

SGAC

Opening Prayer

Introductions

Quorum

Opening Remarks – Encouraged by the budget and that it was surprising event for us because we received a lot of increases and restoration of a bunch of programs that the Administration wanted to zero out. We still have a lot on our minds – legislation and what is going on with the Administration with respect to their mission and how it support the SG movement. We are now eligible for 3% of Crime Victims Act Funding and it amounts to about \$130 million. Now we need to engage with DOJ on the distribution of that funding.

Approval of the Meeting Minutes – (pause and circle back for approval)

OSG – Powerpoint

Paycosts – Obama requested a historic lowest amount for paycosts and there has been a practice to limit paycosts in Budget because it becomes permanent part of Recurring dollars. We brought it up at TIBC last week – if you can find any extra money please do it. One thing that helps them is full response to Tribes.

- We just sent a letter to the region instead of the spreadsheet they are sending out to us to fill out.
- You need to be responsive and provide information and the increase on CSC went to 18% so you could receive more money.
- Some Tribes send email to region and they accept the information in the email.

Consumption by Region – How much money has been put out and OSG is at 90.34%.

- Interesting the number of folks assisting other offices compared to OSG.
- New performance appraisals to Regional Directors requires them to push money out faster.
- 87 people provide services to the regions for Self-Determination (638) and 14 for Self-Governance (OSG). Co-trained staff in OSG to provide back-up if staff is out.

477

- How can Tribes identify which programs go into SG? Will it be incumbent upon the Tribes to do that research? Smaller Tribes do not have the resources to research it – there should be something available to let Tribes know which programs can go into the plan.
- If google CFDA Indian you will get a list of programs you can research and there are details on the background.
- 477 Tribal workgroup is taking it up as a task. It was recognized there are low lying fruit but beyond that there are others that Tribes have never considered.

Delicate balance because you don't want to frighten away these other agencies. Strategy is to go slow and then start to tackle the less than obvious ones.

- Tribes focus in on programs already operating.

JOM Comments Due May 21st - changed eligibility from a quarter Indian blood to a member of a Tribe.

Tribe - When did they do consultation on all these policies?

- No one did consultation on these policies.
- Program in Albuquerque did this work for BIE and they used it for other offices.

Legislative Update

Udall -

477 – First step MOU to be initiated by end of year and Hankie started this effort. Active on the Tribal side to identify programs that can be included. Conference coming up where they will go into deeper level on programs and agencies. It will by-pass the problems we had with Title VI.

Title IV Amendments – (hold off)

Tax – Tribal task force attempting to advance 7-8 Indian country tax provisions. Kind led the effort on the House side with bi-partisan support but complete bust for Indian country – we did not get what we asked for from Congress after having countless meetings. In Tax Reform Bill – bust including the essential government function test and adoption tax credit to give parity to Tribal courts to adopt. The only Tax Reform that had passed the congress since 1986 didn't include any Indian tax provisions. None of friends and allies could explain how balls were dropped. Only hope through embarrassment get a fix but not likely this year in the run up to the election. Number of things were fixed in the Omnibus and there was an organized effort to get a fix into that Bill but lot of Tribal provisions did not get included.

Strong effort to include Tribal Labor Sovereignty Act and NAHASDA Reauthorization and other things in the Omnibus Bill and all of those efforts fell flat.

A lot of riders did not get traction not just Indian bills – over 100 riders were not included.

Tax – Listening Conference held in January

SCIA –

Udall

Progress Act – Senator Udall big priority excited to co-sponsor and push through by unanimous consent and sending it over to the House. SG one of most important policy Tribes making decision for Tribes. Will make it top priority. April 11th mark the bill. Democrats all support it so don't anticipate too many roadblocks. April 18th Oversight

Hearing on Self-Governance in general and good opportunity to build the record for the Senate Bill.

Tribal Nutrition Improvement Act – Introduced – Tribes like Navajo dealing with state agencies were having issues working with states. Do a 638 model for Tribes to administer their own programs in USDA. Directed to Senate Agricultural Committee and trying to educate staff and get the message out. Get a Hearing – pilot project at USDA would be a huge win.

Appropriations – Staved off disaster and got an Appropriations Bill together and big win for Interior. IHS \$498 million dollar increase – BIA \$204 million increase and got good language on CSC IHS \$718 million BIA \$242 million.

Young – Alex Ortiz

Title IV Self-Governance Bill – Trying to introduce it in the House and engage with LaMalfa Chair of subcommittee – figuring out sponsorship. Perspective don't want to end up without a House companion bill. Starting to figure out obstacles and work through them talking to leadership staff.

477 – finished and now passed there will be room to focus on the SG bill.

Improvements to Land Empowerment Bill – Allow Tribes to take land into trust and place it in a restricted fee status. Received a lot of feedback through the Hearing and receiving a lot of feedback. Working on a second draft to address a lot of the concerns that were raised.

Appropriations – Pleased and saw increases \$100 million increase for NAHASDA and hopefully see the benefits of a lot of those increases.

Tax – Boss fought for provision to provide tax benefits to Native Corporation contribution to trust accounts. Possibility for success in working within that realm.

Torres – Rudy Soto

Boss is a champion for Indian country – second term and top Democrat handling Tribal issues.

Contentious issues where a lot of issues are stalled – Carcieri (concerns w/ off-reservation gaming not a lot of land being taken into trust)

Election year so not a lot moving forward.

