

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

C/o Self-Governance Communication and Education

P.O. Box 1734, McAlester, OK 74501

Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: [www.tribalsegov.org](http://www.tribalsegov.org)

## DOI Self-Governance Advisory Committee and Technical Workgroup

### Quarterly Meeting

Wednesday, January 25, 2017 (1:00pm to 5:00pm)

Thursday, January 26, 2017 (8:30am to 1:30pm)

Embassy Suites Washington DC - DC Convention Center

900-10<sup>th</sup> Street NW

Washington, DC 20001

Phone: (202) 739-2001

### Meeting Summary

**Wednesday, January 25, 2017 (1:00pm to 5:00pm)**

### Meeting of the SGAC and Technical Workgroup Members

---

#### **SGAC Tribal Caucus**

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

#### **Invocation:**

Delia Carlyle, Councilwoman, Ak-Chin Indian Community provided the opening invocation.

All participants and guests introduced themselves.

#### **Alaska:**

Robert Keith, Chairman of the Board, Kawerak, Inc.

William Micklin, 2<sup>nd</sup> Vice President, Central Council Tlingit and Haida Indian Tribes of Alaska

#### **Eastern:**

Cheryl Andrews-Maltais, Chairwoman, Wampanoag Tribe of Gay Head (Aquinnah)

#### **Eastern Oklahoma:**

Karen Ketcher proxy for Bill John Baker, Principal Chief, Cherokee Nation

Mickey Peercy proxy for Gary Batton, Chief, Choctaw Nation of Oklahoma

#### **Northwest:**

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

#### **Pacific:**

Maybelline Peterson, proxy for Chairman Jackson, Hoopa Valley

Scott Sullivan, Council Secretary, Tolowa Dee-ni' Nation

#### **Rocky Mountain:**

Calvin Jilot, Councilman, Chippewa Cree Tribe

#### **Southern Plains:**

Kasie Nichols, Citizen Potawatomi Nation (Proxy for Chairman Barrett)

Kay Rhoads, Principal Chief, Sac and Fox Nation

#### **Southwest:**

Ruben A. Romero, Governor, Taos Pueblo

Shawn Duran, Tribal Programs Administrator, Taos Pueblo

Chris Gomez, Lt Governor, Ysleta del Sur Pueblo

#### **Western:**

Delia Carlyle, Councilwoman, Ak-Chin Indian Community

#### **Welcome and Opening Remarks**

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

- As we enter into the new administration and Congress it is important for us to shape and steer the agenda as it applies to Self-Governance Tribes.
- We are in a much better position than we have been in previous Administrations. We are also confident that we can protect gains we have made and move our priorities forward.

### **SGAC Committee Business**

*W. Ron Allen, Tribal Chairman/CEO, Jamestown S’Klallam Tribe and Chairman, Self-Governance Advisory Committee (SGAC)*

#### **MOTION**

Chairwoman Andrews-Maltais requested that the spelling of her name be corrected on page 10. Ak-Chin Indian Community made a motion to approve the Meeting Summary from October 2016 with one correction.

Taos Pueblo seconded the motion.

Motion was approved.

#### **MOTION**

Wampanoag Tribe of Gay Head (Aquinnah) made a motion to approve Sac and Fox Nation Principal Chief Rhoads as the Southern Plains Alternate Representative.

Central Council Tlingit and Haida Indian Tribes of Alaska seconded the motion.

Motion was approved without objection.

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

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

- OSG Distributions
  - OSG received \$66,008,078 of FY 2017/2018 funding for distribution. HHS sent more than \$4 million for FY2016 Child Care and Development Funds.
  - Continuing Resolution Base is obligated and partially out: CR#1 is \$18,998,115; CR#2 \$37,373,025, which is currently being processed.
  - There was a bit of delay for CSC calculation because of discussions related to the use of a 15 or 18 percent rate. OSG is sending out CSC at the 18% DCSC base rate.
- CSC 2016 Update
  - FY16 total: \$95 million
  - FY16 overpayments: \$1 million (1%)
  - Tribal Comment: OSG should also explain the overpayment in the context of the number of Tribes that have overpayments, it would be more helpful.
  - OSG has not found a better solution to process overpayments. Now Tribes have to work through ASAP to process overpayments.
  - Tribal Comment: What is going on with funding agreements in Alaska?
    - Response: There are Tribes that join a consortium (“marriage”) and others that pull out of a consortium (“divorce”). Some Tribes leave some programs for the consortium to operate and/or remove some programs from the consortium for the Tribe to operate. These actions cause a little delay in the administrative process of establishing the Tribal base for consortia and Tribes.
  - Tribal Comment: Offsets should not be made to carry-forwards without contact and proper notification to the Tribes so that reconciliation and reallocation can be appropriately corrected. Tribes need a consistent methodology to handle offsets to carry-forwards.
    - Response: Your observation is correct. OSG/BIA needs to provide additional notice when offsets and/or caps are put in place.
- Tiwahe Update
  - Nine Self-Governance Tribes and Tribal Consortia are currently being reviewed by the Northwest Field Office (NWFO) to determine base numbers.
    - Five are being reviewed as marriage/divorce issues in Alaska
    - Four are being reviewed by the Office of Indian Services.
  - Only need information from 4 of the Tribes.

