation. We lose a lot of people to background investigations because it takes so long. We've actually reduced that from about 90 days on the average, I think we're down to about 19 days now to get staff on but a lot of it depends on our employees or our candidates that we're selecting but that's huge. 90 days to 19. It's helping us bring people in faster because in our system and really looking at the barriers, it was easier to go down to a public school and start next week versus wait three months for us. And so we've really had to attack that. The other thing we've done, having schools in 23 states, we've matched the state accreditations, state certifications because in the past BIE had more stringent certifications for teachers and it was putting us against the 8 ball. So if the state...if the public schools where our schools reside in take a certification, so do we because we have to make ourselves more competitive. The next thing that we're really working on, we're working on revamping the 62 and there's pieces of this, we're going back and forth. Right now we're thinking that we're going to be coming out for consultation over that because it's going to have a major impact but we're trying to get everything ready to roll that out as far as the 62BIM. Negotiated rulemaking. Coming from the field, coming from education, everyone takes the state assessment of the states that they reside in. We have schools in 23 states. We have started meeting regularly with the Department of Ed and no other system has 23 state assessments that they're supposed to bring in and break down and produce report cards, but we do. And we're not making excuses so we're doing it. We've actually caught up. We're missing one year as far as Ed. facts reporting to the Department of Ed and we're fixing to roll out report cards so we can all see where our schools are. What I was excited about this was, this is our opportunity to get away from 23 state assessments. This was our opportunity to have one assessment as an entire system to where we could drive professional development and really target a set of standards and compare all of our schools, all of our tribes with one set of standards. We've been going through consultation. The final rule right now is in the process. We're really targeting the first of the year to have the final rule out as far as Part 30 but then we're going to come out for consultation again because we continue to hear our tribal leaders want to be part of it. We're going to come out with our agency plan and our agency plan, if you talk to public schools, it considered their state plan but we call it our agency plan and that's going to have the insides, that's going to have the implementation of how we're going to implement our standards assessments and accountability system. We really, really need your input. With this, we hard loud and clear that we don't want the government telling us what kind of...what standards assessment accountability system so there is a waiver process as well so we're not taking that away from our tribes. Johnson O'Malley is another. Account's been frozen since '95. We just finished up last week breaking down all the post-consultation comments. Working on the final draft and the final report and really shooting to have that out by December 31st. We received about 200 comments on this. I thought we would really receive a lot more because this is something that impacts public schools, I think we only have three of our schools that actually because they used to be private that actually are eligible for this. But I really thought we would have more comments because with our standards assessment accountability system we had over 800 comments. That was all the consultation listening sessions we had. Again, they've broken down all the comments that we've received, working on the final report and the final rule.

That's a brief update of what BIE's been doing. I know facilities is a major issue and I don't want to steal Jason's thunder for tomorrow but again, I will say this. We really appreciate the support because the way BIE was structured, we didn't have the ability to do the things that we've done to make our schools better. With our abatement plans, what does that mean? That means that we're costing them out right now and that means that it's going to impact that deferred maintenance amount. And as we get closer, we're seeing that...and the fact that we're actually...we're doing all the inspections ourselves which means that we were really consistent, we worked with GAO, we have a checklist and we're going in and we're sending our teams out and like I said, it's our first time of actually doing them ourselves. But we're excited about the abatement plans because we don't want to continue to see the same things over and over, year after year. Now we've got to go to work with all of our regional directors sitting around the table to start attacking these projects. We're in good hands. I'll open it up for questions.

Head Councilman Joe Garcia: Yeah, thank you for the update. I think there's tremendous accomplishment. The question is related to the broadband and it would be nice to know what the needs are for especially in the remote areas that you can't have broadband really unless you have a fast tie point somewhere, fast pop and you're looking at gigabyte pops. And if you don't have that, then it's tough to get the rest of the middle mile in, if you will. So I'm wondering if you have needs of that type that is not part of the BIE, the BIE is getting the broadband to the site or providing the fast broadband on site but if you don't have a connect point outside of the environment then you're batting zero. So I'm wondering if there's such places like that. I know there are some in Navajo and maybe the same in South Dakota and North Dakota, I don't know. But that's a potential block.

Tony Dearman, BIE Director: We have started really looking at our broadband across our school systems and you're right, a lot of it's just a short right of way issue in a lot of situations but our goal at some point is to have all of our schools at 100 Mb/S and there's just a lot of different players but we have started looking at that, Head Councilman Garcia, because we've got to get our broadband.

Jason Freihage, Deputy Assistant Secretary for Management: We've got an assessment of all the broadband levels across the schools that we can share with you because as Tony said, that's something we are trying to drive toward.

Tony Dearman, BIE Director: And I can tell you that Mr. Cruz has really been an advocate for this and he's been bringing us together to make sure that we are addressing that. So we are. And it's probably the first time that I have seen a list of actual all of our schools and where they're at.

Head Councilman Joe Garcia: The other place to have partnerships I think is at the state level. I know that we're doing part of that in New Mexico but I hope it's happening in some of the other states as well and if they need help, we need to know that so we can prod them along as well. Thank you.

Courtney Two Lance: Great Plains Region. We attended your in-person consultation in Bismarck. One of the issues that came up was the National JOM Association and the tribes that were there voiced that that association does not speak on behalf of the Great Plains Region. When it came to some of the proposed changes, there should have been plans that were gathered from each region because of the differences in the tribes when it came to the possible cultural I guess...what do they call them? It was one of the proposed deals with culture, language, whatnot, to address the high

dropout rates. I hope all of those messages that were shared at Bismarck...I wanted to see those before this meeting but I hear now it's not going to until December 31st. I wanted to see all of the comments from the regions. Can you, I guess, hold that message, especially for our region, that that association does not speak for us?

Tony Dearman, BIE Director: I think the last meeting we discussed JOM in this session it was voiced then and that's why we take it out for consultation because no one...we need to listen to our tribal leaders, our stakeholders so we understand that. Thank you.

Palmer Mosely: Palmer Mosely, Chickasaw Nation. Mr. Dearman, I've worked with you before in the field years ago at Riverside Indian School. This is more of a statement than it is anything else. When you became Director of BIE in November, 2016, I was very, very supportive because what I have seen you do is try to right many wrongs in BIE and I know that you're in a very challenging position but I just want to say thank you for what you have accomplished so far and continue to do this good work because we all know that educating our Native American students is a high priority not only for present day but for the future and I just want to say thank you for what you've done. You've taken some hits and you've stood tall and just continue to go forward with the good fight so thank you.

Tony Dearman, BIE Director: Thank you. Appreciate the comments.

Darryl LaCounte, BIA Director: I appreciate those comments. Mr. Dearman works hard.

Palmer Mosely: Well, I have to tell you, I've worked with Mr. Dearman, again at Riverside Indian School, and his main concern is the safety and education of the students. I saw that firsthand. Again, thank you for what you've done.

Chairman Russell Attebery: Thank you, Mr. Dearman, for all your hard work. I know you do and I know you advocate for the physical as well as the mental aspect of education so that's appreciated. Quick question. I know you've heard it and I guess how do we address the 93 percent of students that are attending public schools and I had a question brought to me and the tribal leader that asked it left, but a question about health insurance for our BIE school teachers.

Tony Dearman, BIE Director: Health insurance right now, I know that there's been a bill, it's working its way through the Hill, that would allow our 297 schools to actually participate and we testified we were in support of it and we are because again, we've got to be competitive with our states that we reside in. Now my answer with that and this is where I think we've done a really good job is establishing in a relationship with the Department of Education. Someone recommended having the Department of Ed here. I think it was Chairman Payment. Having them here as well to really where we could sit at the same table and you could ask a lot of questions of them. I know that we've started a really good partnership with the Department of Ed. Matter of fact, that's where I was right before this meeting. But I think with a lot of the 93 percent of the students that are in public schools, they're the resource that would provide the funding to them.

Rick Harrison: I just had one comment and it was about the state certification. I'm glad to see you're doing that to be more competitive so we can actually get teachers in our schools but I also want to

be ensured that there's a plan to elevate those teacher's educations and not just keep them at a lower level state standard because we want our students to be educated at the highest level.

Tony Dearman, BIE Director: Thank you. So do we.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: My only comment was going to be all this praise for Tony's going to make his EPAP review this week really hard.

Jason Freihage, Deputy Assistant Secretary for Management: It's also important to note this is three years since you've been on the job and you're now the longest serving BIE Director.

Chairman Ron Allen: That wasn't an invitation to exit.

Jason Freihage, Deputy Assistant Secretary for Management: The opposite in fact. Thank you.

Chairperson Aaron Payment: One thing that I think would be helpful is I know implementation takes awhile and some of the implementation that came from the reorganization sessions and then the implementation sessions that Sally Jewell had a couple years ago and one of my suggestions in that process was to evolve the EPAs, Education Program Administrators, and to really change up their sort of approach from...the old way of doing it was kind of a 'gotcha' approach and it wasn't very friendly and it wasn't very welcomed to more of a facilitative approach. In Michigan, we have a tribal school. We have an excellent tribal school. It's outperforming standardized test scores so Indian kids can take standardized tests and they can outperform. We're proof of that. But one of the things that I advocated for was that we change up what EPAs do. The reason why we're so successful is not only because we took our own self-governance of our school but because we changed the relationship with our officer, our school officer. We happen to also be a charter school and that relationship is night and day different than what the BIE relationship was where the charter officers come in, their purpose is to help facilitate capacity building, to bring information so that we know better how to do testing, to adopt testing culture, to do diagnostics and data driven decision making. All of those things is something that I've talked to tribal leaders and Cecelia's not here today but she will tell me this is that that information is just not forthcoming. So I'm hoping that we get back to that portion of the implementation because I think that's really where it's going to sell the implementation plan is when tribes can see how beneficial the relationship is with the officer.

Tony Dearman, BIE Director: Well, I appreciate that comment. You're going to hear me say that's a change of mindset because I've been on the receiving end of BIE when I was at the school level and I can tell you upfront there wasn't always services. It was more of a demand/command type service and that's not a service. We are changing that and we should be a resource, meaning this...this is just an example. We do monitoring of our schools and I was able to review one of our monitoring reports and it had all these recommendations for the school leader to go in and fix but yet it didn't have what we were going to do to help and that's what we're missing. We shouldn't be going in there telling you all the things you're doing wrong, we should be able to come in there with the language of, 'Hey, we're here to help you.' So we're going to get there. We have actually turned that curve and we still have some issues throughout our system but we're still working on it. Thank you.

Chairman Ron Allen: I want to ask the question about the schools that need to be replaced versus the schools that just need to be upgraded and renovated. Are they different categories or are they all in the same construction category?

Tony Dearman, BIE Director: Good question. We have what we call a facility condition index and this would be the thing that I would say that I would have to refer back to. They have the schools listed either in poor, fair or good condition and I think Jason can probably touch on that tomorrow. We've heard loud and clear again, if there's going to be another list of replacement schools that consultation needs to be heard and we've heard that. So right now the only schools that's actually still being replaced are the ones from 2016 but we have what we call the deferred maintenance that I've discussed through the abatement plans. So Jason can touch on that and clear it up tomorrow but it really depends on the status of the school of the approach that we take. I think Jason's even going to talk about a pilot system that we have a little bit tomorrow or maybe now but I'm excited about this because if we can give any school leader an opportunity to refurbish buildings versus go through a whole school replacement, they'll take it today because if we do a school replacement, that principal's going to be lucky if they see it.

Jason Freihage, Deputy Assistant Secretary for Management: We'll get into the details tomorrow but to step back I would say two things that are kind of different in the pilot approach. one is we're trying to use more data driven so that we're focusing on the schools in the worst condition to start with and collecting more data upfront and assessing their condition so that once we have the funding for construction projects we can move into planning and design faster, which has been one of our hurdles and also just you have data driving which of your schools are first. You'll see more of a data-driven process, hopefully more transparent and helps us get into planning/design/construction mode faster. Kind of the second thing though that I would say that's also important to the data is then also there's been this belief that school replacement was like the Holy Grail and it's only one line in our education construction account and we have other lines. And what we're trying to recognize is sometimes a full replacement may not be necessary but you could also have a major renovation which to be honest, if you saw the difference of before and after, you might have a hard time telling which one was a major replacement and full renovation sometimes. I think what we're just trying to recognize is, given the amount of funding we have, what are the different tools we can use to get kids in the best buildings as quickly as possible. We'll get into the details tomorrow but at a high level those are two pieces that I think are giving us more flexibility, increasing transparency and more data-driven. On that note, since we haven't gotten there yet, I'll jump ahead since we're talking facilities rather than wait until my emergent section, I just want to introduce Judith Wilson who is our new Director for the Office of Facilities, Property, Safety Management. Some of you that have been around awhile might recognize her before. She has been acting in that role previously. She was also head of the Environmental and Cultural Resources component of...used to be within OFPSM. So we're also hoping she can help bring a little bit of that knowledge back from a central capacity of also environmental issues which we're seeing increasing rates of, whether it's wastewater, drinking water and other issues. We're really happy to have her onboard. She's literally just jumping back in but I'm sure she's going to try and get around to the different regions, visit projects. Obviously she'll be here at TIBC for the next two days but also she'll have some opportunity in the fields to get out and meet with many of you so just wanted to introduce her today.

Karen Linell: In regards to the health benefits or the insurance that you're working towards getting for the schools, I think it's important to be competitive too that your ask should also include the

dental and vision benefits because right now tribes aren't eligible for the dental and vision benefits and so I think that would be an important add to that.

Tony Dearman, BIE Director: Thank you.

Kee Allen Begay: Will you or tomorrow's presentation to get update regarding the teacher housing, teacher quarters?

Jason Freihage, Deputy Assistant Secretary for Management: I think one of the key initiatives we had over the past year was the President's 2020 budget had a new line we requested for new employee housing and it was only one million dollars. Given what we had we were trying to rough it in because that just gave Congress the excuse to be able to get it in there. We're hoping it will be there in the end because then it serves as the basis in future years should there be additional construction funds that we can build up that capacity. We're still in the stage of really trying to rebuild that so we can have a significant dent on new teacher housing. So that's kind of the big picture.

Tony Dearman, BIE Director: Clarify that. Meaning this is in the past we've had this problem. If it wasn't connected to new school construction, we couldn't put up quarters. So we were visiting sites where they had torn down the quarters and there wasn't no way of putting them back up. So this new line that Jason's talking about is actually new quarters construction to where we can actually go and start addressing some of the quarters that have been torn down and that we've lost without being connected to new school construction. And that is exciting and this is one of the first places that we really heard that is, 'You've got to do something about the quarters conditions because they're falling apart.' And again, FCI, we keep FCI, facility condition indexes on the quarters as well and that's something that you would have access to if you wanted to see where they're at as far as in that range.

And just to step back in general too on just whether it's education, public safety and justice construction, also on the BIA side my DAS-M doesn't manage the kind of natural resource construction related irrigation and whatnot but were stood up our Facility Investment Review Board within Indian Affairs. Basically it's all the senior folks in Indian Affairs sitting down to look at the status of projects so we can keep them moving, nudge where necessary, if there are adjustments, things are stalling, how do we do that and to help inform initial thoughts on out year projects. And again, we're looking across education, public safety and justice and the natural resource side so we can identify these types of gaps and try and get them to the highest priorities.

Raymond Smith, Jr.: Good afternoon. My name's Raymond Smith, Jr. I'm Navajo Nation Council. I'm in an area that's very unique. 1974 Settlement Act, I'm sure some of you may know that. It's called the relocation of our people from the JUA and we have Impact Aid that comes through the public school in Sanders and JOM is also one of it. My question is, the concerns we have down there. The school was rated an F and two Ds and teacher retention is very low and the majority of the kids that go to school there are Navajos and it's a public school. The other concern that I have too is uranium. Water's got contaminated with uranium and I've been talking to the county, the state, even over here to Congress people but it seems like nobody's really addressing that. And the population grew because of that 1974 Settlement Act sent in folks out of the areas that were known as the JUA, the Hopi partition land and now the school is suffering because they're rated D and they're rated F, teachers are not there. So I want to bring this up in front of the BIE. I don't know if you have any say in this or help to redress this problem because it's a public school but we have a

majority of Navajo kids that attend that school, I'd say probably about 85 to 90 percent of them are Navajo kids that go to school there. And we just had a meeting here last...couple weeks ago over in New Lands which is the chapter known as Nahata Dziil and they were quite concerned then. I'd just like to put that on record and maybe get some help, get some answers to which way we can go with this. Thank you.

Tony Dearman, BIE Director: Thank you. As far as addressing, we have no authority over the state schools. One thing that we have to really partner with the state school superintendents in New Mexico, Head Councilman Garcia, we actually have a meeting with him the week of December the 10th. We are members of the Council of Chief State School Officers because we really feel like we need to be at the table with the state superintendents to address the needs that we hear, like today, and actually create the partnerships with our state superintendents because we realize that not all of our students go to our schools but they go to state schools as well and we've started... We've been a member of that for three years and we've actually had the opportunity to present to the state superintendents to where they know that BIE exists and that we're unique. But that's something that we could definitely talk with the Department of Ed. We'd be willing to sit at the table with the tribe and the Department of Ed but we have no authority to talk about best ideas, best practices. That's one thing that we started doing that we haven't done in the past. We have some great successful schools and we're not sharing best ideas across our system and so we're doing a better job of doing that.

So there are opportunities to the Every Student Succeeds Act implementation, for the first time through the regulations. I was one of the negotiated rule makers. The other one was from Leech Lake. Leslie Harper from Leech Lake. And we pushed to make sure that consultation was included. So this used to be the No Child Left Behind, now it's Every Student Succeeds Act. There are requirements for states to enact their education plan that requires consultation with tribes. That's the first time in American history that there's a congressional mandate that's a reach down from the Federal Government through states that require them to consult with tribes. So we made sure that we got that in there. So for the question that you expressed earlier, there's requirements for the state to reach out on curriculum and on assessment and also in language assessment. And so what I would urge is you to collaborate with the tribes in your state or your states, because you're several states, and see about what the action plan is for those respective states and if they haven't consulted yet, then compel them to do consultation with your tribes.

Department of Education Update

Angeline Bouley, Office of Indian Education Director, U.S. Department of Education: Hello, everyone. My name is Angeline Bouley. I'm from Sault Ste. Marie, Michigan and since March I've been the Director for the Office of Indian Education. My background is as a Tribal Education Director, also Tribal Administrator and then most recently I was working for a native woman-owned contracting business, small business where I worked on two contracts for Department of Education. One was recruiting BIE schools to participate in the National Indian Education Study and the other contract was coordinating all of the tribal consultations for the Office of Elementary and Secondary Education at Department of Ed and the NACIE committee meetings and coordinating grant review for discretionary grants. So I'm very happy to have the opportunity to talk with you today. When Joyce Silverthorn retired as the Director for Office of Indian Education, she had a staff of 15. That

was three years ago. When I came onboard in March, there were eight. So due to staff leaving, retiring, and the Department of Education reorganization, our staff was severely reduced. This impacts all of the grants that we serve. We have been able to hire people and I know that Director Dearman made the push for good people to work for BIE and I will echo that and say, if anyone knows of great people who are interested in living and working in Washington, DC and making a difference across the country, to have them consider working for Office of Indian Education. Our most recent hires this year. Dr. Crystal Moore, Choctaw from Oklahoma. Bianca Williams comes to us from ANA and Head Start. And Tanya Tullos who also comes to us from Head Start and a kindergarten teacher. We currently have the group leader positions are posted vacant. They're posted now on USA Jobs and we also have a posting for a program specialist. So the program specialist is a GS12 position, the group leader is a GS14 and I'm happy to talk with anyone who wants more information about that. In FY19, so the year that just ended September 30th, we operate on the federal government's fiscal year, Office of Indian Education awarded \$176 million to LEAs which are school districts, to Indian tribes, to BIE schools, colleges and universities and other eligible entities. Our largest grant program, our formula grants and then we have a number of discretionary which are competitive grants. This year for discretionary grants we anticipate doing four competitions. So we anticipate doing demonstration grants which under the previous Administration that priority was called Native Youth Community Projects but right now we're calling it DEMO. Our professional development grants, which are to increase the number of Indian teachers, our Native Language grants, and our State Tribal Education Partnerships. I have done a lot of grant writing for my tribe and for other tribes and one of the things that I wish I had known a lot earlier on was that when the notice inviting applications is published in the Federal Register and it gives you 30 days or 60 days to prepare an application and submit, there are actually steps that happen prior to that that give you a really good idea of what's coming down the pike. So for example, we started with tribal consultation. We did that this past fiscal year. We consulted on all four of our grant programs. Then we do a Federal Notice of Proposed Rulemaking or a Notice of Proposed Priorities and that is open to the public for comments for 30 days. And then we do a Notice of Final Regulations or Final Priorities and all of these things are published in the Federal Register. And after that then we publish the Notice Inviting Applications. Since we are doing four competitions this year that we anticipate and it's always dependent on funding, on the budget and what Congress appropriates. We look for your input and how you can participate to visit the Federal Register, to go on our OIE website or to ask to be added to the OIE list serve that we operate that our contractor does. We send out anything that gets published in the Federal Register, we'll send that out as a broadcast on our list serve. And so we try to keep up on all tribal leaders, trying to make sure that we have the correct contact information and so those are ways in addition to just keeping an eye on the Federal Register, we try to send out email messages just to provide more opportunities to let people know what's happening.

Chairman Ron Allen: Angeline, pause for a second. Just for people. This information will be posted on the website tomorrow so those of you racing to take notes, you don't have to work so hard. This'll be available to you guys tomorrow.

Tyler Scribner: Mr. Chairman, we hope in about five minutes. I have sent it off. It should be up shortly.

Angeline Bouley, Office of Indian Education Director, U.S. Department of Education: Since we are doing four competitions, we anticipate needing peer reviewers and when we assemble panels of field readers, we want to ensure that those panels have people who have worked in tribal

communities, who have taught our students and who can read applications and understand the projects that tribes and other entities are proposing. So it's really important if you know of good people who are interested in serving as a peer reviewer. Discretionary grants are competitive and so they rely on the scoring and ranking of applications by peers. We rely on panels or teams of peer reviewers to read, score and provide constructive feedback. And individuals with advanced degrees and experience working in our tribal communities are strongly desired as peer reviewers. We compensate at \$175 per application read. Each panel will score between six to 10 applications over a five to 10 day period of time. And if you're interested, just be sure to send us a resume. The formula grantees, this is our largest program and this year we have 1,314 grantees and these are the formula grants that are based on the number of Indian students in a school district. 85 percent of our grants go to LEAs which are school districts, seven percent to BIE grant and contract schools, four percent to BIE operated schools and then smaller numbers of consortiums or tribes that operate in lieu of an LEA. Our awards range from \$4,000 to \$2.7 million. The big thing that we're trying to do with our formula grants is to do a better job of providing technical assistance to grantees. \$105 million is a lot of money and we want to make sure that it's being spent to do culturally relevant, culturally related academic activities in schools. We also recognize that a \$4,000 grantee has very little in common with a grantee for example, Anchorage Public Schools which is our largest grantee at \$2.7 million and so what we're trying to do is looking at our grantees in terms of cohorts by size. So 25 percent of our grantees get \$20,000 a year or less. They're never going to be able to use program funds to go to NIEA. They're probably not going to be able to hire a full time staff member. So it's important for those programs to learn from each other and see what works in schools that are comparable size and some great ideas and activities that they're doing to make a difference in the children's lives in that school. And likewise grouping together medium size schools, looking at schools that are the BIE schools and schools that have a very high native student population percentage. And then our very large schools. They operate differently than others and so having similar groups learning from each other, that's what we're trying to do with targeted technical assistance. Some of the topics that we are working on with our monthly technical assistance calls. How to read the grant award notice. It's a legal document that binds the tribe or the grantee and these are the conditions. The Indian Parent Committee. What are their roles and responsibilities? Formula grants applicants are required to have the Indian Parent Committee sign off on it saying that they were consulted on developing the project and approving the budget. Our annual progress reports just closed October 17th and so we're analyzing that. We do have a number of grantees who did not accomplish any of their objectives. We're going to be taking a very strong look at that and we will be making future funding decisions. If we have grantees who chronically are not able to accomplish their objectives and we provide technical assistance, if that situation continues, we will look for other grantees that will be able to accomplish objectives. Just a couple words to close about the National Indian Education Study. It is the largest education study of American Indian and Alaska Native students. Not just their academic outcomes in reading or math but it is the only study that also looks at culture and language. This is one study where BIE schools shine. They do a better job of providing culture and language in their schools than public schools do. And so it's a great opportunity to highlight and showcase the good things that are happening with BIE schools. The study is done every four years and it's connected with the NAEP assessment, so the National Assessment on Education Performance. BIE schools, they need to participate in this assessment. This is voluntary so we have to recruit BIE schools to participate, invite them to participate, talk about the benefits and get their okay to participate. BIE schools must participate at a 70 percent participation rate or else their results can't be reported out disaggregated by BIE schools. And the whole purpose of NIES is to eliminate the dash. There are so many studies that are done and there

are not enough native students participating and so when it comes to looking at their performance and their results, there'll be a dash. And so NIES is one way of trying to get more native students to participate in the study. It's administered every four years and the next study is coming up in 2023 and so we're looking at how we can encourage BIE schools to participate. And a lot of times I think what it comes down to is that critical person in the school, that school coordinator who's responsible for coordinating a lot of the assessment activities, giving them some CEUs, some professional development credits that they need for their professional license. And with that, I will open it up to any questions.

Rick Harrison: I had a few questions. You mentioned the annual report at the end of the year. Is there any other requirements, other reporting requirements, etc. or other barriers like match requirements or contract support, indirect rate caps or anything like that that the tribes should be aware of?

Angeline Bouley, Office of Indian Education Director, U.S. Department of Education: The annual progress, every grantee whether they're a discretionary grant or a formula grant, they're required to do an annual progress report. And that's the only reporting that they do.

Rick Harrison: There's no match requirement, no indirect rate cost support caps or anything?

Angeline Bouley, Office of Indian Education Director, U.S. Department of Education: The indirect costs, I don't want to speak incorrectly about something. I'm happy to come back the next time that you meet and have more information about the indirect cost, about the cap; when it applies and when it doesn't.

Chairperson Aaron Payment: The only thing I would add is that from the meeting this summer there was a request to have Department of Education come and do an update and what would be helpful is if maybe the Education Subcommittee could narrow what they want updates on, specifically what they want updates on. I appreciate you coming. Thank you, with such short notice.

Raymond Smith, Jr.: Thank you, again. This is good information. I think that kind of goes to what my question was earlier. I heard a progress report and the grantee and funds being given to public schools. There was that concern that was brought forth, students leaving Sanders Unified, going to St. John's which is another public school. They're taking that number and increasing their numbers down there for the grant, for the funding and how do you rate these schools that are into D and F? I know that they get money. I know that they get Title VII and Title V I think it is and JOM. If they're getting a D and F, they should be encouraged to bring it up to at least a B, above a C. It'd be great to have them at an A. But this has been going on for too long.

Angeline Bouley, Office of Indian Education Director, U.S. Department of Education: The grades that you're talking about are something that we don't use in the Office of Indian Education. We look at, what did the grantee say they were going to do in their application and then at the end of the year did they accomplish what they said they were going to do? And so that's what we look at and as long as a grantee is doing that, then they're able to reapply for those formula funds every year.

Chairman Russell Attebery: Buster Attebery, Karuk Tribe, Northern California. So you can blame Tony for this question. We asked and I think I got a glimpse of some of the funding that's available for the 93 percent students that attend public schools in your presentation. I'm thinking that I go back and sort out or call and ask questions when I read the presentation on those funds. To my knowledge we have probably 65 percent Native American students in our high school, so there's a lack of funding. I guess it'd be maybe my job to do the research. Am I correct in assuming I did see some funding opportunities in your presentation? (Yes.) And maybe follow up on that. And the same question. So the Karuk Tribe has three different locations and one of the high schools, the Native American student ratio is lower than that so maybe around 30 percent. I do know that 60 percent of our Native American students in the bigger high school choose alternative schools. I don't know if this is due to lack of funding but we need to find out why and encourage them to stay in the mainstream school or develop a process where we have charter schools. I know it needs to change. I think right now I did hear you say yes, there is funding opportunities and maybe I can review and follow up.

Rick Harrison: Is any of your funding that goes through the state or the local education areas passthrough funding?

Angeline Bouley, Office of Indian Education Director, U.S. Department of Education: No.

Chairperson Aaron Payment: Somebody asked this question I think yesterday about Impact Aid and money that Impact Aid gets to either BIE schools or public schools and I think I know the answer but do you know how Impact Aid gets to schools and if there's any opportunity for tribes to engage in that?

Angeline Bouley, Office of Indian Education Director, U.S. Department of Education: Well, it's a requirement of grantees of Impact Aid to do meaningful collaboration with their tribal communities and also to have the tribe sign off on Indian Policies and Procedures, IPPs, I think is what it is. So there are things that are required in Impact Aid that are different than Title VI and different than JOM.

