

1995 IHS TRIBAL SELF-GOVERNANCE FALL CONFERENCE

Safari Resort, Scottsdale, Arizona
October 3-4, 1995

W. Ron Allen: Thank-you Merle. Will close with this memorization. And as we speak in his memory, Governor Edwin Tafoya could you come up, he was going to open up with the invocation.

Edwin Tafoya: Thank-you Ron. I guess this dedication is pretty emotional. I guess you know what I mean. The people you worked with, we got to keep going. The lord has him, and something for him. And we have ours too. I have his family in my prayers too. As I was going to the airport, there were some things that I was reminiscing about. One of the things were getting kicked around left and right and we not know where the reason is. One of the things I keep on my mind is the constitution and what it's based on. Some of the, or most of the congressional people, we focus our minds on. They stand for the people and not for their selves. I'm here to do an invocation. Would it be proper to do a prayer first? Stand in one line, and open a meeting. Proper invocation. Invocation to me means, we open prayers to the O' Mighty God, and those we have behind us, please stand. I'll give the invocation right now. (I explained here as tribal leaders it will give us good thinking and at the same time, we're here with respect here to everybody, and everybody will have good clear mind, and get in these next two days a good orally fashion guidance. I also ask for help from the O' Mighty God, that we end this meeting in good spirits in whatever we accomplish, and we have a good time here. Thank-you.)

W. Ron Allen: This morning, we will provide the agenda and what are the issues that we will deal with. The issue that we have left, I look at this letter to Trujillo, and it ended negotiations and categorizes, Workman's Compensation, and Contract Support Cost Policy. You see them on the second day, our dialog proceeds and other items to talk about, and how we'll get them done. The same topic will be on the agenda again, my conviction is we keep on with it, to get it completed and implement it in Self-Governance. It is a new frontier, we're still looking for right formulas and right approach and its not fair for Tribes who are not in Self- Governance. And their getting their services from IHS, and Mike Lincoln and how he sees it for 1996. And it changes the course for the system. To my knowledge it has been dramatic, we had one tremendous battle, on the compact. Doni Wilder of the Indian

Health Board. Talked with Doni about those issues. But by the time we're done tomorrow, we have some sort of schedule. Mike or Doug can assist in what IHS is doing. Organization, initiative, how will they address that? What the challenges they are facing, we would like to know what is going on with the director's position. I don't have any other comments. Get on with dialog. And Ivan is not here. Cyndi Holmes, look and see if Ivan is here. I hate to bring Mike up here, if Ivan's not here shortly. We can address our agenda. I'll call upon Mike right now and get Mike's view of IHS, and when Ivan gets here, well bring him up. (Welcoming by Mike Lincoln.)

GENERAL OVERVIEW OF IHS AND SELF-GOVERNANCE

Mike Lincoln: Good-morning, there are a number of IHS people to get through issues. On the latest agenda, James Floyd, Doug Black, and Carol Martin are here. I see Robert Perry, and a number of other people. I'll be fairly brief, I talked with Trujillo, on the 1997 budget. Dr. Trujillo would like; 1) Is the idea that, are the properties, we develop our work and join our problems, we would like to govern our manners, and to have IHS provide services, and those of us that work with IHS to make this a better year. It would be foolish for us here to say things went well, we couldn't of had a better year. You worked cooperatively with us on the 1996 budget, and other tribal governments. But services in our programs, in 1995-96 the secret was partnership. I don't want to understate the challenges, but I want to emphasize the success. Mr. Floyd will present the Indian Health Design Team, and Julia Davis of the National Indian Health Board (NIHB). What do you think about the recommendations, in fiscal year 1996? Not just doing the same thing with the people, and there are far more individuals, and not only compacted, and contracted, that brought 95, 96 and 97 budget. We're here to work with you the next two days, we'll be honest, and relative to decisions that need to occur. I would like to say interviews for the Director, Office of Tribal Self-Governance, Luana Reyes, is looking out for those arrangements and making a systematical approach. But I do know interviews are being scheduled. One of the items is removal is speaking of Public Health Service (PHS), no middle layer between is ability to make selection of SES positions. The 1996 budget made your concerns regarding IHS budget for FY96 was clear to congress. There was a hundred million dollar loss. No we was not reduced by 25% we will maintain the level of service. FY97 is more of the same, with in the next week, budget submittal. Department of Health and Human Services, Dr. Trujillo, made it clear that its his policy and are sure of participation for Indian Health Service and with Indian organizations. Its a simple budget and straight

line budget. And its over what the president requests, and what will be appropriate for IHS. Its one-hundred-ninety-two million dollars. An increase for new facilities. Its a simple budget. It will not sustain IHS, its a better budget, hopefully that budget will be sustained for 18-20 million dollars, to 1996 budget. It is similar to 96, relative to 96, 1) We had questions from congress, it deals with means testing, Indian people paying for care. Indian Health understand its quite special to this relationship, we do receive questions, weather we count tribal income. As we determine distractions that is a form of means testing. What would be the impact? Those families that can't pay for health care, and think about Indian Health Programs, and if you can't afford Indian Health care its means testing, or counting tribal income, and formulate tribal budget and getting ready for 96 appropriations, and to congress the understand of congress and relative to court. And congress to the constitution, and Indian people should not be charged, and organizations. It does impact on 96 budget and 97 budget, the two last points, 3 points. 1) Is data and maintain health emphasis contracts or urban contracts we must maintain infrastructure. We're providing this amount for these people and the next 5-7 years. And to save the live of our sons and daughters it made me feel were in one mind, dictate and direct the ability to measure health improvement, and community throughout this country. And we do have successful programs, Indian Health Care Reform, it makes the difference and not doing something for the quality of services we collect about 170 million dollars a year. The Medicaid laws are being discussed for changes, Indian programs are not a full participant. We was authorized to be billed and no mechanism and not to receive reimbursement. Whether your a service unit the loss of that revenue, we need to work with you. You have contacts on both sides to the congress. The social security act, welfare reform and Indian programs can be reimbursed. The fact of the matter is, we cannot let legislation be passed. I'd like to close by basically saying one of the things from Indian health, we're here to work and listen, well be truthful if we cannot answer. The last item the IHS, as it approached 96 we need to solve as those major issue, how does the agency make available those tribal shares? Those, how do we respond? Self impulse from FY97 we will move from 600 to 500 for downsizing. How do we work with you? Relative to 95 Annual Funding Agreement (AFA), we must solve those problems. Trujillo's staff is ready to work. We're ready to roll up our sleeves and go to work. My conversation is personal.

W. Ron Allen: Thank-you Mike, we appreciate it. And we'll call upon Mike as questions come up. We'll now take a 10-15 minute break.

Coffee Break at 10:10 AM

Reconvened at 10:30 AM

INTRODUCTION OF DOUG BLACK

Doug Black: The document is going to be published in the federal register, and we will forward documents to the tribes. In March of 96, the last meeting is scheduled for Anchorage, Alaska. IHS and HHS will sit down, it will be April of 1996 for the deadline.

Question: When will it be scheduled for?

Doug Black: I don't have the exact date. It will be sometime in March. First of all IHS is responsible to policy development to 638 contract. The activity of title one, I really believe that activity will succeed in FY 1996, in my office and area IHS office the proposals for tribal shares and area head quarters, for the tribes under title 1 of 638, we need to find a method with health service and your interest. We talked about that in IHS, we had some efforts and would like to examine and see a lot of activities in the Demonstration Project. In head quarters in FY 96 we don't consider the head quarters have any difference, in title I and title III, Self-Governance contract tribes, there is no more available to 638 contract. We're trying to work on the process. We have had some considerable down sizing in the agency. I have some real concerns and the proposals in IHS, and you can help with solutions and questions, and one more item. That at least in FY 96 I guess I should comment in head quarters is to me its going to be difficult to have IHS fund 100% new Self-Governance tribes, or title I contracts that want to access, and I don't see the make up of some of these costs and how we will do this in one year time. Some type of transition and some of you come from Area Offices and Portland and Alaska areas, and if you came to an agreement, transfer funding, from agency to tribes to a face basis. Each tribe can expect to receive an increase, and transfer of tribal shares. And in the past we're able to fund Self-Governance tribes, and we have a couple of title I contracts that jumped into, and I have a big vouch that we're able to do that. And we need to talk about that in the next couple of days. And some of the activities the agency has available to the tribes, and downsizing to the cost of the funding to the tribes, and that's all I have to say.

W. Ron Allen: Since Mike has stepped down, and if any of you folks have questions...

Jerry Hope: I think for the possibility, I in my sense is I have points down and questions, and I would like to hear from James Floyd first.

W. Ron Allen: We'll bring James up. Thank-you Doug.

Introduction of James Floyd:

James Floyd: Good Morning everyone. I'm James Floyd, Director Portland Area Indian Health Service. I'll let you know what's been keeping me busy for the last year. I want to make sure the agency can be looked at in a way for a change to occur, and the past year and where that's going from the last year. Your familiar, I have taken the time to attend several meetings, of various area offices, which they can produce and outline the changes and address some of these issues and IHS at this time. What are some of things that require those changes? 95 appropriations language, to develop a plan and submit with 97, and it activated Indian Health Design Team. There would be a plan in place for Trujillo to submit, and various aspects for IHS. We've gone to meet with them on the hill, and will reflect in 95 appropriations. There is a lot of comparisons to the BIA. If you look at 96 conference report it talks about BIA. BIA is being directed to take of some specific actions with plan. Result has congress taking the action. You need to look at that. That the BIA does specific things. 97 budget for specific recommendations, there are some suggestions made downsizing things like that, back to the process and these factors brought in and take a hold of Indian people. And brought into the organization and it needs to be monitored. And we're on target, and with out going into that, well be going over what is taking place. As well as IHS, and secretary that will be taken place over the year. At that point from Rockville, MD there was twenty-eight (28) people involved with Indian Health Design Team, from various troops throughout the country. Its time to look at those recommendations. And it was thirty (30) that came back, out of one-hundred-fifty (150). And I looked those comments over. I encourage people to write letters, and at this point to begin a plan, some are going to be simple and some not. Some will be short term and some long term. There were about seven (7) workgroups in the past year. Now with comments back. That plan needs to be sharpened. First thing on the future, and some of those things will be easier. One recommendation restructuring downsizing. Those things needs immediate impact and will be implemented soon. Work with employees there, both in Rockville, MD and Albuquerque, NM. Those people will be involved, and make further recommendations to Dr. Trujillo. Lincoln talks about things that need to be tracked and monitored. Some value of business