- The fix will be made using an internal adjustment. Funding is available to make the corrections.
- Financial Assistance and Social Services Reports (FASSR)
  - The due date for Tribes and Consortia operating on a Fiscal Year or Calendar Year basis to submit the 2017 Request for Additional Funding (RAF) form, certified 2016 and 2017 FASSR and Narrative Reports, with supporting documentation to Ken Reinfeld is May 1, 2017.
- Director Freeman provided the follow list of Indian Affairs Position Changes:
  - Acting Deputy Secretary: Jim Cason
  - Liaison to the Secretary's Office: Ben Keel
  - Acting AS-IA: Mike Black
  - Director, BIA: Weldon "Bruce" Loudermilk
  - Acting Deputy Director, Field Operations – BIA: Hankie Ortiz
  - Acting Deputy Bureau Director, Office of Indian Services: Spike Bighorn
  - Director, BIE: Tony Dearman
  - Acting Deputy Bureau Director, Office of Justice Services: Jason Thompson
  - Senior Advisor for Law Enforcement, Security, and School Safety: Darren Cruzan
- Tribal Comment: Please share contact information for Jim Cason and Ben Keel.
- Tribal Comment: Is Mr. Keel the liaison to the White House or is he solely a liaison to the Secretary?
  - Response: The information provided to employees indicates that he is a liaison to the Secretary and AS-IA.
- Funding Opportunities:
  - FY 2017 Historic Preservation Fund Tribal Heritage Grants (March 27, 2017)
  - National Criminal History Improvement Program (April 5, 2017)
  - NICS Act Record Improvement Plan (April 19, 2017)
  - Employee Background Investigation and Adjudication Training (March 14, 2017)
- OSG is seriously underfunded because the current continuing resolution only provides \$1.5 million, but the OSG personnel costs are \$1.7 million.
- Seven Tribes are interested in entering in Self-Governance. However, funding is not available to travel and provide education or training to those councils.
- Tribal Question: How much is needed for trainings for Tribes to enter into self-governance?
  - Response: On the high-side, around \$25,000 and on the low side \$10,000. For Tribes that have done the planning and are ready to enter into Self-Governance, there may be an opportunity to get a small grant to assist in that transition. Sharee makes a request of \$30,000 for each Tribe that enters into Tribal Self-Governance.
- Tribal Question: If you are short where does the Department pull money from?
  - Response: It does not come from the Tribal funding. Usually it is sourced from other offices under Indian Affairs.
- Tribal Questions: Are you using Vickie Hanvey to keep track of the Tribal Transportation Self-Governance Program (TTSGP) Negotiated Rulemaking Committee?
  - Response: No. OSG cannot support her travel. There is an idea that Bureau of Indian Affairs Indian Roads Federal Highways Funding would pay for her travel to participate in the Negotiated Rulemaking Committee.
  - Tribal Follow Up: SGAC should draft and send a letter to Mr. Black, copy Leroy Gishi, to request that BIA Indian Roads Funding be used to support Vickie Hanvey's travel to future Negotiated Rulemaking Committee meetings.