Chairperson Aaron Payment: One other thing is an annual meeting on the reservation, if it's in the plan and so too often what happens is tribes aren't really aware of that and somebody at some level is signing off on those documents without actively engaging in those meetings. So we do that in our community, we do have that meeting. It ebbs and flows. Sometimes we participate, sometimes we don't. Lately we have been going to every one of their meetings but Impact Aid, if you didn't know, is funding that a school district can get if there's public employees or government employees like Coast Guard or Federal employees in reservation base. So it's a supplement because they can't tax those lands. But unfortunately, unless you have a really good relationship, the school districts generally just take that money and put it in their general fund and it loses its identity. It doesn't have anything to do with Indians but when you're required to collaborate, that is the right word, it's not consult, and you just sign off on it and you don't stipulate that the meeting has to happen on your reservation and that you give some input, then you're forfeiting an opportunity.

Angeline Bouley, Office of Indian Education Director, U.S. Department of Education: I believe the National Indian Impacted Schools Association is having their annual conference in Las Vegas December 9th and 10th. Thank you very much. I'm happy to come back at another time and respond

to things that the Education Subcommittee specifically wants addressed but thank you very much for letting me talk with you today. Megwiich (Thank you).

OST Update

Jerry Gidner, Principal Deputy Special Trustee: Thanks, everybody. This'll be pretty short. I just want to update you on two things that were mentioned before but I've been spending a lot of my own time on. One is the transition of OST to ASIA and related to that is the issuance of the report required by [the Indian Trust Asset Reform Act] ITARA saying what the future plan for OST is. So we've made a lot of progress on both of those. The act of moving us under the Assistant Secretary's office really just takes a secretarial order to be signed. So that secretarial order has been approved by everybody who needs to in the Department and has not yet been signed by the Secretary but that's the last step. That's probably going to be on hold for a little bit while it catches up with the ITARA report which says what our future plan for OST is. I can't really say yet since it hasn't been approved exactly what's in the ITARA plan but I can say we went through a big milestone on that just recently. The Office of Management and Budget has cleared that report for us so there's maybe two more sign offs within Interior before it goes for the Secretary's signature. At this point I think we'll package up the secretarial order and the ITARA report and this'll probably all go to the Secretary together and that should happen pretty soon. I'm not going to say when I think that'll happen because every time I've said that it's been woefully too short and hasn't happened. But getting it through OMB was a big milestone so it is...that is moving. Once that goes to Congress, we do have a Dear Tribal Leader letter ready and other communications so we'll let everybody know what our plan is for the future of OST. So that's moving, that's been out there for a long time and I'm very thankful that I think, knock on wood, we'll have that plan out pretty soon for everybody to talk about. The other big thing that we've been working on across OST is our main accounting system is the Trust Fund Accounting System, TFAS. Just this past year we converted to a new system with a new vendor. We'd had that system and that vendor for the first 20 years of the system's life. The contract was up and the award went to a new vendor. So as all IT transitions do, or most, it took us longer in time and more money and maybe more ulcers than we thought we would have trying to get that turned on but that system is turned on. We turned that on October 7th. The old system has been turned off so we are using the new system. We have moved I think \$80 to \$100 million out into beneficiary accounts with the new system since we turned it on. We had some glitches, I'll be honest about that but oil and gas money has been moving fine since we turned it on. Most of the unrestricted IM accounts are moving fine. The supervised IM accounts we had a few glitches. We had a little backlog there but those have largely been resolved and we are working to move that money. So we're about four or five weeks, I guess five weeks into this now. The new issues that are coming up have been reduced to almost nothing so it's still just resolving some of the issues that came up earlier in the process. But money is moving. If you're hearing from your members that money has been delayed to some of them, that could be true but we are moving that money right now. That's the big things we've been working on. Once the dust settles on this new TFAS system and the bugs are worked out and there has been a learning curve for us and the vendor on that, on using the new system, but it is going to give us the possibility for, as I said before, online banking for the beneficiaries including the tribes and the individuals. We won't have to send you a statement on a CD anymore. You will be able to go online and look at your statements whenever you want. So there's going to be some functionality we did not have before that I think is going to be beneficial for everybody. We're not there yet. We still need to let the dust settle on the initial conversion and then let everybody in OST take a deep cleansing breath because it's kind of changed the gravitational

force of OST. Just about everybody's working on this and a lot of overtime but it's getting where it needs to be so very happy about that. Those are the big things going on. We have a lot of other accomplishments this year despite all of those but those are the things that should be most important to you so I'll leave it there and open up for questions.

Chairman Ron Allen: So basically the staffing for OST between what's here in DC versus those that are down in Albuquerque stays the same.

Jerry Gidner, Principal Deputy Special Trustee: Yeah. We haven't moved people out. Well, we moved some contractors out just because we could get cheaper rental space for them other than in the main Interior building. With few exceptions. Like I'm not filling positions in DC. I'd rather fill them out in the field. Rent in the main Interior building is the highest rent we pay anywhere in the country and for some of the reasons Darryl was saying earlier, you don't necessarily get people wanting to come to DC from the Indian community so we get a better pool and cheaper office space if we put those positions other places. But we're not doing any wholesale moves of staff. But as positions come vacant in DC, largely we'd be filling them somewhere else.

Emergent and Priority Issues

Jason Freihage, Deputy Assistant Secretary for Management: I'll make this quick because it's the end of the day and some of this we will get into more detail tomorrow or we've already discussed. First, because we had the education discussion, many of you are probably aware, our office just helped kind of get going the Alyce Spotted Bear and Walter Soboleff Commission on Native Children. If you don't know, it's an 11 member commission tasked to develop a comprehensive study on programs, grants and different types of supports for native children, looking into specific challenges and making recommendations for improvements. The group's just getting going. They have a detailee from Education, DOJ. In addition to kind of admin support we're also...we have a few Interior detailees and HHS is also providing someone. One of my recommendations to them as they're building out their meeting schedules was that they maybe have some of the timing combined with a TIBC meeting just because I think they could get a wide array of views. They really do want to know what the broad set of programs are, how they impact different communities across Indian Country and so this might be a good opportunity both to get the Fed and tribal view of the world to help feed their information and have a lot of great brain power that really is noodled to budgets and programs that impact children. So just as a heads up, that could be a future, maybe spring, summer meeting. That might be a good event where they come and sit in and have a chance to integrate, learn from you all again since there's so much brain power in one place.

The idea about the exception apportionments already came up a bit but just the back up for folks who haven't been following it as closely. Indian Affairs and IHS, we've been working with OMB to look into something like exception apportionment. Essentially what that is, when we have Continuing Resolutions, OMB can grant the ability to spend at a higher rate or spend more money at a higher rate than we would usually be able to under a Continuing Resolution. So for example, the current Continuing Resolution we're under goes through November 21st, which is about 14 percent of the fiscal year so we get about 14 percent of our funds. But it is possible to get an exception for seasonality or other purposes that will allow you to spend at a higher rate. In this case, this could be for example to meet Self-Determination Act requirements or other factors. So that's something that we're all looking at, the potential of having that ability to spend at a higher rate which would put more tribal

payments in folks' hands faster. So more information will come on that. We're still working it through with OMB and IHS is also involved in that process.

Next, we'll also get into more detail tomorrow about the 105(l) leases but that is kind of an emerging issue for us. I know for IHS they've already been living with it for awhile but it is a newer item for us because as you know, the way they work, tribes can upon request we have to potentially fund them. And so that means it's harder to work them into the budget cycle. And that's one of the things that we're trying to look into options about how we get that timing to work well and make it a financially sustainable tool. Where possible, if we can get the increases built into congressional marks related to the leases, that's great but because the timing doesn't always jive exactly with the budget schedule, sometimes it's not as easy to do and we have to look at other options. It could even be reprogramming funds or other approaches. We'll dig into that a bit more tomorrow and have a chance to ask questions but it is something worth talking about with this body because it does have the potential to impact the allocation of resources. Given that it's late in the afternoon, unless there are specific questions, we can kind of dive into more detail tomorrow.

[Recess to reconvene November 14, 2019 at 8:30 a.m.]

Opening Remarks - Day 2

Chairman Ron Allen: Good morning, everybody. Welcome back to the second day for our TIBC meeting. I've asked President Nez if he would honor us with an opening invocation to get us off in a good way.

[Invocation provided by President Jonathan Nez, Navajo Nation]

Chairman Ron Allen: Thank you, Mr. President. We appreciate you getting us off to a good start. First things first. We need to take care of some business this morning. We deferred our minutes from yesterday to this morning so I hope that folks had a chance to take a look at it. I looked at it and I thought they did a good job again. Tyler and NCAI does a good job of capturing the discussions that we have. It's pretty thorough so I'm hopeful that it's good enough for formal approval this morning. Any comments? Yes, Joe.

Head Councilman Joe Garcia: Mr. Chairman, I have read through the minutes once again and there's 115 pages of it but I went through it a couple of times and everything seems to be in order. The capture is just phenomenal so I make a motion that we approve the minutes.

Chairman Ron Allen: Okay. Is there a second? Okay, second. Is there further discussion? Are there any objections?

Head Councilman Joe Garcia: I do have a point. Within the minutes there are a number of action items and I didn't list them all but those action items I think it's important for us to follow up on. I haven't looked at the table for updates, action items but hopefully we've captured them but two that come to mind are...one has to do with the P.L. 280 states and the public safety issues and the funding issues. The other one that comes to mind is the one about funding availability within BIE because they had not hired...and there's a backlog of funding available because they had not hired and we

didn't get a report about how good we are on the hiring. So those were a couple of action items but there's several more in there.

Chairman Ron Allen: Yes, Tyler, I think that we usually keep a matrix of the action items and we will review them at the end of the day here, making sure that we identify what we did to follow up on them.

Tyler Scribner: If I may, the action tracking is primarily those recommendations of the subcommittee and then those official motions. It may not have captured some of the requests that show up in the minutes. But that's a change to the action tracking that can be made.

Head Councilman Joe Garcia: Just for information. Some of the things that were recommended are happening. I remember the Education Subcommittee requested that maybe we need to involve people like the organization NIEA and the Office of Indian Education and so you saw yesterday that they were involved as well so that's an important piece. And the other one has to do with data and I think we also talked about that yesterday morning about re-invoking the data group and so those are action items that have already taken place as per our meeting in Alaska.

Chairman Ron Allen: If people can take a look at the action items in your packet and make sure that any of the items that we did discuss at the last meeting in Anchorage or Fairbanks are accurately captured. Any other discussions on the minutes? Yes, Kitcki.

Kitcki Carroll: Just a quick question. So yesterday and I think even on Tuesday we had discussed the need for consistency for all of us to report back to our respective regions about what's going on at TIBC. At one point I vaguely recall we had talked about more of an executive summary sort of report because if I send that to my folks, they're not reading all those 100 pages. But we had talked about just a brief executive summary of the meeting that we could all share so we're not giving our own versions of what took place. What's the status of that sort of reporting for us to share with our regions after these meetings are concluded?

Chairman Ron Allen: I do not know the answer to that. Tyler, do you know?

Tyler Scribner: Mr. Carrol, it's not created but that's something we can create immediately for these minutes and do from this point forward.

Kee Allen Begay: Good morning. Regarding the minutes. We didn't follow up or we didn't really make it happen, Rick. During the Fairbanks TIBC Public Safety Subcommittee we strategized to conduct a regional public safety summit, a mini summit for the Alaskan region and I'm not sure if that still needs to be done. And I know that we were supposed to coordinate with an event I think it was last month that was supposed to do it at the end of the session. But I believe the staff didn't really follow through on it. Even though I transferred to be on the transportation subcommittee, I'd like to help push this particular event as well. I don't want to leave the public safety subcommittee without getting that done and having the Alaskan Region saying that we said this...we've been hearing that from other regions that public safety is a bigger issue and it's a big issue and a lot of times they don't get heard and how do we continue to help all of our Native Americans, individuals that are really struggling or suffering through a lot of these negative that's impacting them across the region. So I

don't know, co-chairs, maybe direct and continue to have this be follow up by the BIA Office of Tribal Justice.

Rick Harrison: Thanks, Kee Allen, for bringing that up. I had talked with Tara herself and she had said that she was trying to get that to happen as well. I don't know if you know anything about that, Mark, or what the status of that is.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: I don't.

Chairman Ron Allen: We need to follow up on it some more, Kee Allen. It is a very important issue for Alaska, California and other places where P.L. 280 is a problem in terms of public safety for our respective communities. Any other discussion with the minutes? Any objections to the minutes as presented? If there are not, then they're deemed approved. We do have the two letters...two draft letters. Tribal leaders, if you don't have them, Tyler's got them. You all can take a look at it if we need to refine them some more. I don't know if there's any opening remarks. Mark, do you have any comments to get us kicked off? I just think that we had a great conversations yesterday on the different topics that was raised. So we will start this morning with the budget formulation process and protocol update. Raina.

Formulation Process/Protocol Update

Raina Thiele: Good morning, everybody. This is going to be an update on our process improvement project which we've undertaken over the past couple of years. As many folks are probably aware, this has been an ongoing process and really kind of the accumulation of a lot of effort from the tribal leadership of the TIBC who've been working extremely diligently for more than a decade really on improving the process and how we come up with recommendations for Indian Country every single year in this body. And one of the things that we have been working really hard on is how do we ensure that we as a body are able to develop recommendations that are as reflective of Indian Country's priorities as possible and that are as impactful as possible when it comes to pushing the Federal officials and the Federal side to respond accordingly. And so we have had a bunch of different action items and steps that we have taken including requesting the Department of the Interior...and these are...again, this is the review of the past work that we've done. So these have been decisions that have already been made by this body. Of course there has been a little bit of talk about revisiting a couple of these but so far as I'm aware at this point we are pretty okay with each of these items. For instance, we did ask that the Department of the Interior and the Secretary of the Interior create a tribal advisory council within the Department of the Interior. Part of the reason that the TIBC asked for that is because some of the conversations that occur in this body, which is a budget-based body, tend to kind of bleed a little bit into policy issues. And so in order to kind of separate those out and keep it really clean, it made a lot of sense to tribal leaders on the TIBC to have a separate body that was secretarial level which would take on those sort of more broad policy based issues and then also make TIBC Secretary level as well so that we have the coverage within this body from Department of the Interior to make an impact. One of the other important changes that were made out of this process was the Department of the Interior did develop some really important improvements to their preferred program ranking tool. What we were able to do is to really transform that ranking tool from what was a list of just 125 different program items and consolidate that into area based categories. Part of the reason for that was because several regions had concerns that some areas were not being prioritized in that process because there were so many

line items and they were all so different. So having those broad categories means that every single category, whether it's education or natural resources, every single one of those categories ends up as a priority but within each of those categories there are rankings.

We've also developed a new member orientation. One of the gaps that we identified very early on is that when new members are coming to TIBC, there's a bit of a time period that needs to take place for folks to get up to speed because the budget process is not simple, it's very complicated and it takes quite awhile to really get up to speed and truly understand it. So we did develop a webinar which is posted on the NCAI TIBC website which folks can access. And we also have a plan in place now to help onboard new members. So that includes reaching out to those new members when they are identified, ensuring they have access to that webinar and also at least once a year having an in-person training session which we did host at the last TIBC meeting. Another item which we have introduced is attendance reporting. The TIBC did accept or did come up with some additional changes to the protocols which were accepted this past spring. One of the more important changes to the protocols was to ensure that absences were tracked and that when there are several absences for one member of TIBC that that is addressed by the co-chairs. And so that is now final in the protocols and so NCAI has taken on that role of tracking attendance, ensuring that folks are showing up when they're representing their regions. And that's really in the conversation among TIBC was because when folks were not present in either the subcommittee or at this meeting, it tended to negatively impact the conversation. There wasn't as much continuity and the progress of the conversation wasn't as strong as it could have been otherwise. So that's why tribal leaders in TIBC decided that it was important to have an accountability mechanism basically to ensure that folks are here and folks are engaged.

We also came up with a communication strategy. The reasoning for this was really out of the multiple conversations that took place over the course of the project. Many folks on both the Federal side as well as the tribal leaders side felt that there wasn't perfect communication and information flow about the work of the TIBC, about the final recommendations of tribal leadership and so this communication strategy really tries to address that by ensuring that TIBC reps understand their responsibilities and also understanding what the responsibilities of the Federal officials were also part of TIBC are responsible for. So to skip ahead here to the review of current work. We did conduct a gap analysis because despite the fact that the partnership with NCAI works very, very well and covers most of the ground and of course with BIA, there were a couple of gaps where folks felt there could be some additional staffing, there could be some additional attention paid to those areas and so we did a gap analysis which we'll go into in a little bit more depth here in a minute. There are also some great improvements that are happening to the website on the NCAI side. They are actually revamping the entire website including the TIBC section which should help ensure that it's more user friendly. But for folks who are not aware, all the TIBC materials, the meeting materials, those are all posted on the NCAI TIBC website almost in real time. So Tyler is...he's literally on top of it. Every time you push out a new document, he's posting that document to the website for folks to take a look at and share with the tribes in their region.

We also did a recent look at the subcommittee structure and we did realize that there were some gaps in our understanding of the structure of the subcommittees because our protocols are pretty specific about how those subcommittees are structured in terms of the number of voting members, in terms of the chairs and there wasn't a lot of clarity about who was working within those

subcommittees. So there was a re-designation of the subcommittee chairs which this body in the tribal caucus approved but we'll also revisit with our Federal partners here.

Chairman Ron Allen: Let me pause you there. I think everybody got a copy of what we think are the names that we nominated and approved yesterday with regard to all the subcommittees. So in case we missed anybody, let us know.

Kee Allen Begay: Could we get an updated list of how we've adopted the selections of all the subcommittees leadership?

Chairman Ron Allen: Those that we nominated and approved yesterday? You should have them. If you don't have them, we can get a copy for you. Take a look at it, guys.

Raina Thiele: We can actually go through those right now if folks want to take out that document. It says Tribal Interior Budget Council Subcommittees on the very top. As you can see here, we do have all of the chairs of our subcommittees identified. For Budget, Chairman Ron Allen. Education we have two co-chairs at this point. We have Chairman Buster Attebery and Head Councilman Joe Garcia. Public Safety and Justice we actually have a new TIBC member who is the Chair who is Council Delegate Eugenia Charles Newton, Navajo Nation. Road Maintenance we have two co-chairs that were identified. Dakota Longbrake who is the sitting Chair and Kee Allen Begay who was previously our Chair of the Public Safety and Justice Subcommittee.

Chairman Ron Allen: Our Federal co-chair is listed as vacant. I'm sort of wondering if it's LeRoy Gishi on Road Maintenance.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Yeah, we have LeRoy listed here.

Raina Thiele: Okay. So LeRoy Gishi will be the Roads Maintenance Federal Co-chair. Moving over to the Budget Subcommittee. Our Federal Co-chair is George Bearpaw. We also have Federal members Jeannine Brooks and Gail Veney. And it would also be helpful as we go through this if the Federal partners would indicate if there's anybody missing from any of these subcommittees who should be added on. But in terms of the membership, the Budget Subcommittee via the protocols is six members. You can see that we have Chairman Ron Allen who is our sitting Chair, we have Co-chairman Rick Harrison. We have Kitcki Carrol, Chairman AJ Not Afraid, Gay Kingman and Courtney Two Lance are our six members on the Budget Subcommittee. I'll pause there and see if there are any additions or changes. Jim.

Chairman Ron Allen: Did you mention Jamie from Navajo? Jamie Henio.

Jim James, BIA Deputy Director for Field Operations: Chairman. So Raina, and Chairman, I would suggest that we add somebody from the field there on the Federal side. I would make but LeRoy Bohling part of that. LeRoy Bohling who works for me.

Kee Allen Begay: Can we get clarification of Mr. Henio? Didn't we make a motion yesterday for Navajo, Mr. Henio, to be the co-chair that's with the discussion where you indicated that you wanted to step aside for another individual to go in. And I thought that's how we made the motion yesterday.

Rick Harrison: There was a motion made, there wasn't a second and there wasn't a vote on that.

Kee Allen Begay: Could we get clarification from yesterday's notes? That's how we've interpreted the action yesterday.

Raina Thiele: And we definitely...we did add Council Delegate Jamie Henio to our list in this sheet here. It didn't make it onto the presentation but he is added on the sheet as a member.

Chairman Ron Allen: You're talking about the Budget Subcommittee, correct? I'm indifferent, Kee Allen. We can make him co-chair. I'm indifferent.

Kee Allen Begay: It makes a big difference because we are talking about getting only six votes from each of the subcommittee chairs. It makes a big difference.

Rick Harrison: What happened was you guys made that motion and then we talked about making the Chairman for the subcommittees non-voting. So that's the route we took so the Chairman is non-voting, he became a member so he's voting.

Chairman Ron Allen: Yeah, we put him in as a voting member and he's the sixth member.

Tyler Scribner: Mr. Chair. I've reviewed the record. The motion that was taken on the floor after two amendments was to make the Chairs or Co-chairs of each subcommittee non-voting members so that it would free up additional spaces for voting members on the subcommittee and that Navajo Nation would have a seat as a voting member on that subcommittee. And that's with the notes I have. We also have a transcript that we can reconfirm. But that was the motion that was taken on the floor.

Raina Thiele: And there was also an issue that was pointed out in the protocols. The Budget Chair in particular is supposed to be one of the co-chairs of the full TIBC.

Kee Allen Begay: I don't mean to start a riot or anything but my concern as a member to this particular body, you guys are chairing at the main Tribal Interior Budget Council session here. I don't see why the same three has to also control another subcommittee which more of the majority of the people want to be on there. Would it be more appropriate for maybe one co-chair be at one of the committee at each of the four standing or five subcommittees rather than having all the three of you being on the Budget Subcommittee. And I know the policy says that, it's just a matter for us to make some changes. That's what we can do. That's what I have a concern of, Chair. Like I said, having three voting members in place at the Budget and Finance and here we won't have a choice but to go with what was being brought up to the full council from the Budget and Finance Committee because you guys will be at each subcommittee while doing their recommendation to the full body.

Chairman Ron Allen: Is your motion to remove us? We were going to talk to AJ because AJ hasn't been making these meetings whether or not he needs to be on here or not opening up another slot. Rick and I've been pretty consistent showing up at these meetings. We're going to double back with AJ because we need to talk to him because he had to go home. But I'm not sure what you're seeking.

Chairperson Aaron Payment: This might be a solution. So after we have that answer then there could be the ability for Jamie to be nominated as the Co-chair at this level. That might be the answer. The one thing that I completely disagree with is the characterization that the Chairs of the subcommittees control the information that gets back up to this board. Serving on a subcommittee I know that's absolutely not true. All discussions, reports bubble back up. We generally work by consensus and I think that if anybody tried to limit or bottleneck any information and prevent it from coming up to this level, the committee members wouldn't stand for that. I haven't seen that yet so I don't think that's a real concern.

Chairman Ron Allen: In the absence of any action I think we just need to move on here. Unless you're making a motion.

Kee Allen Begay: Chair, I guess just more for clarification. I'm just making a statement to say that there should be equity among the regions so that each are represented at each of the subcommittees because each tribe are unique in their status as to how their situation are from each of the tribal. So I'm going to say that you have a 638 tribe, a treaty tribe and P.L. 280 tribe so those are very much important to have an input in discussion at each of the subcommittees. So it doesn't make sense to have all treaty tribes being on... I'm not saying that it is right now but on one subcommittee and make decisions based on only that relates to treaty tribes. Then we leave out the other tribal members' situation because like I said, we do continue to hear from the Great Plains about public safety and I know we offer meetings but the majority of the time it does reflect the non-attendance is the reason why a lot of these areas we continue to make sure that they have their input and make that recommendation to the full body. So if that's...if I'm in the right...because I can't even probably make a motion because we're not on the...we don't have any specific documentation in place to say that I make a motion to get this done. All she's doing is doing a report right now.

Chairman Ron Allen: Remember now, the subcommittees are charged with regard to the purpose of each of the subcommittees. This step is to be a budget committee and it comes back to this committee, which everybody's represented, for formal action. So all the committees, all they do is make recommendations relative to the subject matter. It's simply a matter of confidence that a fair number of the tribes are represented. So for example, I'm from the Northwest, 45 tribes. Kitcki's from USET, he's representing 30 or more. And then AJ, whether he stays on or not, Rocky Mountain. And Gay and Courtney cover the Great Plains. And Jamie, Navajo. So there's a pretty good cross section of people. Go ahead, Terry.

Terry Tatsey: Mr. Chair, we did hear from AJ and he says because of his lack of participation and attendance, if it does fall within the protocols that he be removed, he stated that he would like either myself or Tafuna Tusi to act in his place until things move forward.

Chairman Ron Allen: If you could double back with AJ and ask him about that, that'd be great. Shall we move on? Let's keep going here.

Raina Thiele: Next on your sheet, if you can look on your sheet and mostly follow along on that, we have for the Education Subcommittee, we have Chairman Buster Attebery and we have Head Councilman Joe Garcia, Federal Co-chair Director Tony Dearman. Is that accurate, Federal partners?

Sharon Pinto, BIE Deputy Director: This is Sharon Pinto and we'll add myself to that also with Mr. Dearman.

Raina Thiele: Perfect. We also have five voting members. Chairman Harold Frazier. And these were all decided by the TIBC members yesterday. Mervin Wright, Chairman Aaron Payment, Council Delegate Paul Begay and Cecelia Fire Thunder. We also have Federal member Kelsey Marand, and of course Sharon Pinto and Tony Dearman are on that list as well.

Sharon Pinto, BIE Deputy Director: We'll be adding Vanda Cervantes is representing the BIE as a Federal TIBC member.

Raina Thiele: Okay. We'll add Vanda Cervantes.

Chairman Russell Attebery: I believe the technical lead was Jennifer McLaughlin.

Raina Thiele: So there was a request to switch her to Public Safety and Justice so we do have a vacancy in the technical lead for Education if there is an individual who folks would like to designate. And please keep in mind, the technical lead person is the person who is responsible for kind of the administrative and logistical tasks of that subcommittee.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: How about Nick Courtney?

Raina Thiele: Is that okay, Kevin? Okay. Nick Courtney from NCAI will be the technical lead. Perfect. So moving along to Public Safety and Justice. We did have a bit of a shift here. Former Chair of that council Kee Allen Begay did step off of that as the Chair and we did replace him with Council Delegate Eugenia Charles Newton of the Navajo Nation. The Federal Co-chair we have listed as Charlie Addington. Is that correct? And we have five voting members. We have Vince Dupris. And please let me know if these are spelled incorrectly or if we need to add additional information. We don't have complete information on all of these folks.

Chairperson Aaron Payment: For the vacancy I have a nomination. I'm not afraid this morning. How about Allen Roy from White Earth if he's willing to do it.

Chairman Darrell Seki: I'll second.

Chairman Ron Allen: Any objections? Okay. You got it?

A motion appointing Allen Roy from White Earth Nation as a voting member for the Public Safety and Justice Subcommittee.

Raina Thiele: Yep, we got that. And the other members, Mark Pollack, Palmer Mosely, Jesse Delmar and we've just added Allen Roy from White Earth. The technical lead we have is Jennifer McLaughlin. In terms of the Federal members, Charlie, are there any folks we should add to the Federal members list on Public Safety and Justice? We don't have any Federal attendees, Federal members.

Charles Addington, BIA Deputy Director for the Office of Justice Services: Not members.

Jim James, BIA Deputy Director for Field Operations: Just a quick question on Public Safety and Justice. Is it focused solely on law enforcement or is it other things?

Chairman Ron Allen: It's been Public Safety and Justice so it's been the court systems as well and they have talked about incarceration/detention issues.

Jim James, BIA Deputy Director for Field Operations: Okay. Can we reserve the right to add somebody? I just want to consult with the Regional Directors because I think it's important to have somebody from the justice angle.

Raina Thiele: Okay. Perfect. So we will keep that open for additional Federal members for Public Safety. Moving along to Road Maintenance. We have Co-chairs Dakota Longbrake who has been the sitting chair of that subcommittee. We also added Kee Allen Begay from Navajo Nation as a co-chair, a non-voting co-chair of that committee. Federal Co-chair is listed as LeRoy Gishi. Is that accurate? Okay, that's accurate. And we have five voting members. Dave Kelly, Brian Winnestaffer. Roland Kennerly and Misty Rickwalt. There is still one vacant position on that subcommittee.

Chairman Russell Attebery: I have not confirmed Misty Rickwalt. That's not confirmed yet.

Raina Thiele: Okay. So we'll note that Misty Rickwalt is not yet confirmed. And we don't have any Federal members who are listed as members of the subcommittee. I don't know if there are folks who our Federal partners would like to add.

Chairman Ron Allen: I'd be great because we don't have a technical lead so maybe Dakota and Kee Allen can huddle up, maybe identify somebody who could be the technical support we can identify later.

Raina Thiele: Council Delegate from Navajo Nation did mention Garrett Silversmith. Is that somebody who is still able to fulfill that responsibility?

President Jonathan Nez: I did include that yesterday recommending Garrett Silversmith from Navajo Department of Transportation as the technical advisor.

Rick Harrison: I'd like to clarify. You said technical advisor. It's a technical lead to do like the ground work behind the scenes setting up agendas, all that.

President Jonathan Nez: Yes, technical lead. I'm sorry. Thanks, Ron.

Chairman Darrell Seki: I'm going to recommend Hunter Boldt, Executive Director of Red Lake for that vacancy for Road Maintenance.

