

**Department of the Interior**  
**Self-Governance Advisory Committee (SGAC)**  
**March 29, 2016**  
**Tribal Caucus**

**1. Law and Order** – The Tribal Interior Budget Council (TIBC) established a new subcommittee to address justice matters. The goal is to assist in coordinating with all of the agencies charged with providing Law and Order funding and services to Tribes. The subcommittee is charged with gathering data and addressing the following issues: develop a list of all the Department of Justice (DOJ) programs available to Tribes and Indian Country; identify which Tribes have been able to access these programs; the funding formulas or other funding mechanisms used to provide funding; the consistency and adequacy of resources to support justice programs; how DOJ is coordinating with the Bureau of Indian Affairs – Office of Justice Services (OJS) on programs, services and facilities; provide information about whether or not DOJ funds can be transferred to OJS so that Tribes are able to manage it under their Self-Governance Funding Agreements and identify challenges or impediments to transferring these funds.

**2. Department of the Interior (DOI) Strategic Plan** – The plan is included in the meeting packet and is updated every few years. We want to make sure that Tribal issues are included in the next plan revision so this discussion is timely as DOI is currently in the process of updating the plan. DOI is actively seeking Tribal suggestions for improvement and input. The last plan was extended and had a Tribal specific section in it. Self-Governance Tribes want to review and provide recommendations on the Strategic Plan to ensure that Tribes are explicitly mentioned and the Department's goals and objectives include measures that uphold the Treaty and Trust obligation and the government-to-government relationship. Tribes also want to make sure that they are referenced and included in other DOI agencies/bureaus besides just Indian Affairs so the obligations to Tribes are included and reflected throughout every agency/bureau within the Department, Fish and Wildlife, Bureau of Reclamation, National Park Service, etc.

Tribes can provide input to SGCE, SENSE or the Tribal co-chair. This topic was raised at the TIBC and Data Management Committee meetings regarding of the importance of the DOI Strategic Plan and providing input. These Committees will assist with setting up and forwarding the recommendations to the individual(s) within the Department responsible for updating the Plan. We need to examine GPRA and whether it is providing a mechanism for accountability and future funding. Is the Plan clear about the commitment to Tribes? Is the Plan clear about the areas of focus? How does the Plan address the Trust responsibility?

**3. White House Council on Native American Affairs** – There is an ongoing problem with “middle management” throughout the Federal system. When the President and his Cabinet take a policy position on a matter concerning Tribal governments, the position must radiate throughout the Department and staff should implement policy decisions in accordance with the decisions and recommendations agreed to by senior level officials. Tribes want further discussions about this issue with senior officials to include recommendations on:

1. How to address individuals who are embedded within the agency system who refuse to follow or implement decisions of senior officials and whether or not there are ways to address these staff. Although deference should be given to the policy makers there is a disconnect. There is not a clear line of control or direction and there is a breakdown between policy decisions and the action taken by the agency;
2. How do we strategically get involved at the Cabinet level? We need a Tribal leader to serve as our representative;

Commented [TB1]: I don't usually include these in the official summary, but do normally keep track of the issues from meeting to meeting.

3. Tribes are still advocating for a Tribal representative/liaison within the Office of Management and Budget (OMB); and

4. We need to think through how we can coordinate with current White House staff (Karen Diver and Reina Thiele) about our issues.

Tribes discussed how they can strategically embed themselves into the process in order to ensure that Tribal issues are being adequately raised and addressed.

How do we deal with Trust and Treaty obligations and Federal responsibility across the board throughout every agency (i.e. Army Corp, EPA, Commerce, etc.)? In the Northwest, Tribes have been advocating for immediate action in order to address their Treaty Rights at Risk and Timber and other Resource concerns. However, it is not just Treaty Tribes that have fundamental Indigenous rights or a Trust responsibility.

The White House Council meets throughout the year but the Tribes are not at the table and meeting minutes, decisions and follow-up actions are not shared with the Tribes. While the Council currently hosts calls prior to the meetings with Tribes, we want representation at these meetings. How do we best interact with the White House Council? Contact Reina Thiele and request documentation from the prior meetings.

Transition Plan – What instructions will be included from the Interior regarding the transition plan? What is the process for collecting Tribal input? What is the timeframe? We would like to coordinate a meeting with the individual who is handling the plan.

**4. Self-Governance Budget Line Item** – The Self-Governance Budget Line Item was not included in the FY2018 Regional Budget Formulation tables that were used during the regional meetings in which Tribes identified their budget priorities. A few Tribes from different regions raised the issue. Approximately four regions took steps to address this issue but some flat out refused to do anything about it. While it was likely an unintentional oversight, the concern is that by leaving this line item out of the discussion, Self-Governance was not afforded equal representation and consideration with respect to budget priorities. TIBC changed the process this year and asked the regions to prioritize using an 8% increase. The numbers are then aggregated at the regional level and with the absence of the Self-Governance number; it did not paint an accurate picture. This is about our funding and budget planning and it is critical that Self-Governance is included.

**5. Tribal Data Exchange (TDE)** – We tried to pull together a Tribally-driven data system that showed how well we were using Federal funding but we could not get it to work based on a number of factors so we decided to switch gears and identify a “Plan B”. We need to figure out a way to measure the unmet need. One avenue we decided to pursue is to pull the “metrics” that mainstream America is using and see how we can adopt or amend some of these to fit our systems. We recommended that the Bureau put together a contract and advertise it out to a third party contractor. If necessary, the contract could be bid out by the National Congress of American Indians (NCAI). The goal is to identify metrics that will reflect our unmet need. The Bureau receives approximately \$3 billion a year but our need is equal to ten times or more of what we receive in funding. If we were to be treated the same as mainstream America, what would that look like? What number would provide us credibility in the eyes of OMB and Congress?

The Senate Committee on Indian Affairs (SCIA) just held a Hearing on the FY2017 Budget and the Acting Assistant Secretary – Indian Affairs just came under fire. A member of Congress

(Senator Tester) stressed the critical importance of the Bureau identifying and justifying the unmet need because they know it is there.

**6. Trust Modernization** – Self-Governance Tribes must be more engaged with this issue as there is pending legislation before Congress on Trust Reform. How will it be applied in terms of the Office of the Special Trustee (OST) or any other trust function? Will it change the way we do business? Create a demonstration project to allow Tribes to draft a Trust Resource Management Plan and allow Tribes to determine what should be included.

