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Department of the Interior  
Bureau of Indian Affairs  
Transcript of Contract Support Costs  
Consultation Sessions  
Held on July 31, 2014  
at  
Embassy Suites  
Oklahoma City, Oklahoma

\* \* \* \* \*

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1 (Meeting began at 9:10 a.m.)

2 MS. MOORE: Good morning everyone.

3 I've been asked to welcome everyone. Our regional  
4 director hasn't made it here. I don't know what  
5 happened, but I wanted to welcome everyone to the  
6 CSC Consultation today.

7 We wanted to ask, if you have  
8 questions, if any of the tribal people have  
9 comments or questions, when they speak in the  
10 mic, say your last name or spell your last name  
11 so we can understand and the court reporter can  
12 document that. So at this time, I'm going to have  
13 Ms. Hankie Ortiz come up. Thank you.

14 MS. ORTIZ: Good morning everyone.  
15 My name is Hankie Ortiz. I'm Caddo, Kiowa, and  
16 Comanche, and I'm from Oklahoma. I grew up in  
17 Binger, Oklahoma, but I'm now the deputy director  
18 for the Office of Indian Services. I work in the  
19 Central Office for Mike Black. Mr. Black and his  
20 assistant secretary have sent us out to conduct  
21 some tribal consultations on contract support  
22 costs.

23 First I want to say thank you to  
24 Kelly and the regional staff who have put together  
25 a really great meeting location and even provided

1 donuts. We don't get that at all the consultation  
2 sessions. That's pretty nice. Before we get  
3 started, what I'd like to do is just go around the  
4 room and have everyone introduce themselves so we  
5 have an idea of who is in the room and we can move  
6 forward from there. Can you start?

7 MR. BOHN: I'm Eric Bohn, Chief  
8 Financial Officer with the Quapaw Tribe.

9 MR. JONES: My name is Mr. Jones.  
10 I'm an attorney with the Confederated Tribes.

11 MS. SMITH: Sherry Smith with the  
12 self-determination officer with the Eastern  
13 Oklahoma Region.

14 MS. BUCKLEY: Patricia Buckley,  
15 Seminole Nation, Controller.

16 MS. THOMPSON: Good morning. Angela  
17 Thompson, Seminole Nation, Budget Officer/Self-  
18 Governance Officer.

19 MS. LEFRACHE: Good morning. Mica  
20 LeFrache, Self-Governance Coordinator with the  
21 Modoc Tribe of Oklahoma.

22 MS. ROBERSON: Good morning. Rose  
23 Roberson, Southern Plains Regional Office.

24 MR. BAXTER: Good morning. My name  
25 is Mike Baxter, Counselor at Thlopthlocco Tribal

1 Town.

2 MR. MOUSS: I'm Ed Mouss, Tribal  
3 Administrator for Thlopthlocco.

4 MR. HUMBLE: Good morning. I'm Terry  
5 Humble. I'm the Self-Governance Director for the  
6 Kaw Nation.

7 MS. FOX: Good morning. I'm Bonnie  
8 Fox, Program Analysis with the BIA Office of  
9 Logistics Services.

10 MS. MOORE: Good morning. My name is  
11 Kelly Moore. I'm a Self-Determination Officer,  
12 Bureau of Indian Affairs, Southern Plains Regional  
13 Office.

14 MS. STARRITT: I'm Kimberly Starritt.  
15 I'm an Awarding Official at the Southern Plains  
16 Region.

17 MS. PACK: Phyllis Pack, Self-  
18 Determination Specialist at the Southern Plains  
19 Region.

20 MS. BARNETT: Angela Barnett, Self-  
21 Determination Specialist with the Eastern Oklahoma  
22 Region.

23 MS. KARTY: Hi. I'm Denise Karty  
24 from the Comanche Nation and I'm a compliance  
25 officer.

1 MS. MCCARTHY: Sabrina McCarthy from  
2 the Solicitors Office in D.C.

3 MS. JORDAN: Sunshine Jordan, Pacific  
4 Region Senior Awarding Official.

5 MS. FREEMAN: Sherry Freeman,  
6 Director of the Office of Self-Governance in  
7 Washington, D.C.

8 MS. ORTIZ: Dan, did you want to make  
9 any comments? We were just getting started.

10 MR. DEERINWATER: No, this is mostly  
11 BIA people. That's good.

12 MS. ORTIZ: So I brought Sunshine  
13 Jordan as an awarding official in the Pacific  
14 Region. Hopefully she's here to answer any  
15 questions. And Sabrina McCarthy serves as a legal  
16 advisor. Sherry Freeman is the self-governance  
17 expert. We do have a lot of BIA people and all  
18 bases covered. So I guess we'll go ahead and get  
19 started.