### **National Park Service (NPS) Update**

*Joe Watkins, American Indian Liaison Office, National Park Service*

*Reed Robinson, Midwest TLO, National Park Service*

- Mr. Watkins spends one-third of his time doing Self-Governance Work.
- The handout provides an overview of NPS history with Self-Governance and their current position with Self-Governance.
- They currently have two existing funding agreements and an additional two funding agreements in the process of being negotiated.
- The process to Contract and/or Compact between NPS and Tribes
  - Tribes approach NPS and indicate interest in Self-Governance programs
  - The appropriate staff are assigned, provided training, and then begin negotiations.
- One criticism of the Service has been that they do not advertise the opportunity for Self-Governance Compacts. However, this year NPS will be at the Annual Self-Governance Conference to work with Tribes and possibly hold a listening session for Tribal comments.
- A better job can be done to educate the Agency on ISDEAA, because there is a lot of opportunity for Self-Governance Tribes.
- Tribal Comment: Non-BIA agencies within the Department are uncharted territory for Tribes. The United States continues to take more and more land into public parks. However, these parks often contain sacred sites for Tribes. Perhaps there are opportunities to share information and provide in depth training and education for Tribes and Service employees about the mutual benefits to be derived by entering into NPS Self-Governance Funding Agreements.
- Tribal Comment: Park Service has been a good partner when developing regulations to protect access to American Indian and Alaska Native access to Parks and Public Lands. It would be good to provide training at the Annual Consultation Conference regarding management of Parks and Public Lands. This could certainly be a win-win for the Federal government and Tribal governments.
- Tribal Comment: There have been many proposals to open parks and public lands to greater access for activities such as four wheel and gun ranges. Tracking this type of legislation will be critical during this Administration.
- Tribal Questions: What's your e-mail address?
  - [joe\\_watkins@nps.gov](mailto:joe_watkins@nps.gov)
  - [Reed\\_Robinson@nps.gov](mailto:Reed_Robinson@nps.gov)
- Tribal Comment: On page two you can see that Kawerak entered into an agreement with NPS in 1992. The relationship has not always been strong, but we need to continue to develop a relationship because there are many who are resistant to Self-Governance.

### **Department of Transportation (DOT) Tribal Transportation Self-Governance Program (TTSGP) Negotiated Rulemaking Committee**

*Kay Rhoads, Principal Chief Kay Rhoads, Sac and Fox Nation, Tribal Co-Chair, DOT -TTSGP*

*Negotiated Rulemaking Committee*

*Clyde Romero, SGAC Representative to the DOT TTSGP Committee (confirmed)*

- Update on the Negotiated Rulemaking Process
  - The two committees, administration and programs, that were established are almost done with their respective work.
  - Next meeting is scheduled for next week in Denver, CO; however, it won't be the same Federal workgroup team. Bob Sparrow, Leroy Gishi, and Vivian will no longer attend the meetings.
  - Sheldon, Cindy Patak and Brian Allen will replace these three employees. Bob Sparrow's replacement also has been hired and will also be joining the team.
- Atmore, AL workgroup meeting did not have a quorum so there is no formal update to share.

- The Operations and Administrative groups did meet in Atmore and were able to get comments from the Federal Team. They spent most of the time reviewing the comments from DOT.
- All Questions and Answers have been completed and combined into one document that needs to be reviewed by the entire Committee. Initially the Committee thought they would do that review in the February and March meetings.
- Tribal Question: Were the comments from DOT constructive and helpful?
  - Tribal Comment: There are several issues still in the parking lot, for instance CSC remains unresolved.
- The Committee did plan to request one extension of 180 days anticipating they would not need it, but making that request sooner so that it was approved under the previous Administration. We have not heard any response on the request.
- The Committee will meet again after the proposed rule receives comments.
- Mr. Sparrow did indicate that the federal officials will be sufficiently briefed.
- OSG asked if, in light of the changes, we should still request that Vickie participate in the Rulemaking Committee? Would it also be helpful to have Vickie review the documents that are available and provide comments to current members?
  - Tribal Response: We have protocols regarding sharing information and feedback with members. I think it's a good idea to request that she review and give notes to Chief Rhoads.
  - Tribal Response: The question and answer documents are not on the website, so we cannot share that with Vickie yet.
  - Tribal Response: DOT did finally agree to have a Self-Governance person or office within the Office of the Secretary of DOT. OSG could be extremely helpful establishing an office.
- Should we send a letter voicing our concerns about the transition and how it could affect Tribes?
  - Include a welcome and education component for the new people and keep it positive.
  - SGAC should not write any letters until after next week's meeting in Denver.
  - Perhaps we should acknowledge the old team and invite the new team to attend the next SGAC meeting.