**DOI Self-Governance Advisory Committee and Technical Workgroup  
Quarterly Meeting**

**Embassy Suites Washington DC - DC Convention Center**  
900-10<sup>th</sup> Street NW  
Washington, DC 20001

**Tuesday, March 29, 2016 (8:00 am to 5:30 pm)**

---

**Invocation/Roll Call**

***Tribal Area Representatives***

Robert Keith, Chairman, Kawerak, Inc  
Tyson Johnston, Vice President, Quinault Indian Nation  
Kasie Nichols, Proxy for John Barrett, Jr., Chairman, Citizen Potawatomi Nation  
Danny Jordan, Proxy for Ryan Jackson, Chairman, Hoopa Valley Tribe  
Scott Sullivan, Council Secretary, Tolowa Dee-ni' Nation  
Christopher Gomez, Lt. Governor, Ysleta del Sur Pueblo  
Annette Johnson, Treasurer, Red Lake Band of Chippewa Indians  
Tobias Vanderhoop, Chairman, Wampanoag Tribe of Gay Head (Aquinnah)  
Karen Fierro, Proxy for Delia M. Carlyle, Councilmember, Ak-Chin Indian Community  
Mickey Peercy, Proxy for Gary Batton, Chief, Choctaw Nation  
Karen Ketcher, Proxy for Bill John Baker, Principal Chief, Cherokee Nation  
Ken St Marks, Proxy for Richard Sangrey, Vice Chair, Chippewa Cree Tribe  
Lindsay Manning, Chairman, Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Quorum is present

**Opening Remarks**

*Chairman W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe and Chairman Self-Governance Advisory Committee*

Chairman Allen opened the meeting and welcomed everyone. The January SGAC quarterly meeting was cancelled due to inclement weather so the last time the Committee met was last October 2015. A lot has happened under the Obama Administration and we have eight (8) months to try and get a few more things accomplished. Given that this is an election year, we need to focus on what we can get done in the remaining months of this Administration and gear up for next year so we ensure a good transition. We want to continue to advance and strengthen our Self-Governance position; we want the government to respect our rights and self-governing agenda and priority issues.

Acting Assistant Secretary – Indian Affairs (AS-IA) Larry Roberts will not be available for this meeting. He has a scheduling conflict but he will send representatives from his office to the meeting. Acting AS-IA assured us that he is supportive of Self-Governance and will do what he can to move our agenda forward. We have several issue updates that we will discuss today and tomorrow.

There was a review of the packets followed by a discussion of issues from Tribal caucus.

**Committee Business**

*Chairman W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe and Chairman Self-Governance Advisory Committee*

- Approval of the October Meeting Minutes was deferred until tomorrow morning after the SGAC has a chance to review.
- MOTION: To approve the SGAC Midwest Representatives Nominees:  
Jessica Burger, Tribal Council, Little River Band of Ottawa Indians  
Annette Johnson, Tribal Treasurer, Red Lake Band of Chippewa Indians  
Tobias Vanderhoop, Chairman, Wampanoag Tribe of Gay Head (Aquinnah) made a motion to approve. Christopher Gomez, Lt. Governor, Ysleta del Sur Pueblo seconded. The motion was approved.
- Annual Consultation Conference  
SGCE circulated a sign-up sheet with the Committee requesting volunteers to serve as moderators and note-takers for the sessions

#### **Office of Self-Governance Update**

*Sharee Freeman, Director, Office of Self-Governance, DOI*

Director Freeman provided an overview of Office of Self-Governance (OSG) Activities.

- Staffing Updates – Maureen Marcellay is the new program support assistant.
- Lance Fisher, Financial Specialist – go fund me page has been established <https://www.youcaring.com/lance-ma-neonenahkohefisher-515467> or send cards to 35 East Walnut Street, Alexandria, VA 22301. Self-Governance is a small office so it is difficult when there is a staffer who is out on extended leave because there is no one who we can be detailed into that position. We need to think about the capacity of the OSG.
- Self-Governance Line Item – Concern that Self-Governance Tribes were left out of the process and the missed opportunity to increase funding for Self-Governance and OSG. Only four regions included SG Tribes in the process. There was no response from the other regions. Discussions about Tribal shares and increases should occur at this level. Self-Determination and Direct Service had an opportunity to plus up but not Self-Governance.
- Budget Increases – Bureau uses Greenbook and looks up program and pulls down the number in the Greenbook when it disperses money. There is a problem, however, for Self-Governance Tribes because many have rolled their shares into Aid to Tribal Government or CTGP and as a result they are left out of the process.
- Self-Governance Database – change the SG database so Tribes can see the historical funding information and how the base is composed. A component is being added in order to track the funding of the Tribal consortiums. The current database will allow you to deconstruct the funding. This was a recommendation of the Programs Formulas Matrix Workgroup. The newest base funds will be easy to track.
  - Some Tribes cannot see the historical data. The database shows new base changes but the compact doesn't readily identify them.
  - Why can't Self-Governance Tribes deal directly with Sharee instead of having to go through all programs?
  - Tommy Thompson is back on a contractual basis and will take suggestions on the matrix and update it and figure out how to dump all of the money into one funding pot. The only concern is that although it works it still transfers money back to the Bureau if a Tribe decides it wants the Bureau to run it or with marriages and divorces of consortiums.
  - Indian Appropriations Bill was never changed to allow Self-Governance to solve its own problems.

- Northwest Field Office has a student intern opportunity. George Washington University has a student intern program for Native students. Inspire Program – Student intern summer program for high school juniors and seniors.
- New Tribal Transportation Act “FAST Act” – OSG staff attended the training in Albuquerque. They have the funds but they do not have an addendum approved by the Solicitor’s Office. OSG and the Solicitor are at odds over reporting language in the addendum. OSG is advocating for using the language that is in the statute rather than leaving it open-ended.
- Tribal Transportation Policy Coordinating Committee (TTPCC) – Committee is in the process of putting together a work plan.
  - No one has been specified as the SG representative on the TTPCC so there is a disconnect between the representatives and the Tribes.
  - Is someone responsible for reports?
  - Leroy Gishi and Robert Sparrow are the Federal Representatives.
  - Negotiated Rulemaking will begin soon for the FAST Act
  - TIBC has formed a new subcommittee charged with addressing the road maintenance backlog and other issues
- Piloting a new system from OMB called the MAX system. It is a new reporting tool (used by EPA and other agencies)
- Final Base obligated \$100,355,331 and still waiting on funding for Welfare Assistance, TANF (2<sup>nd</sup> & 3<sup>rd</sup>), Noxious Weeds, Small & Needy, Forest Development, Great Lakes Restoration
- Contract Support Costs (CSC) – 85% of FY2015 \$18,547,325
- FASSR Report December 4<sup>th</sup> 73 reports have been certified; 7 are in the process of being certified; 4 reports were not received.
- If Tribes are short on Welfare Assistance, the deadline to request additional funding is May 6<sup>th</sup>. The process begins in early April and there are two forms to submit, a word document that justifies the need and calculations. Ken Reinfeld is the point of contact.
- Buy Indian Act – Indian Economic Enterprises should get onto the BIA procurement list.
- TAAMS Modernization – WebEx classes will be forthcoming – dates to be determined.
- Division of Forestry and Wildland Fire – OWF assembled a small task group to amend the model to include Tribes. Bryan Rice is the Director of the Office of Wildland Fire.