Appropriations – Congressman Cole and Betty McCullom – R & D looking out for Indian interests. President proposes and Congress disposes.

Native Women – Violence Against Women – being worked on.

Economic Development – Advanced Tribal Trade – vision for using Indigenous products – break down barriers to get products abroad and to be inclusive of territories and insular areas.

Legislation – NAHASDA, TLOA (reauthorized and funded),

Rhonda Harjo

April 11th – Hearing on the Budget and mark-up of IHS accountability act (different name now) SG Bill.

SG Bill introduced a couple of weeks ago and thank folks who worked hard to address issues that have come up over the years. Confident about the bill this year – want to introduce it and go straight to mark-up. Move it as introduced and get the cost estimate from CBO and get it over to the House. We want to work closely with House to have the same language and move the bills quickly. It will just take more time if a different bill comes back over to the Senate. We can continue talking to each other. John Tahsuda had worked on this bill when he was with the SCIA. Moving along we have had our issues with some staffers on the House side and hope to deal with it and work closely with leadership on the House side to get it through. Boss will be engaged on it. We wanted to push through a lot of bills so we could start working on new stuff.

12 business meeting

19 hearings

7 round tables/listening sessions

3 bills signed into law – 477; VA Tribe Recognition; western Tribal Fairness Act – passed Amber Alert in Indian country

18 bills passed by Senate

27 bills passed by the SCIA

After this month done with big initiatives – we keep hearing about infrastructure

Elections start to truncate the legislative calendar. We are going to keep plugging away.

NAHASDA still top priority – Mike Andrews came from HUD so worked hard to keep it on the top of the priority list. Native Hawaiians is an issue.

TLOA – marked up and working on the Committee Report and the CBO score – DOJ has been somewhat helpful on it. Few recommendations DOI had and kept them in the bill to see if get better discussion on issues – transport prisoners and getting Tort coverage. 3% VOCA was in the Appropriations \$132 million to go directly to the Tribes. Want to get the set aside permanent and flexibility for use.

SURVIVE Act – creates a 5% set-aside and more flexible use for the tribes. Worked with DOJ on it and the Judiciary Committee on it and close to getting it through the committee. Initially the Survive Act had a 10% set aside for victim services and non-starter for DOJ. One of the more substantive bills that goes to the heart of Indian Communities. House side is not quite as familiar with Indian issues so we need folks to help out in the different districts. We need lot of help and education on key committees.

ICE Bill – Indian Community and Economic Enhancement Act – helpful creating better opportunities and investments in Indian country – directs agencies to work together and develop a plan for Indian country.

Buy Indian Act –help Tribes with Master planning on ANA grants – S.1116 – headed to the Senate and will go to the Natural Resources Committee – Torres Bill. Lot of momentum going on these bills and want to get them to the finish line. Welcome help, involvement and engagement in all of this.

Anxious to get all these Indian bills passed. Victims rights money is a big win – we will take 3% - question of the day is how it will get distributed. Hope DOJ stays engaged with the hill.

Thank Rhonda and Mike for all of your effort. When do you expect CBO to score S.2515?

- Score from last year should have been instructive and hope it will be scored soon.

Concerns AK Tribes have different interests than Corporations.

DOT – General Counsel tried to emphasize want to narrow SG expansion into funding streams only and we oppose it. They wanted to change the Neg. Reg. Committee’s proposed language which goes against protocols.

Congressman young wants to support both Native corps and Tribes. We want to bring Tribes and Corps together to coordinate better. We want implementation to support the bill and support the spirit of the neg. reg. process.

Without a doubt a couple of these bills are important – Title IV is critically important; TLISA, NAHASDA and TLOA Reauthorization – want to get it done.

Farm Bill – Our regional organizations have been very active to make sure Tribal provisions are included. USDA is a big deal in terms of programs – loans and infrastructure – interested in what your thoughts are:

Chairman Peterson – Farm Bill in dire straights – concern SNAP be tightened up – lot of concerns on how or whether it will come together. Trying to include 638 concepts within the Farm Bill – make sure model is included. Dems side coalition working to make sure Native voices are heard with the Farm Bill.

This morning Peterson said I support the Senate Nutrition SNAP and bill expected to move mid to late April.

House passed 638 pilot for forestry programs at USDA and House was planning to put it in their Farm Bill. – Lets use it as a model – not only nutrition but forestry management. Want 638 control over vast acres of forest lands.

Aqua-Farming is a big deal in the NW.

Infrastructure – Where are we?

Young – Would love to see package but mythical beast at this time – have to figure out a payfor and it is a difficult hill to climb. Boss said increase the gas tax but lot of folks don't want to talk about raising the gas tax. Support provisions that have Tribal set asides and that help Indian country. At this point waiting game.

Udall – We hear about it but we have never seen a plan. Democratic side put together a plan

Staff delegation tour – during recess or over the summer and show them the schools, medical facilities, etc. and educate them.