### **Adjourn for the Day**

**Thursday, January 26, 2017 (8:30 am to 1:30 pm)**

**Meeting of the SGAC and Technical Workgroup with a Representative from the Office of the Assistant Secretary – Indian Affairs, Department of the Interior  
(Only Members of the SGAC and Proxies to be seated at the table)**

---

### **Invocation**

Lindsey Manning, Chairman, Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, provided the opening invocation.

### **Budget Update**

*George Bearpaw, Director, Office of Budget Management, Indian Affairs*

*Dave Conner, Director, Natural Resources, Red Lake Band of Chippewa Indians*

- Update on FY2017 Continuing Resolution (CR)
  - Have the first and second CRs out for distribution. The second CR ends April 28<sup>th</sup>.
  - Looks like we may be on a CR for the rest of the year. This is good and bad. It's bad because it is not a full budget and good because it means the new Administration will not be changing the appropriation amounts for this fiscal year.

- The new Administration will concentrate on the FY 2018 budget. There has been no pass back for FY 2018. There is no Greenbook revision occurring. There may be requests for comp tables, but that's likely all that will occur.
- For the past 8 years the Department has been working on several new initiatives including Tiwahe, Climate Change, Contract Support Costs, etc. The Department is working to rename and market those initiatives to ensure that they can continue under the new Administration. There may be some cuts to those programs.
- Strategic Planning for the next five years is on hold and will be up to the new Administration to determine how they will move forward.
- Tribal Comment: Please explain the red columns on the comp table in the packet.
  - Bearpaw Response: These are across the board cuts required by Congress. The percentages at the top are how the cuts are assigned. It was required in the Continuing Resolution.
- Tribal Question: Who do we talk to about keeping rescissions out of of the Department's budget?
  - Tribal Response: The Republicans use rescissions to save money.
- Tribal Question: Was it across the board or in particular areas?
  - Tribal Response: Rescissions were across the board and were .49% in CR#1 and then .19% in CR #2
- Tribal Question: Do you see sequester in the near future?
  - Bearpaw Response: DOI has not heard anything regarding sequester, though there were some actions taken on the mandatory accounts.
- In 2013 there was a 5% across the board cut with sequestration. There was supposed to be a second round of cuts in the next year, but Congress was able to delay it. They struck a deal in 2014, 2015, 2016, and 2017. However, with the FY 2018 budget an across the board cut is back on the table, unless Congress takes action.
- Tribal Comment: It is important that Tribal leadership continue to work with Appropriations Committees to repeat our message that Indian Country be held harmless. We should also work with the Secretary if the situation allows for flexibility to prevent additional cuts to Indian Affairs
- Hopefully additional information will be available for FY 2018 in the next couple of weeks.
- FY 2019 Budget Formulation Process
  - The process is going well and has answered a lot of questions. The Department has worked with TBIC and provided many trainings regarding the new budget formulation process.
  - The variation among Tribes and Regions will continue to bring additional questions for the process.
  - Tribal Comment: How will the data get deciphered when there are two different figure marks on the justification and the unfunded services formula? The 500- word justification is also a constraint.
    - Response: You can submit a word document with the full justification.
  - Tribal Question: If there is going to be a cap on the unfunded obligation why should we do the justification? How will that information be used?
    - Response: It is needed so that the information can be used to show Congress how extensive the need is within Indian Country.
    - We have done this to capture a dollar amount and describe the calculation used to identify the need.
  - Tribal Question: Has there been an evaluation on programs like Tiwahe to measure the success of that program, which is what Congress looks for? Does that include Tribal identified measures?