**Tribal Transportation Planning Coordinating Committee (TTPCC)**

- Chair – Raymond J. Concho, Jr.
- Vice Chair – Jacque Hostler-Carmesin
- Secretary – Rick Galloway
- Eastern – Jody Clark
- Midwest – Mike Moilanen and Brett Blackdeer
- Southern Plains – Art Muller and Angela Blind
- Alaska – Edward K. Thomas (Sam) and Clarence Daniel
- Great Plains – David Spider
- Navajo – Leonard Pete and Darryl Bradley, PE
- Pacific – Jacque Hostler-Carmesin and Sandi Tripp
- Rocky Mountain – John Smith and Tracey Robinson
- Southwest – Raymond Concho, Jr. and Royce Gchachu
- Northwest – Rick Galloway and Michael Cardwell
- Western – Sasha Saliego and Billman Lopez
- Eastern Oklahoma – Wayne Wylie and Isaac (Zac) Hawkins

- Non-Voting Federal Members – BIA LeRoy Gishi and FHWA Robert Sparrow

Next TTPCC Meeting: August 22, 2016

**Contract Support Costs Workgroup Update**

*Kasie Nicols, Citizen Potawatomi Nation*

*Lloyd Miller, Partner, Sonosky Chambers Sachse, Endreson & Perry, LLP*

*Thomas Gubatayao, Financial Specialist, Office of Self-Governance, DOI*

- The new draft policy is simple and not as complicated as the Indian Health Service (IHS) policy.
- A series of consultations are coming up and will take place through August.
- Tribal and Federal members will present together.
- At the end of August, the workgroup will reconvene and go through the comments and finalize the policy. The policy has a lot of appendices. The attachments will outline the procedures for payment, reconciliation of overpayment, etc.
- Make sure that Tribal representatives attend these consultations and provide comments in support of the policy.
- Ramah case – Tribes were underpaid CSC for 20 plus years (1994-2013). Class counsel worked with the Department of Justice and Experts to negotiate a settlement. New Mexico Judge was presented with \$940 million settlement offer proposal and the court granted preliminary approval. The proposal was then sent out to Indian country for their review and thoughts. The Counsel Reported back to court in January that not one Tribe objected to the settlement amount. A couple Tribes/Organizations wanted to be added to the list. 699 Tribal entities will share the settlement. In early March, the Judge approved the Settlement. There is a 60 day waiting period (April) for the appeal time to expire. Counsel doesn't expect there to be any appeals. After the appeals process is completed, the judge will send a payment request to the Treasury Department and Treasury will distribute the money. It is unclear how long the process will take (assume 2-3 months). Estimate will get the money in July and then Counsel will know how much interest has accrued. Money will be taken off the top to cover fees and then the remainder will be broken down and allocated. Each Tribe has been assigned a percentage and the table can be viewed at [www.rncsettlement.com](http://www.rncsettlement.com) Tribes must fill out a claim form because the Justice Department requires a document that complies with the Compact Dispute Act. Claim forms will be processed and payments sent out on a monthly basis. If not paid in full we will engage with BIA. Access to appropriations for up to five years.
- The litigation led to a new set of policies that included the development of a short chapter in the manual and handbook. Notice for Comment will be published in the Federal Register.
- BIA will have ongoing consultation sessions
- Current Appropriations – established a separate account for CSC and Congress will appropriate such amounts as may be necessary. There is a proviso in the Appropriations Bill that is of concern. CSC money must always remain CSC. If you use the money in the following year it will reduce the amount that is owed to you. It would be an accounting nightmare. There are three provisions in Federal law that addresses the carryover of funds. Funds are "unrestricted". We have been working with the Finance Office and there will be a detailed discussion in Orlando at the Annual Meeting.
- There is concern about the amount of time it takes the Business Office to negotiate new rates. Many Tribes still do not have current rates yet the government wants to hold the Tribes accountable. Comment period deadline is July 29<sup>th</sup>.

- BIA analysis of CSC overpayments – low response is a factor to overpayments. If CSC is paid at 80% only three Tribes would have been overpaid. If 85% only five Tribes would have been overpaid.
- In 2014, OSG paid 90% and the total overpayment amounted to \$658,412.
- Title I contractors are required to submit contracts and are paid on a pay-as-you go funding distribution policy. OSG forward funds Tribes. The goal is to eliminate overpayments – should they develop a pay as you go system; update the database; develop ability to create CSC offsets for subsequent years; reduce initial payment from 90% to 80%. Letter needs to go out. OSG is against pay as you go – they pay 80%.

### **Youth Conservation Corps**

*Fredericka Joseph, Coordinator Youth Programs, Bureau of Indian Affairs*

The Conservation Service Corp (CSC) is a national collaborative effort to put America's youth and returning veterans to work protecting, restoring and enhancing America's public lands. The CSC builds on existing partnerships with youth conservation corps from across the country to help young people, including diverse low-income, underserved and at risk youth, as well as, returning veterans – gain valuable training and work experience while accomplishing needed conservation and restoration work on public lands, waterways and cultural heritage sites.

The CSC is a central component of the Department of the Interior's ambitious youth initiative to inspire millions of young people to play, learn and service and work in the great outdoors.

- Play – Interior will develop or enhance outdoor recreation partnerships in a total of 50 cities over four years to create new, systematic opportunities for outdoor play for more than 10 million young people.
- Learn – Provides educational opportunities to at least 10 million of the nation's K-12 student population annually. In addition to welcoming students into nature's classroom, Interior is developing and strengthening new online education resources to reach more students.
- Serve – Engage 1 million volunteers annually on public lands, effectively tripling the current volunteer numbers. Many more people are interested in volunteering at national parks, wild life refuges and public lands but there are often insufficient staff resources to coordinate them. In order to achieve the volunteer goal, a renewed emphasis will be placed on volunteer coordination and management.
- Work – To develop the next generation of lifelong conservation stewards and ensure our own skilled and diverse workforce pipeline, Interior will provide 100,000 work and training opportunities to young people and veterans within our bureaus and through public/private partnerships. As part of this effort, the Department aims to raise an additional \$20 million from private and corporate donors to support youth work and training opportunities.
- There are a number of groups across the country currently engaged in CSC activities.
  - Navajo Area - Provides youth the opportunity to work in the great outdoors. It is a structured, safe, challenging service opportunity for Native youth. Developed a National Cooperative Agreement which is the vehicle that is used to pay to get the work done.
  - In Montana Conservation Corp – 28 community youth participated to conduct trail maintenance for 8 trails in a 2 mile trail corridor. They cleared 42 acres of brush and stocked fish in the backcountry in four lakes. Opportunities are available for rural and urban communities.
  - Albuquerque Conservation Legacy – provide youth an opportunity to work on projects.