Budget

Amber Ebarb

2018 Omnibus Update – Bill signed on Friday including Interior Bill focus on today. Overall happy to see BIA 7% increase over 2017 enacted level and previous two versions BIA/BIE budget was level funding but before spending caps were lifted. Increase sequestered level caps for Defense and non-Defense. HIS 10% increase over 2017 enacted. Commerce, Justice, Science – working to get Tribal specific set aside 3% or \$133 million goes directly to Tribes; Labor HHS \$50 million opioid funding; increases for budgets construction accounts. Many increases in budget – notable increases – restorations of most of the proposed reductions in President's Budget – increase road maintenance and restored TIWAHE initiative to 2017 levels and \$13 million to address needs of PL280 Tribes for justice and \$2 million to implement VAWA training and tribal court needs. Construction – major increases for Tribal schools and public safety. Resources management doubled to \$67 million. OIP increase was just 3% so a lot of restorations but no major increases. Similar construction increases in HIS and opioid and SAMHSA. Included \$100 million in competitive grants – Transportation HUD level funding for NAHASDA and an additional \$100 million for grants. FY2018 funding levels will likely be what we will be operating under for the next few years.

Questions – Some of line items have a lot of sub-line items so how do we figure out how it got adjusted? Rights protection look at Natural Resources section in explanatory text write up on Tribal management and development.

FY2019 (see Presentation)

Dave Conner

Focus on Administration's proposal – less than a year Congress enacted 2017 numbers. \$375 million proposed cut by the President but Congress added \$204 million above 2017 (significant message and achievement) – reach out to Congress and thank them.

\$465 million below 2017 enacted was President's proposal for FY2019. (see chart) – BIA took the brunt of the cuts and Cason attended TIBC and he said you can slice and

dice and make a picture to tell any story you want. We told him you cannot slice and dice this it shows the actual dollar cuts. National Park Service comment about repairing bathrooms. Tribes had a field day with it. TIBC Budget Priority Rankings – and includes all of the President's proposed cuts. Seeing what Congress did it put message on the wall they will support us but the Administration is still proposing these bizarre cuts. Bernhart said been through three Administrations and with regard to BIA budget and Zinke has been the best for Tribes. There is a disconnect that is there. 21 programs were proposed eliminated and they serve Tribes across the country. In 2019 and 2018 Budget Release BIA position – reduction to programs that only benefit a few Tribes and asked the BIA to quit saying it because it is not true. Every line has some core funding for some Tribe. Scholarships impacts over 300 Tribes so we think the Bureau should quit saying focusing on core programs. TIBC 2018 Budget came out – these folks who working for years do not have to toe the line but what can they do? Over 15 year period – chart shows growth in the 6 largest agencies at Interior – BIA would grow at 4% in total but the rate of inflation grew 31% so grew 8 times larger. Even with budget increases inflation eats away at it. Back in 1996 there was a general reduction of 16% and across the board rescissions 9.5% going back to 2000 and 5% sequester cut. Across the board rescissions slide (virtually every year we have had across the board permanent cuts) Back in 2006 1% taken from programs for Hurricane Katrina Recovery and we are still paying for it. Under last two President's Budgets we are dealing with Congress to get anywhere.

Have we developed a strategy on how we can address this (rescissions) budget cuts? One pager – express concerns from the SG perspective. NCAI creating charts on inflation impacts and on rescissions – need to make the case.

Rescissions and Inflation come through Congress but some come through OMB – what authorized by Congress v. OMB. House Subcommittee claim responsibility and needs to be held accountable for it. Last time we had sequestration they said it slipped by. Write a paper – keep it in the proper context – against the real dollars and in terms of how they do business give us some and slip it away on the other hand.

Congresswoman from Kentucky or Tennessee every year submits a bill to cut spending of 5%.

Strategy to identify what “core programs” mean to Tribes. How are they defining core programs? Got the order from OMB and that is what they adopted. Core programs is different between regions.

It comes back to how confusing the BIA budget is and the number of line items – issue is to try and streamline and simplify how we budget for programs.

Difficult when try to figure out priorities from region to region. Top ten have been top ten for a number of years. Bureau does consider the recommendations of TIBC and the messages that come out of each region. i.e. - Rights Protection gets bumps and road maintenance, etc.

We had third party firm provide recommendations on how to improve the process. There was a TIBC workgroup created and they hired full time person Raina Thiele to be the project manager for the budget formulation workgroup. She interviewed Tribal leaders and is developing recommendations on how to improve it. Webinar in April and meeting in May and then presentation in July.

Focus is on how much money gets to the Tribes but the Department serves us and they keep getting downsized to do more work with less people. Land into Trust – when one person processing applications problem because not staffed up. Glad advocated for someone to help the Department.

Gail Veney & Melissa

Roll-up of budget priority from all of the Regions top 10 priorities. FY2020 Survey and the surveys per region – working on the survey for next year. Regions and agencies also submitted for the survey. Preferred Program – tweaking – 2021 Tribes will not have to select the top ten. Unfunded obligations put on hold until further – recognized the fact that OMB says justify you actually need a budget increase with facts – needs based budget.

Bureau has so many programs it is hard to do. Intent is to get uniformity for unfunded obligations. Challenge between Administration and Tribes – perception if put out what our unmet need is that they will tell congress not fund Treaty obligations that it is the wrong message for them. Effort now to gather the information and the Department worked with us to ask Tribes in region to quantify the metrics to identify the unmet need consistently. Responses are consistent – active are responsive. Cason is of the philosophy not to give them information that not meeting obligation they are of position doing what we can afford. OMB says you need to explain to us why you need it. Cason thinks we need to change the way we do business – inclusive of why you are putting more land into trust –

Aside from Cason View – send strong message to Cason we don't agree with you. Survey you guys have done an amazing job.