plan and be put on tracking form. There is a target identified, from head quarters and head quarters west. There are things in the Indian Design Team, the need to be centralization and pass on the authority to the lowest level. And the changes we have in the office and redesign at their level. There will be new authorities. Dr. Trujillo will report to the Office of the Secretary, Secretary for initiative. Some communication to IHS, meeting. Downtown, smoking sensation and immunization, because of their direct association with Office of Secretary, delegating authority to Dr. Trujillo. Of various office service units. Decentralization, the administrative office moves to central point. Innovations now with computers and personnel laws that is going to be a critical part. We need to make sure there will be administrative there and will be resources there, and get out some of those things we have done in the past. Indian Health Service had offices to sort what things are out of date. It will be relieved, and make sure there is a balance. The other thing is changes will be taken place. Mr. Lincoln had Medicaid, on our resources to collect from the state. There will be some impact on us. That we can shrink or expand. It will have to be continued and make changes, oversight of change. Dr. Trujillo has spoken a lot of oversight. Some type of oversight group and look at these changes as they are being implemented, and take consideration in draft. In partnership in organization. What that allows is what Indian people see in area level and national level. Some of that is in head quarters level. We talk about Self-Governance and maybe Title I. And how we should balance these out. And look at some of these recommendations and what people we will be representing. And we have draft plan at this point and we have it with six months of work policy team have twenty-two (22) people from local level in this group. We look at where this will turn, the efforts need to continue, and corporate some of these things. The area office will look at how to restructure these, there has been specific recommendations of how to make restructuring for national performance review. Requirements from secretaries office on down, and we'll be going over that again. The plan was set up that in the future we will be getting some of these resources and the changes of needs for the community. The main goal people have on the Indian Health Design Team, is what we will be looking at. We need to look at the structuring of the national system, and regional support centers and I know that is on a lot of peoples minds. The premises was made from IHDT. We don't just look at downsizing, 1) They look at parts brought out and policy and relationship to the tribes. The administration and functions of the area office will be put in the pools and it will be three (3) different models that have been brought out, that was communications, both title I and title III, make approaches from both of those. The answers will lie with

present coordination and I think it will need a little more push than that. And try to resist the change, they can look at some of the policy issues and one in specific. The data, one of the meeting ability to show progress in environmental health has been able to show progress. The block grant. There will be no national data system in place. It will be up to them to decide to report. It will be important to the system to rely on data. So there is some national picture, and bend off some of these questions and threats. We need to look at those core things that will be important. Maybe some of those things will be needed to support the health and show the changes of immunization rate of any operation and has benefited Indians in the past so as we look at how IHS can be restructured. They need to be talked about to improve health care. So there will need to be different approached. What ever IHDT comes up with it will be taken out of the hands of Indian people. Personally I hate to see that happen. There are some things some people need to support and don't want to support and which will be running quickly and smoothly. Some work hard to the recommendations will be supported and we will see results on that. I know that's on the agenda tomorrow. Mike Lincoln will be here tomorrow and he's in a meeting at Portland, OR. So let me see if there are any questions you may have regarding the Indian Health Design Team.

Ed Tafoya: I have a concern, are tribes restructuring Indian Health Service?

James Floyd: That is the one that produces the report. Whether at area office or...

Edwin Tafoya: Different tribes have their own meanings. Your saying that they have planning group in area offices?

James Floyd: We meet on a regular basis, we can relate some of the requirements they have. That will reflect the area office, they represent a small part.

Edwin Tafoya: Under TPA you give tribes the determination.

James Floyd: We did that under the last three (3) years. We took 638, and we share with all tribes. They will get all that information. Hope that will be able to do that, good decisions can't be made with out it. Special needs in the southwest, get that information and bring it up.

Edwin Tafoya: Is there anyone from Albuquerque Area?

W. Ron Allen: That are participating in this process? You said there was twenty-eight (28) people.

James Floyd: Yes, if we have urban independents on aging. We invited people from the congressional offices. We had federal operated facility tribes.

Edwin Tafoya: One more thing. When you mentioned Medicaid. There meeting on Medicaid, some are getting direct funding.

James Floyd: Mike Lincoln would be best to answer that.

Mike Lincoln: The restructuring plan, there are components that compare with Medicaid. As you know Medicare and Medicaid was on the Senate side. There is language that is being on set a sides. The Indian population to the state, and administer those is what type of distribution formula will be for the states. And some type of allocation formula. And on the House side, as well as block grant, and that is being done. There are a number of different things from the tribes, and how those resources will become from the state.

Edwin Tafoya: Hospitals and clinics, and put everything on HMO, the IHS, won't be able to recover those third party billings.

James Floyd: There are some language, one will be taking from the tribes, and some will expand it. And discussed on House side and Senate side and operate federal facilities. How it works with federal facilities, that may now be 100% federally passed, there a number of different issues involved with that. Jerry Hope: Basic overall observations. Thank-you to the Lummi tribe, for organizing the fall conference, and other participating tribes that are on the agenda. There will be certain amount of growth of Self- Governance. Quite a few years for IHS/BIA and we would be scrambling and have state government. Agencies driving agenda, the tribes have driven the agenda, as the agencies support staff and so hats off to the tribes and contributing to this. Since the Lummi's are coordinating and hosting this, go Mariners! I know there might be fans from other ball clubs...

James Floyd: Probably just a few for a number of years.

Jerry Hope: So getting on to other couple of points, Mike Lincoln, had one thing, is an overall theme and Ketchikan, but I can speak for us.

We are going to revisit and use that as a central returning point. For the IHS to extend their right hand to the tribes, as well as the bureau, but its critically missing, between the agencies and the tribes. It's critical point in order to go forward. That's the only way we can progress. IHS and tribes go forward working together. O-kay there will be a lot of detailed information, it has been discussed and not all other detailed information that will be discussed. Not all those words will be slipped. And James Floyd for you, specific to your presentation I had a question. How many tribes have responded to comment prior from July?

James Floyd: Total last week, was 30. A couple came from tribes and a couple from organizations. I haven't looked at all of that in detail.

That, critical core group will drive a lot of decisions to the tribes that are participating from now seven days by the eleventh of October. Rather than make that announcement here. Has sent out notices, reminders to those tribes. Get it on the phone and fax that there input is critical and I thought I would keep it brief.

James Floyd: I think personally, he's committed to interact with him directly. He attended all IHDT and heard all the different point of views and made sure to cooperate thoughts of people and what were doing. And I feel strongly about that. He still continues to do that and made sure that can go on. Dr. Trujillo or whoever sits in that chair and it was a comment. How do we do this, and make some type of mechanism and utilize the IHDT? We have a number of different issues. The other things we had sent out reminders.

The point from Mike Lincoln, our tribal level, it's been a frustration for our tribe and we're talking honest. We're all going to get you in there and we're going to fight for our tribes and that's the best way.

Joe DeLaCruz: James, my Cree brothers said it's a nice day, and they would give me the day off. I will talk to IHS people, there was tribal people that pushed. Dr. Trujillo had mission statement. Tribal people, we come from different perspectives, the mission falls back that we have to work together, for their people the Indian people. I think that point is missed, we're entering an era of a difficult time. Residuals went through as we look as residuals, we went through with BIA, because we look at those meetings. And Dale gets frustrated, and some of the health people see that and we need to keep that in mind. Forces of design team. Everything we worked for is the services for our people. That is someone don't get the conclusion, and we won't have a

proper plan.

Doni Wilder: James, I just want to ask, 97 budget, over six to seven years we developed, for 97 it fell apart. As far as I'm concerned, it don't look like there will be any money. It gave a lot of people acclaimed with budget, tribes prioritized, and maybe you can address that.

James Floyd: We should have Mike Lincoln talk about 97 budget.

W. Ron Allen: Maybe you can stay up there James, in case some people have questions for you.

Mike Lincoln: We have processed that produced a budget that is at least known for boards along the area levels and tribal governments in respective governments. There was a couple of input. Enhancement packet presentations, to the nation Indian Health Board, and they prioritized. And from the director, it just so happen for 97 where thought out. And National Indian Health Board, one is director, is input from reg. meetings. Health care reform, and past year federal state relationships and if that is how they choose mandatory increases, seven point five (7.5) billion and two (2) new facilities. And that it the proposed increase. Doni you talk about that. The overall health need that doesn't show up in budget, we need to work on that.

Alvin Windy Boy: Two points of clarification. My name was on IHDT, my contract lead me to believe, and I can't talk against it, it left me out. Area health board participation and the committees, area health board committees. And we've been fighting the last four (4) years, two (2) years ago, I'm lead to believe, where the area of tribal activities, government to government, I wonder if that really exists. And we have number of, and we have roughly nine (9) million acres of land. And we have forty-eight to fifty (48-50) million people and you look at Fort Peck, Blackfeet, and much larger tribes, we don't have finances to address our people. The mention I've put together issues from the Chippewa Cree Tribe. Basically we have been dealing with on compact to negotiate, ill leave it at this.

W. Ron Allen: Another question or issues you would like to get from Doug, James or Mike?

John Sunchild, Sr.: Do you have a perspective for Self- Governance tribes? We're fairly safe with 96, and 97. We're going to get the crunch. I'd like to hear the, I'd like to hear from Carol and Reuben, in

terms of the coordinator and what power he has. Who do we go, or how much power this Director, Office of Self-Governance has? And to include tribal shares and we have to strategize them. And I'm going to wait until tomorrow with my concerns.

W. Ron Allen: The design team efforts, and all objectives, and health service programs, to better serve Indian countries. Examine couple, making sure recommendations is embrace in advancement of Self-Governance and programs over to the tribes, in providing services. Fundamental objective is to better serve Indian people. And you don't see strong emphasis. Core goals, the sovereign control, and it doesn't reflect that. The Self-Governance process. One question is the authority. Either reduce bureaucracy and while you doing this you should share the authority of each level and when I look at it, in the Self-Governance process. The negotiation level, I think we have to examine these recommendations, to that agenda. We rather contracting and compacting, its quality health care service, is too look for ways to slash. So I think its in both of our interest to transfer to tribes. For government control, and it removes construction and we look at issues. They are problems and try to access to these resources. The design process and restructuring process we need to really have that in mind. I see draft form, we have a level, Alvin Windy Boy, do we concur to final conclusion. One concern is, if you ask our involvement, then we don't have integrity to government to government relationship and we're not co-authors and what ever we implement, and the contract support policy, we got frustrated and redesigned the system. And our recommendations and tribal assumptions in mind, and this objective, any other questions, and we can bring Reuben up here.