- Minnesota and Iowa Conservation Corps – Worked in the twin cities on the elimination of invasive plants, planting trees, board walk construction and hiking trails.
- Southwest Conservation Corps – conducted conservation related projects. Provides youth opportunities for careers in Natural Resources and Conservation. Youth had hands on experience in habitat restoration and invasive species education.
- VISTA – Volunteer and Service to America there are 8 Vista Workers in 8 Tribal colleges. Focused on capacity building and planting nutritional value gardens.
- Wind River – conducts youth forestry projects
- Eastern – Regional Tribes provide partnerships and internships.
- Pacific – Forestry and land assistance is the focus. Tribes and the Bureau of Land Management (BLM) coordinate with Tribal youth and there are 7 pathway interns (social worker, archeologist, GIS, Natural Resource Programs – lot of work)
- Working with Chickasaw to place youth in internships within the BIA. Want other agencies to have the opportunity to hire youth. Build a pipeline and open doors to Native Americans working in other agencies.
- Students receive paid internships for 4-6 months. Youth from age 18-34 years can apply. Training is provided at the University of Arizona in Tucson, Arizona.
- Budget is \$690,000 to provide \$7500 per student in different areas to include education (goal 89); climate change (1); Forestry and Wildland Fire (20); GIS (3); Water Power (20).
- In FY2015, partnered with Tribes and Academia to provide 5,587 youth activities and trainings. BIA spent \$6.3 million on youth activities.
- SAGE – June 6-9 application process is open for leadership training. Try and place youth in areas that the Tribe can work with them. Water/Agriculture/Rangeland has a pathways program for students who are in school and want to work part or full time.
- Presidential Management Fellows – Advanced degree (Indian Preference Program) jobs are listed on the USA jobs website and you can google internships paid and unpaid.

#### **Budget Update**

*Dave Conner, Director, Natural Resources, Red Lake Band of Chippewa Indians*  
*Peter Probst (on behalf of George Bearpaw), Office of Budget Management Indian Affairs*  
Tribal Interior Budget Council (TIBC) meeting update:

- The Great Plains submitted a proposal to create a new line item to address the BIA Roads program maintenance backlog which is currently at a \$200 million a year deficit. Funding for road maintenance has been \$26 million a year for the past few years. The proposal would increase funding by 25% or \$7.5 million dollars.
- Jobs Relief Initiative would provide \$34 million dollars for Tribal job recovery and relief to be distributed to Tribes via a Tribal Priority Allocation (TPA) increase. It would be a permanent increase to base dollars. The initiative was intended to recoup the money Tribes lost due to sequestration and permanent rescissions over the years.
- Pay costs – In the FY2017 Budget Request the total request for pay costs was \$5.3 million. To put it in perspective, in 2008, Bush requested \$41.3 million for BIA. The reason pay costs are an important line item is because once the money is added to the budget it is a permanent increase that Tribes receive in their base budgets on an annual basis.

- In FY2015, Tribes received a recurring increase under TIWAHE. There were four Tribes selected to participate in a pilot project. For example, Red Lake received \$21.4% base increase for Indian Child Welfare and 8.1% base increase for social services.
- FY2016 Budget Secretary Jewell has the Tribes interest at heart. Although the 2016/2017 BIA Budgets were good it was on top of two very poor budget cycles in 2014 and 2015.
- The President's Request for Indian Affairs was \$2.8 billion (\$195 million above the 2015 enacted level).
- Increases to Tribal programs include: \$130 million for education; \$60 million school construction; \$60 million for various Bureau of Indian Education (BIE) programs; \$6 million Trust Natural Resources; \$12 million TIWAHE; \$10 million Tribal Justice Support (includes Tribal courts in P.L.280 states); \$4.5 million Indian Energy Service Center (to expedite mineral permit activity and alternative energy projects; \$21 million TIWAHE (expand program to include Courts and HIP); \$7 million Tribal scholarships; \$6 million Johnson O'Malley; \$60 million Bureau of Indian Education
- There will be two consultation conference calls in April regarding Tribal Justice Support \$10 million increase to allow Tribal input on how the additional Tribal court money should be spent. P.L.280 states present a challenge because Federal jurisdictional authority has been delegated to local authorities and judicial systems. Yet, many Tribes have indicated that the states are not providing these services. A large number of Tribes have requested retrocession of jurisdiction from the state back to the federal government (authority to do so was included in the Tribal Law and Order Act).
- In FY2018, BIA is charged with developing a budget that will be introduced by the new Presidential Administration. Tribes are advocating for a strong budget request.

#### Tribal Data and how it impacts Budget

- Administration had asked for \$12 million to collaborate with the Census Bureau on the collection of data that better profiles Tribal communities.
- \$4 million to design a Native One Stop Shop data system. The Administration is trying to create a one stop shop website to help Tribes access other resources that are available throughout the US government (crosscut). It will be worth the effort if it opens the door to other agencies and resources.
- TIBC has formed roads and justice subcommittees because there is a need for more data to advocate for additional funding.
- In the FY2018 Budget Formulation we had to justify our results and our requests. There are data gaps. We need consistency in formulas so all Tribes are using the same numbers to calculate their need.
- Tribes need to strongly advocate and testify about budget priorities. If we want to make meaningful steps towards Budget increases we need data. The Budget subcommittee is meeting next week and the TIBC recommendations will be presented in May.
- Tribal comments - In Alaska public safety is a big issue. The Association of Village Council Presidents (AVCP) has 48 villages and 56 Tribes. There is a Village Public Safety Officer (VPSO) Program but if there is a volcano eruption (like now) the VPSO have no access to the villages. There is not even enough funding to hire an officer in every village. The villages are limited with what they can do especially when facing natural disasters. FEMA and Red Cross also play a role when it comes to natural disasters so there has to be coordination amongst all agencies.
- Strategy to deal with caps on funding – There are 304(b) allocations for each of the Appropriation Committees and the Chairs of the Committees must stay within the funding caps that are set by congress. Tribes need to come up with a strategy on how to secure additional funding despite the budget caps: 1. We need to strongly urge the

President and Congress to increase funding for Indian programs; 2. We need to look to the other agencies for funding since they all receive some money to fund Tribes and programs; 3. Go directly to the other agencies and advocate for budget increases for Tribal programs and services (i.e. ask HUD to advocate for additional funding for teacher and healthcare personnel housing) and better access to current funding; 4. Decide what we want from the Bureau of Indian Affairs. The challenge is how do we affect the budget as it applies to us? We need to make the case for the authority of Tribes to control their own destiny.