20 What I plan to do is just talk a  
21 little bit about why we're doing the consultation,  
22 give a little bit of background on contract  
23 support costs in general, you know, a little bit  
24 of history, and then talk about some of the  
25 questions that we've pulled from previous

1 consultation sessions, or previous discussions on  
2 contract support costs just to kind of get the  
3 conversation started. And so if you have  
4 comments, we ask you to defer to any tribal  
5 leaders that are here and give them the  
6 opportunity to make comments first, and then other  
7 people are welcome to comment.

8           So this is the language that was in the  
9 FY 2014 appropriations. This is what directed us  
10 to look into how we're doing things and trying to  
11 make improvements. It says we were directed to  
12 formulate long-term accounting budget and  
13 legislative strategies to address the situation.  
14 In the committee's view, each department, and  
15 they're talking about interior and health and  
16 human services, should consider a standardized  
17 approach that streamlines the contract negotiation  
18 process, provides consistent and clear cost  
19 categories, and ensures efficient and timely cost  
20 documentation for the departments and the tribes.

21           So what we're really looking at is how  
22 can we streamline the contract support cost  
23 processes? And we're kind of looking at  
24 everything. We're open to making changes to the  
25 policy. We're open to making recommendations to

1 change legislation. We are open to how we -- the  
2 processes that we use. How can we change those to  
3 streamline them? And we're looking at a number of  
4 things across the country. So this is just part  
5 of it, this contract support cost consultation.

6 I'm going to go ahead and put all of  
7 these up here, because all of those things are  
8 what goes into Public Law 98-638 contract funding  
9 and the compact funding. It all includes --  
10 direct program funds are the basis, and the  
11 indirect and direct contract before costs make up  
12 the full support package that follows that  
13 funding, and then also startup costs for any new  
14 or expanded programs.

15 Just to give you a little bit of  
16 background where we've come from. In FY 2009, we  
17 paid contract support costs of 72.6 percent; in FY  
18 2010, 75.16; FY '11, 97.46 percent; and FY '12,  
19 94.86 percent. So we were getting pretty close to  
20 100 percent before.

21 The 2013 contract support is  
22 currently in the discerning process. So once that  
23 is approved and it's sent to Congress, we'll  
24 publish it on the Website just like we have all  
25 the other shortfall reports. The other ones are

1 available online, and FY '13 will be published on  
2 the Website as soon as it's available.

3 For 2014 in contract support costs  
4 funds, we were appropriated with \$241.9 million.  
5 BIA has committed in 2014 to pay 100 percent of  
6 the contract support cost requirement for Title 1  
7 and Title IV agreements.

8 In 2007, a contract support cost work  
9 group was formed. I believe it was formed under  
10 Mr. Mouss's guidance, and so we've been continuing  
11 to meet at least annually. Well, we've been  
12 meeting more frequently because of the focus on  
13 contract support, so I wanted to provide you the  
14 information on contract support. It's made up of  
15 federal and tribal members. The tribal  
16 representatives, we try to get a representative  
17 from each region who is a primary representative  
18 and then an alternate representative who can  
19 attend so that we have representation from the  
20 different regions.

21 And we've been talking about contract  
22 support costs. The work group finally has made  
23 some recommendations and we've included those as  
24 part of the comments on this contract support cost  
25 consultation process. So we're going to be

1 looking at their comments along with all the other  
2 comments we received in this process. We're going  
3 to be looking at possible changes we can make to  
4 improve contract support cost distributions.

5           So the next few slides are just --  
6 those are just a list of the members. You can  
7 read it here. It's easier to read on your paper.  
8 You have the PowerPoint presentation in your  
9 packet. There's also a contract support cost  
10 policy in your packet. I think they put a copy of  
11 -- there's an agenda and a copy of the Dear Tribal  
12 Leader letter that went out. So all of those  
13 things are in your packet.

14           You can look and see who those  
15 representatives are on the work group from  
16 Southern Plains, and then be sure and, you know,  
17 let -- have communication with that person on  
18 contract support costs.

19           We recently added two members to the  
20 Tribal Interior Budget Committee, so we're going  
21 to have a closer timeline on that group, because  
22 the Interior focuses on financial matters and  
23 contract support costs as part of that.

24           Now we're getting down to some  
25 questions. I thought what would be helpful to the

1 consultation is if we can provide some questions  
2 and you all can think about them and you could  
3 have some guidance on or have some discussion on.  
4 So I'm going to ask Sabrina and Sunshine, you come  
5 up to this other microphone. Just kind of help  
6 out. If there are questions that come up that I  
7 can't answer, then we're here to help follow up,  
8 provide some legal response from a practical  
9 awarding official perspective.

10 So the first question that comes up  
11 is: Currently, the Contract Support Cost Fund is  
12 identified in three pools. If BIA is paying full  
13 Contract Support Cost Fund, is a three-pool approach  
14 still effective?