James Floyd: One statement, I would really appreciate the conclusion the group can make. A Self-Governance decision that we can use next week. There are a number of topics, and sit those down, and points to be brought forward for next week. We really need that and everyone will look at comments. And I agree, we need to look further down, that is what the future needs.

W. Ron Allen: Chairman Sunchild, the current design of what current issues. We could come up with recommendations for those changes.

James Floyd: Mike will be the one to make the changes and needs recommendations.

Joe DeLaCruz: You look back to three to five (3-5) years, where your on title I-III, some of us was pretty adamant, expression of congress,

on government to government. Some was pushing to executive order. Basically that documents that this is a policy, and you need to have something in place. The tribes moving this even though we all support National Health Board. NHB thinks more of health, than for the tribe.

W. Ron Allen: I was looking at the people on the board, (Ron's reading the peoples names on list out loud, on the board. (Indian Health Design Team???) Get recommendations in for some sort of input and it's one of those agendas that will be focused in on. We need to pick up James recommendations, its still in design, shaping form stage. It's not a done deal. We need a final report and it needs recommendations, and well ask Reuben to come up.

George Paul, Sitka Tribe of Alaska: I appreciate your speech, it expressed exactly everything coming from my tribe. Are we changing the title of the program? Some things that I got in back of my mind, what can we do to go back? And time frame from IHS, it didn't work, will IHS be gone? So those are just concerns, and something that maybe you can send us a response to our tribe. And I appreciate the things you said.

James Floyd: Here well get some activity on that.

W. Ron Allen: (Design for a New IHS) How does it fit into what we want to do?

Alvin Windy Boy, Sr.: We probably could not support for a week, without that. Getting the governments o-kay. I'm traveling with a couple of Chippewas and they said it's time to go to lunch.

W. Ron Allen: Thank-you James. It is noon. We will break for lunch. We're scheduled to come back at 1:30. We will start with and Carol, thank-you.

Adjourn for lunch 12:05 PM

Minutes by Leoda Lawrence

10-3-95 Reconvened at 1:30 pm

**REVIEW OF 1996 OUTSTANDING NEGOTIATION ISSUES
REUBEN HOWARD, ACTING DIRECTOR, OFFICE OF TRIBAL
SELF-GOVERNANCE:**

UPDATE OF THE OFFICE OF TRIBAL SELF-GOVERNANCE

Reuben Howard: There is a need for improvement in the staffing level. I would like to see a Field Office established in Alaska. We had to contract with individuals in Alaska to assist in the reconciliation process. Prior to the last couple of weeks, we've been under pressure making 10% final payment. There have been a lot of discrepancies in financial information. It wasn't possible to do that. Thanks to Mr. Lincoln, we finally came to an understanding. Unless we had assistance from the field, final payments were not going to be made. It's been mostly Area offices, not so much headquarters. During a six week period of time, there have been five different spreadsheets from that particular area. The dollars were going up and down. We have a better feel of where we are in the long run, regarding reconciliation. There's one person doing the payment schedule. Reconciliation was only completed in the last week. We couldn't make the 10% payment until the reconciliation was completed. There are still 1995 unresolved negotiation issues. Final payments have been made. Some as of today.

This is a window of opportunity to make final adjustments. I was in Tucson last week, after final payment documents sent upstairs, we're going to need the backup information for that final payment. September 27, some cases, obligate this money unilaterally, not going through the amendment process. Amendments, we were processing as well. As a result of having all documentation come in, millions of dollars. Where and why all this money was coming out. Next week, I'll make sure I have a better. There are two staff, Cheryl and Suzie, working on payment ASAP. It may not be as complete. We're processing over 100 amendments. Some came in at the last minute, some came in early, but some came in the last minute. Nothing was being signed pending outcome of reconciliation.

AMERICAN EMERGENCY LIST

Document given to us from the resource management division regarding distribution of the 1 million eight. \$450,000 distributed to Self-Governance Tribes. There will be a handout later today or first thing in the morning.

CONTINUED RESOLUTION:

The language states that based on 1995 recurring base, reduced by 5%, calculates out to 12% for the 6 week period of time. 12% funding

level, however, will have been 5% deduction on the 95 base. Will provide a copy of the continued resolution of what the dollar amount is based on. The priority is to close out the year. The continuing resolution document should come out by the end of next week.

PILOT PROJECTS

We have a pilot project with Mille Lacs Band of Ojibwe for the last 3 years agency is not ready at this time is the response. We are looking at the impact of stable base funding within the agency. IHS perspective as well. The pilot project will be evaluated on an annual basis. It hasn't been signed quite yet. We are in the process of expanding to other tribes. It wasn't the intent to lock people out. The original intent has been for five years. It was decided it was too long of a period. It's interesting to discuss how methodologies are changing and how will you make those adjustments. The Tribal point of view was not to make these adjustments. Shortfall will be used to offset in the methodology.

CONTRACT SUPPORT COSTS

The Lummi pilot project requested stable base funding for fixed funding level. It has been resolved. We modeled it after that Mille Lacs on contract support cost.

Chickasaw IPA/MOA - Process Interim Evaluation for the MOA/IPA looking at some issues and looking at expanding January 1. It will not be limited to Self-Governance Tribes. It will be available to Tribes in general.

WORKGROUPS - ASSESSMENT

Assessments of workgroups is going to be established. We are looking at getting a group together in November. There was a conference call with all the other workgroups. The Co-Chairs from the Baseline, Residual and User Workgroups were included. It was asked at that time, where do we go from here? Should the assessment workgroup be a part of this, or should we establish a new one. There hasn't been a really a good response. There's more of an opportunity to think about where we go from here on these workgroups. There is a lot of work that has not been completed. The user population work group. Unable to complete their charge. Is the user population, methodology used for distributing funds. Are there other ways of clearing up this issue - some other methodologies. None of those issues were resolved.

The user work group duplicates user work group numbers. Dr. Trujillo, didn't feel that was something he could agree to a this time and not be duplicate of work group user numbers. Both co- chairs, felt that work group should be reconstituted. There were very complex issues they got into. There hasn't been a commitment from them.

RESIDUAL WORKGROUP

Dwayne was the Chair and Vanderwagon. From the National perspective, they have gone as far as they could at this point with residuals. The main concern was more at the area level. Some area residuals were at 3 million other areas were at 1.5 million. We wanted some consistency. There's too much inconsistency in area. That should be the focus. Trying to come to a consensus.

BASELINE MEASURES WORKGROUP

They just had their meeting last week. The report will be sent out to you in a couple of weeks. Chickasaw Nation will be sending that out. The charge of the Baseline Measures Workgroup was to look at core data set. Tribes should be reporting. It wasn't just title III, it was Tribes in general. The other charge was to look at the evaluation. There wasn't a consensus of that charge. Technical kind of work - we really were not staffed (support staffed) to do a good job.

Co-chairs need to reconvene all of the groups together and discuss these issues. Where do we go from here? Different ones, different memberships. Sometime in November, the workgroups will be brought together to address issues. In regards to the assessment, it will be a separate work group or part of one of these workgroups.

NATIONAL INDIAN HEALTH BOARD

Self-Governance issues have been presented to the National Indian Health Board. There are a number of Self-Governance representatives on the Health Board. The intent of the presentations is to get some kind of process going with the non-Self-Governance Tribes in terms of their participation into this workgroup process. It's been difficult and we have received a lot of criticism in getting them to participate in these workgroups. It's been a hit and miss. There's a missing link with non-Self-Governance Tribes. Lot of criticism came up again during the National Indian Health Board presentation. They think that we don't want them in these workgroups. It really affects effects everybody. It isn't any different anymore. It's not just Self-Governance Tribes, it's

for all Tribes. The intent is to get some kind of feedback - agreement. They agree and will be working with Avent in doing that. A meeting will be set in November and is open to everybody. Update of what was going on in Self- Governance in general.

PROGRAM FORMULAS - FISCAL INTERMEDIARY:

Don't know what level of Tribal input that has been received. After they've gotten their input, it's based on the work load. Prior to Self-Governance, developed a distribution methodology list and Tribes given an opportunity to review that distribution in regards to the data that has been used. Some of the data has not been all that correct. Some data was not correct. Asked that when that distribution list was developed, that Tribes be given one more opportunity. There's been a similar process that went with the equipment dollars. The square footage was not correct. We have asked for that same process to occur for the fiscal year permanent change of station and special pay. Calendar year negotiations are being transferred to headquarters. It's not just for the Self-Governance Tribes. Some of that information was shared with some of you, but not all of you. Methodology, distributed is based on a three year historical usage level. Flexibility different methodology. Flexibility is there. It doesn't have to be a straight distribution. It may be a different method. The process is moving very quickly. The budget for IHS, those dollars be distributed to areas as quickly as possible. Inspector General review has not made contact with our office, yet. There will be questions with regards to how we implemented. There will be a lot of criticism from the Inspector General on checks and balances of how we operated, transferring three hundred million from agency to Tribes in a lump sum basis. Under what authority are you providing and how much calculation based on the lump sum. Calculated in what that would come to in terms of interest. We estimated on prime rate. They'll be digging into our files and asking why we did some of the things we did. Some cases will be shaky. We'll see what they find. There are several issues - what are we doing to monitoring how care dollars are being used. Problems, will come out in the audit. One area is Baseline Measures. Monitoring some of the services that are being provided. Because of our staffing level, that has not been our priority. Some have submitted baseline measures, we have not pushed it. We expect a lot of criticism. Force us to do some things that none of us want to. Every opportunity, they talk to tribes in regards to this process. Wanted to come in with a particular Tribe. That is something we would ask the Tribe first. Hear all these crazy kinds of rumors within the agency, outside the agency. Dr. Trujillo, said no to the review and held them off for a year. They

will consume all of our time and literally move into our office. The impact on Tribes. How much time we will have to devote in these issues. They'll be going to areas. Evaluation of Self-Governance. There are issues that have been around for some time. Knowing the IG is coming in, we need to decide when we are going to do that. Originally, the Baseline Workgroup was such a big project, they didn't feel they could do it. We have some options, talking with the Baseline Workgroup people. We plan on contracting with a consultant to work with the Workgroup as steering committee. A contract has been let to do that. To hire a consultant to do the technical kinds of things. Will need a technical person do this and it has to be done through the Baseline Workgroup. Scopes of what their suppose to do.