Whether the Regional Directors needed to attend every TIBC quarterly meeting. TIBC already adopted the protocol – we made argument to keep Federal partners and bring budget officers so they are still reviewing the protocol.

Ron had conversations about Rice about it. On one hand regional directors know what impacts the regions but budget officers know the budget from the regions. Indifferent who shows up but someone needs to be at the meeting.

Survey for 2019 too cumbersome – broke it into two surveys. Survey will be turned over to the regional offices.

Make sure that they are taking into consideration the needs of OSG office – they have to process a lot and the number of FTEs need to account for this.

Government doesn't have access to the data to make that assessment.

Ken – In past years collected unmet needs data and OMB position it was just a wish list.

Paycosts – once add money to paycosts it remains in the line item.

Childrens Safety in School

It is about commitment to resources for the schools to feel safe.

RedLake had a school shooting 2005 – 11 people killed including the shooter. 2nd largest shooting after Columbine.

School safety – keep in mind not just BIE schools but schools throughout Indian country. We have plenty of non-BIE schools so we need to take care of both.

Tulalip had a shooting as well in the public school.

What are you doing to contribute – law enforcement and education and nexus – what is department of education doing with regard to security measures. It is complicated not just having security on site – it is schools – training exercises – what do the kids do?

Staff and kids – it is a complicated matter. Often look to feds and states for resources and dealing with tens of thousands of schools.

Youtube – safest school in America provides information on how school changed everything it has done.

Tribes are forgotten when it comes to an issue such as this – don't forget the Tribes.

One element to it is Tribal consultation. In many agencies Tribal consultation is not implemented by them. Consultation and prevention – bullet resistant doors, cameras and connected to Sheriffs department, wear security button and when it happens flip help or safe. Smoke cannons can be deployed \$400,000 for system.

Transportation – How do we move it forward – deadline was missed. We need to reconvene in April and see what DOT put together and get something published by June 4th (60 day comment period) review comments submitted August 4th – hope to have something together by September and it can be done by deadline. We don't know how to push it further – talked to congressional folks – if not published by December we need to start the process all over again. It is in the Fast Act so it needs to be implemented. If DOT tries to publish without comment we don't know rules we will have – then we would need to have law changed. Process is at a stand still and attorneys are on stand by.

Process is less than ideal and they are difficult to work with. Statute is Self-implementing so we don't need regulations so creates a strong incentive for them to do something. We have opportunities to stop them legislatively if they go too far out of bounds. Tribes could pursue it today. Incentives them to conclude the process.

Plan A – have neg. reg. complete process.

Tribe – Where can SGAC be of assistance in this effort? We may need to meet with someone at DOT up the chain. We don't want bad regulations.

See what they put on the table first – it is premature to request a Hearing. They have been asking for input on the analytical issues. Premature to get into fight by calling for oversight hearing. Keep Kenneth Martin aware of what is happening. Congressional staffers – we can keep them informed about what is going on.

Transportation subcommittee needs to work on a strategy and timeline.

There has been two months in April and May. Numerous letters have been sent to reconvene the neg. reg. committee but no response.

Office of General Counsel attorneys – work product is from prior Administration. The current staff have not weighed in. Full committee not an opportunity to convene again. We are talking about a prior draft.

Want SGAC Subcommittee activated – why would it be more effective than the larger committee.

Letter – comments on work product to date. Be careful with how far we push it.

Put pressure on them to get the Committee back together – we need a document that captures the process because people are going to ask it (timeline). At some point there needs to be a way to document what we thought was reasonable compared to what they produced.

Paper trail co-chairs written several letters in addition to the minutes. There is not a document that shows what Tribe proposed and what the Department proposed and what the final is.

Indian country needs to know what the message is – it is of value so when we engage with them we have that information. All of the information is online – it outlines all the recommendations up to this point.

Farm Bill

Maria Givens

Farm Bill and Native Farm Bill Coalition

Farm Bill is the biggest piece of domestic legislation that Congress passes – covers whole lot of things. NCAI joined the Coalition.

First coordinated effort – 124 Tribes joined and 11 different Tribal organizations have joined coalition.

It is not just about Farmers it is a lot bigger – nutrition (SNAP food stamps, WIC, School lunches)

Forestry – Forest Service is in USDA

Rural Development – only Department in Federal government focus solely on rural issues. A lot of the programs we are familiar with have similar programs at rural development – facilities grant – you can use it to build an IHS facility)

Resources for Farmers and Producers –

Coalition focus in on this title for food sovereignty.

Current authorizations expire end of August this year. Congress has until August to pass the bill and the clock is ticking.