15 This is how we do it now. Pool 1 is  
16 startup costs paid from the Indian Self-  
17 Determination Fund for tribes to start new or  
18 expanded activities. Pool 2 is the base funding,  
19 what the tribe received last year as long as it  
20 did not exceed 100 percent. Pool 3 are increases  
21 distributed using the bottoms up methodology to  
22 bring everybody up. We do use this and we have  
23 paid tribes 100 percent with other methodology.  
24 If we are paying 100 percent, is there a better  
25 way to do it? Should we be distributing funds?

1 That's the question. This is the way our policy  
2 is written. We already have an agreement. We  
3 were not getting 100 percent. We were just  
4 bringing the tribes up to a certain percentage and  
5 giving a fair distribution. So that's one  
6 question. Does anyone have any comments on that  
7 or thoughts on that?

8           Let's go to the second one. The  
9 second question is: How can the BIA clarify the  
10 Indirect Cost Rate portion of the CSC policy? For  
11 this question we've identified two options. The  
12 first option is how I would think most regions do  
13 it. Currently the Indirect Contract Support Costs  
14 for a tribe are calculated using the tribe's most  
15 recent Indirect Cost Rate Agreement. Then  
16 adjustments to the contract support cost payment  
17 are made when the tribe obtains a current Indirect  
18 Cost Rate Agreement within the funding period.  
19 That's one option.

20           So the policy now says that we're  
21 going to apply the most current indirect cost  
22 rate. And the question here is really should we  
23 clarify that a little bit more? Well, Option B  
24 says use the most current negotiated Indirect Cost  
25 Rate Agreement in existence at date of

1 Congressional appropriation or the first  
2 continuing resolution. This same rate will be  
3 reported in the Contract Support Cost Report.  
4 This does not apply to a newly negotiated Indirect  
5 Cost Rate Agreement that is negotiated for the  
6 following year.

7           So with Option B, whatever your rate  
8 is at the beginning of the year, whatever point in  
9 time that is. Whether it's when Congress  
10 appropriated it or when we first sent out a  
11 distribution, it's that same rate the whole year.

12           Option A, the first one, you use the  
13 rate that's in effect during the first  
14 distribution, which is probably going to be a  
15 continuing resolution. And then if the tribe  
16 negotiates a new rate that same year before the  
17 end of the year before the last distribution or  
18 before any future distributions, you would use the  
19 new rate.

20           So, for example, at the beginning of  
21 the year if your rate was 11 percent, you would  
22 use that. You negotiate a new rate in the middle  
23 of the year for future distributions in that year,  
24 you would use the new rate, which might mean  
25 something different like 15 percent. So that's

1 Option A, and Option B is using the same rate.

2 Does anyone have any comments on that? How we  
3 could clarify that?

4 MR. DEERINWATER: If you're changing  
5 your rate in the middle of the year, you're  
6 putting an additional burden on these awarding  
7 officials to get more money out in the middle of  
8 the year and then coming back on us for not  
9 getting that money out in a timely manner. So  
10 that gets to be very frustrating not only for us,  
11 but tribes, too. They want their money up front  
12 at the beginning of the year. This constant  
13 change of rates, you're dumping all this burden on  
14 the awarding officials to get that out, more  
15 modifications and so forth. So what remedy do you  
16 have for that? Do you see what I'm saying?

17 If they start out the year with an 11  
18 percent rate, which is what you used, the middle  
19 of the year they negotiate a new rate at 15  
20 percent. Okay. These awarding officials have to  
21 turn around and do a modification for every  
22 contract, compact, whatever, again.

23 MS. ORTIZ: They're going to have to  
24 apply a rate whenever they make the distribution  
25 anyway, so which rate it is, I don't know. Does

1 that make much of a difference to you?

2 MS. SUNSHINE: I think personally,  
3 because I am an awarding official, but if we  
4 weren't on continuing resolutions, that may be  
5 different. If we had all of the TPA money and all  
6 the contract support money up front, we could  
7 surely negotiate whatever rate the tribe had at  
8 the moment. But as we are getting CRs, as the  
9 tribe is getting a revised rate, it's just a  
10 moving target. As they're getting additional TPA  
11 money added, those types of programs just  
12 throughout the year, it always causes a  
13 modification, which causes a recalculation.

14 MR. DEERINWATER: I agree. But at  
15 the same time, Central Office is putting pressure  
16 on us to get that money out, yet we're not getting  
17 the money to get out, so it's hard. Sometimes  
18 that will lead to two or three modification awards  
19 when it is all said and done. It's a given. We  
20 live with CRs full time,

21 MS. ORTIZ: And I think the other  
22 issue is, you know, we want to get the most  
23 accurate, especially if we are paying 100 percent.  
24 We want to pay 100 percent but not go over 100  
25 percent, and sometimes using the current rate

1 would give you the more accurate numbers on both  
2 sides. But thank you for your comment. That was  
3 Dan Deerinwater.