W. Ron Allen: Are you drafting the scope of work.

Reuben Howard: The contractor is going help put the scope of work together.

W. Ron Allen: The contractor is working with the Self- Governance Office on the scope of work? What is the criteria?

Reuben Howard: It will be done through the Baseline Workgroup. They will be the steering group for this evaluation scope of work. Mickey Peercy is the Co-Chair.

W. Ron Allen invited Mickey to identify the Tribal Representatives.

Mickey Peercy: [named all members of the work group] The Group met last week in Oklahoma City. The Group has met three times. We'll meet one more time in January. By November 1, everybody's draft copy should be sent out. It will be sent to all Tribes, Service Units, Area Directors. The basic assumption of principles is that you have to have good data. The second assumption is that all programs are competent. The responsibility is at the Director's level. It's common baseline measures. The assumptions that we took, we added the following. Baseline measures aren't mandatory. It's negotiated between IHS and each individual Tribe. There is certain information that is critical. There are certain things that are necessary. There are eight or ten of those things that are highly recommended. Tribes go through and do their negotiations with those things applied. An important thing is the information through the RPMS system. There will be no added responsibilities put in Tribal.

Joe DeLaCruz: The Baseline Measures Workgroup was not set up to

do all these things. The Tribal Leaders wanted an evaluation an outside perspective. Something not within the government and ourselves. It's a Baseline Measure task force and we keep adding things to it.

Mickey Peercy: There were things requested that were not in the charge and the Baseline Measure Workgroup didn't accept those.

W. Ron Allen: Self-Governance Tribal representatives. There are four Self-Governance representatives. Just making sure folks are protecting intrusion.

Mickey Peercy: What we came up with, those will be things that will be negotiated - not imposed.

W. Ron Allen: Baseline Measures Workgroup will be the group for the sounding board. Trying to keep in sync with how we're trying to approach the project. Will there be an individual or firm doing this? The Workgroup will be guiding the criteria.

Joe DeLaCruz: Moved down a path of laying down a foundation. Tribal leaders need to look at that. Where the direction needs to go.

Mickey Peercy: We are in sync with protecting Tribal issues. We are not getting involved in that. By November 1 from each Tribal leader.

W. Ron Allen: The bottom line is we're compacting services. Are they providing better services for our people. Are we being responsible. Is there any kind of criteria beyond that. If we are doing an evaluation, we are getting an evaluator that knows what their doing. The burden will fall upon you. You are the logical work group. Some reports that come in send mixed messages to congress. We want to insure that doesn't happen here.

Reuben Howard: The handouts will be available tomorrow morning. It provides language. Some AFA's came in late and there was not time for agency review. We thought that issue was closed. Fiscal year AFA's, we have been advised that the review is to be completed by the Office of General Council. We felt this was something that had to be mentioned to you. The agency was advised not to send out that letter. There are still some unresolved issues to negotiate. We have done that. I can't tell you which ones are or are not and which ones may receive this letter. One part of the 90 day fiscal years AFA's calendar year. During negotiations with you, if AFA's are not received, agency might come back to you. The agency did not have the time to review.

During a conference call with headquarters all these annual funding agreements were negotiated. We felt that there were not those kinds of issues. The method of funding issues we worked out during negotiations - Fiscal year negotiations negotiated to both parties. There wasn't a need to do that 90 day. Phone calls that some of you may have gotten, AFA will not be signed unless language is in AFA.

Greg Anderson: There wasn't enough time to review our AFA? Ours was submitted June 28. There was three months to look at it. Still have to have provision in our AFA. Submit it 2 years a head of time.

Henry Cagey: What are they reviewing?

Reuben Howard: Of the AFA, mostly the numbers. The language is reviewed by legal counsel. Legal is more in the language not so much in the numbers. Most AFA's are worded all the same.

Greg Anderson: We have never been asked to change anything and you had it for three months. We were not requested to change any of the wording.

Reuben Howard: I felt negotiated to both parties satisfaction.

Greg Anderson: What's the point of negotiations, if their not going to sign.

Brent Simcosky: I agree with Greg. We were forced to sign the 90 day thing or we wouldn't get our funds. The 90 days is opened up forever. You can make changes whenever you want to.

Fiscal Intermediary - negotiation. We all say something comes out completely different. The workload as a way to distribute funds for intermediary. None of the Tribes voiced any opinions. Not one was asking for workload. Distribute in a fair and simple way. Complex workload formulas. Compacts with signed agreements - the numbers should not be changed. Agree mathematical errors can be changed and not reconciling with the Tribes is not acceptable.

There's an importance being placed on baseline measures. There's no more data than when we were 638 tribes. User population numbers aren't even correct. Until user population numbers are correct, all other data is irrelevant.

Julie Johnson: I agree. We submitted AFA signed and several months

later, IHS will not approve. We too, were forced to sign under protest. We were told we wouldn't have received money until 96. If we don't get those numbers together, we will not be able to do the baseline measures.

Mickey Peercy: Dr. Trujillo and Dr. Lee were talking about the delays in getting things done.

Carol Nuttle: We too worked very hard with the Office of Self-Governance. Our position provides a language that does not provide language in our AFA. As of last week, we understood, another review committee was approved and the proviso language is going to be worked out. Now they are saying that we have to include it. Why are those things not reviewed in guidelines. We expect the same from IHS. What are we going to do at this point. proviso will provide IHS language.

Henry Cagey invited Paul Alexander to give a legal perspective.

Paul Alexander: This is not just my opinion. Jamestown refuse to accept the proviso. Have a right to adjust with appropriation. We've all agreed in compact and AFA. Technical mistakes that we would have those adjustments. Jamestown compact, last series of negotiations. Areas in conflict, concerning formula. Agreed to adjust compacts. When resolved or utilize your number then go through legal appeals as necessary. Nothing in the statutory. Spirit of the Self-Governance statute. We were not to negotiate agreements of the United States. It's not a federal regulation and you can't impose it on Tribes. Senator McCain agrees. We're going to have to decide that you are going to do what is right. It's a fundamental problem. It's a government-to-government relationship. Bureaucrats structurally, how you deal, project will come to complete crash. (applaud).

Joe DeLaCruz: A year ago in Reno. We had the same type of misunderstandings. We need to get the attorney's together to work out that problem. It's the same old bureaucratic maneuvering and road blocking.

Comment: Appears that one of things we're always missing Dr. Trujillo Duke McCloud says it's all right. show up so we can address those. We didn't sign anything until December. Some of the tribes prepared to negotiate again. Legal people do show up at these meetings. Some of those areas. Policy Council never made a decision.

Break at 3:30 PM

Henry Cagey: We have been sitting here most of the morning. Most of us are bored to death. We heard a lot of things and said a lot of things. Think we need to stop and take a look what's going on here. Mike, Doug, Reuben, this is nothing but a real frustration for the Tribal Leaders, Coordinators and Tribal people. We need to stop and look at what they are doing to the Indian people. Some may not be your fault. Regulation or statutory. Operating under government-to- government relationship. I really don't want to be IHS bashing. It's been three years and it's frustrating. It's bad enough to tolerate with what congress is doing. You are Indian people and you know what we have to live through. Always getting side-tracked. We're chasing our people all around the country. There are 4 work groups and they're still not done. There is a whole list of unresolved issues. There's policy being created in the Area Office. Funds are still unresolved. There are user work numbers that still aren't complete. We have to be consistent. Tribes agreed, but some of them didn't. We need one common policy. This is a policy of the Self-Governance Tribes. There are two tribes being piloted. It's frustrating to sit here and listen and come to these meetings with excuses. There are decisions that must be made. How this project has been really working. 12 IHS officials and 4 Tribal people. There are too many people in one work group. Design task force. There are too many IHS people at the table. We are one of the first Tribes to go into the contracts. We expected more when we first started. First two months of the project, things fell apart because it's too sophisticated and technical. Tribal elder leaders, need to bring back the protocol. We need to sit down with Trujillo or Lee and iron some things out. Some of the message we'll be sending back to NCAI. Tribal officials and Tribal people, bought into workgroups and bought into regulations. These questions are addressed to Mike Lincoln.

Mike Lincoln: The issue of why agency finds it necessary to provide proviso language - do not feel it is appropriate to do so. It's unilateral action. Language that appears in compact with AFA. There are many frustrated in this room in addition to yourself (Henry). Fiscal Year proviso paragraph was unilaterally added into the AFA. Most notably, Sac & Fox sent letter to director at agency adding in this language in the 13th hour. Fiscal Year standpoint, I'm one of the individuals that went to the Director and said, I don't know if you want to sign these AFA's for this reason. One reason was because of how contract support costs were calculated. It's apparent that amount of contract support costs had been negotiated. We experience where agency made mistake on fiscal year 1995 AFA's. We were being sued. My advice on

behalf of the agency was not place the agency in a situation again. We'll find ourselves unnecessarily in court. It's not fair to agency or to the Tribes. June 23, the director agreed on a number of items. Headquarters would agree to funding 100% tribal shares. Didn't agree at area office 100% payment of tribal shares in two phases. Payment would be made within a given period. July 1, 30% would be made. In review of the AFA's, IHS agrees to make 100% payments. The range was full including AFA's that reflected half of dozen examples like that. On June 30, my recommendation, for those fiscal year AFA's is to correct that language and not find ourselves starting October 1, and ourselves being sued and rightfully so. The frustration I hear today is that the agency, re-negotiated. Those items not made consistent by the director, did not occur. What's most frustrating is the mistake that agency made during 90 day period. It will not be tolerated by the Tribes. That is what occurred, fiscal, year we knew specifically, fiscal year AFA's, should have negotiated. Have not been part of the process and do not have any knowledge of what's in calendar year AFA's. Explain why proviso language was included June 30. It was presented for signature for the director. It's the same commitments, same issues, fairness and consistency. Between Self-Governance Tribes and other 638 Title I. There's a general letter that has been drafted. Based upon my review, I recommend that it be redrafted. Understanding as to what was in those AFA's, a strong recommendation can be given Carol Nuttle, and Lindsay Naas. It appears that Kaw Nation, negotiations were a problem, fiscal year AFA. Agreed to continue negotiating with us. I understand their complete frustration. that's not the way it should be. I don't believe that's the way it should be either. Trujillo would be extremely frustrated. If there are issues - we should be specific with those issues. I believe what Kaw Nation tells me. Specific advice from the director. Number of IHS people to the Craig Vanderwagons who have been working hard on a day to day basis. I'm extremely concerned that the process needs to be simplified in making sure that this is a successful effort.