Raina Thiele: Okay. We do have a Federal person as well. Ernie Pouries. Moving onto Data Management. This is one which we had to kind of fully populate but the TIBC membership selected Rick Harrison as the Chair. We do not have a Federal co-chair for Data Management.

George Bearpaw, OBPM Director: I'd like to have Jeannine as the Federal Co-chair for that.

Chairman Ron Allen: Great. Thank you.

Raina Thiele: For voting members there are five who were selected by TIBC members. Council Delegate Pernell Halona, Head Councilman Joe Garcia, Kitcki Carrol from the United South and Eastern Tribes, Courtney Two Lance from Oglala Sioux Tribe and Tafuna Tusi from Rocky Mountain Tribal Leader Council. And we do not currently have Federal members listed in the Data Management Committee, if there are folks who need to be added. We also do not have a technical lead for that committee but I believe what these folks in this committee are going to be doing is really taking a hard look at what is the Data Management Subcommittee going to work on and in that process hopefully select a technical lead as well.

Raina Thiele: This is not in the presentation but if you go to the...there was created a new committee, Land, Water and Natural Resources. The TIBC membership selected Chairman Buster Attebery as a co-chair and Councilman Terry Tatsey from Blackfeet Tribal Business Council as the second chair of that committee. There is not yet a Federal co-chair of that committee. Land, Water and Natural Resources.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: For this spot we'll put the Deputy Bureau Director of Trust Services Designee and we'll get you guys the name later.

Raina Thiele: So Trust Services Designee will be the Federal co-chair and we will TBD on the specific individual. And we did have this in the protocols as a five member subcommittee. However, there was a motion made and approved by the TIBC membership to add an additional person to this subcommittee so there are six voting members versus five and the includes Wayne Ward, Karen Linell, Council Delegate Raymond Smith, Jr., Greg Abrahamson from Spokane, Scott Weston, Oglala Sioux Tribe and Shawn Duran from Taos. And we also currently do not have any Federal members listed. However, folks do want to add to that, feel free to send those names our way. And the technical lead who we currently have on here, which I...this may actually not be accurate but we have Mark Freeland from Navajo Nation. Is that accurate? Members from Navajo Nation, can you comment on whether Mark Freeland is the appropriate person for that position?

Terry Tatsey: Mr. Chairman, if I can. Because this is a new committee, I'd like to really have the Federal partners consider somebody with extensive experience in this area and the gentleman I'm looking at is right over there, Darryl LaCounte, if Mark and fellow colleagues would consider him as kind of...as a mentor and person that can guide us with to begin with.

Chairman Harold Frazier: Only if he consults with Great Plains on his moving that whole division because I checked yesterday with all the chairmen back home and none of them was notified or none of them was aware of his move so we'll be coming.

Darryl LaCounte, BIA Director: I admitted that yesterday. I'm good. You didn't need to do any detective work on that one, Chairman.

Raina Thiele: So that is the review of the complete roster of the subcommittee membership and leadership.

Chairman Ron Allen: We have a few names that need to be added as soon as we get them identified—the technical leads and participants. We can always circle back. At least we can get it in the roster so everybody knows who's on these subcommittees. Was there anything else you were going to update, Raina?

Raina Thiele: So there were a couple more items which we wanted to just quickly go over. One of those is we had a request in to the Bureau of Indian Affairs to have additional Federal partners from the Department come and do reporting out to this body. As all of us know, Department of the Interior has tribal budgetary funds outside of BIE and BIA and so having some of those other bureaus come and talk to the TIBC membership about their budgets was a request that was made. I believe that was not able to happen this meeting but it will happen at the next meeting in March. There's also, just to let folks know, there will be a request that BIA is communicating to their regions to help us to streamline the process for ensuring that tribes are able to really be involved in the process to select TIBC membership but also to ensure that there's a good flow of information from the regions to the headquarters and vice versa. Just a quick reminder that we did have an update to the attendance policy and there is a little bit of a cheat sheet that's included in everybody's packet if folks want to just take a glance at that before the end of the meeting that would be wonderful. Out of this project we have a calendar of items that will be tracked by NCAI, ensuring that the work of this project is continuing to be pushed forward and having some positive impacts. In terms of the calendar for intertribal gatherings, which is something that folks have asked for in order to keep track of when they should be engaging with tribes in their region, that will be a part of the NCAI website calendar and so hopefully that will also be shared onto the TIBC site as well. And that's all I've got.

Kee Allen Begay: On the last slide, the first one, federal partners. We continue...being on the Public Safety Subcommittee, we work closely with the BIA, Mr. Addington's office, but we couldn't meet directly with the Department of Justice and I've asked several times through your leadership to have them get to the table but it never happened until this past Tuesday but it was only the staff that came over with some of the other programs. Again, for those of us that continue and want to improve issues regarding our tribal areas, I believe that somehow we've got to incorporate and have the BIA to really help us bring these very important individuals, not just a staff but more of direct people that have authority to be with the subcommittee to continue to address these issues rather than just relaying the message and such. So that's one area that I would continue to ask and continue to help the Public Safety subgroup to see if Mr. Toulou could sincerely get his...do his duty to help our request and maybe the same thing will be happening with the transportation but I need to sit down with the current Chair and see how they're dealing with the other Federal partners.

Chairman Ron Allen: I think it's a great point, Kee Allen. Charlie, if you have any thoughts. I know that we got Tracy to come over to one of our meetings and it seems like it was a couple years ago and it's not just Tracy who is the tribal liaison. I think that he's asking for the people who run those different programs that we access their monies. The individual who manages the COPS program, the individual who manages the Domestic Violence monies, etc. I know there's about five, six, seven programs. I think that they were trying to find out what the status is of those programs and the tribe's access to them. Do you think that we can make that happen with the upcoming meetings?

Charles Addington, BIA Deputy Director for the Office of Justice Services: Yeah. We invite them every time. I know we've had the Director of the COPS office. We've had several of the folks that

lead those programs at DOJ at our subcommittee meeting and presented. This last one they just couldn't get there in time. It was late getting the meeting set up and there was other conflicting schedules. Tracy was actually on travel during that time. So they get invited at every meeting. It's just we need to get the notice out a lot quicker when we're going to have it so we can make sure we get the right people on the list. And they do attend when they can but sometimes the schedule conflicts with things that they've already got going for the primary so they send...Marsha Good was there which is Tracy's Senior Advisor. She was at the subcommittee meeting and she's the person that really deals with a lot of the things that's going on in that office. So she was actually at the subcommittee meeting this past week.

Chairman Ron Allen: That's the request and it is a reasonable one. So we do know when our next meeting is which is March. We can give them a far enough advance notice. It is rather annoying. I understand where Kee Allen's coming from. When we give them good notice and that's their job is to provide information and updates to the tribes. I don't know, Mark, if people like you guys in the Secretary's office can put pressure on them to show up because it's about collaboration, if I'm tracking this right, Kee Allen. It's the collaboration of those programs with our OJS programs so it's an important issue for us. So we'll push hard on that one, Kee Allen, if Eugenia and our new Public Safety Committee.

Kitcki Carroll: I think it's critically important that if TIBC is going to start broadening out beyond its scope of funding areas, so using this example of Department of Justice. TIBC exists within the DOI space and the justice programs that exist within there. Not that it doesn't have relevance and impacted justice issues going on outside of that space. I don't disagree with that. However, what I would say and why I'm saying this is somebody made the comment yesterday, I can't remember who, a tribal leader said, 'Many of us sit on other committees in Indian Country,' and that's true. So using DOJ as an example, there is a DOJ tribal leaders advisory committee that exists. So if TIBC is going to start venturing into the place outside of DOI space to DOJ where there are other leaders in that space, as much as we're talking about coordination with the Federal partner, there needs to be coordination with those other tribal leaders who occupy that space more directly than this body does to make sure that there aren't decisions being made that are in conflict with one another because the appropriate parties aren't talking to each other. I've said this numerous times but it doesn't seem to be happening. We have a tribal leader on the DOJ tribal leader advisory body, Chief Malerba, and I do my best to brief her on some of the justice related stuff happening in this space but she's not receiving any communications as a DOJ tribal leader advisory body person for that link to be made. And I'm fearful that at some point there's going to be conflicting messages being sent.

Chairman Ron Allen: I'm on it too. We've been fighting for a face to face meeting with the AG or even the Deputy AG and we've not been successful. We haven't met with the AG in probably two years. We have monthly calls and Lynn, Juana, and I are among the only ones. There's an Alaskan rep that shows up once in a while or gets on the call and we push this issue that Kee Allen's raising in. We push this issue in terms of the collaboration between those programs and the VOCA monies, etc. We're going to keep pushing it and it's been a frustrating experience, quite frankly. Where the Obama Administration, we were meeting face-to-face on a quarterly basis. We're just going to have to keep pushing the envelope here and see if we can't make that happen.

Kitcki Carroll: And I would just also use this as a reminder, Mr. Cruz, as why we feel, what you call it doesn't matter but the fact that there was a need for an entity such as the White House Council

on Native American Affairs to coordinate all of this and BIA, the ASIA office served as the conduit chair for that coordination. Absent having that, we're talking justice now, you're going to have issues up and down the ladder where there isn't coordination because somebody isn't connecting all those dots between a lot of efforts. So there's lots and lots of activity going on in Indian Country but if it's not coordinated, stuff does and has and will slip through the cracks. Despite what the Administration may want to call it, I think the time is now for the Administration to demonstrate an awareness of that sort of a need to create that sort of vehicle and put that into place to allow for that coordination to go on in the way in which the intention of that initial council was.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Point received. Just throwing out another idea here is we...earlier this year we met with U.S. Attorney Trent Shorts and he's been going around Indian Country and he might be someone... He's a member of the Choctaw Nation I believe and he might be someone that we invite in March to come kind of talk about these matters.

Chairman Harold Frazier: To me DOJ is failing Indian Country. All they do is give out grants to gather data and statistics and in our region we need prosecutor money, public defenders, tribal courts, things like that. Are we even in their budget? Do they have that trust responsibility like the Bureau of Indian Affairs? Is there policy saying that? Mr. Addington.

Chairman Ron Allen: Well, the answer's yes. The whole United States Government has a trust responsibility.

Chairman Harold Frazier: So how come we're not in their budget then? How come they're not here?

Chairman Ron Allen: Actually we are in their budget and that's why Kee Allen is trying to get them to come to these meetings so they can give us updates.

Chairman Harold Frazier: But in the budget though, everything is grants and it's grants of what they want. It's not what we want. Again, I'm going to say that we need money for prosecutors, money for public defenders, money for judges, things like that. Instead all we do is chase grants. The requirements are so hard to meet, we get a grant and it might be three or four years before it's implemented because we can finally recruit someone of that caliber what's required. That's a reality of it. And if they have that trust responsibility, why aren't they here? I guess that's why the Assistant Secretary isn't here either, huh? At some point, we need something to hold them accountability. Right now there's nothing in place. I don't know if you guys all need judges. Maybe you guys are all pretty rich, I don't know.

Courtney Two Lance: I have another question. Earlier this year we had a consultation in Great Plains. It was shared with us that every Federal agency that deals with Indian Country would have a plan of operations on how they would deal with those tribes. So I've been asking for those plan of operations from DOJ, the Park Service, BOR, BLM, all of the other Federal agencies on how they're going to work with the tribes and I still have not received anything. And so if they make that statement, if they don't give us a plan, then they should be here to answer these questions. Like I said, they're failing their legal obligation, their trust obligation to the tribes.

Chairman Ron Allen: You're talking about DOJ, right, Courtney?

Courtney Two Lance: DOJ as well. Every agency that we may work with. It's not just BIA and IHS and BIE. We also have funding from other Federal agencies. But they said they would have a plan for the tribes, so where's their plan?

Chairman Ron Allen: I think it's a great point and I was just asking Mark, I said, there's no reason why we can't invite them for this as well as our subcommittee so we can dive deeper into the subject matters of the programs and we get greater transparency. So we'll make sure that invite is out and then I will communicate that to our DOJ tribal advisory Chair. That's Juana Majel from California and see if we can't get that on our next call which is next month. We'll work on that.

Rick Harrison: And Harold, I'd like to address what you had said since I'm not hearing anything from the Feds but maybe we can get Tricia Tingle on our next agenda to talk about her programs. She does have money for prosecutors, courts and that stuff that aren't grants. The tribe has to go through a tribal court assessment process and they identify what your needs are and then they start funding it.

Chairman Harold Frazier: Since I've been back in office we had two assessments but no help, except for that man over there.

Charles Addington, BIA Deputy Director for the Office of Justice Services: I gave you some money, sir.

Chairman Harold Frazier: You betcha. Need more.

Kitcki Carroll: Don't throw rocks at me and I intend no disrespect in saying this but I want to just gently remind everybody. This is the Tribal/Interior Budget Council. It's supposed to be laser focused on budgetary matters within the space of Interior. Every time we start doing this, what happens? We get 30 minutes on our agenda to actually talk Interior Budget. That's a problem. I just want to remind everybody that when the conversation always starts going like this because if we were talking...if we were sitting right now in a White House Council on Native American Affairs table, absolutely because it's everything, it's the whole basket. But within this space, we're supposed to be talking Interior Budget and the more that we don't do that, the less about budget and Interior. The other thing I want to say is I think it's imperative that everybody on this body in response to Chairman Frazier's comment that if your tribe, your organization does not have a resolution position about full mandatory funding for all Indian programs across the board, you need to get one in place immediately because his comments about grants are reflective of the problem. Grants are not fulfillment of trust and treaty obligations. You've been duped to believe that grants are the way that the United States fulfills its trust and treaty obligations. It's convinced you of that. Your mind has allowed you to believe that. That is not the case. If you're a not for profit, sure, all day long. I'll write for grants all day long. But as a tribal nation, ask yourself, 'Is there a diplomatic relationship with any other country based on this model?' Absolutely not. So why are you allowing your tribe, your nation to be dealt with in that manner? So yes, we have to deal with what's in front of us right now and deal with the process in a short term way but I hope to god in 50 years we're not sitting here having these same tired old conversations about the United States' failure to fulfill its treaty and trust obligations. So the only way that you get there, in the same time you have a short term objective, you have a

longer term one and that longer term one, and Chairman Payment talks about this all the time, is full mandatory funding that is contractable and compactable across all Federal departments. Until we arrive at that point, this is not the relationship as we envisioned it to be.

Head Councilman Joe Garcia: Mr. Chairman. Think about how this organization was formed and if you remember at the beginning the intent of it was to engage with the funding source and the funding entity and that would be under DOI and so BIA, which is a major funding for tribes, is just one entity and what others are saying is that there are other funding entities, departments within this country of ours that are not engaged and so if we include them in DOI, I mean in the TIBC just the title of it sends the wrong message, Tribal/Interior Budget Council. And so I think this is the intent and purpose for why we engaged with the President some years ago to have inclusion of all of the departments in the United States Government to become part of the efforts for working with tribes. Since that time, that effort has kind of gone by the wayside, maybe to some instances it's still in place but for the most part it's not. And so when we're talking about budgets, we've got to have a different forum, not a TIBC forum but a different forum for us to all engage and all tribes to come to that forum and not just a mere one representative or two representatives. Case in point. I represent not only Ohkay Owingeh. I represent the 24 southwest tribes including two Apaches, Isleta del Sur and the Pueblos. And so it is not conducive to having an all-out effort with all of the departments. But this is the only way that we're going to engage for all the tribes to come together. Just a handful is not going to cut it and so I think that's the major effort. So we need to really work on that. This forum is a little bit different. It's a start because it's doing a lot more than what we've done in the past. We've come a long way, I'll tell you. I was at the beginning of this session was a whole lot different and we kind of spun our wheels in a circle and sometimes we still tend to do that but for the most part we've made some headway and we're making progress but there's still a lot more to do. So I offer that it needs to happen in a somewhat different forum and we need to devise that forum as tribal nations of this country. Thank you.

Kitcki Carroll: Just a follow up to what he just said. So remember, it was about eight or nine years ago this used to be called something other than TIBC. I can't remember what it was even called at that point. TBAC. But at that point the criticism was it was only pulling in the BIA piece. So that's where it turned into TIBC, the Tribal Budget Interior Council and the effort then became to not only pull in ASIA and BIA but to pull in Bureau of Land Management, to pull in all these other bureaus within the DOI. That's what this space has always been about with TIBC with Interior to bring all those bureaus. What's happened more recently is now we're starting to venture outside of Interior to all the other Federal departments and that's where it becomes tricky because the more you start broadening out, think of all the vast issues that are out there. Each time you do that... It's 10:00 on our final day and we haven't talked budget once yet in any real way. Has anybody looked at a spreadsheet in your conversation yet? Not yet. But we're calling ourselves a budget council. Well, all my budget training is you look at budgets. It just tells me it's indicative of the problem that we keep going out like this and the more you do that you lose focus on the very things that we're supposed to be talking about to increase Interior funding for tribal nations. That's what we're all here to do is to respond to that critical underfunding of BIA and DOI funding to Indian Country. Never mind all the other problems across the other departments.

Chairperson Aaron Payment: If it isn't apparent yet in Indian Country, we have to process certain things in a certain way and so I'm going to jump in now. Several of us serve on several advisories. So just as an example of what I do, I'm the Chair of the Intertribal Council of Michigan, President of

United Tribes, Acting President of the Midwest Alliance of Sovereign Tribes, First Vice President National Congress of American Indians. I serve on HHS Secretary Tribal Advisory, SAMHSA Advisory Board and the National Advisory Council on Indian Education. So the answer to this question, this bigger question about the Federal Government fulfilling its treaty and trust responsibility in consultation, government-to-government relations, is a White House Council. I'm proud of the Midwest because we made the recommendation, the first resolution then everybody else jumped on and under the previous Administration the White House Council was created. Under this Administration it wasn't uncreated. I'm not sure that the President has any knowledge of that structure but I do know that right after the election Billy Kirkland and Ben Keel were the two that were designated to work with Indian Country. Ben's gone and Billy's off doing something else and now we have Tyler Fish. And so my meeting with him was to encourage. We took a step in the next direction, irrespective of who's President, whether the President even cares about Indian Country or whatever, we took a step in that direction and it hasn't been unraveled. The two individuals, I met with them at NCAI's midyear right after the election and at the time they were conceiving of this idea of having a new advisory board to the White House Council and disbanding all of the advisory committees including TIBC and IHS has one, Self-Governance has one. There's all kinds of these but they're all in siloes. And so the answer really is to get back to the White House Council and then have all of those advisory bodies continue the work they're doing independently but interchangeably with all the other advisories but have that then meaningfully come up to some level, to advise the White House. And right now that doesn't exist. So it's frustrating because when you want to listen to us we want to tell you what we have to say and sometimes that's more than I think the Feds want to hear but I do think we have to be disciplined enough to be able to know when we're bleeding into other areas so that we can focus on what it is that we are tasked to do here. We spent a lot of time at the Education Subcommittee necessarily processing through our complaint about the Federal Government not meeting its trust responsibility, not funding the backlog of schools. It's going to take 300 years. The treaties were signed 150 years ago. 300 years to finish the construction. So understandably tribes are frustrated and when you ask us, we're going to tell you what we know you need to hear but we do need to figure out how to process through that first. Maybe we need to have a day-long session before we start to talk through these issues but then get into the meat and potatoes of what we're supposed to be doing in advising on the budget process.

Courtney Two Lance: Is it possible for this group here to make a motion that if those other Federal agencies have funding allocated for tribes, couldn't those funding be brought under the BIA to administer and give to the tribes rather than fighting with them? Couldn't we do something like that because when we had our consultation and they talked about the plans that I talked about earlier, I said, 'Okay, so which part of those plans can the tribes 638 contract or compact?' And like I said, I still never got an answer for that stuff but why couldn't we bring those funds back under the BIA?

Rick Harrison: So we have looked into that as far as like for Justice specifically. Several years ago we made a motion to move the Tribal Justice monies out of DOJ back to BIA. Through that process we've learned that it'd have to be re-appropriated from Congress because it gets appropriated to them. So that's an issue. We've looked at and I think discussions are still continued to look at like a 477-type model for Justice in particular and I know the current 477 has been expanded to all the different departments and agencies as far as training and education for workforce development. So those things are kind of happening but as far as just doing what you said, we found out that that's a congressional thing, it has to go through them. And even the 477 model. Some of the agencies still

aren't onboard and aren't following it and it went through a long process over I think a 17 year period of trying to get that to happen just to expand the current 477.

Karen Linell: Thank you. I have a problem with trying to move everything over under BIA because right now we're still waiting like six months, nine months after the fiscal year starts for some of the tribes to get some of their funding so to me that's an issue. Kitcki, I'd like to thank you for getting us focused back onto the Interior budget. If we're going to be an Interior budget committee, we should be looking at the National Park Service and we should be looking at the BLM and other agencies under the Department. Right now through 638 contracting those other agencies can 638 contract with tribes. They're just not familiar with it and being here and talking with us they can become educated. I look to BIA to coach them in the process so that they look at 638 contracting more often. I have an MOA with the Department of Interior to cooperatively manage wildlife on Federal lands. That's not what we wanted. We want to manage wildlife on our own lands and we can't do that. So what we've been doing and slowly working with our local office, we're making progress there but we're not making it nationally or at the regional level even. But we're working on cooperative agreements. Not to that 638 stage. I try to remind them that if they turn it into a 638 contract that it becomes non-Federal matched. That stretches the funding. Those are the things that we need to be looking at. I agree we need to start looking at the budgets. We've been talking in circles here. This is my first meeting and we've been just really talking in circles and not getting to the budget. At our Budget Committee meeting we went through what the process is like but we still haven't looked at any numbers, yet. I just want to say thank you for letting me talk.

Rick Harrison: Thank you, Karen, and thank you for that reminder. That brings up another point, back to Courtney's request. There's also issues that some regions and some tribes aren't eligible for certain monies under BIA and so the only way they can get those monies is through the other departments. So if they were moved under BIA then they wouldn't get any Justice money like P.L. 280 states and so forth. Kitcki.

Kitcki Carroll: Now I'm going to be guilty of saying something that's not budgetary but since we're on this topic, I think it's important that all of us as tribal advocates that we remember a couple things. Since the passage of the Indian Self-Determination Act in the mid '70s, we've been so focused on mastering how all these processes work. Prior to that we didn't understand and we weren't familiar with them but we've spent the last four decades now mastering how these processes work. And we have. What hasn't happened though is we haven't paused enough to step outside of those processes to even question the legitimacy of the processes that we just spent all that time mastering. So by that I mean to the whole idea of BIA. Does anybody in this room think that they're not competent to handle their own affairs? Nobody, right? But the very trust framework that we operate on right now is an antiquated one and it's based upon two things. One, that we are all incompetent to handle our own affairs. Hence, that's why there's a BIA. Hence that's why there's an IHS and on down the line. And two, that we're eventually going to go away because of assimilation/termination policies. And as antiquated as that sounds, that is still the foundational framework for U.S.-tribal relations today. So it's no wonder then when we have this discussion about grants because they're not viewing it from the lens of diplomacy between sovereign nations. They're viewing it from a granting perspective. 'You have to prove you're worthiness of this Federal investment in order for us to honor our trust and treaty obligations to you.' I don't think there's a single tribal leader in this room that agrees with that because the reality of it is, you as a sovereign nation are due those dollars, which is why we are always harping on full funding, full funding, getting to that picture so we know what that number is

to hold them accountable to that. And quite honestly, what you do with the money that you are owed is up to you, right? If you're going to say you're sovereign, who's it up to? It's up to each and every one of you as tribal leaders to use those dollars and resources that are for the benefit of your citizens and for your communities as you see fit. But we've allowed ourselves to believe that that's not the way. We have to prove ourselves. We have to give them all this data to prove that we're worthy and that we're good stewards and that we're going to do a good job when they themselves fail on multiple levels about their own expenditures but they hold us to a different level of accountability. Why? Why do we allow ourselves to think that way? It's old thinking that has to change. We're never going to get out of this space unless we collectively start rethinking this whole game or else we're just playing by their rules and their game that we did not create and I don't think that's what any one of us want. So it's a short and long term strategy. Play the game by the rules as we understand them right now and advance as much as we can on that board right now. But at the same, if we're not investing equally if not more time in changing the rules of that game or defining that game from our perspective, nobody can come back here and sit here and complain that nothing's changed because we're all responsible for that. To the point that Chairman Frazier was making yesterday, when are we going to say, 'enough's enough,' and dictate and define things from our perspective? And there are moments like this, as small as it may seem with a budget that's specific to Interior where we have that opportunity to move that needle. But if we're spending our time in other areas that aren't germane to this body, we're just... What I hear all the time in this, especially from newbies around this table, 'We're spinning our wheels. We're spinning our wheels.' Yeah. I've been doing this for 10 years. 10 times 3 is 30 meetings. 90 percent of the conversations are the same that it was in meeting number one for me. That's not progress. But what's the alternative, you don't come? No, that's never the alternative. You have to engage still, as frustrating as it is. And I can see that there may be frustration on the part of the Federal Government. I concede that. But at the same time, this is the venue. So our responsibility is not to walk away from the venue, it's to strengthen the venue to make it what it's supposed to be.

Status of Funds - Expiring and 2-Year Money

George Bearpaw, OBPM Director: Good morning. I think it was handed out, the National Policy Memorandum that we worked on last year regarding carryover funding. I'll quickly go over the policy and the content of it. It is a National Policy Memorandum and it's titled Management of Carryover Funds. It gives you the purpose. I'm not going to read all of it but it does give you the purpose, the scope, the policy regarding the memorandum and also a lot of the information that we discussed throughout the year. This actually came out of Tara's office. She charged us with developing a policy that we could have in place for managing carryover and it went through the whole clearance process. We went through, Mr. James and Mr. LaCounte, they reviewed it. We did discuss it almost monthly as to the status of the policy itself. So it did go through a lot of hands to make sure that we were covering everything. It is not perfect. It is only for one year to be renewed this next year on the same date that it was effective. I believe the date is the 26th of September. So it went through a lot of hands to really address the carryover policy that we needed for managing the carryover. Again, it's the National Policy Budget 05 and it is the management of carryover funding. It ensures timely and full use of funds prior to expiration. It applies to all the programs as well as BIA, BIE and also the administrative dollars and administrative programs that we have under ASIA. It maximizes the full use of funds in the first year of appropriations. The carryover policy identifies how much in the second year that you're going to have to work with and it addresses seven percent of the original budget authority for each one of those programs.

Chairman Harold Frazier: What if a program goes over the seven percent? What happens to that money?

George Bearpaw, OBPM Director: I'll address it here in a few minutes. ("You're the man."). This table kind of identifies what the policy says. In Year One available funds at September 30th equal to or less than seven percent will not need any type of approval or justification to be expended in the following year. It'll be automatic for those funds to be spent in October and into the new year. What will require approval is anything over seven percent. They will need a justification document that must be approved and Jason is the person that's going to be approving all those and he's already done a good job of managing those. Even though it was a new policy, I thought it was pretty seamless. We did have a few hiccups with trying to get information back from the regions as to the justification of some of those items that were addressed in the documents but I thought it went pretty well even though it was the first year of implementing the policy itself. The Carryover Appeals Request Form is available, exceeding seven percent of consumable budget at the end of the year and there is a site that we have that identifies the online forms. And again, it is approved by the Deputy Assistant Secretary for Management, which is Jason Freihage. What we identified was a certain date that these would be approved by and it's October the 10th. Now that can vary depending on the calendar of the year for each one of those years but for this year it was October the 10th. Funds not approved are to be returned to originating programs to be used as one-time priority requests. And I know the tribes have routinely brought this up to our attention as far as identifying funding at the end of the year or even throughout the year. I've met with Jason and I've met with Mark to try to come up with maybe some reports late in the year, after this first year to come up with some reports that would identify funding availability throughout the year, especially carryover funding that's not totally identified for projects.

Head Councilman Joe Garcia: George, on that last statement, the funding that's not used, it returns to the funding program. Does it go to the agency, the region or back up to DC level?

George Bearpaw, OBPM Director: Actually it goes back to the program, whatever program that's identified.

Head Councilman Joe Garcia: So it'd be DC level, where the program originates.

George Bearpaw, OBPM Director: It'd be ASIA, yes.

Head Councilman Joe Garcia: And it's not at the discretion of the agency region to redistribute those funds?

George Bearpaw, OBPM Director: They can weigh in on that but it's at the discretion of the Assistant Secretary as to what those funds are to be used for.

Jason Freihage, Deputy Assistant Secretary for Management: I think it'd be important to note that when the funds are allocated, we look to the Regional Directors or others to rely on their ability to find the best use. It's not like there's an intent to just do full draw back to Central. I think that's where we try and work with the Regional Directors and other offices who are working closest with

the tribes about the best allocations. We don't want you to think that there's this big grab from DC where people are just moving the funds.

Head Councilman Joe Garcia: Okay. The follow up question would be, that applies for funding for the tribes. How does it apply to funding that the Bureau gets, whether BIA or BIE?

Jason Freihage, Deputy Assistant Secretary for Management: You're asking the admin funds?

Head Councilman Joe Garcia: Yeah, how are the funds dealt with if it's a carryover and they're not used? And the one that comes to mind, where's Chairman Frazier? He was asking about there was a big delay, long delays in hiring teachers up in the Great Plains area and so there was a large number greater than seven percent of funding that was available and so what happened to that funding I think is one of the questions that Great Plains had and I don't know that we got a direct answer, did we. So the question is related to that as well.