Senate Agriculture Chairman said markup could happen as early as April in the Senate. House Agriculture Committee could not agree on SNAP or Food stamps and Ranking Member said he would support the Senate Bill. SCIA held hearing and round table on the Farm Bill in Indian country. NCAI organized it around themes in the Farm Bill including SG. Now is the time to advocate. Biggest SG – 638 contracts for SNAP and Nutrition programs. Tribes can figure out the programs within their communities do not want it to go through the states because not going to Tribes or letting them know what is available to them. We have seen pushback. Some of the Democrats have not bought into it just yet – Senator Stabenow (MI) could use convincing. Have USDA recognize Tribal Department of Agriculture to regulate pesticides or food that is grown used in the schools and Tribes should be treated like states. Handful of Tribes already started their own Departments of Agriculture. SG / SD – Recognize Tribal agricultural disasters – plague of locusts need state to determine disaster and we want USDA to declare a disaster. Expand severely underserved trust area – rural utility service told to give higher priority (broadband, electrical and telephones) want to apply to all rural programs like Housing, Energy Efficiency, Waste Water, etc. Another side – improve access to credit for Tribal producers. Traditional foods – food sovereignty is the healthiest way for people to live and to get those traditional foods out to our people – want them to include traditional foods in boxes. Includes traditional foods and traditional ecological knowledge. Comprehensive list in packet as well as testimony submitted in January. Heitkamp introduced bill covered rural housing at USDA – eliminate food distribution matching requirement and create an office at rural development for technical assistance for Tribes.

Tribe – Sought USDA funds for waste water and it is hard because they want you to upfront certain things and then apply for the grant. Problematic for Tribes to go after that money.

Tribe – Had lengthy meeting with local USDA on an infrastructure project and we inquired about the Indian set-aside but we heard \$2 million set aside is not a grant but it is a loan. They consider a loan first and then depending on your finances they may consider a grant. Waste water set aside.

Tribe – USADA legendary for complicated process – streamline the process.

One of the solutions is to have a Tribal Technical Assistance Office at USDA for Tribes. Senator Heitkamp's Bill has the technical office in the bill.

Grants v. Loans – it is how USDA is structured they do more loans than grants.

Rural – information about how to expand the definition of rural.

Test for credit is problematic most Tribes do not want to provide that information. Ask for exact cash on hand the exact day and you have to fill out form numerous times and asks for bank information.

How do you chip away at things – will they try to slip 2-3 in – how do you move it forward?

When you have so many recommendations – do shot gun approach and see what sticks Hoeven interested in credit and business development – Heitkamp interested in housing – Udall nutrition and traditional foods – Smith interested in research title – going in a lot of directions to find out where the interest is – go through the recommendations and see what would be good for the Tribes. Send it to members of Congress – specific provisions that would assist your Tribe. NCAI tracking next hearing – submit testimony for Hearing and meeting with Congress gets issues on the record. NCAI has been putting on Webinars and it is on the NCAI youtube channel. mgivens@ncai.org and let her know Tribal priorities.

County Committees – there is supposed to be a Tribal rep on each committee. They self-certify or self-identify.

One of our requests is to have solely Tribal conservation committees on par with the state. Individuals who do not have trust or restricted property has to deal with inter tribal county committees.

Established conservation district but not real effective because it can only operate on restricted or trust property. Have to work with the Bureau on everything. Change the way the Bureau has to approve it or require fewer land owners to approve it. Lot of invasive species around wild hogs and cedar – it takes forever to get the Bureau to do anything. Application has been outstanding for 2 years and the agency is located on Tribal lands.

It isn't just NEPA it is archeological too.

See a copy of anything you have in writing so we can let Congress know how big the problem is.

Heard mention Tribes becoming Administrators for food program and hope it comes to fruition. Sometimes state is not consistent – sometimes tell constituent you need to wait 9 days until we update our system. We challenge some of the decisions made and we have won some of them but we can only just provide assistance. Our social services department helps out – we know our own people and we need to help them.

Last week at TIBC spoke to Charles Hudson Columbia River Tribes – Anniversary Celebration – work with number of Tribes and have an event of Native foods – partnerships amongst Native food companies. Some of it fits under the Market Access Program – Tribal food companies get funding to go to Trade shows and set up booths.

Businesses promote each others products on the website. NCAI Annual in October is in Denver. Midyear Kansas City Missouri in June.

638 food programs is where we can really start to become more sovereign as it relates to our food. If someone needs assistance they should all just go through the Tribe.

Annual Tribal Self-Governance Meeting – Everything is coming along well – still looking for sponsors, moderators and panelists for discussions. Registration is high – 378 registered – 27 arts and crafts vendors – be there the same time as Miss Indian World – Gathering of Nations end of the week.

FCC panel – candidates Office of Native Affairs and Policy – consultation process is problematic – streamlined section 106 and NEPA process for telecommunications – small cell technology will be small – ruled it is not a federal undertaking so Tribes do not to do Section 106 consultation and no standing because of NEPA. Industry is not obligated to pay Tribes for Historic Preservation Reviews. NCAI working on it for two years and oppose it. Next steps – litigation – lot of Tribes expressed want to sue may be class action suit. Scalice and Moran – does the FCC have the authority? Telecom industry is going full steam ahead to get 5G out there without consultation.

Very important issue with what they are trying to advocate and advance we need broadband but want cell towers built respectfully. A lot of Tribes are trying to get the towers up themselves.

In rulemaking nothing incentivizing deployment on Tribal lands – you need 4G before set up 5G. FCC – may be first of many attacks on 106.

Other FCC problem – Rural healthcare program – subsidizes cost of construction for cell towers for rural healthcare providers and use it to develop infrastructure for rural hospitals for telemedicine – all new technology and subsidy available that offsets costs but it has been capped at \$400 million for 20 years – there was an over demand and the FCC pro-rated the overage so each carrier lost a percentage of their subsidy. \$20 million hit in Alaska just in 2017. Tribal healthcare providers commented about the need to increase the ceiling to account for the additional utilization of the subsidy and the FCC ignored it. FCC is ignoring Tribal concerns.