Proviso language fiscal year compact tribes, might be necessary for calendar year. The performance associated with negotiations, is not acceptable. He would want this to work much better. Straight forward and honest. The director set us down, and said here's a right way to do it. Millions of dollars moved over the last three weeks. There is some responsibility with the movement of some dollars through reconciliation. It's a little bit concerning. Financial accounting - basics what it means when a Director of Indian Health Service, we're talking about money in this instance.

Joe DeLaCruz: We need to correct that for 96.

Mike Lincoln: Mr. DeLaCruz, we learned something from our mistakes. The reconciliation issue - we need to reconcile today. The whole system. We signed contractual agreements called AFA's. We need to sit down with our finance office and grants people, who sign grant documents. They should stay in the room until they all understand there has been a commitment. We need to stop arguing over money. The Office of Tribal Self-Governance just wants to solve the problem. Need to develop annual calendar for meetings with Self-Governance Tribes and other tribes and resolve some of these issues within the first quarter. The AFA language, we know there's going to be some variances. We need to also have our general counsel and your legal counsel.

Joe DeLaCruz: Pre-negotiations - understood what Trujillo said. A lot of negotiators deal with same number of Tribes. A lot of responsibility on people with that many negotiators. Need a smaller number. We all negotiated with one or two people.

Mike Lincoln: Appreciate comment. Simple systems in terms of finance, you would not find it acceptable to not know where you stand financially. You're accountable for those funds, just as Michael Trujillo is responsible for those funds. He has real legal responsibilities to promote successful programs. Need to have a critique. There are little things that are not working. It'll make all the difference in the world. Need to engage very early.

Bill Parkhurst: We negotiated for the third year. Thing that I see. In March, identified all the outstanding issues. There was no decision. We meet again. Signed compact in June 28 & June 27. Nobody will make a decision. We want a decision made. Your crew, your negotiator's can't negotiate. The higher ups don't make a decision and higher ups won't make a decision. It holds up negotiations and AFA's. The whole process is held up by that. We're still out about 50,000. Haven't had any way of reconciling that. Your numbers don't reconcile with ours. If nobody makes a decision, a system falls apart.

Mike Lincoln: Number in AFA for Quinault. What was certified for finance may be 8. What was paid may have been 6. That's unacceptable. We did not accept that. Don't know much about accounting. But accounting should be simpler. The number 10, should have been what was certified, grants document and what was paid. It's not acceptable to the director and not acceptable to me. During

the presentation tomorrow those kinds of issues will be addressed.

Gerry Hope: Revisiting things as we move forward. Not that many hours ago. Move forward with the Tribes. This is case and point. Not those greater issues. We're not going to get to those greater issues if we are going to be struggling with those issues. It's trust. You're going to move forward with the Tribes. We need to identify the substance. Yes, we are working together. These items, specific to the AFA and specific to Self-Governance. It's critical to us. We have to be treated with respect. Is this government-to-government? We are told that and then dictated to. Trust is critical. We need to see some substance. Critical issues - find out calendars, timelines, ways in which we can accomplish some of these tasks together.

Governor Nuckolls: Negotiated BIA in 90. It's our third year with Indian Health Service. The role of the Office of Self-Governance. Don't know what the negotiator is going to do. Criticize Reuben and Carol. Don't know their role anymore. My government and face the agency face to face. It's two, one at time. The Office of Tribal Self-Governance should be an advocate of the tribes. The Office of Tribal Self-Governance should be able to interpret statutes. Don't always see them in their negotiations. There's a tremendous of turning parameters of what is Office of Tribal Self-Governance? It's lost it's identify. The Office of Tribal Self-Governance responsibilities to the Tribes. What is the roles and parameters? Don't know who to call to get information. Who do the Tribes go to? There are no doors open that can resolve our problems. The Office of Tribal Self-Governance should be assisting the Tribes. Who is actually going to negotiate. Giving Luana some direction to take back to headquarters. Contract dispute. Some issues that you need to take back. Pointedly, here today, where will you be tomorrow. consultation. Today, again and again. There were a lot of issues presented to IHS in Reno to IHS. There are major problems.

Mike Lincoln: Governor Nuckolls, negotiations, making them play a different role than that, needs to be addressed and corrected.

Henry M. Cagey: What is the OSTG authority?

Mike Lincoln: The Office of Tribal Self-Governance commits resources through the system. Whatever has been negotiated in the compact and in the AFA. Work with those systems and have those commitments made. They have the responsibility of assuring that negotiations are set up in a certain manner. Not as easily done as it

sounds.

Carol Martin: I agree with what Lincoln says. Negotiations and because of the way we change from year to year. New people were recruited to do negotiations. There's an all out effort to train. When you get new people, they come to the table without all the background that the Tribes bring to the table. The first year you negotiate your compact language, renewing your annual funding through your annual funding-agreements. New people are not always aware of that. We find ourselves at the table providing historical knowledge. Status of the agency is that they are aware of that. We assist in that effort to make it clear. Not always viewed that way. We are siding with the agency. Clearer way of describing. We need help too. We are all in the room as a partnership trying to get something in agreement. There will be no problem if we understand each other coming to the table as a partner. I'm hearing that now. Specifics, do not always work out that way. We try to keep up to date and will continue to do that. If we can do it in a better manner, let us know.

Mike Lincoln: Luana Reiz has the lead to Self-Governance. It's been the case for about the last year. She tried to put systems in place to prevent problems from occurring. The agency is better organized than it ever has been. There's improvement being put to place. Luana understands the systems relative to Self-Governance and the future. Luana Reiz was not able to be here, I'm substituting for her. It's more to do with assuring financial systems that are in place. With each month after that, I watch the agencies and I watch medical collections and Phoenix Medicare and discuss these things so I would have some impact. I do have a cross over relationship. Relatively to Title I amendments. In the past the truth to the matter is, to Title I and Title III there must be fairness. I will have some responsibilities in that.

Merle Boyd: You made reference about Sac and Fox opposing the AFA, then we submitted another AFA. It will not get signed. What I want to speak about today - you made a statement 30 minutes ago. We were not aware that was not the problem. We allowed IHS to do a lot of things throughout the years, and if you have problems with the AFA, that's what we need to negotiate! We negotiated the last week. It had been brought to our attention last time. We are still not going to accept any language to the AFA.

Mike Lincoln: One of the things we were instructed to find out was why the language was being placed and we did not do that. That is the conclusion that I draw. It is an error the agency made. We can

continue to do business this way. I said informed Dr. Trujillo of what I found. Here's my simple minded reading to the AFA - there are not consist decisions made. We made mistakes and we need to correct those. I did not communicate that.

Cyndi Holmes: I'm Self-Governance Coordinator with the Jamestown S'Klallam Tribe. I would like to go ahead with a couple comments and recommendations. We talked about role and the frustrations and once we negotiated. Joe DeLaCruz asked you earlier. "where do we go from here?" You also mentioned the recommendations. I spent the last week at IHS Headquarters discussing what can we do? I spent three long days. I was in fact the only representative there. It was important for us to come up with recommendations. So my positive ending - is we developed a draft that expresses the recommendations to you. The outline will be for handouts tomorrow. Every obstacle is included in this draft. We make very specific recommendations. I hope we can have this discussion here with this draft. If anyone would like to discuss this tonight for tomorrow, we're making some positive recommendations.

Joe DeLaCruz: This is what we've been doing in Reno. Lets go over these recommendations. If you have make no decisions and we recommended time and time again, I think you have the staff to do it and we need to do it now.

Henry Cagey: We need to go over contract support, tonight or tomorrow? We need to start earlier, so lets start at 8:30 sharp tomorrow morning, and well go over some outstanding issues.

Adjournment 4:45 pm Minutes by Maureen R. Kinley

WEDNESDAY, OCTOBER 4, 1995 MINUTES 8:30 AM

INVOCATION BY ALVIN WINDYBOY, SR.

OPENING REMARKS BY HENRY M. CAGEY, CHAIRMAN LUMMI INDIAN NATION:

We're going to bring Rudy up here, he has been going through a process evaluation, did everyone get copies? Rudy R yser is with the Center for World Indigenous Studies. Tribes need to step back and take a look at what we're really doing here. He's really taken an outside view on what we've been doing for 3-5 years since 1988. If we don't get our act together, we're going to be coming back here for the

next year over and over-take a look at what we've accomplished so far, since this process started. If we don't change the way that we're looking at things, we'll be here next year. We'll be in the same room year after year. I think its time we take a look at what we're doing, as Alvin Windy Boy said, "What are we doing for our future generations to come?" We need to take a look at what we're doing, what we bought into, if we don't do something about it, we're going to be here with different tribal leaders and different negotiators. It's getting frustrating to come here and talk about the same issues and feeling as though we haven't accomplished much, it was just another same old meeting. We haven't been listening to our experienced leaders. We can't listen to IHS, BIA officials, they can't give us the answers, we have to go to the people, leaders, elders for the answers. We can't fight amongst each other. The words are all the same, but we're not. Today we need to walk away from this and tell our tribe that we got some things done. We really need to take a look at what we're doing here. Rudy's here doing the evaluation and he'll cover what he's been doing so, Rudy, will you please come up here and take a seat.