George Bearpaw, OBPM Director: Well, Joe, this applies to all the funding in all the programs which includes the administrative dollars as well.

Jim James, BIA Deputy Director for Field Operations: So, Mr. Garcia, that's a great question. One of the things that we have discussed—myself, Darryl, and the Regional Directors—is working closer with the tribal leadership within each of the regions to identify projects that we can legitimately fund with whatever funding we have that we know may exceed the seven percent and here's an example. So every year we have a lapse in funding, if you will. That's probably the wrong phrase to say but we have vacancies that occur. People resign, people retire or so on and it usually sits constant around 10 or 11 percent so you know you're going to have that kind of money and hopefully each of the Regional Directors is working with the tribal leadership in their respective regions to identify projects that we can get going. I know for example, in Alaska there was an amendment to the...I forgot the name of the bill. And what they did was they reopened the availability of public domain for Vietnam veterans and their families. There was a first phase of that. They didn't catch everybody so they're reopening it. BLM and the Veterans Administration are primarily responsible for it but we're going to bear some responsibility to help identify, find those folks and contact them and do the outreach in the communities and so on. We didn't get any funding for that so we're working with BLM to do that but we're also suggesting that whatever funds we may have is going to be used for that purpose. I know each tribe and Chairman Frazier is always talking about the roads and stuff and the schools, those are things that we would like to be able to contribute some of that available funding for but it really means talking and interacting with the tribal leadership. In some regions it's easier to do that—Great Plains, Rocky Mountain maybe—where there's not as many tribes. But when you get to Pacific Region, Alaska, Northwest and you have upwards of 40 tribes or 100, it gets a little more difficult. But that's not to say that we won't continue to have those dialogues. We need to be more proactive about that.

Head Councilman Joe Garcia: So within the Department I can understand it would be easier within the Department. Now the others that are not within the DOI, that's a complete different story and we have to deal with the department at that point and I think this goes right to the discussions about the overall comprehensive approach to how the carryover funding is handled in each department. Thank you.

Jason Freihage, Deputy Assistant Secretary for Management: Mr. Garcia, also just want to address to your specific question about teachers. Our teachers are funded through forward funding and because that's on a different cycle and technically isn't really carryover...it's carryover but it's planned to be spent right now, that would not be part of this drill. It was excluded because it's really not in what I would call its real second year. That type of funding for teachers is being spent now. It could be Chairman Frazier was referencing that BIE does tend to have some balances in their Education Program Management area and what they're doing there is focusing on strategic projects; so strategic planning, they had a lot of consultations to do for their new regulations this year. They also did a big buy on computers to get out to their schools so we could do a massive refresh of our system. So that's where those types of balances are. But if there is a lag in teacher hiring, that's not part of this drill right now. That's part of their operational kind of forward funded school operations.

George Bearpaw, OBPM Director: And Joe, the funds still have to be used for their intended purpose. It still can't go to any other project or any other line. It still has to be used for what it was intended.

Jason Freihage, Deputy Assistant Secretary for Management: And to build also on Jim's comment. Again, this policy is as much about ensuring we have plans. This is a growth area for us of improvement, ensuring there's minimal amount of funds expiring and we made a lot of progress this year. George, we'll get to that. We're down to like maybe \$185,000 and that's across many funding lines. For almost a \$3 billion appropriation that's not bad and it's definitely an improvement from where we were. This policy is really about engaging with the entities that have been allocated their funds to make sure we have good plans to get them out in a timely fashion and that we're aware of it. And that's really, from an Indian Affairs thing, it's both the discussion between the Regional Directors or other entities or BIE and their schools and the tribes but then internally it's also for us making sure we're all kind of aligned in where we're going to make sure we're implementing and getting funds out in a timely fashion. To accompany this, it's not just a policy, we have biweekly operations, business operations meetings where we have the field ops represented, BIA, BIE, DASM to kind of discuss where we are and to keep things moving and that's really the overarching goal. Again, it's just kind of getting that money that's already been allocated for its intent to make sure it's getting where it needs to be.

Delano Saluskin: I guess I have a question. How is this carryover funds communicated to the tribal level of its availability? I know we have an Agency, we have Regional Office, we have Central Office. We don't know what's available from the Central Office, we don't always know what's available from the Regional Office. We have a pretty good idea what's available from the agency level but again, how do tribes know what is available from these other levels of government?

Jason Freihage, Deputy Assistant Secretary for Management: I think a key for the tribes is engaging with your Regional Director. When I've asked about best practices, I understand the Regional Directors said they work with their tribes to have an awareness of what opportunities are out there because they're dealing with the dynamic situation of trying to address all the needs that they have and often it sounds like a lot of Regional Directors have kind of an awareness from their tribes of what sort of requests are out there so that when there are opportunities and they have a bit of flexibility they're able to address it. I'll turn it over to Jim or any of the Regional Directors to talk about it.

Jim James, BIA Deputy Director for Field Operations: I would just echo that. That's something that you would get from [your BIA Regional Director]. I know for example at ATNI meetings, I think Brian attends all of those and provides a report. That would be one of the areas and I don't know, I've sort of left it up to each regional director to determine how they're going to establish those relationships and for the most part I've been assured, and there isn't any reason for me to think otherwise, that they're having these discussions with the tribal leadership in their regions. As Jason pointed out, we had less than \$185,000 in expiring funds this year so it's not like there's a whole lot of money but what we want to do is we want to actually improve on the distribution of those funds when we get them so that there aren't the type of delays that maybe have existed in the past. We want to make sure that they get out. As soon as we get them in the region, our turnaround time is 10 days. Now we get our funding from the Office of Budget Management, we get it from Office of Indian Services, we get it from Office of Trust Services and some from Office of Justice Services so it's not like we have the money on hand. When it gets allocated to the regions, that's been my charge to the regions and I think for the most part they've been pretty good about meeting that target. Sometimes what exists are documentation, contract mods, those kind of things that we're still waiting on tribes to supply but we're working on creating a mechanism within our funding system that will allow the money to be placed there and a notice to go to the tribal leader or their designated POC that says, 'Your funding is available but we need something from you.' And then once we get it back then you can punch the button and the funding will be released. I think we're really close to getting that done. Obviously, we'll have that discussion with you as soon as that happens. But that's what we're trying to do. And I think this really came glaring to us during the shutdown and it doesn't help us...and Jason will talk a little bit more about the advance funding. I keep calling it that. I know that's not what it is. And it doesn't help us also when we have Continuing Resolutions, right? But our goal is to make sure the tribes have the funding. I think Kitcki and everybody has pointed out, it's not like there's a whole lot of money lying around for additional projects. But we want to work closely with the tribes. If there is a high dollar project, something that is coming up that we think is important or collectively we...I'm not saying we as the Federal Government but we collectively, meaning the tribe and the Federal Government, feels is important like the example I gave for Alaska, then we need to work on that because that impacts all Alaskans there, not just a couple of tribes. Those types of things we could put a little more energy into and maybe work with the Budget Office and make sure that we have, or Congress if necessary, we have proper reprogramming authority if it comes down to that. But that's where you would get the information.

Rick Harrison: Two or three years ago we had extensive conversations around this and worked on this and I know some of this has probably come out of those conversations because it sounds like that you're trying to do some of this work. One of the things that came out of that was a calendar was going to be provided to us on an annual basis on timing on when budgets were due to you guys, when funding was expiring, how much funding and so forth and when tribes should be starting to put in requests and so forth. We got that calendar once, the following spring, and we haven't gotten it since. I know that. I think there are several concerns with this. I think this policy is rather loose, myself, because it allows a lot of leeway on the Federal side on what to do with that funding. The biggest concern from tribal leaders is that funding gets to the tribes and if there's a reason that it's not, every effort should be put in place to get it to the tribes because nobody is fully funded and they need that money desperately in their communities. In the cases it can't, then we still want it to stay in the region and it shouldn't be going anywhere else.

Jason Freihage, Deputy Assistant Secretary for Management: That's really I think in the practice. To be honest we've got enough decisions to make and things to deal with. I think we came up with initial spending plans. The intent is really, I would call it like a health check. Okay, we have some carryover. You had a plan. Where are you on it, is it getting out? So that is our practice and that's our hope. Jim, I think would say the same thing. That's kind of the approach. This was not intended to be a grab. I think it's more of again a health check. We already have a long budget planning process. There's no need to unsettle it but again, this is intended as a check in to make sure there aren't any tweaks or corrections. There's no intent there. And again, just as a reminder, we do have in our appropriations rules we have to stick to, as George said, with the funded purpose. Most of the funds are directed to go to tribes, whether through completing our direct service requirements or through tribal payments and it's not like we can pull that back and use it for our own salary.

George Bearpaw, OBPM Director: Just a comment. I know Mr. James appointed LeRoy Bohling to the Budget Committee which I agree with and we can work with him on trying to produce something that would be more of a reporting nature to the carryover funding as it goes through like you said the calendar. This identifies some of the calendar content, this slide here as to when things would need to happen so we just need to do a document that would actually replace the one that we put together several years ago and start producing that every year.

Rick Harrison: And Jim, as far as the regions reaching out to the tribes, some regions may have an easier time with that and some regions may need some extra resources to help with that because of... Alaska, for example, reaching out to 229 tribes in a timely manner to get projects submitted to and then make those decisions is extremely difficult.

Jim James, BIA Deputy Director for Field Operations: Thanks, Rick. We've been talking about this so I'm going to be in Alaska, I know you're not, for the Service Providers [conference] but if it's not on our calendar to have a discussion or at least begin that discussion we'll make sure it is.

Kitcki Carroll: So first I do want to acknowledge to the Department, I do see it was \$652,000 and now it's down to \$182,000 so that is improvement but I do have a couple of questions that are in line with what was just shared. Just so we're all thinking about this from the same place, this started, to Rick's point, when we found out about three years ago this whole idea at the end of that second year of expiring funds that there was a process which I don't know the name of it where it went to Treasury, it got retitled, redefined or something, came back and then it was used for some BIA technology matter that tribes were unaware of. That was the whole impetus and beginning of us asking for the report about these dollars. So I understand that the dollars at the end of year two have gone down from \$652,000 to \$182,000. I guess the question still holds though is, what sort of transparency is there about the decision making process to bring those funds down and then even though it's smaller, what's the process now for that remaining \$182,000? Are they all lost or is that process where they come back again for use still in place because I respect that \$182,000 out of \$3 billion is negligible but \$182,000 is \$182,000 and in an advocacy environment where we're saying we need more dollars, there shouldn't be a dime going back that was unexpended. I think everybody in this room could give laundry lists of ways for those monies to be spent. I'm also looking for clarity on the comment about regional dollars. I get the comment about intentions but we know where intentions sometimes get to. So I need to hear more firmly that there is no process that allows for any regional dollars to ever be taken from the region for the purposes of Central Office matters because my opinion on that, if the fact holds true that all tribes are severely underfunded, this is

where Mr. James comes in, it's the failure of the region or it's the failure of the director of that region to make sure that those dollars are expended down to zero. There should be no region in Indian Country that has any dollars available for recapture from Central Office and if there are, it's because that RD's not doing their job. It's as simple as that. I need clarity on what the plan is for regional dollar surpluses after year one, what the plan is for surpluses at the end of year two or carryover balance, what's going to happen with that and if there's a process. So I know like with Director Maytubby what he does with our region is he reports to our tribes about what that balance is and then he sends out a DTL letter to them when he knows that there's potential dollars that can awarded out to let them know in advance of that to make sure because our tribes have held him accountable to zero dollars getting carried forward. There's enough need in our region that should never be the scenario. We don't want to be saying to Congress that there's any dollars left over because that works contrary to what our arguments have been.

Chairman Darrell Seki: Mr. Bearpaw, I've got two questions as long as I've got this chance to speak. In April 2019 TIBC meeting Jeannine Brooks, sitting back there, informed us there was \$2 million available for detention, correctional staff and ever since we've been trying to find out where and how it will be distributed and what is the status. Number two, same meeting, April 2019, same person, Jeannine, informed us there's \$1.5 million increase in courts to be distributed pro rata. What is the status of these funds and when will they be released? We haven't heard anything about it.

George Bearpaw, OBPM Director: Mr. Chairman, we can find out the status of those today.

Chairperson Aaron Payment: To move this from conversation to some kind of action. So in our region we're asked when there's excess funds to submit a plan for how we would spend those funds and I greatly appreciate that but, now that I've said that and I understand there's no central policy other than a discretionary one at the hands of the Administration, I think maybe what we should do is we should develop a circling back to our priorities. First of all, I do appreciate because you said clearly that the funds stay within their intended appropriated purpose, that would take an action of Congress to change that, but what I would suggest is that we come up with TIBC recommendations for how those funds would be cycled back and how the regions would then distribute those funds back out. It shouldn't be left up to the discretion or the competency of the region to be able to facilitate that. It should be clear in advance what those priorities are. The other thing is because I manage our budgets back home and I think I do a pretty good job, I have some idea throughout the year the first quarter, second quarter, third quarter, monthly actually about the spending and when those funds might be available so rather than wait until April or May to send out a notice that we have to spend this money down, at some point throughout the spending cycle we have an idea that those funds in the original purpose or original plan aren't going to be able to be expended. So that's when the notices should go out. They should go out regularly, quarterly, that it looks like we might be under spending, get your plans ready, etc. That way we're not all scrambling at the last minute to try to slap something together. Some tribes don't have the ability to do that. They don't have the staffing to be able to do that. So what I would request and I'm not going to make a motion right now but what I would request is that we give some thought to developing a way to cycle those funds back through the priorities that we've established so that they are consistent and not up to the discretion of either the regions or left up to the discretion of the Administration on how to spend those so they don't end up in some big initiative that the Administration wants to get done. Even if it sounds like it's a good idea, the difference between us prioritizing it as drivers and the Administration making decision is that's really paternalistic. If it's really government-to-government, you want it to cycle back

through speaking with tribes. Now having separated out the BIE from this analysis, the Education Subcommittee has talked about this a lot, is even though those funds are forward funded, nonetheless, if they're unexpended, there's priorities that could be fulfilled there too. One of those is there's issues related to being able to hire and retain teachers, the timeline that it takes to hire them. Some of those funds could be reprogrammed to pay down scholarship debt that might help to recruit a student to come become a teacher in your respective school. There's needs for housing for some schools in rural areas where they don't have housing. So maybe developing drivers, even for the BIE in the forward funding, where those funds could be re-spent and not under spent throughout the year. But having us create the priorities and the drivers and asking our opinion in advance so we have a plan going forward.

Rick Harrison: To the first part of that, that's the whole reason behind the calendar that we started was to have a timeline on when things were due from the region to Central Office, when Central Office had to make decisions and so forth so we had an idea when we had to make decisions. Also, for those of you who weren't here during that conversation, what we found out several years ago was after the two years it goes back to Treasury. Then it gets like washed and sent back to them and it is reprogrammed. They can spend it on whatever they want and that's what Kitcki was eluding to.

Jason Freihage, Deputy Assistant Secretary for Management: Just to be clear, it can only be spent on trust management and reform purposes. We do see that as a fairly limited resource. I just want to make sure like it's not a free for all.

Rick Harrison: Right. But for example, when this came to light, there was \$7 million approximately that went back and came back and like \$5 million of it was spent on TAAMS I think.

Jason Freihage, Deputy Assistant Secretary for Management: Right, which is a verifiable trust management purpose.

Rick Harrison: Right. But that's not where all the money came from. It came from programs and positions not being filled and such. So you guys have the latitude to spend it on other things within Trust but that's not necessarily what it was appropriated for.

Jason Freihage, Deputy Assistant Secretary for Management: Correct. It's different than the original pot that it came in on but the language governing the use of that funds once it comes back definitely puts some parameters on it potentially.

Karen Linell: Thank you, Mr. Chairman. I just wanted to say with this and the calendaring out piece and to what Mr. Payment was talking about. When funds aren't released until or transferred to regional office because a lot of times they would say, 'Well, it's stuck in Central Office, it's stuck in Central Office,' it doesn't get to our Regional Director. When we talked about Small and Needy Tribes and things like that, it didn't get to those folks until way later. And so for me, having that latitude and having those windows and leaving it to regional office and them only having a few days to distribute the funds, that's a problem. You're going to know quarters before that there's going to be carry forward and that that carry forward has a timeline before it has to be turned back over. So why not put that notice out instead of September 30th, put it out in April as suggested or June. So that we can start to work and have programs and priorities set up for that spending. This is just what I've been seeing in our area. Thank you.

President Jonathan Nez: Thank you, again, tribal leaders for giving me an opportunity to say a few words. I appreciate the comments being made. I do agree with what Kitcki mentioned and Aaron mentioned about dollars staying at the regional level. I think Navajo is really fortunate and I've been here for some time too and I think this discussion is really setting the tone for the fiscal year 2022 budget discussion, right? And I'm fortunate to sit by our Regional Director here, Bart Stephens, and we only one region, right, Navajo? Navajo's only got one region so it's easy for us. We do these quarterly meetings. BIA does a quarterly report to the Council, at the council session and executive, President's office has a meeting with Mr. Stephens here on a quarterly basis so we're pretty much familiar with what those dollars are that possibly need to be spent and usually we're always...we always spend what we get at the Navajo Region. But in terms of sitting down, maybe this is a budget subcommittee task and to look at that. This discussion is valuable to the IHS discussion in terms of budget, too, right? A few years ago there was a big question that came from Congress saying, 'Why are these monies just sitting at these regions?' for the IHS budget and then we had to verify and make sure that we're spending our dollars until Congress got involved then we started spending money because they were ready to recapture those dollars and use it elsewhere. And so we don't want the same thing to happen here. But I just want to let all the tribal leaders know that this discussion can help us on all the other dollars. Again, 2022 we're talking about the BIA and BIE budget. We're also talking about the IHS budget and those deliberations are happening at the regional level. The next TIBC I believe we will be presenting our regional priorities for consideration for 2022. And so as you all know, it's a two year budget ahead of time when we start deliberating upon our needs and our priorities. I just want to emphasize too that Navajo does spend their dollars. If regions can't spend their money, then if it gets recaptured then why not let other regions utilize those dollars because there's a lot of needs out there and if regions can't spend it, then why just put it back into the pot for the entire government when it was allocated first for tribal communities? So let's spend our money. Let me just say that. Let's spend our money. Thank you.

George Bearpaw, OBPM Director: This slide actually identifies some of what Rick was talking about, maybe putting it on a calendar. In the policy itself, it identifies that in the first quarter 60 percent of the carryover balance will be used and in the second quarter it'll be 100 percent and then the remaining funds will be allocated to whatever priority requests there are at the regions. This also identifies in the third quarter... Jason mentioned the BIE 15-month which is forward funding. It also identifies that after quarter three, 100 percent of that would be allocated. And then it does identify also the moving costs. There has to be de-obligated balances after September or after July the 11th or 31st rather. So it does give us a calendar that we can build off of and just expand in the future. Jason already mentioned the actual expired funds. As of the end of '19 we had \$182,000 compared to '17 and '18 funds which was almost a half million dollars. So there has been quite an improvement in the management of carryover funding or expired funding rather or total funding and so hopefully it'll even be less with the policy that's enforced now. It should work to actually prioritize some of the needs that are out in the regions. I believe that's it. If there's anymore questions that are out there?

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: I guess from the ASIA Hallway perspective, my first TIBC meeting was a year ago and when we looked at \$469,000, that was \$469,000 too many and then we came back in April and a year later you see the progress that Tara and I are trying to make in terms of the message we're sending down to the Regional Directors. And it's also important to remember we have another element in Indian Affairs, the Office of Self-Governance and we're equally hard on Sharee to get that money out to the tribes because at

the end of the day our view is, this is the tribe's money and we need to do the best we can at getting that out to the field so you guys can provide services to your tribal members. And so we'll continue to listen to this feedback and go back and work with the appropriate individuals within the Department to execute on getting that number down to zero.

Rick Harrison: We appreciate that. I want to get back to one of Kitcki's points, though. So it's great that that expired fund number is going down but we'd also like to see what carryover funding got used and the transparency of that. Did it leave the regions, did it leave the tribes, the programs and so forth? And we had gotten those reports in the past.

Jason Freihage, Deputy Assistant Secretary for Management: [Mic turned off for the beginning of the response]. For the most part, again, we're just enforcing peoples existing plans, ensuring they're ready to spend out the last bit they had and carry it out. Not really probably an issue so much of reallocation as just finishing what you started is really I think the approach.

Kee Allen Begay: During the last TIBC meeting there were several motions that were made. One of them was the motion to request a year over year analysis of the TIBC recommended for the budget, what was in the President's budget request to Congress and what was ultimately enacted. I don't know if that's going to be discussed later on but one area that we continue to address is, I don't see why a lot of this funding is not being spent because we continue to say that we need funding at Indian Country. The other thing that we need to put in consideration... That's why we ask that all these other programs maybe just be in attendance. I'm not trying to overreach them in their area but more of what we discuss and how and why a lot of these obstacles that the nation encounters, funneling the funding down to the tribal level like OMB. There's a lot of restrictions, there's a lot of funding. By the time it reaches the nations, usually a certain percentage is already gone or a quarter of the fiscal year is gone and yet we continue to backtrack and get all this funding be spent. So I think that's some areas that this particular body would really need to continue on how we get the funding quickly out there for the expenditure. Otherwise we'll continue to have all this funding being tied up in a lot of these appropriation expires.

Chairman Russell Attebery: Yeah, just a comment. Listening to all this I'm not a financial guy but I'm having a hard time understanding why there's any carryover money that may eventually go back because just speaking from the Karuk Tribe, we have approximately 500 people on our waiting list to get adequate housing. We can't fund our kids as far as scholarships to go to school. We have to send hundreds of people away and we have three medical clinics but we need expansion, we need more providers and we can't afford that. I don't know about the rest of the tribes around the country. Again, I'm not processing why there's any carryover funds at all. Talking with Amy in our Pacific Region, if we have carryover funds, she looks for needs in our region that weren't covered. I do have a hard time processing why there's any carryover funds so just a comment.

Rick Harrison: Let's take a 15 minute break and when we come back we'll have Jeannine to do a 2020 and 2021 update.

FY 2020 & 2021 Budget Update

Jeannine Brooks, OBPM Deputy Director: Good morning, everybody. I'm Jeannine Brooks, Deputy Director for Budget for anyone who doesn't know me who's new at the table but I want to

introduce our new Division Chief for Budget Formulation and Financial Budget Management, Sharon Omps. We are so happy that she is here to take over that role and carry things on and take some of the pressure off of me. But she is going to give your presentation today but I did want to introduce her to the whole table here. And I'm here as backup.

Sharon Omps, Division Chief OBPM Formulation and Financial Management: Thank you, Jeannine and thank you, everyone. I'm happy to be here. I'm just going to give a quick brief update on the 2020 submission as well as the current status and also a status of the '21 budget submission. These slides are in the book. You should all have copies of that as well as the handouts. On this slide is just a chart of your five year comparison of what you've requested since 2015 and what has been enacted. On this slide, the first chart shows your five year comparison of your request and enacted budget. You can see in the dark orange bars is what you've requested since 2015 going on through 2020 and then in the light orange bars is what has been enacted. You can see that from 2015 to 2017 we were able to ask for increases but starting in 2018 we were put in a reduction scenario.

Chairperson Aaron Payment: I have a question but I put a pin in it yesterday and this chart shows it. So look at this clearly in this Administration the requests and then the actual appropriations. This is where we see that our requests are not reflecting Indian Country's needs. They're either reflecting some budget cap or some other priority from the Administration and Congress is coming through on the other end of it. So that's the point that I made yesterday and this chart shows that very clearly.

Sharon Omps, Division Chief OBPM Formulation and Financial Management: Yes, thank you. And then you can see in FY20 our President's budget submission is coming in at \$2.8 billion. Then on the next slide is just a recap of the 2020 President's budget request which includes \$1.853 billion for Bureau of Indian Affairs and that gives priority to base funding for operation of Indian programs and it fully funds contract support costs and it also includes \$936 million for the Bureau of Indian Education focusing on school improvement in the BIE reorganization. And also in '20, this is the first year that we separated BIA and BIE and submitted two Green Books. On the next slide this just shows the 2020 House marks and the 2020 Senate marks against the President's budget. In the 2019 enacted budget you can see that the House marks coming in higher as usual, Senate marks more realistic. So the Senate mark is \$49.3 million above the 2019 enacted, \$134.4 million above the 2020 requests and \$138.3 million below the House marks. This restores all proposed decreases and offers some increases and you can see additional details in the handouts in the books and in some of the next slides will show some details there. It also shows internal transfers to self-governance. What may look like decreases to tribal government, human services and natural resources are actually internal transfers to self-governance. And the BIE Senate marks remain at the 2019 enacted level. Regarding 2020 appropriations status, we're most likely going to go into another CR is what we're hearing until December 20th. On this slide just some details on the Continuing Resolution, the one we're currently under that goes through November 21st. It's 52 days long which is 14.21 percent of fiscal year. We were able to distribute at the budget address level or at our appropriated level for the CR within 10 days...the first 10 days in October so our goal was to have that distributed by the time FBMS or the financial system opens which we were able to do on October 7th. And the TPA and ROP distributions occurred on October 10th and the OSG received their distributions also on the 10th of October, approved them on the 16th and then distributed them on the 17th of October. So like I said, our goal is to get those funds distributed as soon as the financial system opens in October. And then the next two slides there's just more details on the numbers down to the program level and then also starting from the left you can see your program names.

Your 2019 enacted budget, your 2020 President's budget request and then we gave some details on the '20 House marks as well as the Senate marks and then the differences between the House and enacted, the House and the request, etc. And also you can see how we distributed funds under the CR through November 21st. Finally, the status of the '21 budget proposal. So that was submitted to OMB on September 9th and they're working on their deliberations and we're expecting pass back from them during the first week of December, specifically I believe December 3rd. Any questions?

Palmer Mosely: I have a quick question but it's not for you. Mr. Payment, have you finished your PhD yet? I will address you as Dr. Payment then. I'm a new member of the TIBC. I agree with Mr. Carrol that we should be laser focused on budget formulation. That's our foundation here at TIBC. My question is very simplistic. Indian Country's asking for more money. Department of Interior and the BIA has to hit certain budget marks set by the executive branch which is the President or OMB and then Congress, whether it's the Senate or the House is giving us very small increases over periods of time where that's really not doing anything in Indian Country other than maintaining a certain level. In your opinion, since I consider you a very intelligent man, what is the solution? I hate to ask a very simple question like that but that's my mindset.

Chairperson Aaron Payment: So I think about this all the time. I think first of all would be to move our funding to mandatory and zero based funding. When we have to compete with all the other priorities in the Federal Government, the difference is...and it's almost like you queued this up for me. I brought my Constitution because we prepaid for everything that we get. It's not welfare, it's not reparations, we shouldn't have to line up behind every other special interest and every other budget priority in the country. So mandatory funding and zero based funding. Now, having said that because that's aspirational, is I would say that when Interior drafts up their budget, they should be real clear that in the recommendation that they're proposing a budget within the spending caps because it's beyond your pay grade to be able to change that. You're given what you have to work with. But that if the funding existed, here's what the tribes are advocating that should be funded. So it shouldn't be just black and white, here's what our priorities are so it appears like that's all we want. It should include what we understand our needs to be and had there been no spending cap or if there was mandatory funding, if we truly honor the treaty and trust responsibility, here's what it would look like. I don't think there's any problem with Interior making that part clear and then that way when Congress gets the President's proposal, they don't assume that that's what Indian Country's requesting but that Interior's couching it with, if we had no spending caps this is what we would be advocating for. You don't even have to say you're advocating for it. This is what we would be advocating for. That way Congress knows what our needs are. Because the way it happens is the President proposes the budget and then we all have to scurry together to and fight the President's budget and it's an adversarial process because we make it look like the President doesn't support Indian Country. I won't say whether I believe that part is true but if the budget that formulates from this process said, had we had the ability to fully fund, this is what we would fund, we send clear direction to Congress of what those appropriations should look like. Thank you.

Palmer Mosely: Thank you. I just wanted to say that as a new TIBC member I joined this body to try to make a difference and I again go back to some of the comments that Mr. Carrol said this morning, we need to be laser focused on budget formulation because that's the reason why we are here. We all know in this room that there's not enough money in Indian Country and we have to figure ways to be more creative to work with our Federal partners to make that the highest priority, in my opinion. Again, we can get lost in the weeds very quickly with all these issues that affect Indian

Country and if you research a lot of these issues, some of them are over 20 years old or older. We've been talking about some of these issues for over 20 years. Even when I was in the Bureau of Indian Affairs, some of these issues were issues when I was brand new and here we are in 2019 talking about the same issues again. I'm not saying this either, it's on the tribes as well, as well as the Bureau of Indian Affairs. It's a 50/50 deal in my opinion. Tribes have to take some responsibility as well. So let's get creative and again, I agree with a lot of what Mr. Carrol has said this morning about this particular body. We need to get laser focused on budget formulation and that's going to be my mindset as we move forward. Thank you.

Chairperson Aaron Payment: Can I get this in a spreadsheet? The budget.

Sharon Omps, Division Chief OBPM Formulation and Financial Management: Yes, we can provide that.

Jeannine Brooks, OBPM Deputy Director: Which piece do you want in a spreadsheet?