- Taxation parity and special provisions and the advancement of economic development will strengthen the Tribal self-reliance and governmental capacity.

### **Trust Modernization/White House Council on Native American Affairs**

*Morgan Rodman, Executive Director, White House Council on Native American Affairs*

The White House Council on Native American Affairs was formed by President Obama in June 2013 through Executive Order 13647. Council Members are heads of Federal departments, agencies and offices. It promotes the development of prosperous and resilient Tribal communities through inter-agency coordination.

- There are five subject matter subgroups
  - Energy (DOE and DOI)
  - Economic Development and Infrastructure (USDA and SBA)
  - Environment, Climate Change and Natural Resources (EPA and DOI)
  - Health (HHS)
  - Education (ED and DOI)
- There are also several workgroups (Gen-I, inter-agency budget coordination, sacred sites)
- Executive Order 13647 makes the White House Council on Native American Affairs and the White House Tribal Nations Conference permanent.
- Council is focusing on permanency of initiatives that promote prosperous and resilient Tribal communities.
- Agencies continue to make progress.
- MOU between Department of Labor (DOL) and DOI to establish Native One Stop Shop.
- Consultation Policies EPA, Treasury, and Advisory Council on Historic Preservation on Sacred Sites and includes confidentiality, training, and the development of a policy paper on how to better protect sacred sites.
- Strategic Plans – United States Department of Agriculture (USDA), Department of Energy (DOE) and Advisory Council on Historic Preservation.
- Policy Statements
- Pathways to Permanency – Models of Tribal Engagement (DOJ), OMB Budget and Metrics Workgroup, Proposals to imbed Tribal points of contacts within agencies
- Council is trying to establish strong infrastructure to support Tribes
- Tribal Discussion
  - There is a lack of communication between the White House Council and Congress.
    - Morgan - There is room for more linking with the Hill and the Council is working on this.
  - Transportation needs to be added as a subgroup.
    - Morgan – transportation falls under the Subcommittee on Economic Development and Infrastructure.

- OMB Budget and Metrics Workgroup has been established to see where programs and agencies can complement each other. Issue metrics on Native youth to hold the agencies accountable. (6 metrics were established to focus on Native youth)
- Tribal Discussion
  - At TIBC there has been discussions about how to develop metrics that will accurately depict unmet need. As we move it forward, we want to make sure that OMB is in the middle of the conversation.
  - Standing with Indian Country Fact Sheet details (five agencies are participating)
- Summits and Convenings:
  - There will be an Energy Summit held in the fall on new ways to address energy throughout Indian country.
  - Report on the progress that has occurred in Indian country during the Obama Administration is being developed that include recommendations for the next Administration. We are seeking Tribal input.
  - Increased communication and web presence.
- Tribal Discussion
  - We want a Tribal Ambassador on the White House Council. How do you communicate with Indian country and how do you collect feedback from Indian country? We need you to bridge communication between the Council and Indian country.
    - Morgan – The Executive Order that created the Council underscores the importance of Tribal engagement. Communication channels are being broadened.
  - Karen Diver is the Special Assistant to the President and is assigned to the Domestic Policy Council. Does the Domestic Policy Council meet regularly to discuss topics and are they inclusive of Indian issues?
    - Morgan – We are in communication with Munez regularly. We are taking steps to make permanent the White House Council on Native American Affairs.
  - How do the issues differ between the Domestic Policy Council and the White House Council on Native American Affairs?
    - Morgan – Section 4 of the Executive Order references the Domestic Policy Council. So when you make recommendations to the President it goes through the Domestic Policy Council.
  - We would like you (Morgan Rodman) to create a diagram/chart of the White House Policy Council so that Tribes can see a visual on how the White House Council fits into the Administrative body.
    - We have begun actively writing in each of the agencies transition plans.
  - Anything that happens off shore is an international concern for us. There is no coast guard or military presence in the Alaska villages.
  - OMB should establish a budget group to focus on Native youth because very limited funding is available outside of the Bureau. There is hardly any formula or base funding for youth. You should see how many projects are rejected each year due to a shortage of funding.
  - There is an incomplete picture of the unmet need in Indian country.
  - The 477 program is important to Tribes and we are fighting to keep the program intact but HHS is pushing back and requiring more reports.
  - The agencies do not coordinate well and work in silos.

### **Expansion of Self-Governance to the Department of Transportation**

*Geoff Strommer, Partner, Hobbs, Straus, Dean & Walker LLP*

The FAST Act was enacted on December 4, 2015 and extended Self-Governance to the Department of Transportation.

- It is a five (5) year surface and transportation act that creates stability.
- There will be modest increased for transportation over the next five years: \$450 million; \$465 million; \$475 million; \$485 million; \$495 million and \$505 million.
- Self-Governance program provides an opportunity for Tribes to combine funding from the many transportation programs within DOT into one Funding Agreement.
- Next step is to establish a Negotiated Rulemaking Committee which we expect to occur any day now since the statutory deadline was March.
- Highlight a couple of provisions:
  - Extends Self-Governance and it is an improved version of Title IV because it includes the better positions that are contained in Title V.
  - Eligibility – Tribes request through a resolution to participate in Self-Governance and must demonstrate financial stability and management capacity.
  - Compacts – require negotiation between Secretary of Transportation and the Tribes.
  - Annual Funding Agreements – Tribes integrate a variety of funding sources into a single agreement.
  - Tribes have the ability to redesign and consolidate programs, services, functions and activities.
  - Modifications cannot be made unilaterally so Tribes must agree
  - Final Offer – The provisions include a final offer process.
  - Termination of Agreement – There is a provision that allows the Secretary to terminate an agreement but Department must show there is an issue and provide Tribes the opportunity to correct the issue.
  - Due Process – provision that allows the Tribes the opportunity to appeal a decision.
  - Hearing an Burden of Proof are provided for in the Act
  - Cost Principles – applicable only to audit
  - Construction projects can be included
  - Tribes can retain their Agreements with Federal Highways if they choose and not participate in the Self-Governance program.
  - Regulatory process is set out within the statute. The Department must publish by March 4, 2016 a notice in the Federal Register to kick off negotiated rulemaking. (This has not been done yet but the Department hopes to publish it before the end of the month (March)). Proposed regulations must be published within twenty-one (21) months.
  - Rulemaking will focus on implementation
  - Tribal Discussion
    - Will reporting be an issue? Geoff – It may very well be an issue. There are provisions included in the statute on reporting. The Federal Highway may seek to come up with a unified form. There will be a huge learning curve.
    - Once Regulations are in place, the Tribes will have a single award instrument to channel all funds.
    - Will this allow the State's Department of Transportation to channel Federal aid funds for the Tribes to the Department and it can be channeled through the Funding Agreement.