4 Okay. Does anyone else have any  
5 comments?

6 Okay. The third question we had was:  
7 How should BIA determine Indirect Costs for Tribes  
8 without a formal Indirect Cost Rate Agreement?  
9 Currently, the BIA negotiates a lump sum amount  
10 for Indirect-Type Costs. Should the BIA continue  
11 to do this?

12 So this applies primarily to small  
13 tribes that may not meet the threshold for getting  
14 -- for being required to do an annual audit, so  
15 they may not have the required audit to negotiate  
16 an indirect cost rate. If they don't have that,  
17 this is what we have been doing, negotiating  
18 indirect-type costs instead of using a rate. It's  
19 been negotiated. And we're just asking -- this  
20 applies primarily to small tribes, I guess. So I  
21 don't know if any of you have had a chance to  
22 think about this or if you had thoughts on it, but  
23 do you want to share?

24 MS. SMITH: I'm with the Eastern  
25 Oklahoma Region and I have a couple of tribes that

1 do lump sums. And when I first started, there's  
2 really no policy or direction on how to negotiate  
3 the lump sum. That was my only issue on that.  
4 It's just based upon asking on how to negotiate  
5 that rate or negotiate for lump sum. I basically  
6 just did what the last awarding official did. So  
7 that was my comment.

8 MS. ORTIZ: Okay. Thank you. Thank  
9 you for your comment. Does anyone else have any  
10 comments on this question?

11 Okay. And for Question Number 4:  
12 Should small and needy tribes that have not  
13 negotiated a formal Indirect Cost Rate Agreement  
14 receive a flat rate of 30 percent for  
15 indirect costs? And then below you can see the  
16 definition for small Indian tribes in the lower 48  
17 includes tribes that have less than \$160,000 in  
18 annual funding and have 1,700 or fewer members  
19 enrolled. The Alaskan Native tribes must have  
20 less than \$200,000 in annual funding to qualify.

21 So in the BIA, that's how we define  
22 small and needy tribes. So we do have a small and  
23 needy fund where the small and needy tribes get  
24 less than \$160,000 in the lower 48, or less than  
25 \$200,000 in Alaska. Then we give them funding to

1 bring them up to at least that much for their  
2 annual funding. So what we're asking here is if  
3 they've not negotiated a formal indirect cost  
4 rate, should they receive a flat rate of 30  
5 percent for indirect costs? Did anyone have  
6 thoughts on that?

7 MR. MOUSS: My name is Ed Mouss. And  
8 right off the top of my head, I work with  
9 Thlopthlocco out there, and 30 percent will be  
10 extremely low. They've got a number of things.  
11 One, it is one of the largest land bases here in  
12 Oklahoma, continuous land base not counting  
13 allotments. We have to control that land base.  
14 And when you start operating a Federal program, it  
15 doesn't begin to cover the support that's needed  
16 for that. So I think 30 percent is too low.

17 MS. ORTIZ: Do you have a  
18 recommendation of what you think would be --

19 MR. MOUSS: We're still in the  
20 process of getting comp rates on this thing, so I  
21 can't give you a recommended amount right now.  
22 And I think the general approach is probably  
23 right, because some of these small tribes, when  
24 they take on that Federal responsibility, there's  
25 a lot of stuff out there they haven't begun to

1 address. That's where your contract support comes  
2 in and the interpretation of the contract support,  
3 the application of it.

4 MS. ORTIZ: One of the comments that  
5 came from the Alaska Consultation is that it  
6 should be 65K across the board to be able to pay  
7 for an accountant and some of the audit work that  
8 has to be done. Is that a closer --

9 MR. MOUSS: That's in the right  
10 direction, but 65, that's probably not an  
11 accountant, because when you start adding in your  
12 fringe, you can really eat that up.

13 MS. ORTIZ: Okay. Thank you.

14 MR. MOUSS: It needs to be upward,  
15 but I don't know what the rate would be.

16 MS. ORTIZ: You think that's a good  
17 start?

18 MR. MOUSS: Good start.

19 MS. ORTIZ: Okay. Thank you very  
20 much. Does anyone else have any questions or  
21 comments on this one? Okay.

22 Question Number 5: Currently, the  
23 BIA uses 15 percent of program salaries to  
24 determine DCSC. Should this be included in the  
25 CSC Policy? So we said this is what BIA has been

1 doing and it kind of -- it was first established,  
2 I think, as a stake holder.