- Bearpaw Response: Yes, we have the measures to show to the Office of Management and Budget (OMB) and others to justify the programs.
- Ortiz Response: Tiwahe uses some GPRA measures, but each Tribe developed their own measures to meet their unique goals. Two new Tribes were invited to participate in Tiwahe last year – Fort Belknap and Pascua Yaqui. Those best practices and measurements will be shared on the Tiwahe website.
- Tribal Comment: The budget formulation significantly impacts the villages in rural Alaska. Many citizens depend on government jobs for income. When information regarding the budget formulation is not shared with the villages it is frustrating.
  - Response: There are many Tribes, both remote and urban, that need this information and it truly is a lack of communication issue. A list is available with all of the correct contacts regarding this process. In the summer of 2014 Mr. Bearpaw and OMB examiners went to remote areas. This trip enlightened many of the examiners regarding the price of goods and services in those extremely remote areas.
- Tribal Comment: There seems to be an inconsistency across the regions when it comes to the budget formulation process. Have you thought about ways to address that issue?
  - Response: They have tried to visit a few of the area budget formulation meetings this year. Hopefully we can address inconsistent practices in the future. We would like to standardize everything at some point and would be glad to hear these comments so that the issues can be addressed.
- Tribal Question: What is the status of the study regarding streamlining?
  - Response: There are some budget execution contractors working to computerize some of the processes to collect documents and signatures more quickly. They are working internally now, but are hoping to engage regions and central offices to automate the process. Hopefully this will be completed by the end of the year.
- Tribal Comment: In order to streamline the budget formulation process, it is recommend that the timing of meetings be considered, so that there is no conflict with other national meetings.
  - Response: We are still working to improve the process. We host several conference calls and in-person meetings to make sure they understand the process and procedure. The Regions are reaching out to the Central Office to get clarification on the instructions and process. We will continue to improve the process over time.
- There will be a review of the Greenbook to see if there can be revisions that could improve the Greenbook and information shared in the Greenbook.
- DOI is working with NCAI to do an outside review of the Budget Formulation process.
  - Tribal Comment: As you undertake the process to review the Greenbook, please include the SGAC. As it stands now, many of the increases do not include Self-Governance examples or programs.
  - Bearpaw Response: Yes, we will involve the Self-Governance Tribes and plan on reaching out to them for comments and ideas.
- Tribal Comment: It will be critically important because there should be more of an emphasis for Self-Governance Tribes. The reason we went into Self-Governance was to be able to consolidate programs and save money. Having a really strong description of Self-Governance success at the beginning could be helpful.
- Tribal Interior Budget Committee Update (Conner)
  - Both the House and Senate supported increases to Tribal programs include several of our priorities. However neither of these appropriations bills were approved by both chambers.



- The decision to enact the second CR rather than an omnibus bill was pushed by the Freedom Caucus.
- At the TIBC and SGAC meetings we advocated that BIA request the strongest budget possible. However, OMB did not provide a pass back and the Greenbook is static right now so the new Administration is not reviewing those priorities or tribally requested changes.
- It is difficult to predict how DOI will fare given this Administration's priorities.
- For FY 2017, the Interior and Environment Senate Resolution calls for \$32 million dollars.
- Since 2000 there have been 14 across the board rescissions, which total 8% of our operating funding. With sequestration that is about a 13% cut. They seem to like rescissions and sequestrations, but they do not fully understand what the consequences of those actions.
- Tribal Comment: Stopping the Budget Control Act should be the top priority, because that is what will drive the discussion regarding the debt ceiling and domestic spending.
- Last July, TBIC approved an agreement with National Congress of American Indians (NCAI) to hire an outside consultant to evaluate the budget formulation process. They are looking to see if there is some kind of way to streamline the process.
- Tribal Comment: We really need to get together as Tribal governments to develop a strategy that will work for the White House and Congress.

### **Office of Indian Services Update**

*Mercedes Garcia, National TIWAHE Coordinator, Division of Human Service, Office of Indian Services – BIA*

*Hankie Ortiz, Acting Deputy Director, Field Operations – BIA*

*Kasie Nichols, Assistant Director, Office of Self-Governance, Citizen Potawatomi Nation*

- Update on Status of Contract Support Costs (CSC) Policy
  - Office of Indian Services held a number of consultations across the country prior to drafting a new CSC policy to receive Tribal input. They received a lot of feedback through the consultation process and made changes as requested.
  - A second round of consultations was hosted in 2016 to collect feedback on the draft policy. The workgroup met August 15-20, 2016 to review all of the Tribal comments and make changes. The workgroup made changes and then voted to approve the policy, with exception of the 15% calculation for Direct Contract Support Costs (DCSC). However, they did not want that to hold up the entire policy.
  - A letter was drafted and sent to the Acting Assistant Secretary of Indian Affairs to support an 18% calculation for DCSC.
  - The policy was signed on January 9, 2017 and can be found in 13 IAM Chapter 7.
  - On January 23<sup>rd</sup> the policy was posted to the regulatory affairs website and can be found on the Contract Support Costs workgroup website.
  - Two big changes are:
    - simplifying the process for Tribes that do not meet the audit threshold, the calculation for Indirect Cost (IDC) is 30% less exclusions and pass through
    - the policy also includes the 18% calculation for DCSC
  - The next steps for the Workgroup are to develop a handbook that accompanies the manual to assist contract specialists and Tribes. Then there will be training provided to awarding and approving officials and Tribes.
  - Training will be provided despite the hiring freeze and will include Tribal trainers.
  - Funding for CSC under CR 1 and CR 2 has gone out to the regions and OSG. Tribes should have received their CSC.