- 84% of the BIA roads are in poor or failing condition. The Administration has highlighted the poor conditions. It needs to be made a higher priority at the Bureau. The BIA budget is highly constrained. This is a transportation fix and it belongs under Transportation. The BIA cannot fix this issue. Tribes need to figure out how to address it.

#### **Legislative Update**

- Title IV – Last year, the Senate passed S.286. Within a couple of weeks of the bill's passage, the Association of Fish and Wildlife State Agencies, raised a number of objections which resulted in the freezing of the process. Ron and Geoff met with the Association. The overarching goal of the state agencies was to have a seat at the table when a Tribe wanted to negotiate fish and wildlife programs and services. This is simply unacceptable. There was a meeting with the House Resources Committee this morning. Tribe - Last year, one billion was allocated to states for fish and wildlife projects and Tribes were excluded even though every individual Tribal and non-Tribal pay taxes and the states use the Tribal land and population statistics to secure additional funding. We need a champion on the house side and the Alaska delegation to use their relationships on the hill to advance the Title IV agenda in coordination with the Title IV workgroup.
- 477 – There are bills in both the Senate and the House to amend the 477 program to expand the programs and the number of eligible participating agencies. The Bills would also make clear that 477 plans can flow through Self-Governance compacts and contracts and that contract support costs can be included. The House side hot lined the bill to go to the floor without a vote. The idea is to take the passed bill over to the Senate. The Senate Report that was filed supported the passage of the bill.

#### **Taxation**

*Dante Desiderio, Executive Director, NAFOA*

*W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe*

The authority to tax provides a means to grow and build Tribal economies.

- Tribal General Welfare Exclusion Act established the new Tribal Treasury Advisory Committee. The seven member committee will advise the Secretary on all matters related to taxation.
- The Department of Treasury appointed four members of the Committee that include Chief Lynn Malerba, Mohegan Tribe, W. Ron Allen, Jamestown S'Klallam Tribe, and Lacy Horn, Cherokee Nation.
- Ways and Means (Kind) selected Eugene Magnuson, Citizen Band of Potawatomi
- Ways and Means (Brady) hasn't made a selection
- Hatch or Wyden of Finance haven't made a selection.
- Tribes should urge Congress to appoint members to this Committee sooner as opposed to later.
- Tribes hope is to expand to all activities under Treasury. For example, programs like the low-income housing tax credit generates billions of dollars that go to the states. We need to open the doors to get capital into Indian Country.
- Timing and next steps – hope all appointments are made this Congress.
- The four members of the Committee met informally to discuss big ticket tax items and to try and think through the creation of protocols and charter.
- Elaine Buckburg resigned so we need someone to be the main point of contact for Tribal matters.
- The Committee can weigh in on how to determine and interpret Indian Tax Status Act and other Guidance issued by the Department.

- The Committee will also try to engage with the Internal Revenue Service (IRS) on the training of agents so there is a consistent interpretation of the law across the country.
- It is critical that Tribes have a governing document that provides how General Welfare is provided and applied by the Tribe.
- Tribes have been calling on Treasury to exempt Tribes from the Employer Mandate under the Affordable Care Act (ACA). Tribes are struggling because software is not available and they have to determine who to include. There are a number of issues that need to be ironed out. Treasury granted Tribes a small extension of three (3) months. It is a flaw in the law because Indians are clearly intended to be exempt.
- Cadillac Tax – Tribes were successful in delaying this until 2020.
- 2017 Tax Reform will be on the agenda. Senate Finance Committee has challenged us to be bold in our reform.
- 2016 Tax Reform Initiative and 2017 new Administration – Provide Tribes tax authority to issue tax exempt debt; equal treatment of employer sponsored pension plans of Indian Tribal Governments; repeal “essential government function”; shore up jurisdiction for Tribes and there may be creative ways to address it in tax reform.
- Tax Parity Act – Jenkins and Kind will introduce it next week. We need more cosponsors.

**DOI Self-Governance Advisory Committee and Technical Workgroup  
Quarterly Meeting**

**Embassy Suites Washington DC - DC Convention Center**  
900-10<sup>th</sup> Street NW  
Washington, DC 20001

**Wednesday, March 30, 2016 (8:00 am to 12:30 pm)**

---

**Discussion of the Issues with Assistant Secretary – Indian Affairs**

*W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe and Chairman of the Self-Governance Advisory Committee  
AS-IA Representatives (Clint Hastings and Cheryl Maltais-Andrews)*

**Opening Remarks**

*Clint Hastings and Cheryl Maltais-Andrews*

- There have been significant changes in the Office of the Assistant Secretary with Kevin Washburn leaving and Larry Roberts stepping into the role of Assistant Secretary. There have also been a number of new staff members.
- AS-IA's commitment to Self-Governance hasn't changed and the goal is to continue the collaboration between the Committee and the Department.
- President had a meeting with the Secretary and Bureau Chiefs and the focus on Indian country was made clear by the President
- \$2.9 billion or \$37 million increase for Indian Affairs which is a 4.9% increase over the FY2016 Budget levels
- Focus is on Gen-I and Native youth. The White House has a strong focus on Native youth.
- Working with the Bureau of Indian Education (BIE) regarding schools and school replacement
- Support for TIWAHE and wrap around services
- Increase resilience in Natural Resource and Climate change and work with communities who are drastically impacted by climate change. Incorporate Tribal recommendations on climate change.
- President requested full funding for CSC and there is a legislative proposal for mandatory funding.
- Working on the FY2018 Budget Formulation and we are interested in hearing your concerns
- Interim Final Rule was issued on streamlining evidence in DOJ and standards on land-into-trust
- We will work closely with you and bring these issues back to the AS-IA and they will be given proper attention.

*W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe and Chairman of the Self-Governance Advisory Committee*

A number of issues have been raised by the Tribes.

**Budget**

There have been cuts to Tribal Government Funding since 1996.

- 1996 there was a General reduction of 16%,
- 2000-2013 Across the Board Rescissions totaled 8%
- 2013-2016 Sequester of 5%.



- Total cuts to Tribal programs since 1996 is 29%.
- The only increases to most Tribal programs was pay costs but they were fully funded only once in 2008.
- The funding figures do not account for inflation
- There were some increases to law enforcement in the 1990s and natural resources and courts in 2010 but by and large Tribes have lost out on funding increases
- The Administration has one final budget process. It has been great that the Secretary has strongly supported the BIA for the last two years. We need to keep BIA at the top of her budget priority list.
- We need to improve funding for certain programs including road maintenance, job relief and law and order.
- There have been no increases for Tribal law and order since the adoption of the Act.
- We have been through some serious challenges because while the dollars are going up we are losing ground with inflation.