3           We had a memo from the former  
4 Assistant secretary and it was identified that we  
5 were going to do this and then look at negotiating  
6 it. So the BIA could negotiate Direct Contract  
7 Support Costs, but we don't have -- we haven't  
8 been doing that. And so we would have to identify  
9 staff to do that and we would have to make sure  
10 that everyone is trained on how to do that,  
11 whoever is going to be doing that.

12           So the question is, what should we  
13 put into the policy? Should we have a percentage?  
14 And if a percentage is put in, is 15 percent a  
15 good percentage? That's what we've been doing,  
16 but what are your thoughts on that for Direct  
17 Contract Support Costs?

18           MS. FOX: I'm Connie Fox with the  
19 Office of Justice Services and former longtime  
20 Awarding Official.

21           The reason I wanted to comment is  
22 just because if we put this 15 percent in the  
23 policy, we really need to clarify what it means,  
24 because there are some awarding officials that  
25 determine the 15 percent based on pay cost,

1 salary, information that's two years old.

2 We have some awarding officials that  
3 obtain current year budgets from the tribes and  
4 they calculate 15 percent of salary based on  
5 current year budgets. So we're just kind of all  
6 over the place with this 15 percent.

7 So my recommendation is I think it's  
8 a good idea, because if you do a calculation based  
9 on 15 percent of salaries and actually compare  
10 that to doing a negotiation for direct contract  
11 support costs, it would come out about the same.  
12 It's just a matter of identifying the methodology  
13 and clarifying what that 15 percent is based upon.

14 MS. ORTIZ: Okay. Thank you.

15 MS. SMITH: I had this question come  
16 up one time. My name is Sherry Smith again.  
17 Where did the 15 percent come from?

18 MS. ORTIZ: They established the  
19 policies before I was here, but it's my  
20 understanding that this is something that IHS was  
21 doing from people that were on the work group at  
22 the time.

23 MS. JORDAN: Ed, do you remember?

24 MR. MOUSS: It was a target point.

25 MS. ORTIZ: Was that something that

1 IHS --

2 MR. MOUSS: To this point here again,  
3 if you contract through tribal law enforcement and  
4 you begin to look at all the contract support that  
5 the Federal side has, and I think that's what we  
6 failed to look at. Look at how much contract  
7 support the Federal side gets to run a law  
8 enforcement program. I think it should be  
9 comparable for the tribes.

10 And, again, getting back down, if we  
11 have law enforcement, we have to patrol those  
12 lands down there. We're now in the process of  
13 setting up a radio system to reach all of those  
14 lands. It's hard to do with 15 percent, so you're  
15 going to have to look at a comparable way.

16 The federal government gets a lot of  
17 contract support. I don't know if you guys  
18 realize that. When you begin to analyze the  
19 Federal budget, they've got a lot of contract  
20 support. I think it should be comparative since  
21 you're running the same program.

22 MS. ORTIZ: Okay. Thank you. Any  
23 other comments on this issue? Okay. Thank you.

24 MS. THOMPSON: Angela Thompson,  
25 Seminole Nation. We had requested -- we had one

1 budget that I can think of off of the top of my  
2 head where we did not have any salaries in that  
3 contract. So I submitted a request to negotiate  
4 other direct contract support costs that was  
5 included in that budget. I never received a  
6 response, so that -- for that purpose of that  
7 specific budget, 15 percent, where we do not have  
8 salaries in there would not benefit the tribe. So  
9 I would prefer that we have an option to either do  
10 the 15 percent or to negotiate.

11 MS. ORTIZ: Okay. Thank you.

12 MS. MOORE: My name is Kelly Moore,  
13 Self-Determination Officer. At our region we do  
14 the 15 percent DCSC with a final program budget,  
15 salaries, but that's just kind of how we had done  
16 it before. And, you know, what is the protocol?  
17 Should we do it up front in the first distribution  
18 contract support? You know, we used to do it at  
19 the end. What if the rate changes? You know,  
20 costs are more. That is my question.

21 MS. JORDAN: Are you talking about  
22 awarding the DCSC?

23 MS. MOORE: Yes, the calculation.

24 MS. JORDAN: So you do the DCSC at  
25 the end of the year?

1 MS. MOORE: At the end.

2 MS. JORDAN: In the beginning do you  
3 calculate the contract --

4 MS. MOORE: Right. I don't know how  
5 the regions are doing it.

6 MS. ORTIZ: That's a very good  
7 question, because I think what you're saying is at  
8 the beginning of the funding period, the tribe may  
9 have a budget expecting a certain amount for  
10 salary, but by the end of the funding period the  
11 tribe may have spent more than that on salary, so  
12 the 15 percent would be larger.