Chairperson Aaron Payment: The one that we couldn't read on the board. We have it in the booklet so I'm not saying that. It's just I want to be able to go through and cross check and double check the numbers and look at percentages and all of that.

Jeannine Brooks, OBPM Deputy Director: Yep. And this is our regular comp table and it does go out and each of your regional budget people should have this comp table.

Chairperson Aaron Payment: No, I do have it but it's not in a spreadsheet. It's a PDF. We all have it. We all do have it. It was sent out in advance but I'm asking for it in a spreadsheet not in a PDF.

Jeannine Brooks, OBPM Deputy Director: Oh, okay. We'll have to work because it's massive. I mean massive. That's why we PDF it because it has like 20 years' worth of data just going in transfers and all of that so we'll have to pull the pieces out but we'll get you a workable copy. We continue on year after year and we just hide prior years so we keep in perpetuation the transfers that occur throughout the years but we'll pull one together that doesn't have all of the other stuff so that it can even be sent. It is in Excel but it's a massive Excel file. I'll go back to Melissa and have her do it paired down so it's still in Excel format for you because like I was saying, it's going to go back to like 2010 is when we started using Excel instead of Lotus123 so it's got all of those years prior too, so I'll have her do a paired down version for you for the current information.

Kitcki Carroll: The gentleman who just spoke a moment ago, I guess I want to pose a question then to our Federal partner about a solutions-based approach moving forward as partners in this. I would hope that the Department would never take the position or to say to anybody with a straight face that Indian Country is adequately funded. Is that a safe assumption? Okay. So if we're all on the same page as that's the starting point then, what I'm perplexed by is this reality that you just saw in the last couple of years where we're putting forward budgets that are less than what is congressionally enacted. I don't remember the percentage off the top of my head but in the most recent exercise we're talking in some instances double digit percentage decreases and I just fundamentally don't understand that. So when I think about this space, and again, I don't need to be spoken to about caps. I get all that stuff. What I'm talking about within this space is why we're not replicating some of the things that take place on the IHS-side where IHS says very openly how inadequately funded

that they are and they throw a \$30 billion figure out there and they compare that against the \$6 billion appropriation. But I don't know why we're not doing the same thing on the BIA side to say, yeah, the actual number should be \$40 billion and we're funded at \$3 billion. That's a message. That says something to Congress. But when we don't say that and furthermore propose a decrease, it suggests to them that there aren't any problems in Indian Country that need attention. That's the message, that's the policy statement that's behind the numbers. I'm just wondering out loud how do we get to a different place which ties in the whole point about the unfunded obligations piece. But to Chairman Payment's response, it's a matter of want, too, right? There has to be a desire and a wanting to do something differently than what we're doing to elevate that as our... So I know you guys can't "lobby" but you are designated as our internal advocate. You are the one that the Federal Government looks to out of all departments as the one that understands U.S.-tribal relations best and they give you deference for that understanding. So there has to be some other way to approach this than the way we are right now. I know the process is something that we've worked on but it's the message that we're sending with what we're proposing that is problematic and I know it got presented up there and I know the Chairman just said something but then we just moved on. Everybody in this room should be alarmed at that. Everybody in this room should be outraged about those last three years that we just saw but we just accepted it and we moved onto the next discussion point. Until we get to a place of outrage and move beyond indifference, I don't...to the point that was just made about half of this battle is ours, yeah, half that battle is ours to be one, knowledgeable and educated to know what they're putting up in front of you and two to then be outraged in response to it because my position is the more you become in tune and knowledgeable about what you're seeing, the more outraged you should become. It's as simple as that. So we need to find a way to work with our Federal partner to be putting forward budgets that align with what the statements are coming out. So if you're going to say you support tribes, you support tribal sovereignty, you want to make a difference in Indian Country, Indian Country matters, all those things that we hear, it starts with numbers, it starts with budgets. That's your initial policy statement right there. I'm fearful we're going to have another year that goes by where the Administration is proposing another budget that is not satisfactory. I know that's not on you, Mr. Cruz. I know you're just part of that system but as its messenger, we've got to figure out a way to do this dance a little bit differently and to put forward a number which captures the whole unfunded obligations piece to the conversation. That's why that's so critically important to that exercise. But to the idea of wanting to do that to what Rick said from a couple years ago, two or three years ago now, is Chairman Seki in the room anymore, I don't think so. That's when Chairman Seki got an answer from the Department saying basically, yeah, you're talking to me about trust and treaty responsibilities but basically line up because I've got leaky toilets and faucets in my national parks. How is that differentiating trust and treaty obligations and fulfilling promises by equating it to leaky toilets and roofs? They're not equivalent. We should be first in line. We were the first promise made and I'm sorry if you've got an unfunctioning, dysfunctional toilet. Too bad. Don't care because we've got plenty of those dysfunctions within Indian Country as well. So it's a matter of wanting to prioritize these issues and we're not there yet. So I'm looking to you as our Federal partner to figure out a different way forward on this so we don't have repeats of administrative budgets being put forward that fail to recognize the severity of what's going on within Indian Country right now. I hope you mention this during your testimony next week on Broken Promises because Congress is also guilty of this, right? They're the ones that control the dollars. So when they sit there in their testimonies and wag their fingers at Federal officials for not doing their job, they're directly responsible for what they're appropriating as well so they can't play like they're innocent in this process either. So I would hope that you in your comments stress the importance

of them as congressional officials giving you the breathing room to really paint a picture of what the situation is in Indian Country.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: I absolutely understand where you're coming from and yes, it is a matter of framing and so as we dive into our budget submissions, we want to frame what's working across Indian Country and that's why it's important that we hear from tribal leaders, that's why it's important that Tara and I get out in the field and witness firsthand what's happening and that helps us calibrate priorities, venues like this help us calibrate priorities and so we're absolutely committed to that. You eluded to the process. The numbers are the numbers and we do the best we can with what we're allowed to do. I can't be anymore honest than that. We hear you and we advocate and at the end of the day we utilize as much authority as we possibly can within those bounds. Yeah, it is part of a broader conversation and I would be interested and to have a further dialogue in identifying solutions that get us to better and bigger numbers.

Palmer Mosely: Mr. Cruz, I appreciate your statement. Real quick. We need a stronger message, we really do. If you really sit back and take a look at Indian Country as a whole and the funding that we have been given in the last 20 years, the truth of the matter is we need a stronger message from this particular body and from the Bureau of Indian Affairs. It's just that simple. And as a former Federal official, I know the obligations and the restrictions that you guys and ladies have there at BIA. I understand that. And I think everybody can understand that we need more money in Indian Country but again, going back to what Dr. Payment and Mr. Carrol have said, we have to do something different because in my personal opinion and this is only my second TIBC meeting, it's not working. This body is not functioning as it should and we need to change that. And again, we need to get back to budget formulation because that's the biggest priority that we have. And let's stop getting into the weeds on all these other issues, even though they're very important. I understand that. We need to focus on budget formulation and have the consistent, strong message from this particular body which includes the tribal representatives as well as the Federal representatives. And again, we have to have that, in my personal opinion. Thank you.

Rick Harrison: So Palmer, speaking to your point, in the spring this year we had similar discussions and we understand that they have their caps for their budget and we've been going through their process helping develop their budget and I suggested maybe we need to start doing a dual budget, a tribal budget that we can put forward as well. I had Tyler put that on the list for the next Budget Subcommittee meeting and we need to start working on that.

Palmer Mosely: I'm all for that. I just don't want to spin my wheels and waste my time. I have a wife and four kids at home and if I'm going to come to Washington, DC or travel out in Indian Country to come to these meetings, I want to feel like I have accomplished something versus talking about some of the same issues that I've talked about at TIBC four years ago because, again, I come to these meetings and it's like, 'we're talking about the same issue we discussed four years ago'. We're spinning our wheels. Personally, I don't want to spin my wheels. You ask the employees that work for me back at the Chickasaw Nation, they say that I get things done and that's the reason why I'm at the position that I'm in. I want to bring that same mindset to this entire body. Let's get things moving instead of talking about the same issues, having the same discussions. I want to move forward. I understand we'll move forward very slowly. I have no problem with that. I just want to move forward.

Kevin Allis: I'm just going to jump in and I'm not going to say too much because it kind of follows up and supports what I've heard before. So I've been at NCAI four months now and this is my second TIBC and I'll echo what Kitcki said, we're on the third day here and noon and this is the first time we're looking at numbers and I'm kind of confused by that and trying to figure out what NCAI can do in the background to create a little bit of what Rick talked about in that we're hoping our Federal partners here interpret our policy discussions in a quantitative manner that is acceptable to us and we're not offering anything in the way of debate. I did sit in the subcommittee on Public Safety and Justice and I'm looking at all the line items that are under that and I heard Chairman Frazier talk about tribal courts and how much was appropriated in 2019, 2018, what the President's budget was and what the marks are on the House and the Senate right now and there was no discussion about whether or not any of those numbers were appropriate, right, what could be wrong about them, what could we do about them and what could we come back with and negotiate with and give them a quantifiable number to line items that everybody can understand. Because, Mark, I get it, you're doing what you can with the numbers but to Kitcki's point, in 2018-2019 the spread's 17 percent. Congress increased the funding 17 percent from the number crunching you guys did and you say, 'Well, we're doing the best we can.' There's a lot of wiggle room there and there's a lot of movement there. And who knows, you never know, if that number that the Administration put out was higher by 17 percent, would the money be appropriated by Congress be even higher than it is because they would understand to Kitcki's point that there's issues that need to be addressed and they put together appropriations that fit into those needs. And so I think we're going to work hard, Tyler and the team, to follow up on what Chairman Payment and Rick talked about, looking at trying to create a backdrop.

Chairman Russell Attebery: It's been mentioned a few times and what I'm hearing is you're doing the best you can and I appreciate that. The funding is just not there and you're looking for different ways to get more funding and it was mentioned Chairman Payment, we mentioned it in the Education Committee, I know it's been mentioned in this body before. Aid to foreign countries. And again, Kitcki and Aaron, you might help me. I said it's probably 10 times what the money is given to other foreign countries, and it could be more than that. I don't know. So rather than cut Indian Country, can we look for ways to cut aid to foreign countries? Foreign countries, they're not held accountable for any kind of deliverables, they don't have to do any reporting on the funding they get. That money is given. They weren't promised... You're not going to go testify on the broken promises for foreign countries. That's for Indian Country. So why not advocate for Indian Country to have funding first, the promises that were made, that was in the treaties, that's in the U.S. Constitution? That's what we've been asking. And again, I speak for the Karuk Tribe, we're the second largest tribe in California and I mentioned before, we have 500 people on our waiting list for housing. We have needs for our medical clinics. We have needs for our students. We have to often use discretionary money when we have fires and there's smoke and we have to transport our elders out of the area because the smoke's too thick and we often have to use our own money to do those things. I don't know if it's a possibility. I would ask you to look into that. It's been mentioned before. Why do we give 10 or 20 times more funding for aid to foreign countries than we do to the First Americans?

Karen Linell: Thank you, Mr. Chair. I just want to say I don't know why we're looking at 2020 numbers. We're a budget committee. We should be looking at the budget that we can have an impact on, we should be looking at 2021/2022. This is already done. This is done and they plan two

years out. We should be working on the budget for 2022, making those changes and recommendations. I'm looking at this and I keep going back, poor Jeannine. That's how we met. We're small and needy tribes and I'm looking at the 2020 with the \$4.5 million that was put into Small and Needy Tribes and it's taken out again but I don't see it moving up to the Aid to Tribal Government. Until we start looking and quit looking at something that we can't have an impact on. We need to be looking at where we're going from here and start planning, telling them what we want versus reacting to what's been done. It's just frustrating that we are sitting here looking at something that we can't make any real changes to. It's very small and if we want to have an impact and get something in front of Congress for 2021, 2022, I don't know what year we're working on because it's already getting to that enactment stage. The other thing to Kitcki's point is that we should work together on putting together a tribal budget. Submit a tribal budget along with what BIA puts forward and maybe we need to do that through resolution or something but put something forward that says, 'This is what the tribal needs are,' and move forward in that way. But I don't know why we're looking at 2020 when we should be looking at something that we can really have an impact on. Thank you.

Rick Harrison: And the tribal budget is just what I was eluding to that we need to do. We talked about that in the spring and I have it on the agenda for the next Budget Subcommittee meeting and that will be the one where we're actually doing the budget also. Jeannine, did you have any comments?

Jeannine Brooks, OBPM Deputy Director: I was trying to tell Karen over here on the side is we can't talk about the numbers for 2021 because they are embargoed and what we are working on now is the 2022 and that's my next... Yes, it's embargoed. Once we submit the numbers from the Assistant Secretary up to the Department, it is embargoed. We are not allowed to release anything beyond that point on what's going on behind the scenes.

Karen Linell: This is why this committee is formed, to have an impact on that budget and that's why we were formed, to have that impact and if we're forbidden or embargoed from participating and having any input on that, that's a problem and that needs to go to the Secretary.

Jason Freihage, Deputy Assistant Secretary for Management: What might be helpful and I don't know if it's easily accessible or we could do it in the afternoon but especially for new members I think they have a chart that shows how the TIBC priorities... I know the cap issue and the total level is a concern over all but it does show how the priorities taken through the sort of surveys from the regions up align well with the way we distribute the funds across the lines. And for this stage when we're in the pre-decisional, that's the best we can do. But I do think that's still a worthy thing for folks who haven't seen that too.

Karen Linell: This is one of those token native checkoff marks for consultation that's happening. When you only allow us to set a priority for what you guys decide is the number that we can work with and that's not what we're trying to get at. I don't want to be the token native checkmark for tribal consultation. I want to be able to have a real impact on the budget moving forward and we're looking at a broken system. We're trying to work well within that system but it can be improved and this is the process improvement that needs to be worked on.

Palmer Mosely: Yes and we're talking about a distribution of funds that are inadequate to begin with. That's my issue. I don't want those to be inadequate funds to begin with. Let's have a discussion,

let's have a progressive movement forward from this body about what we can do as a group to increase the overall budget for the Bureau of Indian Affairs. And again, that's going to be a hard discussion. I realize that. But let's have that talk. Let's see if we can work that issue because that would make me feel like I'm doing something worthwhile. Looking at these numbers of how we spent inadequate funds is a waste of my time to be quite honest with you. I really don't want to be here talking about that. Let's have a good, progressive discussion about how to increase the overall budget for Indian Country instead of being complacent with what we've got, being complacent with our caps and our budget marks from OMB. And I know you guys at the Federal side have to do that. I realize that but I agree that when I'm back home, when I want more from out of the four divisions that I manage, it's in my budget request. That's where the governor sees what I want and what my priorities are is in my budget request. And I can tell you sometimes he says no and that's fine, I understand that. But if I don't put that stuff into my budget request, then he doesn't know and he doesn't see what those priorities are. So again, let's have that discussion. It's a hard discussion but let's make our time here in DC worthwhile. I want to make my time worthwhile and I will try to do that for everyone else. Thank you.

Rick Harrison: Jeannine, I'm glad you clarified that. That's why I was asking if you were done because it says on the agenda 2021 budget update as well.

Jeannine Brooks, OBPM Deputy Director: (Jeannine provided response away from the microphone. Jeannine mentions Sharon Omph last slide that discussed the 2021 budget and reiterated the general embargo on 2021 budget information that exists at this time.)

Terry Tatsey: Just want to share an experience that I had a couple years ago when I first started serving on the IHS budget formulation committee and Kitcki and I, we met in Reno with the group last summer, but prior to getting on the IHS budget formulation committee for our respective region Senator Tester in a hearing kind of led up the interim director Admiral Weakhee and that was prior to me serving on this IHS budget formulation organization. But what came out of that is a discussion that when I did finally get into the meeting in February for budget formulation for IHS, that discussion came up and I know Kitcki knows this as well as I and others that may have served on both, data became a big part of that discussion. IHS has the data from service units and all these other systems of services and numbers that related to the need, justified the need. And so when you have these champions that go in front of Congress, they're dealing with disparities and shortfalls in services, what happened because of that is they started to come up with a target and it's always a moving target because we can project a budget for 2021 but it's going to be a moving target because of inflation indexing and all these other things that influence that moving target. But based on some of the information that was provided and came out of that meeting at that time, they start putting together some numbers and when we were in Reno this past summer with the IHS budget formulation group, they said the real time need to serve all the tribes in the United States is \$39 billion and that was based on data and information. The appropriations were around \$6 or \$7 billion at that time so you could see the disparity in need versus what was out there. The same thing needs to be done within BIA because you could take the information that the BIA has and that's one of the reasons I pushed for the subcommittee dealing with natural resources and water issues because you could take that same data that is appropriated to the different line items related to forestry, to range, to all those things that are part of BIA operations at the agency level and compare those numbers with what BLM gets for range management, Forest Service gets for timber management and all these other things and you'll see there's a lot of disparity there. And so that

information...some of that information's out there and so that starts to increase that target that we're talking about in meetings about those budget disparities. The other thing is, when tribal colleges became land grant schools, I was a part of that movement in 1994, we got authorization to get students funded at a certain level but of course it never was appropriated. You can look at that number of what a student in an accredited institution gets versus a tribal college and look at that appropriation so at least you start building off of some foundation, something that gets you that big target. So when you get these champions that go out there, Mark, if you're going to do that I'm sure you'd like that big number of need so you can talk to Congress, 'Well, I will put this back on you because this is our need, this is what you're funding us at.' That's the ammunition you need but the information's there, those disparities are in those numbers that are out there of what it takes to manage land, the disparities in education for funding a tribal college to a mainstream institution out there. We just need to get onboard and get that information together so when you guys go out and champion for us and we can help in our circles and regions that we're responsible to. But the sooner we get onboard to do that to get that big target which is always going to be moving, we're always going to be having these discussions about this system and process that isn't working right now at the time. Thank you.

Chairman Darrell Seki: I support this idea that you all work together for a budget for Indian Country here and if we're going to do that, we should concentrate not just 10 priorities, we should concentrate developing a whole TPA because every line item is very important for our people. That's who we're working for. And now that the 2020 budget was passed by the House and Senate there's a \$400 million dollar difference. I don't know if there's any discussion that they're going to iron out the differences. And this 2021 embargo. Embargo should not be done to the tribes because these are for the people in Indian Country saying embargoed. It should never be embargoed. The tribes should know what the heck's going on because of the trust and treaty obligations of the Federal Government, the United States Government. This word embargo, geez, it sounds like we're in a Communist country or something. Thank you.

Head Councilman Joe Garcia: Joe Garcia, Ohkay Ohwingeh representing the Southwest Region. While I'm in agreement with what my brother Palmer is saying that we really need to devise something new. Unfortunately, we are but a small part of the Federal budgeting process. The tribal entities are a small part of that and so when we talk about the process, budgeting has only to do with...if you look at the definition of budgeting, it's setting your priorities and having a spending plan on how you're going to spend those dollars. It says nothing about how do you get the funding that's supposed to support your level of expenditures. Now, if you're in business, you look at a revenue stream and say...you set your budget based on your revenue stream. Your spending follows your revenue stream and if we look at the Federal funding, we have no control. The tribes have no control, this body has not control over what is set forth by the President, what is set forth by OMB, what is set forth by the budget committee in Congress and what is set forth by appropriations in Congress. So we're a little one, you might say, here, down at the bottom and we're trying to work in a system that is not of our design. Somebody else designed this system and we all know it's not working but how we improve that and how we get to that level, you wonder about how other organizations get their monies. They do a lot of lobbying. Do tribes do that kind of lobbying? I don't think so. Not at that level. I think being dependent, its the Bureau or the Department that handles a lot of the funding that the tribes get. And so as a Federal agency, entity, that advocacy has to be a lot stronger but if you think about how the funding levels and the spending occurs, the President proposes a dollar amount and we all know that that's not adequate, way below what the need levels are for tribes. But then on

top of all of that, the departments also have a spending cap that they have to abide by and so that further reduces the dollar amount, the revenue stream, if you will, that's available. And the rest then follows and so by the time you get to the priorities in all of them your real needs...the needs are up here, the spending levels are below this table. So how we make that move to improve that part is a big, big challenge and I think this body is not the correct body to do all of that. It's going to take a whole lot bigger effort and I venture to say again that all tribes have to be on that same page doing what we need to do all together and this body, as good as it is, thus far, it's only one little piece. And then my final question would be, folks, if this body just went away today, we just went home and never did anything else, are we going to see bad consequences of that? I think we would and so you wonder, are we doing any good? We are doing a little bit of good but not as much as we should and I say again, it has to happen at a greater level and with all 573 tribes moving forward with that same cadence. Otherwise, we'll continue to do this, and this body here will continue to talk about protocol and talk about process but we never talk about the dollars and the needs in Indian Country every day at home. And so we're not meeting that part of it. I rest my case. Thank you.

Palmer Mosely: I agree, Mr. Garcia, with everything you said but I also want to include this little snippet called the trust and treaty obligations on the part of the Federal Government to the Indian tribes. You talk about the revenue coming in through the business, the only difference with the Indian tribes is that there is a trust and treaty obligation involved in this entire process. And again... I had a discussion earlier. I don't like to talk about grants. I don't even want to discuss grants. On my side of the table, I'm a self-governance Indian tribe. Grants are not self-governance. So there's a lot of things that we can discuss about generating revenue or revenue coming from the Federal Government but the only thing that I would like to add to reference that point is there is that trust and treaty obligation on the Federal Government side to the federally recognized Indian tribes.

Rick Harrison: Jeannine, I'm not sure how much these dates change from year to year so I'm thinking out loud at this point. We have three meetings a year. In the spring...this last spring we did 2021 budget. We put that forward to you guys to work from based on our priorities. Then we have our fall meeting and I'm thinking that we should have it closer to right before you're having your stuff prepared to send to OMB so we can look at that, see how it aligns with what we put forward and have that discussion and then maybe this meeting should be after you get it back from OMB the second week in December or something so we can see what's come back from it. Because right now we're having a meeting and the budget we're talking about we can't even look at or talk about.

Jeannine Brooks, OBPM Deputy Director: We are prohibited by law. If I were to bring that and put that here, I would be out of a job tomorrow. I would be gone. And we've actually had people at Interior fired for doing that out of Park Service. Once it is embargoed, we cannot release any of the dollar amounts outside of the Federal Government. Do we agree with it, no? But...

Rick Harrison: After you get it back in December though you can, right?

Jeannine Brooks, OBPM Deputy Director: No. Not until it goes to print in the Green Book and the President's budget comes out can we release those numbers.

Chairperson Aaron Payment: So it's a matter of timing. So that draft budget should be inclusive of the priorities that we had weighed in on a year or two before. So let's not get hung up on the fact that it's embargoed because once it's drafted up, that's a process that every President has followed for as

long as I know. But at some point what I think we need... So what normally happens is once it's un-embargoed, there's immediately a round of tribal leader calls and they call out and they ask for input and that's where it should continue to be a work in progress so that when we say, 'Well, that's really insufficient or that's nonsense,' or whatever or however we say it, that should be incorporated and those notes should be taken, they should be...they should weigh into the actual budget. It's kind of after the fact obviously but we should have been involved before. But the next step would be to have Interior evaluate it against what we've been telling you and I don't think there's any problem with you giving us an analysis back of whether or not what the President proposed and what you all proposed is consistent and where it's inconsistent with what we've advocated and what we've prioritized. I think that sort of would be helpful. That's what we do back home is we send out drivers when we ask all the department heads to draft up their budgets. We know what the budget numbers are. We ask people for their wish lists, we ask them five, 10, 15 percent cuts if we had to do it. They do all of that work in advance and then we reconcile all that when we actually have a draft budget. So I don't think it's too much to ask for us to say, once the budget is un-embargoed for an analysis to be done and you could be doing it all along.

Jeannine Brooks, OBPM Deputy Director: And we do that and that's what we bring in the spring to say where we do have that discussion. That's why we have that one in the spring once the Green Book is done. And what we usually do around this time, if we can if there's more because we did do it in July, we talk about the submission in general without giving out fine details. We talk about the direction that we took, we let you know that we did not take the peanut butter spread approach to this, that what you do here is used. Definitely, it would be devastating because what you guys provide to me here by priorities is what I use to be your advocate as we go through this process. Yes, I have to do a decrease scenario but without your priorities, I don't know where the heck to go to take those decreases to try and protect your priorities the best I can. If you guys weren't here telling me that, it would be a toss-up. Okay, where do we think we should take that from? Where is it going to have the least impact to the priorities of the tribes sitting at this table? So what you are doing here, even though we are spinning wheels it seems like, I know we would all love to do much better and I know we are dramatically short on funding, Palmer, I don't argue with you but if we don't at least do what we're doing here with the ranking tool, which is my next presentation, I have nothing to back me up.

Palmer Mosely: You need to be at the table and doing exactly what we're doing right now.

Jeannine Brooks, OBPM Deputy Director: Absolutely.

Palmer Mosely: Every single day versus half a day.

Jeannine Brooks, OBPM Deputy Director: Yeah, I agree.

Palmer Mosely: Honestly right now, this is the best part of this meeting so far is that we're having this discussion about budget formulation.

Jeannine Brooks, OBPM Deputy Director: I agree. And the thing is we set up these agendas but everybody wants their piece and everyone wants to do opening remarks, everyone wants to bring their stuff and I agree and Kitcki and I have been trying to push this forever. I have done agendas that took all of this stuff off and then we got pushed back. Oh, we wanted all the subcommittees to report out again. We finally got down to where subcommittees agree if you don't have something

important to say, we're not putting you on there because there's just not enough room. This is something that this body needs to decide. What do you want on that agenda?

Palmer Mosely: Going back to Kevin's point about what NCAI can do to help. That's my recommendation is that we do more of this instead of just sectioning out these two days with everybody reporting. I want to talk about the budget formulation process and how we can improve that. There's a lot of other needs out there. I know that. But as Mr. Carrol said, there's other advisory committees out there that are dealing with those issues. I don't want to step on their toes but again, the reason I decided to come here is because of the budget formulation process and that's what I want to do.

Jeannine Brooks, OBPM Deputy Director: I think you all should do a resolution that says how you want this to go then. That's the only thing I can follow in doing the initial draft agenda. If that is what you guys want, let's say so, we will go down to opening remarks from the two chairs and we will move on if that's what we want to do but I need that instruction in writing, voted upon that that's what we are going to do here.

Jim James, BIA Deputy Director for Field Operations: I love this discussion. I will happily give up my time because I think it's important to focus on the budget. And I had said this before to this body, my commitment is to have the Regional Directors work with you in the field in the formulation process so that when we get to this point the debate should be laser focused. It should be on decisions. And I think what Rick was suggesting about timing is let's change the meeting dates a little bit so that they're more reflective of when we can actually look at the budget. But Jeannine, this is the same budget agenda that I've seen every time I come here and I'm happy to give up my time.

George Bearpaw, OBPM Director: Mr. Chairman. I know when this was a TIBAC the meetings were three days long and I wasn't here then but I think Jeannine was and it was total on the budget is my understanding. But since then, it's been reduced down to a day and a half. We did bring that up in several meetings several years ago. There was no action on refining the process.

Rick Harrison: Well, actually they were trying to even limit it more and we eliminated one whole meeting per year so there's even less time.

Karen Linell: I'd like to put a motion forward or ask for a resolution to be drafted that we be able to participate in the planning of the budgets in the future. If we keep waiting until it's published, we're never going to have an impact that we want and so if we put forward that we want to participate in the budgeting process at the very beginning. That's why I feel that we were formed. We're not here to reallocate what's already been budgeted. We're here to plan and budget for our people. And so I'd like to have a resolution drafted to that. Being embargoed or banned from taking a part in that process I think isn't helpful in improving the process or the communication. That's what I'd like to put forward.

Rick Harrison: Karen, I just want to respond. We are involved in the process. In the spring we put forth a budget and we've actually come up with a new process that's even more transparent this last year that I think most of us think worked very well compared to previous years. What I would like to see is maybe the July/August meeting that we come back to that, see Indian Affairs's draft and compare that with ours maybe more in detail and not such a high level report back. I think that

would be more helpful. And I understand the embargoed part. That's not you guys, that's going to OMB so it's out of your hands and you have to wait for that to come back. I think we are involved and this being your first meeting I think if you're here more you'll see what the process is and how we're involved. But I think there is still some more work before that gets submitted to OMB.

Karen Linell: So the numbers that I saw in July is what was submitted and I didn't see Small and Needy moved up to Aid to Tribal Government. I'm sorry, Jeannine, I'm going to keep beating that horse until...

Jeannine Brooks, OBPM Deputy Director: You'll see it in the 2020 one final comp table when we send it out to you, Karen. I promise.

Karen Linell: Thank you.

Chairman Russell Attebery: This might be a question for Mark. Was my request a reasonable request about the Aid to Foreign Countries because those monies are given out because they're sovereign nations and not having any kind of accountability. Tribal nations are sovereign nations also and I for one and I think it's probably across Indian Country, I'm very proud of the self-sufficiency that the Karuk Tribe puts out there. We'd be even more self-sufficient if we were able to manage our own lands but we're trying to get that right as we speak because as you know, there's been 100 years of mismanagement of those lands which took away our economy that used to be there. I guess my question is, is that a reasonable request if we're looking for more funding? Are there avenues where we can cut aid to foreign countries to support tribal nations? Is it a reasonable request?