NCAI Resolution raise the cap and filed comments asking them to raise the cap. FCC can raise the cap by themselves. It is a commissioner level thing – can help to set up a meeting with them.

Met with them several times and they have ignored everything – filing suit – Cap is illegal.

FCC main advisory council was inactive for the past year and taking applications this week due this Saturday – Native Nations Communications Task Force.

Met with FCC but when asked questions they said they couldn't respond because a gag order was placed on them. Didn't get a lot of answers on anything.

Breakout sessions – room block closed Hilton and Hyatt is still open but getting filled up. Hilton Garden Inn – overflow hotel. Registration closes April 6th.

Formulas for each line item – no one wanted to implement the changes.
Line items – comprehensive break down of a lot of the line items.

Reason they push back is because they cannot explain it. They push back because they can – incumbent upon us to insist that they do it. Where numbers come from and how it is allocated to the different Tribes.

Jamestown started with 30,000 grant for base – any new Tribe – Bureau should be having a conversation about the basis for a base for those 6 Tribes.

Understand frustration – do you want to understand the process?

Going forward – there are flaws in how the roll-ups are calculated and how they float along for a very long time and we need to put it on our radar screen. More detail the government is asking the less self-governance we are – they should breakout how it is all broken down not have the Tribes do it.

There are some programs that have a formula and road maintenance but if new Tribe – what would they be eligible for to include them in it. Tribes need to be educated on how it works so they get in the mix of new money.

In many cases, pre self-governance only access to certain programs if had 638 contracts with existing funding. Some funding occurred in many ways – allocated by Congress based on Tribal petition.

Subcommittee on TIBC goes through every line item.

Other issue when they implement a formula different data was used so then you have to get into the data and it varies over time.

Six new Tribes get 160,000 each and that is their base.

Southwest – Motion to accept the minutes second Midwest – motion passes.

Opening Remarks – Some concerns raised by SG Tribes and our respective regions. Comprehensive for Reorganizing is an issue – we know engaging with Tribes and confident heard a lot of concerns from Tribes. What does it mean to Dept. changing the regions is a concern – does it make sense to us? Maybe it makes Sense to the Secretary but we have a variety of reservations about does it make sense and are we

on the same page. Underscore importance of telling Secretary don't just do it and come back and ask us what do you think. Moving Regional Directors, TIBC forum so good coordination and collaboration.

As we move forward with Title IV Amendments we continue to advocate that you and Bearpaw are mindful of what OSG needs. It gets complicated on a number of different levels. Inter-action and coordination is important.

Budget – encouraged what Tribes did for us – Strategic Plan want Tribes to become self-reliant and we look at the language for Trust Territories and the message is different and it shouldn't be. And budget should be reflective of the federal commitment. Message needs to be pushed back to the Secretary because he is the one that signs off and we see a bunch of programs being zeroed out. We need to stabilize the budget and send the right kind of messages.

Land into Trust – We are still concerned about is it being processed in a timely manner. We have been told by Cason we will process through very timely and we heard messages he hasn't seen much. Jamestown is a small Tribe and have 4 applications are – where are they? How much discretion does the regional office have?

Land Buy Back plan – is there a new priority you are going after in terms of fractionated ownership that are being bought back? Applications that get the most land with inexpensive acer-age v. other areas that have higher value. Who sets the priority and why are we hearing different messages?

Support for SG throughout Federal System – 3% for Crime Victims Fund – how do we distribute the money – what is the formula? Big Tribes, Small Tribes Remote Tribes – everyone should share in it – how can you use that money? Public Safety is a big deal to us.

Transportation is a big issue – we need help on negotiating the self-governance regulations it is going sideways and not respecting the govt to govt relationship. Drop dead date is in December 2018. We need meaningful engagement. We know self-implementing.

FCC – not respect govt to govt relationship and ignoring the EO. They are moving agenda forward and we are all for improving access to communications on reservations but great concern when they disrespect cultural or sacred sites. Are these commissions coordinating in a way that advances the Tribal agenda.

Consultation – make sure it is addressed.

Children Safety at School Program – big deal to us. We have concerns whether Tribal, BIE or Public Schools we want our children safe.

Farm Bill – We want Administration engaged on these issues – we need Tribal inclusiveness in legislation.

Opening Remarks - John Tahsuda

Gina good source to interact with John and remind him of what OSG needs. Would like the Department to re-energize the SG program. Secretary said we should take a look at how we are serving the American people we are responsible for better – we want the federal government to be more responsive to its citizens. We have the people component and we have the Department in a microcosm – we deal with trees, fish, resources and people. Unified management structure at the top – there is some consternation about regions. Fish and Wildlife and BLM Tribes need to get sign off –

would it be helpful if gave up region for BIA but had one region for all the approvals and he said it may be worth it. End of the day hope it is the big benefit that will come out of this. Department of Interior owes you trust and BIA is only one Bureau – other Departments and Bureau owe you a duty too. Long term plan will take years to unfold – it only works if everyone has buy in. Maybe we haven't done a good job explaining it to Tribal leaders and if we haven't I will take that on. 6-8 consultations on the reorganization plan

Logic of trying to improve coordination is who trains them on their duty to the Indian nations? This is something we regularly have an issue with. They and other key senior officials – it will be an important component. We agree trust responsibility is department wide and our experience has been that it hasn't been department wide.