- The meeting packet has a detailed report on everything that was done in regard to the new CSC policy.
- The Workgroup did work collaboratively to update the policy.
- The new policy clearly states there is a commitment to fully fund CSC and honors IDC rates that are up to four years. It offers opportunities to negotiate CSC even when Tribes do not have an IDC rate. It is extremely simple when comparing IHS and DOI policies.
- Two issues that are not resolved in the policy is the process to reconcile overpayments and the timeliness of payments.
- Tribal Question: What is the current process for overpayment reconciliation? Tribes prefer a deduction from the next year than processing payments through ASAP.
  - DOI Response: DOI's legal team researched and determined that deduction from future CSC could be done legally. The January 10, 2017 letter explains that Tribes cannot apply CSC to subsequent years.
  - Tribal Question: So how are Tribes supposed to repay overpayments?
    - DOI Response: The payment has to be submitted electronically. OSG and other offices are working with Tribes to process overpayments.
- Tribal Question: If a Tribe has an overpayment, is there notification of the overpayment and the process to submit reconciliation to the Federal government?
  - DOI Response: The policy does not speak to that, because the process can change regularly and it is difficult to update the policy. A form letter will be included in the handbook to provide notification to the Tribe regarding any overpayments and the process to remit payment. The timeline on the handbook is unclear at this time.
  - Tribal Response: A draft letter is in process to notify Tribes regarding overpayment and reconciliation process which has been circulated to the SGAC technical workgroup.
  - OSG Response: Yes, a draft letter is in the process. The staff is working with Tribes to process reconcile payments.
- Tribal Comment: Does an overpayment prevent Tribes from receiving payment for the next year?
  - OSG Response: No, an overpayment does not prevent Tribes from receiving future CSC payments and there has not been a situation that required a "collections" process.
- Tribal Question: We need to identify an expedited process for Tribes to address overpayments so there is no impact on other Tribes who were underpaid. Down the line, will this affect payment to other Tribes who are in an underpayment situation?
  - DOI Response: DOI does redistribute to Tribes so it does help to get CSC overpayments back so that the funds can be redistributed. The appropriation is a two-year appropriation. If the overpayment is not returned then OSG has to find funding from somewhere else to fully pay CSC.
- Tribal Comment: There has been an ongoing issue with renegotiation applications for DCSC, which is a result of understaffing at National Business Center (NBC). Tribes hope that the Department prioritizes the staffing needs to get the rates out in a timely manner.
  - Tribal Response: The policy tries to address this issue by allowing a four-year old IDC rate.
  - DOI Response: It also includes the 30% negotiation opportunity for Tribes who do not have a current IDC rate.
- Tribal Comment: Tribes worked to demonstrate that DCSC Tribal need does actually exceed the 15% calculation. The letter released earlier contains inaccurate information regarding the DCSC calculation, but the final policy does include an 18% calculation.

- Tiwahe Update
  - Four principle goals:
    - Support families and communities through coordinated service delivery
    - Integrate Native culture and tradition into service delivery
    - Support Self-Determination and Self-Governance
    - Build models in Indian Country for other tribes to utilize in program and justice system development
  - FY 2016 Achievements:
    - Tiwahe plans were completed for initial four Tiwahe sites
      - Association of Village Council Presidents (AVCP) in Alaska
      - Red Lake Tribe in Minnesota
      - Spirit Lake Tribe in North Dakota
      - Ute Mountain Ute Tribe (UMUT) in Colorado
    - Selected two new Tiwahe sites:
      - Fort Belknap Tribe in Montana
      - Pascua Yaqui Tribe (PYT) in Arizona
    - National Tiwahe Coordinator was hired.
    - Launched the Center for Excellence – provides training for Social workers, etc.
  - FY 2017 Goals:
    - Increase total amount of demonstration sites to 10 or more
      - Tiwahe creates models across Indian Country so that all tribes can benefit from Tiwahe implementation and lessons learned
    - Create a Tiwahe Website to facilitate sharing of best practices among Tiwahe tribes and Indian Country
      - Tentative launch date: February 2017
    - Enhance coordination with Federal agency partners.
      - Improve coordination at the national level with federal partners to address challenges and enhance strategies related to child protection, behavioral health and substance abuse, recidivism and tribal court & code development, housing, and technology challenges at Tiwahe sites
    - Focus on domestic violence prevention and intervention services for victims and children
      - Overlap between Domestic Violence criminal cases and resulting child dependency cases
    - Host a Tiwahe conference for Tiwahe tribes.
      - Tiwahe tribes have developed an agenda to focus on: federal partner collaboration, data & metrics, client tracking database, and program information sharing & collaboration
      - The first conference is set for April 18-20, 2017
  - Tribes interested in participating in the future should contact Mercedes at [mercedes.garcia@bia.gov](mailto:mercedes.garcia@bia.gov) with a letter of interest. Additional Tribes will be included depending on increases in funding in the future.
    - Tribal Question: What type of information needs to be provided in the Tiwahe interest letter?
      - BIA Response: Information regarding activities already taking place on the reservation and how they can be enhanced under the Tiwahe initiative.