13 MS. JORDAN: If the rate changes  
14 in between, there's more costs involved.

15 MS. ORTIZ: And I'm not sure if it's  
16 done consistently across the regions or not. I  
17 don't think -- you know, it's not written in the  
18 policy exactly when to do it, so I don't know. I  
19 guess they --

20 MS. MOORE: That's just my comment.

21 MS. ORTIZ: Thank you very much,  
22 Kelly.

23 Anyone else have any comment?

24 MS. FREEMAN: I think I'm going to  
25 just step up so I can be heard.

1           We just finished a meeting with the  
2 self-governance tribes in Washington and they had  
3 a number of recommendations that came forth. We  
4 have a small work group on contract support, so we  
5 kind of sat down for a day and talked and rolled  
6 around these issues. These are the  
7 recommendations that they are offering, so I'm  
8 going to share with you.

9           For Direct Contract Support,  
10 contracting tribes use salaries budgeted in their  
11 638 contract; whereas, compacting tribes use pay  
12 cost data to do the calculation. So the  
13 recommendation is to initially establish a self-  
14 governance tribally driven submission form, and  
15 that doesn't have to be particularized to self-  
16 governance, and seek the approval for future years  
17 using the floor.

18           Then have either pay cost data  
19 submitted by the self-governance tribes in the  
20 regions and then shared, and establish a deadline  
21 for this data so it comes in at a particular time.  
22 Tribes should then have the option of using the 15  
23 percent of eligible salaries or negotiating the  
24 direct. So you can select either or.

25           And then the second -- the third

1 thing they said is have a work group, a contract  
2 support work group tasked with determining the  
3 parameters to negotiate so it's not one region  
4 does one way, self-governance does it another way.  
5 Have a group sit down and talk through whatever  
6 the parameters are, then do a sample of a variety  
7 of tribes with various different things going on.

8           Some tribes have had multiple rates.  
9 Sit down, do a sample and see what it looks like.  
10 Then that way you can develop a more useful  
11 mechanism as to how to go about negotiating it.

12           And then lastly, during the  
13 transition stage, ensure that the process is  
14 consistently applied to tribes, and the agency has  
15 sufficient capacity to accommodate the  
16 negotiations. Sometimes you don't have enough  
17 people or some kind of hardship. So have that  
18 capacity as well and have the training that's  
19 needed on both sides to be able to proceed forward  
20 with negotiations. So that was their comment  
21 regarding Direct Contract Support Services.

22           MS. ORTIZ: Thank you, Sherry. I  
23 appreciate that.

24           Okay. Do we have any other comments  
25 on this question?

1 MS. FREEMAN: Did anyone have  
2 thoughts on that way of doing business? I saw  
3 some heads nodding saying that would work.

4 MS. ORTIZ: Question Number 6: How  
5 should overpayments be recovered to be fair to all  
6 tribes? This is a serious question that we're  
7 dealing with now, especially now that we're going  
8 to be paying 100 percent. We want to be fair. We  
9 want all tribes to get 100 percent of their  
10 contract support cost. So if a particular tribe  
11 may get 125 percent, that's not really fair, and  
12 so we're trying to figure out how to adjust those  
13 overpayments.

14 We have talked -- some of the things  
15 that have been discussed are Bills of Correction  
16 where tribes can appeal or offsetting the amount  
17 the following year. And how do you do that?  
18 What's a good option and how could we do that?  
19 Does anyone have any thoughts on that?

20 UNIDENTIFIED SPEAKER: Can you give  
21 an example of how the tribe would get overpaid?

22 MS. ORTIZ: Part of it has to do with  
23 maybe the rate that's applied. You know, they use  
24 different rates or, you know, there's just a  
25 problem with changes in cost. Kind of like

1 Sunshine said, it's a moving target. So it's not  
2 uncommon necessarily. It doesn't happen all the  
3 time, but it does happen. And, you know, for  
4 different reasons.

5 Sherry, did you want to say  
6 something?

7 MS. FREEMAN: I'm the queen of  
8 overpayment in the organization. I have 12 tribes  
9 that are over. And the way it happens is  
10 initially we take the rate that the tribe gives us  
11 at the time that we make the first payment. So  
12 what we were doing, we would take the tribe's  
13 rate. It could be an old rate. It could be three  
14 years old. We'll apply it to that -- we'll use  
15 that rate, come out with a number and push that  
16 money out.

17 When we get to either pool 2 or pool  
18 3, we discover that they have a new rate that's  
19 more current. So we take that rate and we apply  
20 that rate and pay the money out. When we get to  
21 the end of the fiscal year, we have more  
22 obligations coming in. We applied the most recent  
23 rates that we had.

24 So all along we're doing what  
25 Regional Director Dan says is a headache, we're

1 giving them the headache. We're changing, a  
2 complete change in defining against the  
3 obligation. So what happens then, at say year  
4 2014, we've got loan obligations. We'll apply the  
5 most current rate at the end of the year, and then  
6 we discover we put out too much money, we're over.