PRELIMINARY FINDINGS OF THE SELF-GOVERNANCE PROCESS EVALUATION PROJECT BY RUDY RYSER OF THE CENTER FOR WORLD INDIGENOUS STUDIES:

Rudy Rysler: I'm Rudy Rysler, I'm a member of the Cowlitz Indian Tribe, and my draft report is this study that we're in the process of pulling together a Self-Governance information study. As Native Americans we're always studied by anthropologists - because many other peoples founded in 1984 to link together to undertake research for Indian Self- Governance Indigenous Studies - this is not to benefit IHS. This is to address progress from the tribal perspective of what changes, process, under Self-Governance initiative-as a basis for the study - we start with definitions frankly new definitions - when we start with Self-Governance, we think of Self-Determination as termination - there was a good deal of concern. In 1974: we are prepared to exercise our own powers through declaration Chuck Tremble was sitting outside and just got a copy of our resolution, he didn't know what it meant. It was just that Indian Country wasn't administrative regulations. There's was a huge fire of resolutions when Self-Governance was initially talked about. We should decide for ourselves, who we should have in office. Tribes weren't able to get officials to sign off on decisions. Some government-to- government, before that people were using Nation-to-Nation. Merle Boyd once said; "government-to-government is another way of dealing with treaties." That involves specific responsibilities, Self- Governance involves

specific logical steps for why we have to relate it to our own actions. We have a phrase "trust responsibility", some of you had asked what you meant - it's a promise of rights guaranteed. In our study it's the obligation of the United States to assist in the quality of life. The United States doesn't agree with the United Nations definition. When a greater power asserts a lesser power, it assumes government-to-government. Now, in order to do any study, the obligation of the United States is to assist those nations in the study. It began in 1918 when Indian leaders advocated we have begun building on things that came before it was their obligation, it is the duty of the United States to assist Indian Nations. These are the basic terms of the study. It is the basic question is "whether or not Indian Nations assume basic powers?" An important part of this is whether or not Indian Country has managed their affairs. Both arrived that Indian Country is moving ahead because of the Self-Governance initiative.

This study will measure how this is done. The question will be addressing specific questions that will be in these documents. Those recorded will be measured in those Self- Governance Evaluation. Dr. Reinfeld's study: The United States ought to determine whether Self-Governance negotiations are stable. What I have heard yesterday, policy is not determined by operations. Self-Governance evaluation is a study to determine based on a review of documents. I've compiled about 6,000 documents from other Tribes.

The United States is not participating in this review. Complaints have said that the United States have failed the Indians. Baseline measures of Indian governments have made major progress towards social and economic development. The final report will determine that study is based on policy recommendations. It's clear direction. Yesterday, was a good example where policy is not working. You are frustrated because you are taking that as a policy failure. That is where the United States is not delivering.

That occurs when administrations don't get policy direction. These bodies don't have the authority. Then you are dealing with a body and you have the responsibility to organize your side of the table. The United States is trying to get the Indians to be responsible for the United State's failure. There are two sides of the table. They are becoming more like 638 contracts. That is reflection by the United States. It doesn't have specific policy.

Imagine if you have a piece of property to lease, well I'd like to sign a piece of paper. I agreed I like your idea, but there was no agreement.

We are in compliance. We are on a two way street. Tribes are accountable, the United States is not accountable for the Tribes. We began in July and will present a final report in January. We're asking for reports from the Tribes and the United States. The evaluation is on the Interior. We have asked IHS to participate in an evaluation. There has been no response from Dr. Trujillo. How many of you have seen Dr. Reinfeld's report? I'll read a small part of his report: "as the troubles self-governance of Department of the Interior and Indian Health Service proceed, relationships have been formalized. Both of these agencies have entered into these agreements. Finally, baseline measurements were not used by BIA to determine this study.

Joe DeLaCruz: I'm surprised that there is no questions by all of you in this conference room. Rudy's report talks about history in 1980 during the Clinton administration. I hand carried foundation papers to the President. We thought the President would give an executive order when we spoke about the different policy discussions. In these workshops and policy meetings, there were only a small group of people. I watched it develop, creating our team and watched the United States. We fragmented ourselves to get us going in the right direction. The programs need to be developed by the people. We have to find our niche in this country. Many of you were back in Washington, D.C.. You were following Congress. In July we were following the amendment. So, we really need to think where we're going and where we're being led. The policy is not being followed. We're not going to be here in another 40 years. Their theme is why are we going to need Indians?" we won't be around to meet in 2002. You need to vote in '96. tribes were active and made a difference in the last election. A lot of the Tribes didn't go to the polls. When Tribes were back in Washington, D.C., a lot of the Tribes met in Washington. We can make a difference again. Tribes raised a lot of money in the House side. You have 16 seats to make a difference. I think the weight of Rudy Rýser's key comments is based on a lot of research. It seems like I stand up and listen and I'm concerned, when there is something of this nature, it makes us think. It's approachable. The third week of June, we were supposed to pick our options. Tribal leaders went through six hours of testimony of what our relationship is. We need to be in the loop. We can't have the officials deciding what the tribes need.

Henry Cagey: Thank you Rudy. Rudy will be contacting you for more information to add to this evaluation.

Rudy Rýser: There are always two kinds of fears when people are

asked to give information. The first is standing at copier and the second is the nature of information you are asked to submit. I'm only looking for the key communications. You can hold back anything that is confidential. I've asked everyone to provide this information. Any other treaties or compacts decreases or increases in tribal government. We're asking some Tribes to provide all resolutions adopted by legislative body from 1988 to 1994. Measuring the changes in decision making pattern of government, this report will only talk about changes in patterns of decision makings of signed compacts and those decision making patterns. If you can copy it in small pieces, send it as you copy it. The United States has been asked to provide the same information. We may have to sign a freedom of information release. I believe we're only looking at half of it, I believe the United States has only let us look at half of it. If you are particularly interested in this evaluation, I will be happy to answer your questions or comments.

Ken Brewer: I'm interested in what you are doing. In Alaska, Tribes are represented by consortium. I haven't been updated with your document. Although I will bring this information to the Alaska tribes and request that they support your efforts.

Rudy Ryser: As for the whole question whether or not this includes Indian Health Service (IHS), there has been discussion between the agencies BIA and IHS. We're hoping to get IHS to participate in the evaluation.

Henry Cagney: Okay, lets get on with it.

W. Ron Allen: Can we bring up Cyndi & Keith? are you ready to make the report now? Okay, lets take a ten minute break and then we'll come back with the Tribal Priority Allocation III report.

Coffee Break at 10:00 am

TRIBAL PRIORITY ALLOCATION III (TPA III) REPORT PRESENTATION BY: CYNDI HOLMES AND KEITH LONGIE

W. Ron Allen: Cyndi Holmes and Keith Longie are here to explain the Tribal Priority Allocation report.

Cyndi Holmes: In the past negotiations in contracts, I've had experience with Tribes in compact process. Staffing job was to administer the process, to provide at the negotiations pertinent

information and to work with the Tribes in development of the project. The question was when are we going to be working into the fabric of IHS. It worked there several tracks, in any Indian health organization, we need to get a number of recommendations to come to some concern and some of the understanding of what some solutions and present some ideas. This document is broad and needs your input. The other thing that I did working with IHS and all of you - there have been a lot of frustrations - all of you have tried to identify the issues and of the payment process. All of us have tried to explain the process, we've come up with ideas to help you understand the payment process- Again, these are only drafts, these are drafts and need your comments and recommendations. Earlier in the day, we've developed a draft document, does everyone have a copy of that paper? We have extra copies. TITLE III negotiation guidelines, and behind that was a timeline copy. Actually before I go into the document, this conference was dedicated to Dwayne Hughes, I feel fortunate to have had an opportunity to work with Dwayne, and how he had so many phrases, I started to collect them and called it "Dwaynes World". I've been saving his comments in a note book. Dwayne served on a number of committees and as I remember once Dwayne said to me, "whatever turns your skirt up." The whole principal of what a government-to-government process, the agencies and Tribes need to do something better. The recommendations are to get out of the tediousness of the process. We have a few overheads to layout the process. In all offices, I dealt with no one ever reading the Annual Funding Agreement. We need to go to the key document, the AFA. There should be a streamline process. The next process was the problems that we've had with the whole negotiation process. In fact, there are systems that could streamline this process. We need to see program information at all levels. We need to have a discussion of all programs. It would streamline the process once it was complete. When they did go back and everyone was using the standardized format. It's not standardized. We've developed timelines. We need to have this back by this Friday or early next week. These are the key issues we have. These are not what agency has. The last section is a standardized worksheet. What we can all work with. Ideally we finished our negotiations. It should be very forward. We shouldn't have to wait to make those adjustments. If you start with the AFA, you can take your AFA amount and everyone should sign off on them. IHS should agree to those. These should happen in no less than three weeks. We said 21 days was reasonable. We should have all adjustments quarterly. We also put some side bars to the amount. We had no signed amendment. All amendments should be signed off by IHS and we've had a lot of problems with the Office of Tribal Self-

Governance (OTSG). One thing that was distressing to me, was that they always had the paperwork. They never had the control of the process. OTSG is a tribal advocate, therefore they're on the right side of the box. A lot of the Tribes thought that they were the people we were negotiating with. They didn't have any authority. The Tribal leaders were insulted. That's why they had to go to Washington, D.C. to talk to Dr. Trujillo. When the Tribes come to the table, they have their technical people and decision makers. IHS had the lead negotiators who didn't have authority. By hiring lead negotiators and not giving them the authority, what we suggested with the negotiating team, it doesn't make sense to have teams of people who didn't understand issues and their region. We made the suggestion to start at the area level. Each area has a self-governance coordinator person. The key is that these people know the Tribes. The lead negotiator should have the authority to negotiate and make decisions at the table. OTSG needs to act and have full authority at the table. Some of the decisions that were made and agreed upon are those decisions were overturned when it went back to IHS headquarters. The fact that IHS was going to hire lead negotiators, changing the way these decisions were made. It goes back to the Headquarters and doesn't have the staff to execute authority. The real key is - they control and help form the dollars into the budget. Everyone knows the time and expense it takes to negotiate. Once you negotiate, with standardized worksheets in the Department of the Interior (DOI), that's how it happens. That is in fact what should be happening in the negotiations. The real key is to go over authority. Actually, I'd like to open it up for your comments and questions. I think this is workable, it is a much better starting point for what needs to happen as a strong point.

Keith Longie: One is policy Coordinator, we know status, what's been approved or not approved. There is a number of pieces what works with other Tribes. A number of workable situations, addressing many concerns - budget status and where are those moneys have occurred. We went through a painful reconciliation process of two years.

Brent Sinkosky: I'd like to thank you for working on this group, Cyndi Holmes. One of the things we've been saying is why isn't there isn't enough staff people in OTSG. Is there going to be an easy way that we can reconcile in one place?

Keith Longie: Brent, part of the problem is that people need to understand that we need to treat people as financial partners, in doing that there is a lot of communication.

Joe Finkbonner: All the things you have outlined, what I didn't hear from IHS is what is there next step is going to be? I would like to hear what their next step is going to take?