## **Joint Discussion with the Acting Assistant Secretary of Indian Affairs and SGAC Members**

### ***Mike Black, Acting Assistant Secretary – Indian Affairs, DOI***

- There are still a lot of things in the air, however what we have heard has been positive.
- The DOI Secretary nominee, Ryan Zinke, has had a lot of positive feedback.
- Welcome Ben Keel, Special Advisor to the Assistant Secretary of Indian Affairs, who is on the Indian Affairs hallway working with the Trump Transition.
- The Administration is focusing on jobs, infrastructure, and energy development – which are all priorities for Indian Country as well.
  - BIA has an energy resource center and Indian Energy Loan Program which fit under the Administration priorities.
  - Tribal roads are in dire need of infrastructure support.
- No one has concrete ideas about the Administration's budget. We expect there will be some cuts, but our priorities generally have bipartisan support.
- Tribal Comment: The Self-Governance movement needs to continue and move forward. The tenants of Self-Governance fit well within this Administration's platform. We want to see continued support for Tiwahe, natural resource management, land into trust, etc.
- Tribal Comment: Self-Governance Communication & Education is an integral part in hosting these meetings regularly. Please understand that your support is critical to continuing the relationship between the Department of the Interior and all Tribes. We ask that you continue to support the funding for this organization and the meetings that take place.
- Tribal Comment: Have you heard about how the infrastructure funding will come down?
  - No, we haven't, but we will keep you informed if we hear anything.
- Tribal Comment: Please prioritize the SGCE Office and Self-Governance funding to support the extension and continued support of Self-Governance.
- Tribal Comment: The FAST Act expands Self-Governance into DOT. BIA is a member of the Negotiated Rulemaking Committee. Leroy Gishi has been the point person, but Sheldon Kipp will step in during the Transportation. We want to make sure that the Bureau of Indian Affairs maintains a seat at the negotiation rulemaking committee.
- Tribal Comment: Infrastructure is not just about new projects. It is also about Road Maintenance. Indian Road Maintenance is severely underfunded – approximately \$26million.
- NPS: There is an identified need for CSC funding to support Self-Governance within the NPS. However, there has not been an effort to remedy the situation. What is the status of Secretarial Order 3342 "Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources?"
  - Response: We are not sure as to the status of the Secretarial Order.
- Tribal Comment: We want to ensure that the Indian Traders Advanced Notice of Proposed Rule Making (ANPRM) stays on the radar and continues to move forward.
  - DOI Response: We are working with the transition team to try and keep this moving forward.
- Tribal Comment: The gap between Federal funding and need can only be filled with other economic development opportunities. Indian Traders regulations provide an opportunity for Tribes to continue to develop economic portfolios.
- Tribal Comment: Alaska is missing a Regional Director right now and got caught up in the hiring freeze. We would like to have an Alaska Native for that position.
  - Response: We hear you and we will do our best to find a qualified Alaska Native for that position. There is a ninety-day freeze or until the Office of Personnel Management issues an attrition plan.
- Tribal Comment: Do you have an update regarding an Under Secretary authorized under the Indian Trust Asset Reform Act (ITARA)?
  - Response: Not at this time.