We would like a change of culture within the Department and the mindset is not new. One way to accomplish the change in mindset is to make it responsible of regional management with performance assessments.

Happy to hear engage in consultation with Tribes so it is important. What is the prevailing philosophy of Interior and how does it affect Tribes? You are at the table to protect Tribes and when you say need to hear from states and counties that is not respecting us. As we look as better coordination maybe there needs to be a DOI Advisory Committee with all the agencies at the table so we have a voice there.

It is almost similar to White House Council on Native American Affairs – where are we at with that body? SG model how able to work better from Tribal standpoint. Regarding Map – restructuring is troublesome because it is redesigned in a different way – Tribes were first and the state lines are invisible to us and the states don't dictate our territory. Training Interior staff more respectful to the Tribes. We are the only human condition that Interior has and this should be taken as a priority.

Fully appreciate the voice at the table point and think it is something that has historically not been at the Department and it is something that we need to change. We do have as much collegiality within senior level management and counterparts are receptive but it should be ingrained into the Departments culture. Can talk about primacy of Tribal rights til blue in the face but there are other political interests and entities is a reality. We hopefully do a good job integrating into the decision-making.

Hope that this alignment will work better to Tribal sovereignty goals by being able to take on programs and services from the other agencies. How will this work when it rolls out? How will this effect smaller Tribes – how might we work better with other Interior agencies.

We want to push decision-making to the Tribes. I want to take a better look at it and get better clarification. Forests initiatives – Secretary is engaged and concerned about healthy forests. You can drive through and see difference between Tribally managed v. federally managed forests. Bison range – wild horses – we need to find an answer to.

Training of these groups will be vitally important because while it looks like a good deal from the top isn't the same at the Tribal level. Fire Cooperative Agreement – template and Tribes started to negotiate those and then the Region said it wasn't the right template. Wildland Fire is a crosscutting issue.

Suggest you reach out to Bryan Rice he came over from Wildland Fire.

President wants to build wall right through Tohono O'odham People.

Secretary is trying to work with the Chairman on the solution.

Fee To Trust – to separate out on reservation v. off reservation – the processing for on reservation should be preceding business as usual without hang ups. Off reservation fee to trust pulled back regional authorizations non-gaming and it is clear. 16 step process and most take steps at the regional level.

Is there a larger fee to trust change – question what should objective of fee to trust be?

Initial concept was start out with some ideas the Department had to improve the process. It led to a white paper – what could go into changes for regulations. We tried to come up with questions to get to some main issues. If launch into regulatory process you have to state purposes. Open-ended question – broader goals of supporting Tribal sovereignty.

Mandatory acquisition 2014 and it took to the end of 2017 to have a mandatory acquisition put into trust. Have a few other parcels waiting in the que. What will happen to all the applications sitting in regional and central office. Disconnect between Central Office understands and what regional office has in their system.

Take responsibility – we had new people come on board – we have a human capital deficit. Bureau has not done a great job of preparing the next group so we have a gap there. How can we plug that gap in the short term. We are starting training program now but gap between them and folks retiring.

Thirty years of Self-Governance – It was BIA responsibilities to fill those positions and BIA never did it. Resistant to identify and look inward.

Land Buy Back – We are rolling up onto the end of the settlement program. We are down to few hundred million dollars. Curious about the status and Cason said had exact same number of interests.

How can that be true? We resolved thousands of acres.

Have to acknowledge not resolving the issue we are barely getting ahead of the curb – take step back and use remainder of funds to get most fractionated interest off the books. Get greatest number of interests for the cheapest price. If parcel has value –

easier if unified economic interests. Some reservations better participation rate. The thing we hope we can use to extend the life of the program – authorization three legs – fund and work with Tribes to use other sources of funding and help individual land owners. We are a lot further down the road. We will use our Administration structure to help them come on and Tribe can focus money on overhead costs. It is a little more challenging for individual land owners.

We understand the challenge because of the complexity of the fractionated ownership so it has to be resolved. On the one hand was it redirecting the priority because of the numbers and values but there are many other Tribes. We need more money to keep chipping away at it.

In re-prioritize process choose to select property that is less expensive? Concerned that we have property that is economically viable but when realty has to assist re-negotiating have to track down people – missed long term goal of bringing income back to the nation. Created additional long term costs to the agency. We need to work together to come up with numbers for congress to do some projection costs.

Oklahoma Tribes didn't get to participate and when we did lawsuit and signed on we were signing on as part of process and expected part of the settlement as well. Assist Tribes with economic development and better utilization of land and told couldn't purchase land if in production or could be in production of oil so limited in what we could do. We were projected to participate as of 2020 – now hearing running out of money and told money was earmarked for Tribes on the list. Not only problem and added cost to the nations but look at the problems created for region. Fractionalization just as prominent in OK as the Great Plains and Tribes should not be ignored.

My participation in development of Cobell lawsuit – lot of the framework was developed at SCIA and a lot of Tribal leaders across the country. After that I stepped away and I do not know what was told to Tribes. All I can do is relay to you what I know when stepped back in. Cobell lawsuit was a settlement of claims by individual land owners not Tribes so the framework was focused on that. Department is concerned by ongoing liability. Department was spending upwards of \$5 million trying to manage the individual land interests. Federal government wanted to get over the hump of this Administrative nightmare. DOI single largest customer of the US Postal Service – whole thing was a huge nightmare. At the time we were told to get ahead of the curve it was in the range of \$3.5 to \$4 million dollars. Part of the issue – Congress doesn't like to resettle things. If there was a miscalculation it was one thing.