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: I don't think it's a good time for a political appointee to comment on foreign aid. Let's have discussion on scoping and what this would look like.

2022 Ranking Tool/Guidance

Rick Harrison: Moving onto the next topic. 2022 ranking tool and guidance. As Jeannine said earlier, this is very important for her to help her create the budget and so this is the guidance that came out this year for the survey that's going on right now.

Jeannine Brooks, OBPM Deputy Director: I don't have a presentation but I have what we handed out that says 2022 Budget Ranking Tool on the front that was handed out to everybody. I'm not going to walk you through the tool and I'm not going to walk you through the guidance because that is what is being done at the regions, at your regions for that formal training. What I wanted to do was go over what we have and what is different this year and what's the same. Basically we have the same ranking tool. It still has the eight categories that we put out last year so we are capturing all of our program lines. As opposed to just trying to prioritize 125, you have the option to include all of them and rank within each category. The changes that we have are in addition to doing this the regions have also been asked to...once they get everything in at their second session to have you actually prioritize the categories themselves, which is something we did as a group here last year in the spring, so that when you come to that session you'll be ready for it and know what priority order you would like to see the categories themselves in when you get here. You won't be as lost as we were last year where everyone was like, 'Heck, I don't know what to do.' So now we're asking that you do that in

your second session and make sure you come up with an idea of how your region would like to prioritize the categories. The other change was BIE is now...we're working to capture them within the guidance.

Chairman Darrell Seki: When was it changed from 10 priorities to eight priorities?

Jeannine Brooks, OBPM Deputy Director: It's not eight priorities, Darrell. No, it's categories. Within each of the eight categories you have...and some of them are up to 18 lines of funding, you are ranking every one of those lines of the budget now. It's what Dave had proposed actually. Instead of just looking at 10 lines, we're looking at all lines within eight categories.

Tyler Scribner: What's on the screen was posted to the website, it was sent out to all the TIBC representatives. This was the 2021 tribal budget submission. This was the first year deploying the methodology so there were some tweaks and changes to make but this is what the tribal budget submission was. This is just a pie chart, in the whole. I know the text is a little small. But this is all the categories that were offered and then each line of each category.

Chairman Ron Allen: This is at eight percent increase? Is this what our proposal was?

Tyler Scribner: Yes. This was the eight percent increase scenario methodology.

Rick Harrison: And Chairman Seki, this was in an effort to highlight some of those areas that were more important to regions who weren't reaching the top of how we were doing it before so now each category will have a number one and a number two and a number three so we can see what's more important across the spectrum and highlight that.

Chairman Darrell Seki: Yeah, because that's what always happens when I come to TIBC, I go back to our council meeting. The council asks me how come only 10 when the whole TPA, every line item is very important for our people.

Jeannine Brooks, OBPM Deputy Director: So that's what this does. Going in this route does that so now we capture those natural resource programs that never rolled to the top. We get all those land programs, construction, everything and it helps for like what I was saying when they go and say, 'Okay, well, we're going to cut natural resources, now I can go and look and say, 'Okay, well, let's look at that category. What ranks highest within here. If you all are going to cut, don't touch these. Let's look at what rolled to the bottom if that's what you're going to do.' So that's how this also helps me, even if it's not getting us where we know we want and need to go, at least it helps me protect the best I can.

Kitcki Carroll: So I will just respectfully ask everybody sitting at the table to convey back to your respective regions, in order for this new process to be most effective, you have got to let go your historical understanding of how the process worked previously. I have heard too many times, numerous times, people's vernacular that speaks to a process of old versus the process as it exists right now and if we keep doing that, the value of this process will never come to full fruition. So just even in saying eight percent, the percentage doesn't matter anymore. The process is about identifying priorities so whatever the percentage is, you apply the priorities to whatever that reality is. But I keep hearing eight percent, five percent, 10 percent, top five priorities, top 10... All that stuff is old

vernacular that doesn't apply anymore in the same way that it did before in this new process. So I know there's going to be this transition period and I think that's still where we are in right now but for those of you that were here for the first year of this, I think all of us or the most of us would agree that it was a much better process and it allowed for interaction at this table that never happened before or in recent history at least hadn't happened. I'm hopeful that the process continues to strengthen but in order for that to happen you've got to convey back to your regions, to your people that are doing this for you or participating in it, to stop thinking about it in the way that they did before because it's been completely changed.

Chairperson Aaron Payment: I'm just going to give a plug too and add: don't spin your wheels on this. Don't waste a lot of time complaining about it should be better, it should be different, it should be this or that. Once they're asking, we have to engage and this system only works if we engage our respective tribes in our regions to get them to participate. We have really good participation because we call them. If they don't do the response, we check up on it then I give a phone call out and we try to encourage people. So in education we have what's called Glows and Grows. A glow is when somebody does something really good and you want to recognize it because you want to keep them doing good and so I've got two glows. One is, this is way better than the last time because remember last time it was all harem scarem and we're trying to figure out what the priorities are, not everybody was here and I don't feel comfortable speaking on behalf of everybody if they're not here so that's why it's important to go back out and get their input so then when that's all tabulated we'll have that and then we'll be able to look at it and do it in a more informed way. The other thing is when we used to do priorities, because I'm an educator, and whenever education was always on the bottom. Not only in my region, across all regions education was just not the priority. And one of the things we recommended was that it be separated out and that was accomplished and so we have to give two glows for those two processes because whenever education was lowly prioritized I was crying inside.

Jeannine Brooks, OBPM Deputy Director: On that note, that's what we're going to move into. So education has been now included in the guidance but they put a little spin on what they're doing as opposed to what's in the guidance so I'm going to call on Sharon to please talk about how education is actually moving into the formulation arena and including schools.

Sharon Pinto, BIE Deputy Director: The schools are included in the guidance and all 183 schools will have an opportunity to rank just as well as the tribal representatives at this table. The schools are ranking all of the 18 education program lines along with the four education construction program lines. So each of the schools we've reached out to, we're asking them to respond by the due date of January 17 back to their respective ADDs, whether it's ADD Bureau operated schools or ADD Navajo or ADD tribally controlled schools which right now we have Acting Dr. Tracy Jojola. Currently we are piggybacking off all of the regions and participating in the regional budget formulation sessions that are being held across the board and thank you to all of the regional directors for partnering with us and allowing us some time on your agenda. And so we've been allocated close to 30 minutes to an hour on the agendas whether it's an in-person discussion with the tribes that attend or whether it's a webinar so we're going to continue that. We have Great Plains scheduled next and I think there is a schedule provided by Jeannine in your materials. So we are present at those and participating at those formulation sessions or webinars also.

Jeannine Brooks, OBPM Deputy Director: So that was the biggest change to the guidance and the processes is that inclusion of BIE and the schools into the process so we can do that. I outlined here

where you can find the guidance and the five attachments within our webpage. It's not the easiest one. I am working with IT to make that a little bit clearer. When I went in myself to look, 'Okay, let me go out here to the outside internet and see how we get in...' Oh my goodness, there was about 20 clicks I had to take just to get to this. So I worked with them to get us put into that little program services box which is the first thing that comes up on the first page of BIA. You have an IA budget click there now that'll take you in and you follow this process and you'll get to the guidance and the tools so they're a lot easier to access. I know we were having some issues with that attachment D which is the actual tribal tool, not being able to print. So I've got IT working on that now trying to fix that for us. I don't know what happened there but something happened within the upload that caused it to do something crazy. The other thing that I did include here, as Sharon mentioned, is a listing of what we have so far on the sessions being held at the regions. Some have already come and gone, a lot of them have held their but Pacific still has several coming up that are outlined here. We have Great Plains. Their initial is going to be on the 19th, next week. And then Alaska at the Providers Conference. While I haven't been cleared yet, I am anticipating being at the Providers Conference. I've been invited to come up there and do the presentation myself. The only ones that have actually planned out their second session so far is Great Plains and that will be on January 28th. As we get these updated and filled in and the regions lock in those that haven't planned yet, as we get those locked in we will keep posting that to the webpage as well so you can follow when those sessions are being held. And then I gave you a listing of...these are your regional budget POCs. Within the tool itself this is the last page of it but I figured I'd give it to you here in case you don't actually get the tool in your hand, being the tribal leaders. If you ever have a question regarding the tool or what we should do or the meeting dates or any of that, these are your POCs for the tool out at your location. It gives you contact information.

Jim James, BIA Deputy Director for Field Operations: I would just add that your regional directors are also your point of contacts. So these are the budget officers but really the regional directors are the ones that we need to keep in the loop here too. Thanks.

Rick Harrison: Also if anybody wasn't on the webinar that Jeannine hosted in October, going over the guidance, I believe that recording is posted on your website.

Jeannine Brooks, OBPM Deputy Director: Yes, it is. It's the same place as all the guidance. This process itself was going to move to an every other year process and we talked about this in subcommittee. I had mentioned in the webinar that I didn't think it had been passed but apparently it had been passed by this body. But at this point in time I don't think we're at a point where we can do that since it's fairly new, last year was the first year. I think we had the comment by Western Region that only 19 of their 42 tribes had responded so I don't think our data is strong enough at this point to go to that every other year process until we get a better response rate and we're more comfortable with where those priorities have fallen. I think that's when it would be better to move it to an every other year process once we have better data collected.

Rick Harrison: I have one question. So when do the regions have to report back to you, get their submissions back into you by?

Jeannine Brooks, OBPM Deputy Director: I believe it is February 25th we asked for. Although, when is the March meeting now, Tyler? Because you guys did it way early so that's cutting me short.

Tyler Scribner: The March meeting bids that came back were for March 9 through 13.

Jeannine Brooks, OBPM Deputy Director: It's like the third week of February because I have to have the information in time for us to turn it over to have it ready for that March meeting.

Chairman Ron Allen: I know that our region is conducting its own separate webinar just with our region so you did it for nationally but we can do it again so that all the tribes get how easy it is to put in their priorities. It is way easier. So when people start realizing all you have to do is get online and then you just start prioritizing by category. I'd like to make a request. Justin Parker who heads up our Northwest Indian Fish Commission, we're working on a bill that has a lot of support on the Hill that helps us access what they call the Pittman Robertson Wildlife monies and we have not accessed it. So Justin, would you come up and give us a heads up. We think this money... We think that our allocation would be around \$100 million. So this is a lot like the VOCA monies and we think that it would be administered through the Bureau. Justin. We want to make sure that we're geared up for this. It looks encouraging for us to get this bill passed.

Justin Parker: Thank you, Chairman. Justin Parker, Executive Director, Northwest Indian Fisheries Commission, Makah tribal member. The past day and a half I've been working up on the Hill on this Recovering America's Wildlife Act. So it's \$97.5 million reasons why our tribes should pay attention to this because it is significant and it'd be the largest most significant investment in tribal wildlife that we've ever seen. And so right now in our state, our Western Washington treaty tribes, Yakama Nation, we're co-managers of the wildlife resources in the state but that doesn't come with any funding. A lot of the funding that we receive is discretionary. It usually comes through adjudicated treaty rights or international treaties like Pacific Salmon Treaty, etc. H.R. 3742 was introduced by Representative Dingle and Representative Fortenberry so we've got a Democrat and Republican that have introduced this. We now have 150 sponsors. We just hit 150 last night. I just got word from Congresswoman Kathy McMorris Rodgers who, by the way, we don't necessarily see eye to eye on a number of things but in this case we made a visit with Darren Modzelewski from NCAI as well as a representative from the National Wildlife Federation two days ago. And so we got her support so that now gives us 150 in total. 40 Republicans are co-sponsors on this bill as well. What these funds would do, there was a similar bill that was pushed last year that came up through the oil and gas leasing payments. Tribes and some of the NGOs, environmentalists and congressional folks had issues with that so this time we're making a push and we're just pushing it coming out of the mandatory funding out of the U.S. Treasury. Right now it doesn't impact the states. The states get \$1.2 billion and a lot of that is driven by excise tax that's collected on the purchase of guns, ammo, gear, etc. So this would not come at the expense of the states. We've got a large coalition that includes the National Wildlife Federation as well as the Native American Fish and Wildlife Society and so they're the ones that helped sponsor this event in the past day and a half. We had a briefing with the House Congressional Native American Caucus two days ago. Individual appointments in the afternoon and then yesterday we had a press conference with E&E, Environment and Energy. Again, we have 150 co-sponsors. The reason why I want to bring this up to the...I was going to bring it up in the tribal caucus but it actually warrants the discussion here because in the bill it does include that the funds will come through the Department of Interior, likely the Bureau of Indian Affairs. I know U.S. Fish and Wildlife Service was mentioned at one point but likely through the Bureau of Indian Affairs. I've been pushing for a non-grant. I know that's a big thing that we don't like to see as well. The gentleman from Chickasaw and I know Kitcki raised that numerous times and so don't know how that's going to play out. We'll work out the details later but

at some point if it does get passed... Right now it's expected to have mark-up the end of this month through the Waters, Oceans, and Wildlife Subcommittee and the Natural Resources Committee. I have no hesitation that'll pass the full House Natural Resources Committee and even the House floor. What we're struggling with is finding sponsors in the Senate. So this is my plea to some of the tribal leadership here. We had Senator Mel Blunt lined up for this, Republican from Missouri. I don't want to say he walked back but we don't have him there yet. So if there's any other Republican sponsors that we can get in the Senate.

Chairman Ron Allen: Just a little step. So we need help. For those of you paying attention to it, it's a number that changes every year because it's tax based and there's a formula for the state so that's all set. Now this bill puts us in the mix and then we through Natural Resources Committee would come up with a recommendation on how we would disperse it in Indian Country. So it's a big deal and a great opportunity. But we do need help, mostly on the Senate side is where we need the help. So make sure you guys chime in. If you've got Republicans in any of your states, those are the Senators we need to step up, right?

Justin Parker: Yes. And I know that I'd be remiss if I didn't mention some of the tribes that worked with us that were back here...spoke on a tribal panel. So along with myself we had someone from Blackfeet Nation, Lower Brule Sioux Tribe, Salish and Kootenai as well as Navajo Nation. Very much a broad diverse group. Our commission tribes, our 20 member tribes have supported this. Our 18 Affiliated Tribes of Northwest Indians passed a resolution you've said supports it. And then three weeks ago, NCAI passed a resolution that supports this as well. So we've got broad support all the way around. We just need help to get boots on the ground to help advance this. We're definitely looking for a Republic Senator. That would be ideal.

Chairman Ron Allen: That's your heads up for those of you who can help.

Chairman Russell Attebery: Real quick, Ron. I want to support that. So just recently all the California tribes basically of Pacific Region have unified into one group. So we have Northern California Chairman's Association, Central and Southern California and we've all gotten together to form one group. We'll have a meeting with the governor every year and we can send out a letter of support. If you can get me that information, we can get that letter out pretty quick.

Justin Parker: You bet. Thank you, Buster. I have a number of handouts over here so anybody who wants to take some home with them, feel free to grab them. I'm going to have to leave at 1:30 so I'm checking out.

Chairman Ron Allen: Rick and I were just talking to Karen. Getting Murkowski onboard, maybe even Sutherland too because this would seriously affect Alaska.

Karen Linell: If we could get a template letter of support out that would be good and then you and I need to talk because I definitely want to. That's something that's been on our mind and our plate for awhile. We want to get access to that PR funding.

Chairman Ron Allen: We're at a point to break for lunch. Census can't make it. They've got a problem over there of staff availability so we're not going to have an update on Census but we'll go right into that school construction after the 105(l) lease update.

Section 105(l) Leases

Jason Freihage, Deputy Assistant Secretary for Management: We previewed this a bit yesterday but I think we've talked about it to some degree in our past TIBC meetings. As you know, this has already been an issue that's existed for IHS for a while. They've been dealing with quite a few leases for a bit and dealing with the kind of budget pressures of it. It's obviously potentially again a useful tool for funding facilities infrastructure but because of the nature of the way the leases can come in, it's not always tied to the regular budget process. It can also be difficult to plan for, for budget planning purposes. So we've just had a few start to come in and just to start off with the key thing we're doing is just really kind of establishing our program ability to assess them. How to review them, what we need to look at and we're talking with IHS to learn as much as we can to have similar strong practices for assessing the leases. As we come through and there's different types of leases for different facilities we're kind of getting some lessons learned as we go. But it is toward the end of having a more clear internal policy for how to manage them. As importantly as how we assess them is also the budget planning side. I think the keys we're looking at the best ways we can to integrate them for budget planning purposes because they can come in midyear and at that point, because we have to fund them upon the request of the tribe, that is where sometimes we have to start looking at things...we had our discussion this morning about carryover balances. That can be an issue or we have to look at availability of funds to be able to address them. That's something we're still working through now but in the coming year that's probably...we'll have more ongoing conversations with you all about that of what's the best way to address them, especially if we end up with a significant number of leases coming in over time. Similarly, as they come in, make sure for communications perspective OMB and the Hill are aware of the pending requests coming in. So it helps everybody at each stage of the budget process to help us be able to plan and incorporate them into our budget numbers as much as possible. Because we're still at this initial phase, we're still kind of working that out. I just, in general, wanted to kind of give you that overview of some of the issues that we're working through. I'm going to stop there and ask if there's any questions because I didn't back up with what the 105(l) leases are, how they generally work. We've talked about that some as a group already. I just want to stop there, see if there are any questions or if Mark wants to add anything.

Chairman Ron Allen: The first question I have is, so we're not ready at this juncture for tribes to submit requests or are we?

Jason Freihage, Deputy Assistant Secretary for Management: We have received some.

Chairman Ron Allen: If we have a facility, we own the facility and we want to submit our request for lease reimbursement, is the process in place?

Jason Freihage, Deputy Assistant Secretary for Management: It is possible for tribes. You have that legal right to be able to come in and request the leases.

Chairman Ron Allen: What we do over at IHS, we negotiate, we put in our requests in terms of the square footage for the function and we put in our requests and everything.

Jason Freihage, Deputy Assistant Secretary for Management: We're looking at them in a similar way as they come in. The thing we just want to make folks aware of because as you know, this is a newer

thing to us coming in, it's not something that we have from a quite really built out in terms of our budget planning purposes. If they come in, we have to look largely within resources.

Head Councilman Joe Garcia: A question would be how do we start the process? If there's a project in mind, what paperwork do we fill, who do we contact? Do we contact our region or do we contact somebody here or somewhere else? Is it written down somewhere what process is going to be from start to midpoint to finish?

Jason Freihage, Deputy Assistant Secretary for Management: I think we're still kind of finalizing the full steps that you would go through. Typically it probably make sense to often start with your region to talk through the folks that you usually would negotiate your funding agreements with because ultimately you would have to adapt probably your multiyear funding agreement that would be linked to the 105(l) lease. I would generally say that's probably the right starting point. There may be cases where you need to go to our national programs but starting with the regions probably makes the most sense given the variety of facilities that you could be interested in.

Rick Harrison: So that was going to be along the lines of my question was guidance. So you're working on that?

Jason Freihage, Deputy Assistant Secretary for Management: We are working with that to kind of clarify what's the best path and how to do it.

Delano Saluskin: How long have these 105(l) leases been available to tribes.

Jason Freihage, Deputy Assistant Secretary for Management: Since 1976.

Delano Saluskin: And you haven't developed any kind of policy guidance since 1976?

Jason Freihage, Deputy Assistant Secretary for Management: There are some regulations related to the cost than can be covered but for whatever reason, it wasn't until about 2015 or so that tribes started engaging IHS on them first. And we did not have an earnest offer that we're aware of until over the last year. So yes, in some ways we're all catching up trying to figure out how to figure out this new business model.

Delano Saluskin: So I guess just to fully understand, I hear you're trying to work on developing the guidance for those. How long do you think it will be before you have guidance to share with tribes?

Jason Freihage, Deputy Assistant Secretary for Management: Two to three months maybe, initial maybe high level 'these are the basics' kind of parameter.

Delano Saluskin: I just want to let you know that I know our tribe is going to be very interested in this process because as I expressed to BIE when we were in Albuquerque, never in my lifetime will I think BIE will be able to build Yakima Nation a tribal school. And I was very impressed with the work that Gila River did and I just want to say that we want to follow up on that process because I think that's the only way we're going to get a tribal school out of the BIE and BIA. Thank you.

Jason Freihage, Deputy Assistant Secretary for Management: I remember your comments at NCAI and I appreciate that. Again, I think the thing because this is a budget group, the challenge of assessing how much is needed each funding year will probably be an ongoing thing. As we come to these sessions, we'll update you as we can given where we are with different negotiations but I think as you all know, if people have seen the IHS example it can be difficult in the budget sense to catch up with these. If we can't get increases in Congress at this rate then it does require reprogramming of funds from other lines.

Chairman Ron Allen: So my understanding is you've been communicating with IHS how they structured their guidance so it'll be a similar process.

Jason Freihage, Deputy Assistant Secretary for Management: We're doing the best we can, yeah. We have different types of facilities so there are some different issues because we have from schools, detention centers, etc.

Chairman Harold Frazier: Is there going to be like a limit of tribes that can apply per year, are you guys going to cap it?

Jason Freihage, Deputy Assistant Secretary for Management: I think that the cap ultimately will likely be is our ability to fund it. I can't say that there'll be a specific number as a cap given where we are now. It'd just be to the degree there's sort of unrestricted funds available that that would be our cap. Because IHS had a surge at some point last year, the Senate did add funding, a good chunk of funding for them to be able to address their leases. Whether it's enough is another story but they did add an increase to help them address at least part of the requests. It also included language recognizing the need for, I think the language they used was some sort of cost containment and for IHS, Interior, others to start considering working toward a broader solution for this. I think the report language referenced looking at something like an indefinite appropriation. That's obviously a big step.

Chairman Harold Frazier: Are tribes going to have to work with GSA or work with you guys?

Jason Freihage, Deputy Assistant Secretary for Management: You'd work through us. These are called leases but they're not really a lease in the traditional sense of like that type of lease. I think the term used in some conversation is like a facility cost agreement. Sort of the costs you need to run the facilities associated with your programs.

Chairman Harold Frazier: Are you guys going to want to be involved from step one? I mean like for the design and all that.

Jason Freihage, Deputy Assistant Secretary for Management: Our preference would be that the facilities would kind of meet...and especially for the areas where we have what we kind of call our program of requirements. Like for a school that it meets the size associated with the number of students expected. That is the type of thing that would probably be part of negotiating the leases is 'what's a reasonable size of what the Federal dollars should be used to cover?'

Chairman Harold Frazier: Are you going to support like... Like our school for example, there's dormitories, a full-fledged campus, also administrative offices there. Are you going to be in support of things like that or are you just going to limit it just to a schoolhouse?

Jason Freihage, Deputy Assistant Secretary for Management: I think what we'll do across the different types of facilities is we look at the programs that are funded in your funding agreements and then that's where we would then look at how does it tie to the specific need. That might be a case by case. I can't give you a universal answer right now.

Chairman Harold Frazier: Are you the negotiator?

Jason Freihage, Deputy Assistant Secretary for Management: We'll likely have a combination of our facilities and solicitor would be the negotiators.

Chairman Harold Frazier: There's a team of BIA people come to our reservation back in September and they were doing an assessment. Would that be utilized if we decide to go this route?

Jason Freihage, Deputy Assistant Secretary for Management: Right now most likely, and that's what's next up on this agenda for the education construction. They're going to talk to the site assessment pilot which is...yes, they are looking at your school as one of the schools I believe in the top 10. So we are going to talk to that. That list was more probably initially thought of when we went down the road of this new site assessment process as being funded through our education construction account. So that was probably the initial thought there.

Chairman Harold Frazier: Do I work through Mr. Dearman?

Jason Freihage, Deputy Assistant Secretary for Management: So in this case our facilities folks are going to be the people that you would work with. We work closely with Tony and he's been involved in seeing the process we're rolling out. Judy Wilson will probably be your primary contact for the site assessment process in school construction and Wallace Keays is going to walk through the process.

Kitcki Carroll: So you mentioned IHS a couple times so just a couple things to share within this space for consistency. You talked about guidance and that's fine but this is more of an issue about properly forecasting. I think within the space of TIBC the greater concern that I have is when you're talking about reprogramming dollars to satisfy that legal requirement. So for those of you that aren't familiar with this, this has existed in the law since the passage of the Indian Self-Determination and Education Assistance Act (ISDEAA). It has become more prominent on the IHS side but it's just as relative on the BIA side. The challenge that we ran into on the IHS side has them not been properly forecasting that exponentially increasing number so much so that the couple of options that they've put on the table include amending the law. Well, amending the law is not the option. The law exists for a reason and now Indian Country is becoming more aware of it. So from our standpoint the responsibility is on the BIA to make sure that as best they can with a lot of unknown variables to be forecasting what that increase in that figure is going to be and to not be at the expense of a severely underfunded BIA budget overall. So somehow you're going to have to find a way to get there. On the IHS side one of the other things that they did that I found interesting is they were putting it back on Indian Country to figure out the solution to it. That's not ours to solve. It's on the Federal partner

and Congress who wrote that law to make sure that the dollars are there almost in the same way of a CSC indefinite appropriation because absent that you're going to end up in the same place as a CSC litigation in order to make sure that that happens the way that the law says it was supposed to happen. I hope it doesn't come to that point but there's a lot of similarities between the CSE challenge and what's going on with this 105(l) lease situation. So I guess bottom line for this space here, we would want to make sure that you guys are doing proper forecasting to the best of your ability to make sure that we don't find ourselves back in this space having a conversation about reprogramming because of not properly forecasting for that need and those requests.

Jason Freihage, Deputy Assistant Secretary for Management: Right. The challenge is at this point it's pretty difficult. The only way I could forecast is to say, is just do a ballpark and it's a huge universe. So I think that's our challenge is figuring that out. What is the universe.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: And that's why we wanted to bring this topic to this group because it does have that budgetary implication and we're doing the best we can with the lack of a program and we want to do our program design right and we have had two successful lease signed. One was a school so we have a model for a '297' grant school and that was the Gila River School we opened in July. And then we just finished our second one on a criminal justice complex which had different programs and Chairman Seki can speak to the specifics of that if you will, Chairman.

Chairman Darrell Seki: Red Lake was pleased to sign a Section 105(l) lease with BIA last month for our criminal justice complex. Years ago, we had to borrow money to build our own criminal justice complex, replacing the buildings that had become dilapidated, dangerous, and fire traps. But during the fall of 2015 and early January 2016 we found out that tribes could go through these lease agreements on their buildings. So that's how we all got started. Our tribe passed a resolution to look into it and see if there's possibilities to do it. So in 2017 I believe we started negotiating with the Fed side, facilities. It wasn't an easy negotiation. It was very, very tough but we had a Red Lake team. We were required to come up with different information, all kinds of information. There's was ups and downs, disappointments but we continued to negotiate and then finally last month the Section 105(l) lease, BIA stepping up to meet its share of our costs after shirking its responsibilities for decades. Some of you here at TIBC know that when I have a reason to be critical to BIA I say it. But today I am pleased to be able to say the BIA leadership bargained in good faith with Red Lake and struck a fair agreement with our criminal justice complex on the Section 105(l) lease. So I want to thank Jason, Wallace, Mark, and Tara for doing the right thing for our criminal justice lease. Also our Red Lake team who provided all the information requested from the Federal side because there was a lot of information they wanted. They came in and inspected the buildings, not once but twice, maybe three times. There was a lot of different things that we had to bargain with, agree with and sometimes we had to drop some of the ideas we had. So it was not easy to do but we finally got it signed. But now we're waiting for the dollars. I believe it's at the OMB and they've got to find the dollars on the agreement. So it's still a waiting game. It's tough. I believe Gila River School was the first one then we started after they did. Actually I think we were negotiating at the time when they got theirs. All these buildings that the tribes have to borrow money and build them themselves and we're doing what the Government does on its trust and treaty responsibilities. And we kept reminding them of that during our negotiations. We worked it out, it was tough and they know it too. Mark and Jason are sitting here and other facilities management people. It was their lawyers, our lawyers bumping heads. Like I said, sometimes it was disappointing after negotiating it like we're not getting anywhere

but we finally got it done. And now we're just waiting for the dollars wherever OMB or the Feds will come up with it. And now we're also negotiating a new firehouse. We had to borrow money for a new firehouse. Those are dilapidated firetraps. It all came about regarding the lease agreements was in early 2016. We had those being inspected but yet we reminded them... Last winter there was a fire at one of our complexes...at the Indian Health Service complex where they rent homes and a brand new firetruck that we bought was housed at the Red Lake Fire Hall which was dilapidated and that brand new fire truck wouldn't start because it was 40 below plus wind chill. So our neighboring township was called and they came over and helped us out plus also more firemen from 35 miles away answered the call but yet the home was destroyed but the family and the kids were safe. It was terrible when that happened so that's why we seek the lease agreement from the Federal Government because they failed to meet their trust and treaty responsibilities. And like I said, we want to thank the Federal Government for... I'm always giving the Federal Government...I'm always giving them hell I guess but it's part of...it's got to be done. Somebody's got to do it. But they understand. We shake hands and move on. I want to say megwiich to Mark and Jason for allowing me to say a few words. Megwiich.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Thank you, Chairman. I believe iron sharpens iron so that was a fruitful negotiation. I think as we get these requests without a program, we're learning alongside tribes as we go through this process and I think a few key lessons is it's helpful from the tribal perspective if you know exactly what you intend to request and I think that's what made the first two successful. Then also it requires working with our facilities folks to make sure that this is within the program of requirements or POR and that's often done at the regional level so your regional office is involved. With Red Lake we had Midwest there and then with the Gila River School we had the Western Region facilities folks working. And then you have side conversations with the attorneys and the actual financing, what is going to go into this agreement. So there's different tracks of this negotiation and then as it bubbles up it comes up to our hallway and we have to get it cleared with OMB. With very vague regulations right now and the statute being as open ended as it is, we're doing the best we can within the confines of the law. If we're responsive and patient with one another, you see there's a path to success.