*Bruce Loudermilk, Director, BIA*

- We do have a couple of vacancy in the Regional Director position in Alaska and Bemidji. There is also a vacancy of the Deputy Director of Field Operations position. Spike Bighorn is back filling Hankie Ortiz who is currently the Acting Deputy Director of Field Operations.
- He is a citizen of Fort Peck Tribe in Montana and has served in BIA for more than 25 years.
- Tribal Comment: One thing that will continue to be important for Regional Directors will be the TIBC budget priority process. There is an effort to identify unmet need. We are skeptical that the metrics to measure unmet need will be standardized in a way that is acceptable to OMB and others taking a critical look at our current budget and future requests.
- Tribal Comment: We are a little concerned because we negotiate categorically for Self-Governance Funding, but there is no opportunity to support the continued funding of the Self-Governance Program.
- Tribal Comment: Indian Affairs has been chronically understaffed for some time. We hope that you will continue to advocate for Indian Affairs to be exempted from future hiring freezes or additional across the board policies that negatively impact Indian Country.
  - Response: Eight years ago, in the BIA there were ~4,000 staff and today we are down to ~3,600 employees. We've already seen nearly a 10% reduction in staff.
- Tribal Comment: Help OSG follow the letter of the law and pay 100% CSC. Please make sure that DOI is paying 100% without holding back 10%-20% at the beginning.
  - Response: BIA is committed to providing full funding for CSC and will make sure to get that done. We are still working to reconcile FY 2016. The new policy makes the calculation clearer and the commitment to 100% payment is clear.

*Tony Dearman, Director, Bureau of Indian Education, DOI*

- Citizen of the Cherokee Nation. Been a science teacher and coach in Tribally-controlled education. He also worked at Riverside Indian School overseeing education for more than 500 students in a boarding schools situation.
- Currently 55% of BIE positions are filled, which means that the hiring freeze is a significant obstacle for BIE.
- BIE has been meeting face-to-face with Tribes and schools to identify and address issues and concerns.
- The reorganization is not just about moving boxes, but is about changing the mindset.
- Tribal Question: If the next Administration pushes charter schools, what is your response to such an initiative.
  - Response: We want to support the Tribes. We advocate for educational sovereignty and will support the Tribes first, even if the Tribe does not want charter schools.
- Tribal Comment: There is a lot of support for our schools and we look forward to working with you to improve those schools. Many times, Tribal schools are the best option for our youth and it is important to help and support them however we can.
- Tribal Comment: One of the burdens for Tribes to run schools and exercise educational sovereignty is the administrative cost formula. You may want to take a look at the calculation. This makes operation difficult because of the lack of funding and facilities issues. Finally, in today's world there is a major issue with technology and connectivity. Currently Taos only has 7mb of power for nearly 120 students, even though the minimum need is 1mb per student.
  - Response: There are some things that BIE does not have direct control over, such as facilities and IT. However, they are excited to work with those departments to address and improve those issues. They are making internal changes to prevent tying up and bogging down the system as a whole.
- Tribal Comment: Currently JOM is being funded on student numbers from 1994. What would it take to bring that up to parity? If the administration affects the headstart schools like it's expected to do, where will that leave our students?

- Response: It will take an act of Congress to change JOM, which is what they are currently waiting on. The Headstart issue is a good one for Mr. Keel to hear.
- Tribal Comment: We are concerned about funding for new and replacement schools.
- Tribal Comment: Headstart is a burdensome program, but it is important. Can we have a list of the agencies that are under consideration for elimination? Outside of 638 Tribes, we all are going to have to pull together to address the issues and think outside of the box in those discussions.
- Tribal Comment: Mr. Keel, thank you for joining the transition team and supporting the Secretarial transition. I hope that you will encourage the Secretary to host a meeting with Tribal leaders to learn about the various experiences and issues Tribes face.
- Tribal Comment: The Alaska Tribal Transportation Committee would like to invite you to the upcoming meeting in Anchorage March 7-9, 2017.
  - Response: If you have invitations like this please e-mail those to [Benjamin\\_Keel@ios.doi.gov](mailto:Benjamin_Keel@ios.doi.gov).
- Mr. Black is encouraged by the relationship that is building between Toni and Bruce. The communication is improving, but this remains a top priority for him as the Acting Assistant Secretary of Indian Affairs.

Lt. Governor Gomez provided the closing prayer and blessed lunch.

The SGAC technical workgroup hosted a working lunch to arrange follow up assignments.

The SGAC meeting adjourned at 1:00 PM.