Very informative and insightful and mindful of your schedule. We will write a letter to you and you can respond to some of these issues.

Departments role with pieces of legislation – Transportation, Farm Bill and attitude of FCC – what is your view on your ability to provide input on it.

It depends on how receptive the agency is to us helping them understand things. White House Council is still an operating body and we meet periodically. Interior generally has the lead role in discussions. There are bi-monthly meetings and all the agencies that deal with Tribes sit on the council. Last Administration there was a preference for more policy involvement and preference under this Administration is to push policy down to the cabinet level.

The conversation in that forum was senior officials and they finally started to bring in Tribal leaders. You may want to talk to the Secretary about tribal participation.

DOT – appreciate Leroy and Andrew participation but we need to set schedule of meetings to meet the December 4th deadline. Concern General Counsel Office said whatever language was negotiated in the Committee is going to change. Share concerns with them. There should be a Tribal Self-Governance Office within the DOT – they said no money for an office. Contact the DOI and IHS SG Office to see how they operate and why there is a need to establish a SG office and encouraged them to attend the Advisory Committee meetings.

Hankie Ortiz, Deputy Director for Indian Services and Oversea 5 Divisions in the BIA 477 Law – Amendment that occurred last year expanded demonstration project to Ag, Housing, Trans, Justice, VA, etc. Made the law permanent and agencies do not have the option to opt out.

Have to have an MOU signed by all agencies by December 8. Met February 13 held meeting with current federal partners and get recommendations on what to put into the new MOA. On February 14th met with Tribal representatives of 477 workgroup and we were discussing the new law and the MOA and what should be in it. Got set of recommendations from Tribal workgroup and HHS and we developed a draft MOA that we took to a meeting at the White House. There is a lot of fear with SG and goal is to educate. 477 was located in economic development when first came to Interior and we moved it over to Indian services. Terry Parks is the Division Chief and strong advocate for Self-determination and 477. It allows a Tribe to submit one annual report to one entity one time per year. One of the asks I had at the meeting were to identify specific programs that should be included in 477 plans and asked the agencies to identify programs that should be included in 477.

Tribes starting with job training and education but started to gather a list from the Tribal side. Tribe who is operating a program develops a 477 plan and brings it to us at BIA and we reach out to the agencies as a liaison and get them to review it and see if they agree with the plan. There is a 90 day deadline because 638 laws are applicable.

Those processes we hope to continue. Growing pains – misconception Tribes rush in and take over all these programs. Tribes understand they have to be awarded a grant and targeting job training and education right now. Some are working with the Domestic Policy Council (Jake Steele) gave agencies 3 weeks to comment on MOA. MOA not the only tool we are also going to have other tools – putting together Guidance to describe the process. We are also going to provide training and make sure they understand the process. Provision there can be review by DOI on approval of programs and trying to figure out the best ways to address those issues. MOA should

be simple and allow for flexibility. HUD and HHS raised a number of concerns. We only have 5 programs at Interior 4 programs at HHS and 1 program at Labor so 10 total after 26 years and only 66 plans that we oversee (Over 200 Tribes but under 66 plans) We are trying to stretch staff and we advertised for 477 trainer. Developed Powerpoints targeting Tribes and Feds and have a basic 477 overview as well. We set June 1 as the deadline and there will be two comment periods. Goal is to have everyone put issues on the table now so we can address all of them.

NCAI is trying to work on 477 and coordinate how we can make it work more effectively and bring other agencies and programs into the mix. 477 is the same concept as SG – take resources and put together – if works and create a bridge between 477 and SG it will be a win win opportunity. Native American Advisory forum there should be directive we will make this happen. Folks on front line concerned implementation may try and dilute its intent.

Law established requirement for an Annual Meeting and a workgroup with a Tribal and a Federal Co-chair. Also, we are having 477 Annual Conference in Louisiana next month **April 8-13 in Marksville Louisiana and April 23-24 will be at NAFOA.**

Now that 477 is changing Tribe will likely want to jump in on it because there is a value here now. What is going on – who oversees it – who manages it – how do you get on it.

When you include programs in 477 you can comingle funds and redesign programs. As long as using funding to implement plan when auditors exam they look at the plan and it is really helpful to Tribes.

In the 477 process there is a 3 year plan that is approved and if programs are included it goes to the different agencies

MOA is a federal document so it won't be sent out for consultation. It is an Agreement that they will participate in 477. Law says grants and block grants can be included.

Native American Children Safety Act – Amended 408 Indian Child Protection Act – before place in foster care needs to be background check of all adults in home. BIA issue guidance on appropriate placement standards so by June 3 will issue guidance. Human Services Division working on compliance – 3 consultations were held and a web ex on March 6 to provide comments. Concerns we heard it is an unfunded mandate and BIA and Tribes need staff to make this happen and don't have access to Criminal Database trying to find resources to increase access for Tribes. General lack of emergency shelters for safe placement of Indian children so issues we are working on.

Closing Remarks

Programs will be important to us - we will cc you on letter to John to make sure we are tracking all these different issues.