Chairman Darrell Seki: We have to provide the blueprints of the complex plus the firehouse. The tough part is the BIA has these regulations that are different from Minnesota statutes, same at the USDA. That's where we got our loans from and they have different kind of regulations. Even though USDA is a Federal program but they don't have the same regulations so we had to change some requirements that was requested on the Federal side and that was the toughest part because we had to find some dollars to fix those. But our team came through.

Rick Harrison: It doesn't sound like too much has happened since the July meeting. You've taken in a couple of applications and trying to see how it goes. What's the plan forward and is there anything tribal leaders could do to expedite the whole process?

Jason Freihage, Deputy Assistant Secretary for Management: I think in terms of policy that's on our side to develop. That's where we're really focusing on right now just for the ones that appear to be coming in, getting policy down for any future ones and then second is also just to Kitcki's point the budget planning side and seeing how we can deal with that. Those are our two most immediate concerns internally.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: I have two points. The first is what made the Gila River School work on the financing side was the tribe had successfully gotten included in the funding bill earlier this year report language that set aside \$2 million of a dedicated line to innovative school financing. So when the funding bill was passed, the Department was able to point to that and say, 'Oh, this is what we're going to plus into pay for this facility cost agreement,' and so it was already there and it really expedited it to the extent that you talk with Congress on your own. That's the model to look at. And then I guess this is why we also wanted to talk about this. I'd be interested to get a temperature check from tribal leaders on if it makes sense to do a listening session on the development of a checklist or criterion or if tribal would prefer formal tribal consultation. That's why I wanted to bring this up here and get a temperature check.

Chairperson Aaron Payment: You're probably going to have to do both but I would start with listening sessions to help structure what the consultation might look like.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: And us and IHS are governed under the same regulation, the Part 900 regulations and so it would have to be both agencies. Are tribal leaders open to that? A dual agency [listening session or consultation].

Chairman Darrell Seki: It's tough when we didn't have that kind of process but I recommend that that be done. It'll be a lot easier for tribes to go through these negotiations because at times we had to do some research and call the area office. Our team was calling everywhere to find solutions and they even called GSA because they do some lease agreements.

Chairperson Aaron Payment: What kind of timing are you looking at? We have our February NCAI executive council session but obviously that doesn't hit all of Indian Country. I want to be careful not to suggest that that meets the obligation. We're reminded of that.

Jason Freihage, Deputy Assistant Secretary for Management: [We could probably have something together around that time].

Eugenia Charles Newton: Hi. I'm sorry, somewhere I must have gotten lost but what would be the purpose of this listening session and the consultation? Did you...can you clarify that for me?

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: The purpose is to devise a checklist or some sort of pre-work that a tribe included in their submission for a request for a 105(l) because as we've learned in the first two go rounds, it's much easier if we have financing documents, blueprints, all of those elements that our facilities folks need, inspections, certifications and so if we devise some sort of template. And it was abundantly clear what the Department's expectation was in order to negotiate that lease and fulfill that lease. It could expedite it because I think as Chairman Seki was eluding to, right now it requires a lot of man-hours from the region, from DC, from the Solicitor's Office so maybe we can expedite these negotiations by having a cleaner process upfront and maybe some sort of notification requirement or notice of intent. There's just a variety of different things that we would be open to talking about, but this is all pre-decisional.

Jason Freihage, Deputy Assistant Secretary for Management: Identifying best practices. Again, the things that we would like to look for that identify some parameters which are useful to all of us.

Rick Harrison: That's what I was going to get to next. You mentioned IHS and you're collaborating with them, so are these some of the requirements that they're putting forward that they're asking for because I think consistency between the two agency's offices is key?

Jason Freihage, Deputy Assistant Secretary for Management: I think we're looking for it. A health clinic is pretty different from a jail so there are some limits but to the degree possible we've been trying to link up similar approaches.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: There might be various templates, right? Like one might be a justice center, one might be a school and so versus IHS who deal with just healthcare. We have multiple potential types of facilities and so it may make sense to create some sort of rubric checklist at the front end of like, okay, you want to do a school and then these are the elements of a school application.

Palmer Mosely: And of course we want to avoid as much bureaucratic red tape as humanly possible, correct?

Jason Freihage, Deputy Assistant Secretary for Management: Correct.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Amen.

Courtney Two Lance: I think it's Subpart J, do you guys give preplanning and design funds when the tribes apply for those?

Jason Freihage, Deputy Assistant Secretary for Management: Hm. It hasn't really come up. I don't know from our facilities line.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: What are you referring to in terms of Subpart J?

Courtney Two Lance: If it was going to be a 638 project, then there's preplanning, design, that...

Jason Freihage, Deputy Assistant Secretary for Management: I don't know if that's one of the cost elements within the lease itself. I guess your question is could you use some of your other programmatic funding to support that. We'll do a little research on that just to verify it. It hasn't come up before. I think that's where engaging with your regional director, your awarding officials who worked on your funding agreements should be able to help with the specifics too but we'll also go back to look at that because it could become a more universal question. This isn't unrelated because as it showed from Chairman Frazier's question, now we have a new site assessment process for education construction which really is actually getting into how are we kind of selecting and assessing our next set of schools for construction, which is another strategy for funding infrastructure. So we'll turn it over to Wallace Keays.

New School Construction Process

Wallace Keays, Office of Facilities, Property, and Safety Management: As Jason was mentioning I want to introduce a summary of our new education construction site assessment and capital

improvement pilot program. So I'm going to give you a real brief recap of the NCLB process that we executed from 2013 to 2016, the existing process just real briefly and then I'm going to get into what the Indian Affairs proposed change is and what the expectations are from that. For those of you and I'm sure most all of you were involved in some level with the NCLB process that occurred from 2013 through 2016 which brought us to the 10 schools that we're in the process of replacing now. Kind of the kick starter for that was a very well-developed, well-defined national rulemaking committee's report which was published in 2011. Most of you have probably heard of the Broken Promises, Broken Schools report. So that's kind of lays out the current process that we executed. The report was published at the end of 2011, it got adopted and it kind of got kick started as an initiative in 2013. From 2013 to about April of 2015 a lot of effort went into trying to go out and update some of the deferred maintenance that was identified for each of the different schools. The Division of Facilities Management and Construction also went through and did some space analysis of different schools all culminating in April of 2015 the identification of 78 schools that were deemed to be eligible. According to the NRC report there are two eligibility criteria. One was strictly based on the facility condition index, FCI. If the school was in poor condition, then it was added to the list. The second criteria, if the first didn't apply was a combination of the average age of the academic buildings being over 50 years and over 75 percent of the students were being taught out of portable units or temporary units. So that's how we got to the 78. Of the 78, 54 schools applied. After those schools applied, in January of 2016 10 schools were invited to come and present their justifications to a panel. And even the NRC report only required or suggested that five schools should be identified, a decision was made to select all 10 schools to go forward for development. So the net result of that was over several years' worth of effort and a lot of effort for the tribes and the schools to put together their application package, go through all those results, 10 schools were selected. According to the NRC report, if this process gets executed again, everything starts from scratch. So all that effort, all those applications that were developed previously would be set aside and an eligibility list would have to be generated and all schools would have to reapply. So that's according to the current process. What Indian Affairs is proposing is applying the intent of that NRC report as far as all the different areas that would be looked at for different schools, using that as a criteria and the only fundamental difference is what we're proposing is replacing the application process itself, which feedback from the previous iteration most schools/tribes didn't really like that part of it, is replacing that application process by a deliberative process of going out and doing a site-by-site assessment of all the schools. As we do a site by site assessment and I'll get into it more here in a little bit, we'll actually be developing for each school a site project plan which, depending on the result of that, will end up with a recommendation, and I'll talk about the recommendations in a minute, of how to modernize that school. So we get down to the purpose. The purpose of this effort is to implement a comprehensive approach to assessing the condition of Bureau funded schools. The outcome is to provide safe, secure, healthy, operationally modern and long lasting schools for our students, for the kids. The goal in summary is to get all schools on a path to good and then keep them there. As we go through the site assessments and I want to emphasize one point that's not on the slide but it should be there in bold. At every step of this process we're fully engaged with the tribe and the school to get their input. So this isn't Indian Affairs or BIE going off doing their own thing. This is full engagement with the tribe and the schools that are being assessed as we go through that process. So there's three primary parts to the assessment process. The first is really just kind of basic. It's gathering all the data that we already have readily available. So this is stuff like we've got facility condition assessments that have been performed, we've got all the data that is in IAFMS, Indian Affairs Facilities Management System, which identifies what your...what all of your deferred maintenance is. We have all ISEP counts that have been reported to BIE for the number of students

at the school, those sorts of things. So gathering all that information together and pulling it all together for the team to consider. The second one, third party contractor tactical assessments. Once the school is selected to be assessed, we'll schedule with a third party contractor to come out to the school in coordination with the school to kind of a deep dive on each of your buildings. Primary focus is on the academic dormitory and kitchen and dining facilities but they'll do an assessment across the board, call it a deeper dive than our normal facility condition assessments in looking at...for each one of the major subsystems, what is the condition of that system, what's the remaining useful life, is it beyond its useful life, those sort of things. It'll identify any additional major structural issues and pull all that together as a very detailed technical report. The third component is a coordinated onsite review of the campus. For those of you that have been selected for the pilot project, the first five anyway, you've already went through these. The onsite assessment team will come out that will take a look at the campus and I think right now they're also even negotiating with the school on the projected program of requirements, POR.

Head Councilman Joe Garcia: And all schools are assessed?

Wallace Keays, Office of Facilities, Property, and Safety Management: There's no application. Every school will be assessed and what we're doing right now is we're using the same criteria from the National Rulemaking Committee's Report which is those two criteria I mentioned. As of last month when we did the assessment, there were...no schools actually met criteria two so right now it's primarily based on the FCI. So the 10 pilot schools were chosen based on FCI and then the 10 schools for 2020, which are all listed in your packet, were also chosen based on the facility condition index. Kind of running through how the process works. Once a school has been selected to be assessed and what's listed in your packet is by order of those assessments. That's the order that they ideally will be assessed. However, if for scheduling reasons if we have to flip flop a couple we'll go ahead and do that but those are the schools that are going to be assessed.

Delano Saluskin: Who do we contact to find out what that FCI is at our particular location?

Wallace Keays, Office of Facilities, Property, and Safety Management: The facility condition indexes should be readily available to you. Anybody from your region, from the regional facility manager folks or if your school has access to IAFMS which it should, they should be able to obtain it from there too. But I would say, if nothing else, you can contact either your BIE representative or your BIA representative for your region. As we walk you quickly through the flowchart. So once a school's been identified to be assessed, the site assessment is conducted. So those three different components that I previously mentioned, that gets executed.

TIBC Attendee: Are charter schools included?

Wallace Keays, Office of Facilities, Property, and Safety Management: Charter schools, no. BIE funded schools would be on this list. At the end of a site assessment, the culmination of that effort is what's called a Site Project Plan. The Site Project Plan will identify one of four recommendations for that campus. First recommendation would be a total school replacement. Second recommendation would be some limited number of facilities, short of a full campus replacement, that would be replaced. So facility replacement. The third recommendation would be a major renovation to buildings or some set of buildings. Major renovation is more than just clearing the deferred maintenance that's in IAFMS. It would be a very comprehensive updating of say

information technology, whatever's required to bring that campus into a like-new condition. The fourth recommendation would be really just a combination of two and three which would be some facilities replacement and some major renovation. So those Site Project Plans will be presented to the Facilities Investment Review Board, the FIRB. The FIRB is a high level Indian Affairs group that looks at all sorts of different types of facilities, research management and other program related programs that are out there. So the Site Project Plan would be presented to the FIRB. The FIRB, if they say no they need more information then of course we'll go back and get more information. If the FIRB approves the Site Project Plan, then it goes forward and that project would start in its planning phase. Similar to how we've executed the NCLB 2016 schools, we start them in their planning phase and as that planning gets completed and subject to the review from Division of Facilities Management Construction for completeness, as that planning is complete, then depending on what the Site Project Plan said, whether it's a school replacement, facilities replacement, major renovation or combination of the last two, those projects, once planning's complete, then they get added to the list for that funding stream. So if it's a facility replacement, they get added to the bottom of that list and as funds become available through the appropriations, then that project gets executed. Questions so far? So our expectation and this is kind of on the next slide but this is a good summary here, our expectation is over the next three to four years every school that meets that criteria one and two...actually only one applies right now, that criteria will have an approved Site Project Plan. So the next three to four years. If you go back to the NRC Report, the 2016 executed process, what it calls for is every five years five schools will be selected. In 2016 we selected 10. So even if we selected 10 schools at a five year interval, to get every school that's currently eligible it would take over 30 years to get that far. So with this process we'll be there within three to four years and we'll "just" be waiting for funding. Just is in quotes because I can't control that. Any questions? The plan is that once we get through all the schools that meet the current criteria that we will continue this process, this will become a regular process, we'll start working through the schools that are in fair condition and even the ones that are good because remember the goal is to get all schools on a path to good and to keep them there. So at some rate, in the future we'll continue to execute this process and while there might not be a lot of school replacements at that point because we'll already be doing it, there may not even be a lot of facilities replacement because we'll already be doing those, those major renovations and the purpose of that major renovation is to extend the life of that facility, at some point they're going to have to start being replaced. So we continue this process so we can keep an eye on those and we can identify those as a future need.

Head Councilman Joe Garcia: So those schools that are not being addressed, as they fall in the fair to poor, while you're fixing the poor those ones that rated fair will be deteriorating probably at a faster rate than the improvement that you're making on the poor ones.

Wallace Keays, Office of Facilities, Property, and Safety Management: Correct. They will continue to deteriorate. Now we're still doing deferred maintenance because we're still going to be addressing problems as they occur. So there will still be a deferred maintenance program.

Head Councilman Joe Garcia: So if we improve at a faster rate than the deterioration rate then we're doing good. If we're not, then we're still where we are when we started at least for those facilities that are falling to the bottom of the list.

Wallace Keays, Office of Facilities, Property, and Safety Management: We will be much further along than we were because as all these schools get teed up in their respective replacement or

renovation funding streams, they will be fully modernized. As we get down into that fair range, like you said, on an annual basis... I forgot to mention that, sorry. On an annual basis what we intend to do is using the fourth quarter facility condition index data, in October...and you saw this in Albuquerque...in October we will generate the list of schools to be assessed in that upcoming fiscal year. So in October...we briefed this at the NCAI conference and literally just days before that we developed the FY2020 list of 10 schools that would be assessed during FY2020. The FY19 pilot program 10 schools will be assessed first and then those 10 will be done after that. But as we do that year after year, like I said, that's how we get to the three to four years from now we will have worked our way all the way through the schools that are currently in poor condition or become poor because at the end of the fourth quarter, September of 2020, we will come up with the FY2021 list and it'll be based on that fourth quarter data. So any schools that have deteriorated even further, there'll be changes to that current list. What you'll find in your briefing packet, it's not going to come up on the slide, but in the next section you'll see a full list of schools and that starts off and shows you the 10 schools that are part of the pilot project program and then it'll also show you the next 10. These are the ones selected for the FY2020 program. And then I think it's right after that, if I'm not mistaken, it lists other eligible schools and there are 37 of them. I may have them reversed but I think there should be a list of 37 additionally that are eligible. Then in that same list, there are 22 that are eligible but they're already being addressed in some way. They're part of the FY2016 list, they're part of the 2004 list or they're doing a major renovation or replacement. Yes, sir.

Head Councilman Joe Garcia: One more question. What's the assumption of the funding rate? What's the funding rate looking like in order to do this and the next big if is if the funding level were all of a sudden by magic increased or doubled or tripled, we could do this in shorter timeframe or no.

Wallace Keays, Office of Facilities, Property, and Safety Management: We will apply the funding to whatever degree that we get it. If we get a balloon of funding, we'll love it and we'll tee up for it and we will get the projects done.

Head Councilman Joe Garcia: That's my question. What is the assumption of funding level if you're going this rate?

Wallace Keays, Office of Facilities, Property, and Safety Management: We have not made any assumptions on the amount of funding. I do know and I know Jason or Mark can back me up, that there is high interest in the Congress to get this done so as we provide that more information, I would not think that funding would go down from its current level, it would probably increase.

Head Councilman Joe Garcia: The point I guess would be that at some point in time if you don't already have it you should have an estimate of what it's going to cost to upgrade these schools and then the next ones that you said were going to be next in line. So there's that cost estimate partly and so that would, in my thought would be the assumption that you're getting that amount of funding.

Wallace Keays, Office of Facilities, Property, and Safety Management: The Site Project Plan that is the culmination of the assessment part, that comes with a cost estimate. Continuing on that list of schools you have in front of you, the last set is, I think there's 100 schools that are not eligible, if you will, there's 100 schools in here in good or fair condition so that's the only reason why they're not

eligible. Any other questions? If you do come up with questions or you'd like any kind of follow up, we've set it up if you email them into us we'll address them.

Kee Allen Begay: I don't know if you could be able to answer this question. I've been asking how does the school construction, how does the living quarters or teacher housing being considered in all of these schools because some of the schools from Navajo, a lot of these housing...I don't know if you've seen them but they're all boarded up but yet we continue to say we want high quality teaching environment. But if we have an individual that will be coming wanting to teach on Navajo, yet we don't have any other area for teachers to reside, we end up having a lot of turnovers within the area. So within my community, which was Many Farms, Arizona, we have about 100 housing, school housing. Almost...more than half, maybe even 2/3rds of that housing are all boarded up and we continue to push to say that how is improving schools, adding the plan to upgrade all these teacher housing being considered or being incorporated in the school construction?

Wallace Keays, Office of Facilities, Property, and Safety Management: As part of the site assessment process as we go through and we look at Many Farms, we'll be looking at the number of teacher housing there, the condition of them. Any of them that may need to be demolished because you said they're boarded up and they're frankly a hazard but we'll identify what the need is there and as part of that Site Project Plan we would identify the additional teacher housing that may be required for that. Currently, it's just kind of the way the process is, when we do a school replacement, we can do teacher housing as part of that. We've just recently initiated a funding line for new school housing, new teacher housing under the school construction line so we just...we put a wedge in the door and now we need to provide the data to get those...get that funded at the level it needs to be. Anybody else?

Tony Dearman, BIE Director: I think it's important too because Head Councilman Garcia was addressing the fact that with what the presentation...I want to make sure that we're clear with this. Chairman Garcia's question was, 'Well, what about the...if the facilities are in fair, if we're not addressing their needs they're going to go to poor.' Well, we're going to continue addressing the deferred maintenance needs to really support the schools that are in fair so that they don't go to poor. I wanted to make sure that I shared that. This isn't just a one focus concept. We're still hitting the deferred maintenance across all the schools.

Chairman Ron Allen: I think this is very helpful to figure out where we are and how we're trying to get ahead of the curve here. Thank you, Wallace. Let's go to the Energy Initiatives and Resource Update. Morgan.

Office of Indian Energy and Economic Development Update

Morgan Rodman, Acting Director, Office of Indian Energy and Economic Development: I will keep this brief. No pressure, Chairman Allen. I just want to say hello. My name is Morgan Rodman. I've had the pleasure of working with many of you before. I'm Cherokee and Osage from Oklahoma originally and I've been serving as Acting Director for Indian Energy and Economic Development for about five months now. I'd like to first thank the tribal leaders for traveling here and for your leadership day in and day out advocating for your people and also for Indian Country. I'd also like to thank my colleagues for traveling here as well and for your collaboration on various initiatives. Today I want to refresh the conversation a little bit about what Indian Energy and Economic

Development is and to highlight some of the resources that we have for basically all across the spectrum supporting economic development for tribes and for individual Indians. I forgot to mention two of the division chiefs are here with me as well. Steve Many Deeds, he's the Division Chief for Energy and Mineral Development and Jack Stephens for Economic Development. They've been with IEED since the beginning, since 2005 and both have taken turns in the acting position. For any technical questions I may ask the experts there. Today, I'll be sharing resources and some of the programs that we have in new initiatives and to get feedback from tribal leaders about the direction that we're going and what we have to offer. The main thrust of IEED is of course supporting tribal economies and we do that primarily through energy and mineral development. We do that by application of established business practices and entrepreneurial practices and I'll get into details about how we do that in just a bit. We also offer technical and expert advice and of course funding.

The organization of IEED breaks down basically into three divisions and that's the Division of Economic Development, the Division of Capital Investment, the Division of Energy and Mineral Development and just for orientation sake so you know where we are in the grand scheme of Indian Affairs, IEED reports to the DASPED, the Deputy Assistant Secretary for Policy and Economic Development, Mark Cruz, who of course is under the Assistant Secretary of Indian Affairs, Ms. Tara Sweeney. So the Division of Economic Development, not surprisingly, it promotes business best practices for tribes and for those that are interested in investing in Indian Country. One of the ways that this division does that is through developing perimeters. There are 20 perimeters online right now and they touch upon a wide spectrum of basically business advice, entrepreneurial advice both for tribal people but also for those not maybe that familiar with investing in Indian Country and some of those can be mailed out as well but they are useful. We've gotten some compliments on those and we're looking for further outreach in that area. Also the Native American Business Development Institute Grant. It's also known as the NABDI Grant and this has been around since 2006, I believe. This funds feasibility studies. So all of the funding within IEED funds feasibility studies and what this particular one does is it...we receive proposals for business ideas and they run the whole range. So we have ideas for RV parks, call center development centers, we have hotels, I think we had one this year for a kelp farm I believe. And so the feasibility studies basically scope out, is this doable. These are the considerations you have to have if you want to make this successful and those can be pretty expensive so that's what that grant funds are there for. Also within DED, Division of Economic Development, we support the NATIVE Act and so the NATIVE Act is the Native American Tourism and Improving Visitor Experience Act. That was passed in September of 2016 and it looks to leverage Federal resources to support tribal engagement with tourism. Across the Government there are already various agencies that deal with tourism or that have relevant programs. National Park Service is one of them but even outside of Interior there are others and this law says that all of those agencies have to include tribes in those programs. And DOI and Commerce are the two leads for this law. The law also says that third party organizations, a tribal organization that has experience with tourism has to be involved and they're the ones that basically bring in other tribes and identify where are the areas of need for tourism and what technical assistance is needed. And that group is AIANTA, the American Indian Alaska Native Tourism Association. They're the ones that have the cooperative agreement and the MOU and they are working right now on their plan for tribal engagement and to help identify those resources. And the last thing, this is a new one, this is a new grant. It's the National Tribal Broadband Grant and this was announced about two months ago at the National Tribal Broadband Summit. This also funds feasibility studies and this is going to be upwards of \$1.2 million and so that will fund a number of

feasibility studies for those places in Indian Country that have a challenge connecting. Connectivity is a big problem and it's one of the foundations to having prosperous business and in sectors such as healthcare.

Chairman Ron Allen: Is that planning money or is that construction money?

Morgan Rodman, Acting Director, Office of Indian Energy and Economic Development: That's planning. So that'd be feasibility study. All of the grants that IEED has are for that planning stage. We're working on the announcement for that so that should go live maybe even as early as the end of this year and we hope to promote that through as many channels as we can including this one to make it just really accessible. The Division of Capital Investment is charged with overseeing the Indian Loan Guarantee and Insurance Program. This comes from the Indian Financing Act of '74 and the idea behind this is historically Indian people and tribes have had a challenge getting access to capital for business. A number of reasons for that but what this program does is that it offers incentives for lenders, for private entities to engage with tribes and it does that by offering guarantees and insurance up to 90 percent. So if the loan defaults, if everything were compliant with the regulations, then the bank could get up to 90 percent of that loan back. And this has been successful. It's funded everything from startups to construction to lines of credit and the loan guarantees are for the bigger projects. The loan insurance programs are for everything \$250,000 and below. We have contact information at the end of this presentation and this can really spur a lot of activity for...maybe some people this is a way for them to get out of a stressful situation and start a business. This can help do that. So we hope to have more outreach on what this program does. In this last fiscal year we obligated over \$165 million for that ceiling for the loan insurance and loan guarantee program.

The biggest division within IEED is the Energy and Mineral Development Division. If you were to boil down what this division does, primarily it is offering technical and expert advice and funding. It's really like a...I've heard Steve describe it as a consulting firm in terms of composition but also...mostly in composition. Geologists, engineers, marketers, economists. And so when tribes or individuals come to us and they want to know if there is a resource there, we help them with that. This is everything pre-development. So before any construction, before any drilling, we help identify, is it a marketable resource? And this is both renewable and non-renewable and provide them with as much information as we can to make sure that moving forward they have the information that they need for all the development questions. We also act as liaisons between private industry and the tribes and support negotiations as well. We're actually statutorily obligated to support those activities and we support negotiations primarily by making sure that the tribe has what it needs to be on more equal or equal footing with private industry. We have two grant programs. The Energy and Mineral Development Program and the Tribal Energy Development Capacity Program. One of them deals more with assessing whether there are resources at a location, that's the EMDP Grant. And the other looks at the managerial, the organizational and the development capacity of that tribe so more of the structural component of that. And both of those fund feasibility studies as well. One quick plug also for NIOGEMS. The NIOGEMS system was developed by DEMD and it pulls information about oil and gas wells from not just Federal databases but outside of Federal databases. It pulls it into one location. Those are available at the agencies. Not at all of them right now but the goal is to get them as many of the relevant locations as possible. So individuals can come to those agencies and tribes can go to those agencies and get that information. Steve, do you want to comment on the NIOGEMS system real quick?

Steve Manydeeds, Division Chief, Division of Energy and Mineral Development: Yeah, real quick. The NIOGEMS 4 has just been released to the Federal agencies. We're in the process right now, I believe we're sending trainers down to Southern Plains to train your users down there. We're going to Southwest in the Four Corners areas after that, Ft. Berthold after that. So we're going to just go down the line here as far as training our Federal people. There's about 15 tribes that do have NIOGEMS on their systems right now that have already had version four and we're gearing up to try and get another 14 reservations onboard there. Again, for the reservations, you get tribal information, you don't get allotted information, so you can manage tribal information.

Morgan Rodman, Acting Director, Office of Indian Energy and Economic Development: This is a snapshot of how the energy process works within Indian Affairs right now. You can see that the progression starts with the resource identification and the project management. So again, what's at the location, is it viable, how close is it to market, how close is it to a grid, how much would it cost to develop? Then of course if it is viable, you have negotiations and that's where we also assist. And then we have one other component that deals with energy in Indian Affairs and that's the Indian Energy Service Center and you can see at the right of that with the orange arrow, they come in primarily when it comes to the actual permitting, the actual monitoring, making sure that everything is compliant in a regulatory manner and they play a very important role. They're actually in Trust Services within BIA and we work very closely with them. One of the questions in moving forward that we'll be posing to tribal leaders is looking at that relationship between the two organizations, IESC and then our organization, DEMD, and hearing, what do tribes want from energy programs from Indian Affairs, how can it best fit the current need for tribes? We'll be having more conversations on that but I know that there are good recommendations out there and we're going to seek those out. And this slide is just is a snapshot of the impact of energy development in Indian Country. This information came from DOI's Economic Impact Report that came out I believe last month. You can see some of the huge figures in these graphs and for those that can't see I'll just share a few bullet points. Basically, energy development in Indian Country is the second largest economic driver behind gaming. For FY18 energy development had an impact of \$6.32 billion and it created 44,300 jobs and that's just in Indian Country. The Department dispersed two tribes and allottees over a billion dollars in energy royalties last year and it's on pace to exceed that for FY19. So this does not actually include renewable either, so renewable energy is a huge component of this and that's an additional \$100 million in value and about \$171 million in economic output.

Head Councilman Joe Garcia: The key word I was going to ask about is the renewable energy. I didn't see anything on the grid, improvement and renovation of the grid and I think that if everybody did their part on renewable energy that energy has to get from the source over to the distribution center and to the user but you need the grid, a good grid in order to relay the additional energy. But the grid's in such poor shape throughout the country and a lot of it runs through Indian Country. I'm thinking about New Mexico. Every part of the grid in New Mexico runs through one of the pueblos but if the tribe were to take initiative and help build the grid and put some financial and technical expertise in place they could benefit but that model then would also be used throughout Indian Country in the nation but I don't know who's doing any of that. It's an idea and it's a great place to do economic development and technical development to build the capacity within the tribes and this might be a place to begin to do that, to promote that. Please call me if you have any thoughts or any questions about it. Joe Garcia.

Morgan Rodman, Acting Director, Office of Indian Energy and Economic Development: Steve can comment on this but one of the areas that is being looked at within IEED or within DEMD, the Division of Energy and Mineral Development, is tribal utility authorities. We're seeing that as an idea that's gaining more traction. So tribes coming up with their own entity basically to control more of their energy and so that could address I believe some of that grid challenge. Right, Steve? Do you have a comment on that?