### **OSG**

- Small office and there is not enough staff to address the needs of 266 Tribes. All it takes is for someone to get sick and it causes a major problem. We need to make sure that OSG has the resource capacity to do the job.
- There needs to be a strategy for how the Secretary can collaborate with the Director on a number of issues including getting the money out to Tribes in a timely manner.
- There has to be a better way for the Department to communicate with OSG so that staff is aware of new funding. Self-Governance Tribes want to be treated fairly and equally. The Greenbook is not structured well for Self-Governance because it is not reflective of how it accounts for Tribal dollars. We need to collaborate on a better way to structure the Greenbook so that Self-Governance funds can be more easily and readily identified in the President's Proposed Budget to Congress.

### **Office of Justice Services**

- There is not enough transparency and accountability. We need a better understanding of the funding methodology that is being used by OJS.
- It is important that DOJ and OJS work together. There is money at different agencies and different programs but there is not enough cross collaboration. We need to combine efforts and work across agencies.
- There has been a shift to grant funding and this does not comport with Self-Governance and the need to build tribal capacity to operate programs on a recurring basis.
- We hear there is funding available but not enough to significantly impact anything.
- There is a reason why we have the White House Native Council and all agencies are a part of it. We need to bring Morgan Rodman into these discussions and to work with Tribes to come up with alternative ways to deliver the funding.
- TIBC desires to get a commitment from the Department to better coordinate with Tribes. Is there any reason why we can't transfer funds between DOJ and OJS so that we can include funds in our Self-Governance Funding Agreements? That way, we will have one contract. If you are committed to Self-Governance, then it is important to be committed to make this happen.
- We have a big concern with grants for a variety of reasons including the fact that the best grant writers receive the money and not necessarily the neediest Tribes.
- TLOA and VAWA are great examples that the Federal Government recognizes the injustices regarding protecting our communities. Especially, in P.L.280 states there is a

void in the providing of services so many injustices are occurring. TLOA authorizes the Federal government to make improvements on the ground.

- What can be done this year to tee up solutions for the next Administration?
- Tribal Discussion
  - We worked hard to get 221 code as a bridge to bring Tribes into the mainstream. It is critical to our reservation's stability and social development but we have been waiting four years for the Administration to approve it. Is Obama going to bridge the gap? Where can Tribal governments express these concerns to the White House Council? The laws have already been passed that give the Federal government the authority to act but there has been limited action to implement them.
  - On top of enforcement and judicial services there has been a modest increase to Indian child welfare. Tribal courts need the capacity to handle all of these new obligations but the resources are just not there. Yet, we get criticized about the competency of our systems.
- DOJ and OJS resources need to complement each other. Some areas where there are consistent issues are incarceration of offenders and facilities. House arrest is cheaper than housing offenders in facilities and there are inadequate resources to address it. Alternatives to incarceration, such as, the house arrest program is more effective for most offenders but Tribes still need the ability to enforce more restrictive measures on individuals who are dangerous to the welfare of the community.

#### **Department of the Interior Strategic Plan**

- Tribes need to be empowered for Nation building. Part of this empowerment includes proper infrastructure is in place to support our endeavor for self-reliance.
- We want to make sure the Department engages with Tribes. We want to know who the point of contact is and how we can assist with the updating of the Plan.
- We need Tribal provisions not just in the section that deals with the mission and goals of the Department but also within the provisions that deal with the other agencies since the other agencies have a trust responsibility towards us as well.
- There is a need to coordinate the development of Indian program provisions in the Department of the Interior Strategic Plan with the development of Indian program provisions in other Federal Agency Strategic Plans.

#### **White House Council on Native American Affairs**

- Obama added Karen Diver to his team but what is the relationship between the White House Domestic Policy Council and the White House Council on Native American Affairs?
- What is the process? What issues are being raised and addressed?
- We need to create permanency to the vehicle that will allow us to advance our agenda at that level.
- Does Karen Diver advocate for our issues?
- We want to strengthen our relationship with the White House moving forward including establishing a Native American liaison at OMB.

#### **FY 2018 Budget**

- There were great concerns expressed about the FY 2018 Budget Formulation process. Self-Governance Tribes are supportive of the budget process but better data is needed.
- Self-Governance Tribes want to be engaged when the Bureau is collaborating with the Census Bureau.

- Data is essential for making the case for more resources.
- How can we better coordinate with the Bureau's budget staff on how we identify Self-Governance resources in the Greenbook?
- Law enforcement programs should be part of a Self-Governance Tribe's base.
- The White House Council should do an analysis of the Crosscut. We need access to all of the funds (21 billion dollars) that the government claims is available for Tribal programs and services throughout the Federal system. The Department proposed a One Stop Shop for funding which is a good idea but we still need a Report so we know which Tribes have applied and received funding and on what basis. Often, it is the Tribes with the best grant writers that receive funds.
- If the transfer of funds between agencies is examined we need to identify any challenges or complications. How can we make programs more effective through collaboration and coordination?
- Tribes have to spend a lot of time reporting and sometimes when we consolidate programs we receive less money and this was not the intent. There should not be a penalty when Self-Governance Tribes implement their existing authority to consolidate and redesign programs and reallocate the funds that are received under their funding agreement.
- Economic activity, education and safety are all intertwined and it is frustrating at times to try and take steps to make the programs more effective and efficient and lessen the administrative burden that is part of the reporting process.
- In the international arena the Federal Government provides millions of dollars in foreign aid. However, despite the US Treaty and Trust obligation to Tribal governments, Tribes are often the last ones in line when it comes to financial and other support.
- We would like to sit down with the BIA Budget Office and other key officials and discuss the Greenbook and the justifications to see how we can improve it so that it works better for Self-Governance Tribes.
- Do the Regional Directors really support Self-Governance? Some do but others have openly and adamantly opposed working with Self-Governance Tribes. The directive needs to come from the top down and there needs to be frequent interaction to make sure the directive is being implemented at the regional level. Maybe the answer is to make Self-Governance the 13<sup>th</sup> Region.
- In some areas, Self-Governance is not strong and in these areas the consultation policies and processes are not working well. Consultation without action is really just a conversation.
- Tribal Discussion–
  - On average, for every dollar we receive for law enforcement, we have to supplement it with over two dollars. You have a responsibility to us but you provide no resources so we are forced with making hard decisions to fund programs at the expense of other programs. Our courts are so severely underfunded that we have to access our children's trust funds to pay for expenses related to housing them in juvenile facilities.
  - We need to provide funding to bolster the integrity of our court system including having codes in order and the ability to provide prosecutorial and defense services. There are only a few Tribes that have an appellate system.