Keith Longie: One of the points is that this document hasn't been discussed in the agency-the agency needs to have broad discussion and Tribes need to have a broad discussion on what it will take, again as Cyndi says, there is communication and we still need some thinking this further.

Cyndi Holmes: Broad discussion means more time to implement. How can we shape this so that Tribes can move forward?

Reuben Howard: A lot of the key players need to be in the same room, a lot of the key players are not in the room. My concern is that policy coordination. It has different meanings to different people. What I would like to see is further meetings in Head Quarters to make sure that everyone has an understanding, also within the area levels. They all operate twelve different ways. That is what needs to be resolved, right away. The other thing is that some of the key players is that at the area level. The people haven't read the AFA's that is a legal binding document. It took some legal advice to understand that the AFA was a legal binding document. Hopefully the understanding has been made to everybody. Some of the key players in the area level. It needs to have a full understanding of what the process is going to be. Unless there is some reason why we shouldn't have a meeting in November. In terms of the spreadsheets. There is all kinds of complicated issues. It needs to have all the area officials and Self-Governance Coordinators in the area.

Mike Peercy: I waited so long. I forgot what I was going to say. I just want to make one point. I am from Oklahoma and we do call it, "government-to-government,". What I see is that OTSG is not administratively responsible.

Alvin Windy Boy: I would like to invite everyone to Billings, Montana, next week for the National Environment Symposium.

Terry Rice: The real issue is the lack of the OTSG to delegate the authority from IHS, to make a bad situation better. You've tried to develop a coordinating role to the tribes outside of the administrative bureaucracy, it hasn't worked because IHS wouldn't give any authority, that's the same authority they've had under Title I contracts. We need to be extremely careful of what authority to help

the Tribes to change the attitude of Self-Governance. We need to be careful of discontinuing. The second issue is the amount of detail. Inform and what is attached to our AFA's because it can be audited and tracked thing.

Cyndi Holmes: This paper is not an attempt to change OTSG. This document was developed three weeks ago. This paper is trying to swing it back around, OTSG was not to be found in the process.

Ron Allen: We were trying to establish a government-to- government relationship, just structurally. In the past we had some problems, Headquarters and team members. These new positions we have to get Dr. Trujillo who can get the process done expeditiously...get the people in there. Otherwise you'll never accomplish a government-to-government process.

Joe DeLaCruz: We've hand carried these documents, we wanted this outside of IHS, the thing is, I appreciate the message of this team, the problems we've been facing, every time we've had meetings back there, Dr. Trujillo makes decisions that his own people cringe at. They're not looking at what can make this a positive solution.

Governor Tafoya: Thanks to the team for putting this together. There should be a financial responsibility made to establish some position in OTSG that could really help the Tribes put together the AFA. We need to be careful that Self-Governance is not the reduction of expenditures in the federal government. We need to be careful where we get the money from. We have to justify those positions. We need to be careful how it is stated.

W. Ron Allen: We are trying to reduce the problems.

Governor Tafoya: If we look on page 6, under "Timelines, #6- suggesting timelines established, that would make someone keep those timelines.

Cyndi Holmes: No less than every quarter.

Governor Tafoya: Then, they could use the whole quarter to make the report.

Mike Lincoln: We have tried to tighten up these timelines.

Ron Allen: Does it address it adequately, to put specific timelines to

specific guidelines to get the job done?

Governor Tafoya: One of the things, if you are in the management level, if you look into this, there aren't too many responsibilities to get the timelines and work done.

Comment: I look around the table and was going to talk about Mike Lincoln, and he's right here. Self-Governance, to many of us, is a way to preserve our sovereignty. Self-governance and sovereignty go hand in hand. In self-governance, if we can streamline these processes, Self-Governance is coming back to a full circle. There are dangerous signals, we all must recognize the national budget reductions, not only Indian governments, tribal government, but governments at all levels are stressing local control. If we are to truly apply Self-Governance, we have to agree that there are some tough changes to make. Right now, there are 30 Tribes with Self- Governance Compacts. I'm not sure what Tribes are with IHS, we are here to prove that we can use the moneys to help our people. If we bicker and argue on how to streamlining the process. The government will streamline the process. When the dust settles, we have to deal with these agencies that try to determine how we can best preserve our sovereign status. If we don't work together, BIA and IHS as we know it now, all of us will be underneath a block grant under the states, or IHS will be under different categories under the states. We are in a dangerous era, surely if we had the time, many of us would lobby. Thus maintaining those facilities; failing that, we would be reduced to working for the states. Yes, we jump on IHS, like we did BIA. What we didn't know was that people were listening. What we didn't know is that BIA is being cut. IHS your going to affect the unborn. We have to think in those terms and salvage what we have. This is not what the Tribal leaders have envisioned. Yes, there's been talk about reducing staff even before these cuts. We have to prove that we can do a better job using moneys for the people through the years that rules, regulations, policies, IHS is rewriting the language to fit their own policies. This is why yesterday about the Inspector General and the general legal staff of IHS, that's an option, that's not a joke. We should be negotiating with OMB. It's true that we deal with messengers who have no authority. That message needs to go up as high as we can go. That communication needs to go to central office to area office-those people that are here from central office needs to go to area office. Changes needs to be executed. Before you know it, we're going to be down the road, talking to ourselves. Self-Governance is important, we need IHS to do its public relations work, do not pit us against Self- Governance tribes, small Tribes, and rich tribes. Lets find a way to preserve how

we should preserve our sovereignty. That's why we need to work together.

W. Ron Allen: Mike, would you care to make a comment on that?

Mike: One statement is that I'm not aware of the 3TPM effort. I do not believe that has even been a discussion.

W. Ron Allen: The role of OTSG is not going to be limited.

Mike: The effort of the director, as Floyd said yesterday, is to bring OTSG efforts to area director. That idea is consistent with the Indian design team. The second thing: we've asked for very clear statements relative to this proposal, this workgroup has worked in the last six weeks, the systems must change, they're not developing any progress. We're interested in your feedback. My third statement: the opportunities to solve those problems, with a YES or NO, I really do see the opportunity in the first quarter, not only to self-governance tribes, there are so many things that occur, where we look at the appropriations in, we will carry it back, my suggestion to you is to put it in writing, my discussion with Dr. Trujillo, he needs feedback from other tribes, a decision needs to be made clear.

W. Ron Allen: I think our messages are clear. Cyndi have identified the issue in three years, by the time it gets back to you - it comes back to us that our message wasn't clear. We don't see any contract, methodical commitment, or the way that the fiscal documentary those kinds of issues that we're not bringing to a closure. We think that this is the stuff caught up in the bureaucracy. You got to do something about it. I think that this commitment should be a transfer of these services to the Tribes or that Congress is going to limit our opportunities. Don't let the bureaucrats run our systems. These are old speeches. We'll keep coming back to these conferences, but you (IHS) got to advance. We see the big picture. Joe DeLaCruz has always bashed the systems, transfer these systems to the Tribes.

Mike Lincoln: My comment had to do with the direct communication, we will carry back the message. Direct communication needs to occur. I wanted to make sure that the director, Dr. Trujillo and what the IHS is developing, it is a time of great danger and a time of opportunity with all the tribes, not only with self-governance. This is the time, six months from now is too late. That's what I was trying to communicate.

Bill: I just couldn't sit around and not talk. This is the same problem.

It is very important to get and administer and provide those services to Tribal people. In this position, we need a director as soon as possible, but that director needs to have a support staff. We do need to make sure that the person has appropriate support staff.

Joe DeLaCruz: It's almost lunch time, Ron. When I look back at this with the Department of the Interior, but they were saying; 'what about the other tribes?' I reflected to the Secretary of the Interior, it's not our responsibility to impact other tribes, this goes back to the conquer and divide thing. Since 1991 & 1995, met with Dr. Rhodes, about the legality of the compacts, they said that they are binding contracts. These types of games have to stop. I've asked who the individuals are, somewhere in the woodwork, let's find out who these people are. We've been clear with Dr. Trujillo. This has been a joint effort with IHS - don't allow that to stop, there's too many senseless impediments. Dr. Trujillo needs to know it, there's been a lot of time wasted. Let's try to move this thing forward, and then the frustrations would end.

Jerry Hope (Alaska): I'm excited, however, the excitement is tempered with caution. We've gotten a commitment from you Mike, two days in a row of working together, again, tempered with caution. If that's reality, honesty and working together with Tribes. We need a commitment of timeline from you. Are you going to go to the office and get a commitment to the Tribes. There's a lot of money, time and effort. There is a greater picture. We are concerned about the greater picture. When you say this needs to happen now, what is your definition of what "now" is?

Russ: Can I make a comment about the draft?

Jerry Hope: Excuse me, I thought I asked a real direct question and wanted to know if I would be able to get an answer.

Mike: In my conversation with Dr. Trujillo and we will be putting together a brief. Mr. Howard has identified a meeting in November, Dr. Trujillo doesn't want it to be necessary to be a June meeting, we won't need a June meeting.

Comment: All of us assume that Dr. Trujillo would be there to negotiate with IHS, this year it was with IHS lead negotiators. We're going in a circle, and the bottom line is that Dr. Trujillo needs to be here for the government-to- government relationship.

Comment: One of the things that I recollect with the Tribes was that

their request that they wanted to deal with HQ people, with this theme that was introduced by the group is to deal at the area level. Is it in agreement by this document?

Cyndi Holmes: What I said was the key. We were talking about was that the key person have the authority.

W. Ron Allen: The lead negotiator holds firm and doesn't get reversed when it goes to Headquarters. Headquarters, no we're not going to do it that way. What we're trying to do is get the final.

Comment: That the negotiating responsibility will be at the area level. I think that as explicit as you can be on who can be the negotiators, it can be explicit to Dr. Trujillo, rather than leave it to the discretion of the agency. You can do it better.

Mike Lincoln: Most of the negotiations is impossible to be in every place at once, it becomes a logistical problem as well.

W. Ron Allen: I think Keith's point is right, Dr. Trujillo can't physically be in each place at once.

Joe Finkbonner: The comments that were made earlier, I've heard all these comments before. Why should we believe that now? I haven't observed anything is going to change. I really want to believe that these things will change. I hope that they can prove me wrong.

W. Ron Allen: The answer is that - they are going to do it.

Joe DeLaCruz: We have to make an agreement. If we had all the data before pre-negotiations, we don't have all the information, we have thirty some Tribes. We spent a whole year negotiating the same contract. If you got some agreement before hand roll the impediments away.