Steve Manydeeds, Division Chief, Division of Energy and Mineral Development: Yeah. One of the things when we sit down and talk with a tribe is, what are your goals, what are you trying to do, what do you want to accomplish and often it has nothing to do with generating power and sending it over. They're worried about jobs, they're worried about their people paying too much in energy costs or whatever. So we kind of look at it from the standpoint of, what are you trying to accomplish, what do you want to do and how can we fit energy into helping you solve your problem? In some cases it's just heating our homes in which case there's a bunch of other problems associated with that. So we do look at a bunch of things and really try to address what the tribe wants to try and do. A grid... And we've had this conversation several times with several tribes having tremendous renewable energy resources on their reservation but the problem is how do I get that from that reservation to the nearest population center which would be LA or one of those other places and that costs a lot of money. When you talk about utilities, which is a whole different can of worms and DOE gets involved in that, pipelines historically are governed or regulated by Federal agencies. Power lines are regulated by the states and local economy. So every time you do a power line, it can sometimes...they tried to build a power line from Wyoming down to Las Vegas. It's been 20 years now and they still haven't gotten all the permits. So it's a long, arduous process to try and just fix the power lines. Yeah, power lines is a whole different animal.

Chairman Darrell Seki: What opportunity is there for advancing solar energy for tribes?

Morgan Rodman, Acting Director, Office of Indian Energy and Economic Development: We do have solar projects. Within DEMD there is a branch devoted just to renewable energy and so some of the latest solar projects that we're working on, Steve, can you address that?

Steve Manydeeds, Division Chief, Division of Energy and Mineral Development: Sure. So again, it goes back to what are you trying to solve. You're from Red Lake, you're concerned about power up there. Generally power is a fairly inexpensive thing up there. Usually what you're more concerned about is again, everybody talks about power and immediately thinks about electricity. We also think about BTUs, heat. And so how do you heat your home is usually a big problem that we run into particularly in the northern states and so there's a lot of different options available that are better than solar. I really want to point out that when we talk with you, picture a carpenter and you go to the carpenter and you say, 'I want you to build me a bookcase.' And you look in his tool chest and the only thing he has is a saw. You're probably not going to get a really great bookcase. You want to look at all the tools available to you and so when we sit down and talk with you about what you're trying to accomplish, we want to make sure you know all the tools that are available to you so we can get the right fit for you. So if solar is one of the solutions, then yeah, we can do solar and there's a bunch of different options available to you.

Chairman Darrell Seki: Currently we have a project on solar energy plus we want to include wind energy. That's why I'm asking what is the opportunities for helping tribes on projects.

Steve Manydeeds, Division Chief, Division of Energy and Mineral Development: Yeah, we've looked at all those and again, I'd go back to what's the problem you're trying to solve? What are you trying to accomplish? Is it jobs, is it trying to provide cheap power for your people? What are you trying to accomplish and then we can sit down and talk with you about it.

Chairman Darrell Seki: Our idea is creating jobs and self-sufficient on energy. Instead of relying on Beltrami Electric who monopolizes our electricity and disconnects during cold months and all that so we want to provide our own energy for our people. That's the goal.

Morgan Rodman, Acting Director, Office of Indian Energy and Economic Development: Chairman Seki, that fact pattern or what is the challenge at Red Lake, it's not that dissimilar to others that have come across the DEMD's table recently or even in the past few years. I think the process for whether it's solar or whether it is wind or even hydropower as far as renewables go is that when you contact us, DEMD, then we will make sure that we have the right experts to help scope out, 'okay, this is what the situation is at Red Lake, these are the challenges that we would have to consider and this is the funding that's available.' So it would be a tailored or more of a specific approach for Red Lake, for example.

Terry Tatsey: Where we are located in North Central Montana, we are at the end of a service line that is provided by Bonneville Power Administration and one of the discussions that we've had with our local co-op is if the tribe could ever get support in building that transmission line and I will ask my colleague from the Blackfeet Nation who worked for Glacier Electric for close to 30 years to talk on this but because of the agreement of the co-ops all along the high line in the State of Montana which is probably a good 200, 300 miles down the high line from us, have to have these agreements in place for their next service to this distribution line to the customer and these power purchase agreements and all those types of things in place. What we've been looking at, because a lot of this property in the right-of-ways, they exist currently where a smaller transition line goes through and there's some talk about how the tribes benefit from the Hungry Horse Dam project which is a hydroelectric project. We haven't done a full feasibility study but there's a short window that we have to think about and I'm going to ask Mark to come up and talk a little bit about the discussion we've had with our local coop because if we could have agreements with these cooperatives, electric cooperatives down the high line where if we were to build a grid through our reservation on the existing grid and over to Hungry Horse which would basically provide a constant source of power. In that same time we're looking at...we're doing feasibility studies on wind and solar that would have that distribution line that would shorten the benefits of the customer along the high line through the energy sources to actually marketing the energy reproduced through the system that would hope to build and maintain that level of production through the Hungry Horse Reservoir. So Mark, would you talk a little bit about kind of what we've had those discussions on?

Mark Pollack: Hello. My name is Mark Pollack. I'm a member of the Blackfeet Tribal Business Council. What Councilman Tatsey was talking about is he's exactly right, where we live in the northwest corner of Montana we are on the very end of any kind of line that supplies electricity to the Blackfeet Reservation, Glacier National Park. In talking with the general manager of Glacier Electric Cooperative, we discussed building a transmission line from Browning, from the Blackfeet Reservation across the mountains to tie into BPA's lines, transmission lines that generate out of Hungry Horse Dam. Glacier Electric was very excited about it and they said, 'We'll get behind you

and do anything that we can.' He's also been talking to other cooperative general managers to see what kind of interest, what kind of help could be generated to make this thing happen. We are uniquely positioned with the water compact that was settled to also generate electricity through solar and hydro and that's why it has become a reality for the Blackfeet Tribe. Also with the confederacy that we enjoy with our sister tribes in Canada, we have been in talks with them to possibly bring electricity transmission lines down from Canada to tie into that. So this could be a very real possibility. Now the 2028 contracts that Terry is talking about is the contracts that the cooperatives have to sign with BPA and WAPA in the coming years for further continuance of delivery of services to the cooperatives and in turn to every member that it serves. In listening to the discussion a little bit earlier it sounded like the discussion seemed to be about providing electricity specifically to a particular area in regards to let's say Minnesota solar power to make sure that electricity is provided to them. This is the type of situation I believe that we really need the interested entities and agencies to get onboard and take a look at this because it is something that is doable. I believe that the miles of transmission line right now to get through the mountains would be just a little over 60 miles, approximately 70 as the highway goes. The possibility is there, it is very real. Please understand one of the things that as we are at the end of the line for any kind of electricity, there's no kind of tie line. If anything ever happens, which it has... I did work for Glacier Electric for 33 and a half years where we lost a substation, we were screwed to put it gently, and this happened in the wintertime. It was only through the graces of our operations manager at the time is an enrolled member of the Blackfeet Tribe, he had the smarts and the ingenuity to jerry rig something to get electricity back to Browning. If we had a tie line and a transmission line to come in, we wouldn't have been in that position because we could have fed electricity from a different direction and powered up several other substations to keep the power going continuously. I do have to disagree and agree with the statement that was made about it takes forever to get a power line built. We had the MATL line which is the Montana Alberta Tie Line which came down from Canada into Montana down into Great Falls and tied into Northwestern Energy, WAPA's energy system to push that electricity on down to where it was sold which was probably down into California if I remember correctly. There's no reason why a tribe should not be able to provide those same services. I wanted to get that information out there and make sure that people kind of understood the situation that we're in and the possibilities that can be done. Thank you.

Morgan Rodman, Acting Director, Office of Indian Energy and Economic Development: Thank you for that, Councilman. If you and your colleagues have more detailed questions for us, we can take those too after this and see if we can support that situation.

Chairman Russell Attebery: Buster Attebery, Karuk Chairman, Northern California and I should be able to go through this pretty quick. I had the pleasure of having lunch with Steve and we had plenty to talk about on this subject and so I have two issues. One is I've been asking for quite some time for people to come out and visit our area, people from the Department of Interior. I understand the busy schedules and you probably get calls to go visit a whole bunch of people but we haven't been waiting, per se, for that opportunity. We've been doing our due diligence and in the meantime we've developed a climate adaptation plan that has just come out on our Karuk website and it's a very comprehensive plan that includes all the dos and don'ts for using fire to reduce the fuels that cause the devastating fires that we have. This plan is 1,000 years old. This is a plan that the tribal people in this area have used for 1,000 years. The reason that we have all the fuels for fires that we have now, today, is because nobody came in and consulted with the people who live in this area. I can remember growing up as a kid there, there was a lightning fire that Mother Nature, that was her way

of reducing these fuels but I think the intent was good but the Forest Service decided, 'Gosh, those are going to burn...it's going to burn up the trees and we're going to lose money.' Little did they know they were actually starting a process that was going to cost them to lose the trees. If we did let Mother Nature and the Karuk tribe's years of best practices take place, we wouldn't be having this problem today and I can comfortably say that. In the process we've built a climate adaptation plan. Like I said, it has all the dos and don'ts of ways to protect and preserve our forests. There was a myth that...and yes, the Karuk Tribe didn't like the logging practices that were going on back in that day. Again, they were putting out the fires that we had used thinking they were protecting the trees. There was clearcutting going on that left large scars in our landscape. So the myth was that the tribe didn't want anything going on, they were environmentalists, they wanted everybody to leave the forests alone. Couldn't be further from the truth. Tribes all across the country, whenever they say a prayer, Mother Nature's included in that. It's the same with the Karuk Tribe and we just didn't approve of the logging practices that were going on. And again, 100 years ago when they made it against the law for us to use our practice of reducing those fuels is the reason we have what we have today. We've developed through this adaptation plan a TREX program that actually trains different agencies how to use fire to reduce the fuels. We support logging practices. Logging practices like when roads are built we don't have economy in mind first, it has ecology in mind first. The economy will follow. So when I say that, if you build roads into where you want to do a logging project, you just don't cover over a stream or tributary that's going into the river. You enhance that tributary or stream. You put in culverts, you do what's necessary to enhance that. So over the years that was the practices. It was all money first, we've got to get in there, get these trees, get the money and we don't care if there's streams and creeks and what have you that we cover over and stop. So the byproduct of this that Steve and I talked about will...there could be a possible biomass or co-generation project that we could do if we do these logging practices. There could be a small sawmill that's put back in areas. When I was growing up there was three large sawmills. We went from a robust economy to doing absolutely nothing which is just totally wrong in the minds of the people who live there. We do have these projects, we do need infrastructure funding capital to start these programs going. Like I said, we have developed this plan. We would love for somebody to come out and visit and take a look and see if what I'm saying is feasible. We know it to be. So the other one is the water that you talked about. The Karuk Tribe resides on the Klamath River. We're the second largest Indian tribe in California. 50 miles down the river from us is the Yurok Tribe and they're the largest tribe in California. They also reside on the Klamath River. And then another 25 miles down is the Hoopa Tribe and they also use the Klamath somewhat, although they're on the Trinity River. The largest dam removal project in the world is going on right now on the Klamath River. It's been in the works for years. There's a lot of opposition, also a lot of support. The reason that this project is, is when it was put in and again, it's slated to take out four dams. The lowest dam has no habitat passage; fish passage, anything like that. There's two dams above it that does have that capacity. I don't know if that makes sense to you but it doesn't make any sense to me. So again, the options were to...they were privately owned dams. Warren Buffet owned them. The options were to take the dams out or to renovate and relicense. So it was going to cost more money to renovate and relicense so money talks and the result was to take them out. The Karuk Tribe, either way, we were going to benefit. So what it's going to do for us is open up almost 400 miles of fish spawning grounds. This will help and I'm giving you this scenario because the Klamath River is probably in the worst condition it's been since its existence, since it's been there. Water quality is very poor because the lower dam creates a blue-green algae that's released. It doesn't have any cold water release in the bottom, just over the top where it's warm water. In 2002 60,000 to 70,000 fish died on the shores of the Lower Klamath River due to low water flows and high temperatures. So we're in a state of urgency right now to get

this repaired. One of the issues is there's three main tributaries—the Salmon River way downriver, the Scott River above the Karuk headquarters and the Shasta River out in the town of Yreka.

My ask is to have somebody come out and visit the area. We need funding for infrastructure. We need funding for off-stem reservoirs on these tributaries. We need funding for...there's another story, upslope projects where we used to use fire to reduce the fuels around the communities so that created a good snowpack when it snowed. When we couldn't use fire and we couldn't do that, then the snow sit on and melted and we didn't have that for the summer. So these are projects that we need to implement again. So my ask is for somebody to come up and take a look. Is there funding available for us to do these projects because we're on the verge of the salmon becoming extinct and the river becoming not usable.

Morgan Rodman, Acting Director, Office of Indian Energy and Economic Development: Thank you, Chairman. And for anyone that has other specific questions about their location, we're here and if it's not today, then we'll schedule something as well. We're going to be here for you.

Chairman Ron Allen: We appreciate it. Buster's example is felt all over the place. It just shows that we need greater awareness by the Bureau and your program in terms of how we can be better managers of the resources and have better economic development plans. What kind of options do we have? We've got Kee Allen.

Kee Allen Begay: I guess this is just a general statement while all our regional directors are here. How can we even begin to streamline? There's a lot of obstacles of policies in the CFR that all these are available, it's very interesting that we could be able to utilize but when it comes to start asking and requesting they take out a whole book of listings that this is required, you've got to change this policy, you have to follow these procedures and so on. I don't know how the economic development and the regional office would really streamline some of these economic development opportunities throughout Indian Country. For example, the Navajo Nation, we continue to provide electricity to our communities. I'm not putting our regional office on the spot but a lot of times we've got to wait, wait, wait, wait for right of way. What happens? How long is too long for a right of way to be granted or to be responded? Road construction. Those are some areas...and broadband. There's a lot of regulations that are in place at DC level. So how can BIA provide a recommendation so that a nation could just easily have access to all these available funds? And a lot of times it's just like each of the tribal government are the only ones that have to apply rather than someone like for example Navajo Nation has 110 subchapters that they would be able want to apply for additional funding because as a tribal council we require our local chapters to seek additional funds but when they do, they come back and tell us that they're being told that, 'Well, you have to go through your own tribal government to have access to these funding.' I guess maybe the newly created subcommittee of the Natural Resources could be able to look into these areas to see how BIA, the Assistant Secretary could be able to help provide information to say, 'Okay, these are the CFRs that really need to be looked at.' And especially like for example there's grazing. Navajo Nation has a bigger issue about grazing because you talk about economic development, you have these individuals, Navajos live as their livelihood grazing but yet the BIA gives them only a certain amount of permits, number of sheep units. So those are some areas that I think that if we say that we want to do this but yet there's a lot of restrictions on it. And then yesterday one of my colleagues, Mr. Smith, made a comment about a certain area and we had the Navajo Hopi Land Commission that turned in a request for funding but we're being told that we have to go through certain areas or certain things isn't being

available to our request. I'm not really saying that this is unnecessary report but my point is how and when can we actually also... Kitcki always indicate that this is a Tribal Interior Budget Council but these are fundings that are available and maybe that's some of the reason why we get a lot of these fundings are being carried over to say that, 'Well, we couldn't be able to meet the deadline to get this processed so our fundings are lapsed.' That's another area as tribal co-chairs maybe an area maybe could be able to continue on the side work on behalf of our tribal nation.

Darryl LaCounte, BIA Director: The regulations are based off of laws and so if you have issues with the regulations and the law, that's a congressional thing. That being said, has the Navajo Nation passed any kind of laws within their own jurisdiction addressing the problems we have with rights-of-way and usually it's consent from fractionated lands and I've encouraged tribes to try and assert their jurisdiction in that area. We have nothing that we can help you with but perhaps you can yourself. You could adopt state prescriptive standards or you could create your own if that's what's holding up these rights of way and it's generally consent when it's on Navajo along with some NEPA issues. And so I'd challenge the tribe to step up and assert their jurisdiction and say, 'This is our reservation, and when we're trying to get power to the people, that's for the good of everybody and one person shouldn't be able to hold it up.' So I would ask tribes, step up, let's try it because we don't have the relief that I think you may have. I'm glad you brought that up because I'm glad I got an opportunity to say that here. I've said that to many tribes that I have worked with in the past but I'd like to see it happen and see what happens. If you truly are a sovereign nation and it does mean something, then why can't you put your own laws in that address the problems that the Federal Government can't seem to address?

Chairman Ron Allen: Great points. I know Red Lake exercised their jurisdiction. I had to get a passport to even get on their reservation. Signed by Roger Jourdain and I'll bet it's still good. Anything else for Morgan? Did you have anything more you were going to update, Morgan?

Morgan Rodman, Acting Director, Office of Indian Energy and Economic Development: No sir, that's it.

Chairman Ron Allen: Thank you. I know that a lot of...there's a lot of issues that people brought up that are hopeful that Morgan's shop and some of these opportunities that he has can be utilized in your communities. Thank you for giving us an update.

Old/New Business

Chairman Ron Allen: Tyler, any actions that we need to follow up on? We have a list of stuff in our materials, right?

Tyler Scribner: So for the sake of time if you're just looking for those to be followed up on, there was a resolution passed, it's titled TIBC-19-001. There is a request for a technical amendment from the Navajo Nation that's been received. The long of the short is there is a 'whereas' clause that cites to the Johnson O'Malley Act and they're requesting a technical correction to that whereas clause to say the Snyder Act as opposed to the John O'Malley Act. I believe it was a result of when we expanded the scope during the last meeting to include other education line items to not be zeroed out. So Navajo Nation has sent a letter seeking that technical correction.

Chairman Ron Allen: That resolution we passed at the last meeting?

Tyler Scribner: Yes. It's been passed and sent out and they're looking for a technical amendment.

Kee Allen Begay: Could we request for a motion in favor of the amendment?

Chairman Ron Allen: Yes. So moved, Navajo? Okay. Is there a second to that technical amendment?

Palmer Mosely: I'll second that motion.

Chairman Ron Allen: Okay. Palmer. Further discussion? Any objections? If there's no objections, then that motion is approved and so you can make that technical amendment to that resolution, Tyler.

A motion calling for a technical correction to TIBC-19-001 carries.

Chairman Ron Allen: Anything else under old business?

Tyler Scribner: As far as needing immediate action, no, sir. There are the two draft letters that came out of this meeting. Those were provided to you all during the break earlier this morning. There's the draft letter to the Assistant Secretary and the draft letter to BIA or BIE. The recipients were to be determined.

Rick Harrison: So on that note, after the meeting adjourns we want the tribal leaders to stay to have a tribal caucus, hopefully a very quick tribal caucus to go over those letters.

Chairman Ron Allen: They're pretty well vetted. I think we've got most of the edits in. We've just got to make sure that we're clear on who we're sending it to so that Rick and I can sign off on those things. So that takes care of the old business. New business, do we have anything? Mark? Oh, we've got to deal with the future dates. Do you have anything under new business? We need to talk about the future dates.

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: The only new business would be that call with Census next week and we'll work with NCAI to get that information out.

Chairman Ron Allen: Okay. And try to get them to come to our next meeting in March so we can get an update?

Mark Cruz, Deputy Assistant Secretary for Policy and Economic Development: Okay.

Chairman Darrell Seki: I've got a recommendation. Not to have TIBC meetings on the second Tuesday of every month because we have our regular tribal council meeting on Tuesday, the second Tuesday of every month. That's why I was late yesterday. We had a council meeting.

Chairman Ron Allen: So Tuesdays are hard for you guys?

Chairman Darrell Seki: Yeah, are hard for Red Lake.

Jason Freihage, Deputy Assistant Secretary for Management: The other thing too is later in March is better. President's budgets have been increasingly later and later. If it's too early in March, it literally could be the same week.

Rick Harrison: So the problem with that is because initially we did want to do it later but trying to book a location, there wasn't any place available. That's why it's moved earlier in March.

Palmer Mosely: Rick, I just want to say one thing about the Census information. Census Day is April 1st, 2020 so depending on what is said or what we are told, it's a short turnaround for Census Day. So just have that in mind.

Rick Harrison: Mark Cruz just said he's trying to set up a conference call next week for us with them to get information ahead of time and if they can get them here in March at our meeting that'll basically just be an update.

Chairman Ron Allen: right now we're scheduled early March and I'm just double checking here with the hotel arrangements but what if we did it that very last week of March that bridges April? Is that too late?

Jeannine Brooks, OBPM Deputy Director: No. That's fine. That's what we would prefer.

Holly Naylor: Mr. Chairman. Apologies. The issue with the March dates is that is the main week that the hotel has availability. So of the 16 properties that we reached out to in the DC city limits for the meeting, only one responded with a bid. All the others declined and that was the Washington Plaza that we're at now. And so it was the week of March 9th that they had availability for the spring.

Chairman Ron Allen: They didn't have anything in that last week into early April?

Holly Naylor: No, sir, they did not.

Jeannine Brooks, OBPM Deputy Director: Did we look in Virginia again like we used to do? Because we used to go to Crystal City.

Holly Naylor: We absolutely can, yep.

Tyler Scribner: One of the options we could entertain is a venue that doesn't include hotel accommodations on site, potentially in the District or going across the river perhaps to Virginia. Those are tentative. We would still have to bid those but those are essentially our only other options for that March/April meeting time.

Chairman Ron Allen: What we need to do...right now we'll hold the 9th and then if we can find another location later in the month or early April, Jeannine, that will work. So we'll coordinate with your office to make sure if there is another option here. Does that work Holly?

Holly Naylor: Yeah, that works great.

Chairman Ron Allen: So we'll try to find another date later if we can. If not, we'll still hold the 9th because we've got that one locked in. Now we have to...the other dates that was a challenge is the October. We have a tentative date October 27, 28, 29 and that was a problem. Is that right, Rick?

Tyler Scribner: So it was another bidding circumstance where the only availability was October 20th through 22nd. Same 16 solicitations for bids, one reply with one set of availability.

Holly Naylor: We can look at the week of November 2nd or we can move into December, the week of December 6th or December 13th.

Chairman Ron Allen: If you do it on Thanksgiving, somebody's going to cook. Yes, Eugenia.

Eugenia Charles Newton: Thanks, Ron. I have a quick question. Is it possible to get this booklet prior to us meeting as a subcommittee and the reason why I ask is because we have the budget information that's provided within this booklet which would be a really great I guess conversation starter for the subcommittees to discuss the budget portion of each of the subcommittees. I know that I was reading under the action tracking report for November 2019 and I believe that there was a motion made to allow tribal representatives time to review and analyze the reports prior to conversation and it does say under the comments that Performance Management released its tables and analysis on October 29th, 2019. That same day NCAI sent those documents to TIBC representatives and attendees. I'm not sure if that's still the process if that is pertaining to the budget but I think it helps with the subcommittees when we come together to discuss the budget portion of our subcommittee and to be able to come forward to TIBC and talk about those in specific.

Chairman Ron Allen: I think it's a reasonable request. Tyler?

Tyler Scribner: Yes. The TIBC booklet materials were released on a rolling basis to both the representative list serve and then all attendees, 'whoever's signed in' list serve, on a rolling basis between October 29th and November 8th when it was all finalized and on the 8th the entirety of the booklet was sent out through both of those channels as well. So that was when the documents were complete for the book.

Chairman Ron Allen: Yeah, now that you're on, you'll get it in advance. Correct? And then others who are participants, you'll get it as well. If there's somebody we're missing that should be getting it from your respective tribes, let them know. All they need to do is get ahold of Tyler and he'll put you on the roster so you'll be in the mail list.

Tyler Scribner: We also, on the same day that we send those email transmissions to put those in your inboxes, we also post those on the TIBC webpage. You can navigate there and find them yourself. We also personally deliver those to you and then we send out mass communications with those documents as well. We try to do it in triplicate.

Chairman Ron Allen: Okay. So not only is it going to you but you can always go to the website at NCAI and you can track each of the documents. Anything else for the good of the order? Okay, I think that we made it all the way through, guys. We need to have a tribal caucus about the letters. So

if we have a motion to adjourn and then we'll just caucus. Motion to adjourn, Darrell. And second, Terry. And so hearing no objections, we are adjourned. So tribal leaders, we need you to hang so we can talk through the letters and make sure we're okay.

A motion to adjourn carries.

Attachment A - Roll Call Tracking

Region	Name	Title	Affiliation	Absences	Present		
					Nov-19	Mar-20	Aug-20
ALASKA							
<i>(Primary)</i>	Rick Harrison	Tribal Representative	Chickaloon Nation	0	X		
<i>(Primary)</i>	Karen Linell	Tribal Representative	Cheesh'na Tribal Council	0	X		
<i>(Alternate)</i>	OPEN						
<i>(Alternate)</i>	OPEN						
EASTERN							
<i>(Primary)</i>	Cheryl Andrews-Maltais	Chairwoman	Wampanoag Tribe of Gay Head (Aquinnah)	1			
<i>(Primary)</i>	Kitcki Carroll	Executive Director	United South and Eastern Tribes	0	X		
<i>(Alternate)</i>	OPEN						
<i>(Alternate)</i>	OPEN						
EASTERN OK							
<i>(Primary)</i>	Palmer S. Mosely	Under Secretary	Chickasaw Nation	0	X		
<i>(Primary)</i>	Craig Harper	Chief	Peoria Tribe of Indians of Oklahoma	0	X		
<i>(Alternate)</i>	Karen Ketcher	Tribal Representative	Cherokee Nation	0	X		
<i>(Alternate)</i>	OPEN						
GREAT PLAINS							
<i>(Primary)</i>	Harold C. Frazier	Chairman	Cheyenne River Sioux Tribe	0	X		
<i>(Primary)</i>	Larry Wright	Chairman	Ponca Tribe of Nebraska	1			
<i>(Alternate)</i>	A. Gay Kingman	Executive Director	Great Plains Tribal Chairman's Association	1			
<i>(Alternate)</i>	Courtney Two Lance	Tribal Representative	Oglala Sioux Tribe	0	X		
MIDWEST							
<i>(Primary)</i>	Darrell Seki	Chairman	Red Lake Nation	0	X		
<i>(Primary)</i>	Aaron Payment	Chairperson	Sault Ste. Marie Tribe of Chippewa Indians	0	X		
<i>(Alternate)</i>	OPEN						
<i>(Alternate)</i>	OPEN						
NAVAJO							
<i>(Primary)</i>	Jonathan Nez	President	Navajo Nation	0	X		
<i>(Primary)</i>	Seth Damon	Speaker, 24th Council	Navajo Nation	1			
<i>(Alternate)</i>	Myron Lizer	Vice President	Navajo Nation	1			
<i>(Alternate)</i>	Kee Allen Begay, Jr.	Council Delegate	Navajo Nation	0	X		
<i>(Alternate)</i>	Eugenia Charles Newton	Council Delegate	Navajo Nation	0	X		
NORTHWEST							
<i>(Primary)</i>	W. Ron Allen	Chairman	Jamestown S'Klallam Tribe	0	X		
<i>(Primary)</i>	Tino Batt	Tribal Representative	Shoshone Bannock Tribes	1			
<i>(Alternate)</i>	Greg Abrahamson	Vice Chairman	Spokane Tribe of Washington	1			
<i>(Alternate)</i>	Delano Saluskun	Tribal Councilman	Yakama Tribe	0	X		
PACIFIC							
<i>(Primary)</i>	Robert Smith	Chairman	Pala Reservation	1			
<i>(Primary)</i>	Russell Attebery	Chairman	Karuk Tribe of California	0	X		
<i>(Alternate)</i>	Juana Majel-Dixon	Tribal Councilwoman	Pauma Band of Luiseno Indians	1			
<i>(Alternate)</i>	OPEN						
ROCKY MOUNTAIN							
<i>(Primary)</i>	AJ Not Afraid, Jr.	Chairman	Crow Tribe of Indians	1			
<i>(Primary)</i>	Terry Tatsey	Tribal Councilman	Blackfeet Tribal Business Council	0	X		
<i>(Alternate)</i>	Richard Kim	Tribal Councilman	Fort Peck Tribal Executive Board	1			
<i>(Alternate)</i>	OPEN						
SOUTHERN PLAINS							
<i>(Primary)</i>	Ronnie Thomas	Chairman	Alabama-Coushatta Tribe of Texas	0	X		
<i>(Primary)</i>	Angela Thompson	Tribal Councilperson	Pawnee Nation of Oklahoma	0	X		
<i>(Alternate)</i>	OPEN						
<i>(Alternate)</i>	OPEN						
SOUTHWEST							
<i>(Primary)</i>	Joseph A. Garcia	Head Councilman	Ohkay Owingeh	0	X		
<i>(Primary)</i>	Shawn Duran	Tribal Administrator	Taos Pueblo	1			
<i>(Alternate)</i>	OPEN						
<i>(Alternate)</i>	OPEN						
WESTERN							
<i>(Primary)</i>	Hermينيا Frias	Tribal Councilwoman	Pascua Yaqui Tribe	1			
<i>(Primary)</i>	David Decker	Chairman	Elko Band Council	1			
<i>(Alternate)</i>	Michael Dallas, Sr.	Tribal Councilman	Salt River Pima-Maricopa Indian Community	0	X		
<i>(Alternate)</i>	OPEN						