7           And so I had 12 that are over. Now,  
8 I'll be honest with you. I had kind of a bad  
9 attitude. I would say, "Oh, so we're over. We  
10 paid more than 100 percent? No problem. We owe  
11 the tribe that." No, that's not the way it's  
12 supposed to be working. And I say we owe the  
13 tribes that, because after all, we have litigation  
14 going on regarding Rema. That's wrong. Okay?

15           We should be hitting the target,  
16 bringing all the money in terms of overpayment.  
17 We should be issuing a Bill of Collection if we're  
18 over. We should be working with the tribe to  
19 establish a mechanism so that when we go over,  
20 then the next fiscal year we can figure out and  
21 adjust accordingly.

22           So the question becomes what rate do  
23 you take at the time of payment, or at the end of  
24 the fiscal year so you get that rate? Do you do  
25 it two or three times? Do you do it once and

1 you're stuck with it? And then if you're over --  
2 we try not to issue a Bill of Collection if we can  
3 help it. We try and say, hey, you're over. Let's  
4 adjust accordingly in 2014.

5 A lot of tribes then send in the  
6 money back and then we're okay. Some don't. Some  
7 are in litigation over it. You know, they're not  
8 going to pay it back. But this becomes, then, one  
9 of the questions. What is the way? What rate do  
10 you take up, what time? And is it going to be the  
11 same for everybody? And do you freeze that rate  
12 or do you wait until the end of the year and do a  
13 second? What's the final rate on September 30th?  
14 That's the first question.

15 And the second question is if you're  
16 over, do we do a Bill of Collection or do we take  
17 it out of your next year? Do we give you a choice  
18 to say we'll do the Bill of Collection and pay you  
19 back since we're on a two-year program? Do you  
20 say to us, no, we're not going to do a Bill of  
21 Collection. Just calculate our rate for the next  
22 year and take it out of that, take it out of that  
23 pot of money. So it's really your choice as to  
24 what you want. Queen of overpayment.

25 MS. ORTIZ: Sunshine mentioned this

1 at a previous consultation, that it's better for  
2 tribes to make -- agree to adjustments rather than  
3 bills of collection, because bills of collection  
4 just are headaches accounting-wise.

5 MS. JORDAN: And I think what we've  
6 heard is when funding is off, that it's done  
7 proportionately to appropriations that are already  
8 received. So if we're getting a CR with only 32  
9 percent of their funding, then that's how much  
10 that they're off, that would be 32 percent of what  
11 is going to the offset. Instead of taking -- like  
12 if you were overpaying \$100,000, instead of taking  
13 the whole \$100,000 out of the funds CR, if you  
14 have that much money, if the tribe had that much  
15 money, only taking a percentage of that  
16 distribution. That's what somebody had discussed  
17 before at a previous consultation, also.

18 MS. ORTIZ: Any other thoughts?

19 Question Number 7: Should BIA  
20 propose a change to Section 106(c) of Indian Self-  
21 Determination and Education Assistance Act so that  
22 the annual CSC report is submitted to Congress  
23 later than the current due date of May 15th?

24 And this has been referred to in the  
25 policy -- well, in the statute the report has to

1 be submitted to Congress by May 15th, and then in  
2 the policy there are deadlines that have to be met  
3 along the way to help us meet that goal. It's  
4 been very difficult for everyone to meet all of  
5 the deadlines that are laid out for them and for  
6 the region, for central office, for the  
7 secretary's office.

8           And, I mean, I don't think that we  
9 ever submitted it by the 15th. That's why this  
10 issue was raised. It would be easy if all the  
11 charges were on a fiscal year, but many of them  
12 are on a calendar year cycle, and so that  
13 information may not be readily available by the  
14 deadline that I've identified.

15           I think the first one for the region  
16 is in November, so that's even before the end of  
17 the year for a calendar year. So that's hard to  
18 meet right off the bat. You have to have time to  
19 move it back and forth between the region and the  
20 tribe to try and get the correct contract support  
21 cost amount identified.

22           And then after that's cleared up, the  
23 region sends that information to Central Office,  
24 and the Self-Determination Division in my office  
25 gathers the information and puts it in their

1 report by region, by tribe, and then we attach a  
2 narrative to it to explain.

3           And it's all calculated. Everything  
4 has to add up. All the funds have to add up and  
5 everything has to make sense, and then we send it  
6 to the Determining Office. The Determining  
7 Office, once it's all packaged, it's still very  
8 long. It goes from Indian Services to the  
9 solicitor's office. At least two solicitors have  
10 to see it and give it to LeFrache. If she  
11 approves it, then it goes down to the assistant  
12 secretary's office. We have a couple of  
13 counselors looking at it. Then once the assistant  
14 secretary approves it, then it goes to the  
15 secretary's office. And then I'm not really sure  
16 who all sees it in the secretary's office, but  
17 it's moved around a lot, and then it's sent on and  
18 they have to approve it and then it goes to  
19 Congress.