#### **Contract Support Costs**

- We share in your excitement that the Federal government is now paying 100% CSC. We are also encouraged that new language was inserted into the Appropriations Bill to create a separate account for CSC.

- The Ramah case was a great victory for Tribes and we are looking forward to receiving the settlement money that will be allocated sometime this year.
- We are looking forward to finalizing the amendments to the CSC policy and we appreciate the fact that the Bureau has been working well with the Tribes to resolve these issues rather than trying to micromanage us.
- The good news is that we now receive 100% funding. However, there are still some issues we need to address. There are significant delays with the IBC negotiating new rates with Tribes. A number of Tribes do not have current rates. It takes a long time for the IBC to approve a rate so often Tribes do not have a new rate when they are negotiating CSC. It takes a long time (4 years) to train IBC employees who negotiate CSC rates.
- How can the Department beef up the capacity and process of the IBC so that Tribes have current rates in a timely manner? We have been advocating for the allowance of a multi-year rate for those Tribes that desire one. There needs to be more flexibility in the policy to allow for multi-year or lump sum rates.
- Tribal Discussion
  - We don't want to be forced to negotiate with the IBC. The IBC is creating instability.
  - Tribes are willing to lock in rates for a period of time. If a Tribe doesn't have a new rate then it should automatically default to the previous rate that was negotiated. CSC costs must be spent on CSC and the funds should carry over if they are all not spent. If we contract with the Federal government and we negotiated an indirect rate then how we manage CSC should be our call.
  - We have been struggling with IHS because they want us to adopt an incurred cost methodology to justify how we are spending the money. The other issue is with categorical duplication of funding. There is still disagreement between the Tribes and the IHS so it will be a different type of consultation.

#### **Title IV Amendments**

- We are appreciative that the Administration is supportive of Title IV.
- We are close to trying to break the current log jam to advance this legislation. The problem is with the Fish and Wildlife state agencies. How can we get a message from the top Administration down that whatever is being done to support these agencies needs to stop?
- The US Fish and Wildlife Service has not worked well with the Tribes even though some Tribes have compacts. We need political help in this area.

#### **Transportation “FAST Act”**

- We are very excited about the passage of the Fast Act and the expansion of Self-Governance to the Department of Transportation and we have been urging the Transportation Secretary to help advance this agenda.
- We need to appoint a Deputy Assistant Secretary for Tribal Affairs in DOT. There was a letter sent from the Tribal Unity Caucus regarding this appointment.
- The negotiated rulemaking committee needs to be established. The timeline within the Act is long but it could be accomplished sooner.
- On the BIA side, road maintenance is a huge issue for Tribes. Roads receive approximately \$26 million against a backdrop of over \$275 million backlog.

### **Indian Child Welfare Act**

- We know the Administration has been working hard to finalize these regulations and it is critical that we get these regulations in place as soon as possible.
- There has been a lot of misrepresentation in the media about what the ICWA does for our communities.
- This is about the relationship between our children and their culture.
- The regulations will help immensely when it comes to the integrity of the process.
- We raised this topic at DOJ because we believe they should play a role when it comes to providing training on ICWA to state court systems.
- Regulations are in the final stages of approval.
- Tribal Discussion
  - We understand there has been a lot of opposition to the new regulations. Will the new regulations be published in the time that is left for this Administration?
  - The goal is to get the Regulations out before the Administration ends.
  - There is an issue with ICWA funding for small Tribes. They do not receive sufficient ICWA funding to exercise full sovereignty over their children. This stems from their inability to implement the best practice of separating child protection functions from family reunification functions.

### **Tribal Homelands**

- We appreciate the strong push this Administration has made for the return of Tribal homelands.
- We need staff in place to manage this process so that the Administration's goal of taking 500,000 acres of land into trust can be realized.
- The Department needs to make more of a commitment to the IBIA to resolve any delay in the processing of applications. We may need to bolster the court staff in order to handle the caseload.
- AS-IA has the authority to take over the appeals for tracks involving over 200 acres of land. Part of the problem is that many Tribes have less than 200 acres they are seeking to take into trust so they get trapped in the process.

### **Generation Indigenous**

- There are no Gen-I meetings east of the Mississippi.
- If you want to meet call the AS-IA's office and we can set it up. The Department is committed to this effort.

### **Budget Update – (carried over from Day I)**

Peter Probst

- How can we fix the process to ensure that the Self-Governance budget line item is part of the budget discussions at the regional level?
- FY2016 enacted budget provided \$2.8 billion for BIA (\$195 million above the 2015 enacted level)
- The Budget includes a \$1 billion dollar investment in the Bureau of Indian Education.
- \$14 million increase for land and water
- \$277 million for CSC (increase of 26 million) and it will be a separate appropriation. The delay in funding distribution has been the result of late apportionment and a new appropriation for CSC. The Department had to request a separate "warrant" from Treasury to establish the CSC account. This process of requesting a new account number and new account slowed the Department a bit. Hopefully, the process will run smoother next year.

- All base funding has been distributed.
- We are in the process of reconciling the comp table over the next few months to smooth the distribution process going forward.
- FY2017 President's Budget Request \$2.9 billion (138 million above the 2016 enacted level)
- Includes: \$21 million for TIWAHE; \$1.1 billion for education; \$12.4 for post-secondary education; \$138.3 million education construction; \$198 million public safety and justice (increase of \$432,000 over FY2016 enacted); \$215 million Natural Resources (23.7 million increase)
- FY2018 Budget Formulation – meetings met with Tribes including Self-Governance Tribes
- TIBC Budget Subcommittee meeting April 4-6. We do not know the target numbers yet. The directive to the Tribes was to apply an 8% increase.
- TIBC is the best place to make sure that the budget needs are raised and addressed
- Tribal Discussion
  - Senate Committee on Indian Affairs held a budget hearing and Senator Tester questioned the Department on the reason why need wasn't fully requested. We need strong advocates within Interior who will advocate for Tribal Budget increases.
  - We need credible data and a report on the metrics. There are a number of metrics we can use that are out there right now.
    - The TIBC Subcommittee will provide their budget recommendations next week and then the Department will put together the proposed budget the first week of June.
  - We need to be specific on certain items in order to determine the true need. Our education funding was reduced for grades 7-12. We need more funding for education, schools and wilderness programs. We also need funding to address wildfire dangers.
  - Do Casinos impact Tribal funding? No. Means testing is not a factor.
  - Scholarships are a hot topic nationally. We need more funding to get and keep our kids in school.
  - BIE money is a high priority. In the 2017 President's Budget Request there were increases for elementary and secondary education funding.
  - TIBC has recently formed an education subcommittee. We need to get the TIBC delegates engaged in the Committee.