Cyndi Holmes: I was making notes earlier, if you fax me your responses, I can include that.

Mark: What Doug was mentioning, we didn't make it clear enough? I want to make sure that the understanding is clear.

W. Ron Allen: This is the framework that is going to help solve some of the problems, you've got three people to make recommendations here. What we're going to do is to break for lunch and start back right

away and deal with contract support. We're going to deal with this right away at 1:30 pm.

Lunch Break at 12:15 pm

Reconvened at 1:30 pm

CONTRACT SUPPORT

Bill Parkhurst: I want to go back to the 92-2, I wanted to go over the process and the frustration we felt in the process. We started back in June 19, 1994. It was chaired by Athena Shoening because they were projecting \$92,000 short in the Contract Support. We looked at it at the time and determined that there was no difference in 638, the money that you got last year. Congress told the bureau that they were going to do it. Then, 103-413 comes along and said two things: 1) tribes not getting duplicated money and funding; 2) how you get on the list to get your contract support out of the OTSG fund. Another thing that the ISG fund couldn't be used to fund Self-Governance Tribes. We met in Reno, and Rockville. We sat down in Rockville and re-drafted. We asked Athena what the continuation process was. Her answer was that she would get a draft out early next week. We met in Portland and we didn't agree with IHS definition of Tribal shares. It only related to Headquarter Tribal shares. Therefore it wasn't subject to funding. They were strictly administrative in nature, for administrative functions 103- 413; it was not the way the Tribes read it; we felt that we were due every dollar on the contract. Basically the 20% is to fund contact support. We met in Rockville, 92-2 protecting the contract support dollars. You have the old pot of money that funds those that are all already in the systems. The new compacts and contracts are out of the ISG fund, it comes in order-first come first serve. They will fund those requests in the '96 dollars and still have 7.5 in the ISG fund. We also set up in the 80/20, we also wrote that in the policy. After the draft was written, we waited for modification, sent a disk, and sent out a draft to anybody who wanted a copy and we went to NCAI, Alaska, both endorsements on it. We accepted the 20, but when it went out to the Tribes it didn't have the Tribal edits from Rockville. When Cyndi went to see Reuben. He was going to send the same copy, the copy without Tribal edits on it.

Mike Lincoln: This consultation process got a little messed up. Everything Bill says is accurate, after calling 2 contract support meetings, essentially attended by Self- Governance and Alaska Tribes, there was no way that we were going to ignore Tribal endorsements.

After the second work group meeting, we sent out a draft for consultation, we sent a copy to the area directors. I thought that everyone had a chance to see the policy. He passed a resolution of IHS not receiving the policy, yet. Cyndi told him that they didn't send the policy comments of the workgroup members from Portland and Alaska. What we sent out is in fact, the comments of the Portland Area and Alaska tribes. What we need to do is to focus on policy. What I thought I would do is run through the policy very quickly. I think that a lot of positive suggestions came out from the workgroup representatives and we got a lot of other comments from Alaska. We have comments from the Billings, Nashville, Oklahoma, and Aberdeen areas. There are other comments from this workgroup.

Bill Parkhurst: Can I ask you that the workgroup participants be Tribal Self-Governance coordinators?

Mike Lincoln: So long as the workgroup participants can pay their own travel, because I don't have any money.

Joe DeLaCruz: Is there a timeline on that?

Mike Lincoln: Oct 9, 1995. The policy (on overhead screen) is intended to apply to both self-governance Tribes and Self-Governance contractors. New terminology is in the revised policy some of the new terminology is addressed in this policy. You'll see that the original definition has been lined through the shaded definition is proposed by the Portland Area and the Alaska Area Tribes.

Cyndi Holmes: We've gotten the definition from other IHS documents, this is not new terminology.

Mike Lincoln: The secretarial amount on which contract support is calculated the new definition: Sec 106. (a) 1) the amount of funds provides you the terms of self- determination contract entered into pursuant to this act shall no be less than the appropriate section would have proved for the operation of the programs or portions thereof for the period covered by the contract, without regard to any organizational level within the DOI. Turn to page 4. If you would now turn to page 6. The workgroups that Bill described and focused on in July. The first one dealt with program costs, functions and activities. The first method is to conduct a case-by-case analysis in order to not duplicate amounts funded, 2) it makes assumption of 80% are available to Headquarters and 20% available for contract support cost workgroup. In 1994, the workgroup analyzed 20 percent of costs

similar to what contract supports costs (CSC) were. There were other similar analysis from Alaska and Portland. Option 2: 80 percent of Tribal shares and the 20 percent would be used to any contract support need. If there were anything more needed, the Tribes would if there are you'll see on page 6 & 7. You need to review that and comment on that example section 5 describes the allocating funding available for CSC. So far, for fiscal year 1996 have made 7.5 million funds available for the managers are to be used for Self-Governance compacts only if the Indian contracts for the Indian Health Service, it can only be used for Self- Governance tribes." Funding from the ISD fund has been made on a first come first serve basis should be continued, it was recommended for a modification as to how all tribes get funding from the modification funds. This is how Tribes will be cued up for ISD fund and which agency will be responsible for maintaining a quarterly list, cost to be awarded, estimated cost to be awarded, a complete list will be sent out within the month.

Page 9: Deals with allocation (little change on policy); with recommendations from the Alaska Indian Health Board - Oct 27th is when we expect to have all the comments that we can use. Yes, I believe that all the Tribes will have a chance to make their comments and or their recommendations. In ISD 7.5 million, contract support 138 million budget. In 1997, whether or not which of those things will take a turn upward (plus mandatories). One of the things that we will do in '96 (this year 1995 is different) we will not make the allocation late. We have depleted the fiscal year '95 has gone out. There's about 12-15 million requests in fiscal year 1996, we will not be able to fund all the requests. Just as I looked as the list was taking shape, is a 7.5 million of new money and then we have 1.5 million for non- recurring costs. We'll have 8-9 million to be distributed to Tribes. That's a snapshot, are there any questions?

Brent Sinkosky: Can you go over this again for me? I'm not as good of an accountant as Bill Parkhurst is.

Doug Black: We were able to fund a portion of Tribes. Mississippi Band of Choctaw Indians, (he also mentioned other Tribal names) will be the first ones funded in 1996.

Bill Parkhurst: If a Tribe had a \$100,000 in direct under the 80/20 scenario you're going to take off \$80,000 dollars. \$20,000 dollars will be there. You get the 100,000 off the ISD fund. Under this scenario you will get your 100,000. Assuming 60% of the 80,000 dollars went into wages, then OTSG said that they'd give you 15% to cover FICA,

insurance, retirement (if your Tribes have a higher rate, the Tribes can negotiate it) that's direct contract support. First year it comes out of the ISD fund. On top of that you add your indirect cost and your \$30,800 dollars would go into the ISD fund to pay the other tribes.

Greg Anderson: Your only getting the 80,000?

Bill Parkhurst: Your not getting the 100,000. You only get 80,000. If you receive that, what happens in the

Greg Anderson: What your saying is that I'm getting 80,000 in direct and what happens to the \$20,000?

Bill Parkhurst: It was a negotiated position.

Tanana Chiefs: On OMB circular 87, most of the organizations are non-profit. Yet on the draft it says October first. What policy are we dealing with? Is it going to be retroactive October 1st?

Doug Black: On Oct 27th and taking all tribal comments and we'll reconvene with both Tribal representatives, IHS representatives we're going to come up with a revised policy and present it to Dr. Trujillo.

Brent: At least you got part of your contract support costs.

Wyandotte Tribe: We recently received a letter dated September 8th, requesting information, would you explain that letter and how this spreadsheet is to be completed? Are you aware of what I'm talking about? Some Tribes have not received that.

Bill Parkhurst: It came from Rueben's shop, it was never requested that what part of money came from. They did need the wage portion of it.

Doug Black: What we need, in order to complete that list, we have 5 Tribes to determine how much to identify cost requirements on contract support. If you need some assistance, I can have technical people from IHS: Penobscott, Wyandotte, Quinault, Squaxin Island, all the rest of the tribes have completed this document.

Greg Anderson: Can I go over this 80/20?

Bill Parkhurst: That is correct

Doug Black: We're saying that some are administrative functions. There is a prohibition law.

Greg Anderson: BIA doesn't do that.

Doug Black: BIA isn't doing it correctly.

W. Ron Allen: Once you start breaking it out, you'll be in an accounting nightmare, you can't do it. You got to establish a simple policy. You got to bring it together with the Tribal system. You have to have it simplified and not argue. It's better to cut a deal and go with, it'll drive you crazy. It's their system. It evolved over decades. We got to go through a methodological system. It's better to simplify it. Start downsizing the system and let us run it.

Greg Anderson: On direct contract support costs, should Tribes be receiving 15% out of the total funding paid, should it be 15%?

Doug Black: Tribal retirement, 15%.

W. Ron Allen: Let's not get caught up in this.

Bill Parkhurst: Yes, you should be getting 15% on all contract support, providing that you charge all those programs to your contract.

W. Ron Allen: It's relative to how you handle your system, make your comments and get them back to Mike Lincoln. Frankly, I'm a little concerned what Doug & Athena get to Dr. Trujillo. We need to get some Tribal leaders to be there...who understand. We need to let go of this - we'll get back to this later on.

Comment: Policy proposed is to offer surcharge. We haven't gotten an answer. They are unilaterally taking the money out and I object to it. We will not concur to that surcharge. People who object to others: Bemidji, 15% in Portland...

- management initiative category
- level of reasonable residual
- OTSG overview
 - get the position filled
 - appeal process
 - Stable base funding
- reviewing existing workgroups

- baseline measures
- where are these workgroups
- have they been given new assignments

Henry Cagey: How many more of these workgroups are we going to be doing?

Rueben Howard: A lot of the work still hasn't been completed, the only new one is the assessment workgroups?

W. Ron Allen: 45 million? We want to know. Okay, well listen, I would suggest that we excuse the IHS folks and talk about it collectively. I think we need to come up with communications on what we can collectively agree on.

CLOSING Prayer by Governor Tafoya

Adjournment at 4:30 P.M.

Minutes by Chrystal Lawrence

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Questions may be referred to:

Director of Research
Center for World Indigenous Studies
PMB 214
1001 Cooper Point RD SW Suite 140
Olympia, Washington
98502-1107 USA
360-754-1990
www.cwis.org
usaoffice@cwis.org