20           There are a lot of little steps. I  
21 probably left out a couple. I think it goes to  
22 Tommy Thompson's office, too. I think I left that  
23 one out.

24           It's a long process. That's why this  
25 issue has been raised, because everybody was

1 having trouble meeting that deadline.

2 But this would be a legislative, a  
3 statutory change in something that may not be very  
4 easy anyway, but it's something that we felt we'd  
5 raise because it's been raised by others.

6 MR. DEERINWATER: Why can't we  
7 propose that it be a certain number of days after  
8 the final appropriation for that fiscal year and  
9 look at those CRs? In other words, we didn't get  
10 a final CR until, say, August. We had 180 days  
11 from the last appropriation for that fiscal year  
12 versus a date certain like this.

13 MS. ORTIZ: That's a good idea.  
14 Thank you for that comment.

15 MR. DEERINWATER: Do y'all have any  
16 suggestions?

17 MS. ORTIZ: Somebody threw around  
18 August 15th as a date. They thought that would be  
19 enough time for everybody to have the information  
20 at the regional level, get it reported, and then  
21 kind of work backwards from there. Because I  
22 think that's what everybody did with the May 15th  
23 date to get those deadlines kind of working  
24 backwards. So that date has been put out there.  
25 That seems closer to when it actually had been

1 submitted. It's gone out of our -- the deadline  
2 for us to get it out of Indian Services is April  
3 1st. We've been getting it out of there. It's  
4 not been sitting in the review process.

5 MS. FREEMAN: Can I say something?  
6 Part of what tribes may want to think about in  
7 terms of the date for final reporting of financial  
8 information is that the purpose of the report to  
9 Congress is to give Congress an idea of the  
10 contract support cost need so that Congress has  
11 the appropriate, the correct amount for the future  
12 year. And so the more accurate we can be in  
13 giving Congress a true picture of the need, the  
14 better likelihood we will have a resolution for  
15 the right appropriations the next time around.

16 However, that conflicts with trying  
17 to get the information quickly to Congress so that  
18 Congress can take it into account when it passes  
19 the next year's appropriation. So one side is  
20 more accurate. The other side will actually get  
21 it to Congress in time.

22 MR. DEERINWATER: That gets difficult  
23 for the CR money. All of this might work, but  
24 they don't do that.

25 MS. ORTIZ: Right. Okay.

1 MR. DEERINWATER: The best timing  
2 with the formulation --

3 MS. ORTIZ: Well, the budget process  
4 is like two years in advance.

5 UNIDENTIFIED SPEAKER: When did we  
6 get the report in this year?

7 MS. ORTIZ: I think it's in June. I  
8 think they said middle of June, right? I think it  
9 was last month. Sherry, do you know?

10 MS. FREEMAN: Yes, it was last month.

11 MS. ORTIZ: It was last month. So I  
12 think that might be why that May 15th date was  
13 identified.

14 MR. DEERINWATER: If it could cue  
15 with the formulation process, it might be more  
16 timely.

17 MS. ORTIZ: Okay. Anything else on  
18 that one before we move go on to Question  
19 Number 8? What types of Self-Determination or  
20 Contract Support Cost training do tribes need that  
21 is not currently offered?

22 This is a question because we kept  
23 hearing in the different consultations that more  
24 training was needed, more training was needed.  
25 And I'm not sure that everyone's aware, but I

1 wanted to make sure that everyone's aware that on  
2 the BIA Website, on the first page there's a  
3 button that says self-determination training. And  
4 you can click on that button and you can see what  
5 training courses are offered. And since the  
6 beginning of FY '13, we've offered 52 different  
7 courses. Many of them are in person and many of  
8 them are available by webinar.

9           And we also offer training  
10 opportunities for regions. If you want training  
11 on a specific topic or range of topics for your  
12 region, then we can make arrangements to come out  
13 here. So -- but if you are interested, we can  
14 show that the training is meeting the needs of the  
15 participant. And the training is available for  
16 tribal representatives, and we encourage everyone  
17 to take some of the training courses that are  
18 offered, because it's important for all staff who  
19 work with tribes to understand a little bit about  
20 self-determination.

21           So we did get a comment yesterday, I  
22 think, on the super circular and how the impact of  
23 that. That would be something y'all can think  
24 about. If there are other ideas you have, let us  
25 know. Does anyone have anything right now off the

1 top of their head they can think of that is not  
2 offered but should be or could be?

3           Okay. With that, those are all the  
4 questions that we had pulled out of previous  
5 sessions and discussions that we've had on  
6 contract support costs. Really, those are just --  
7 as you can see, they're difficult questions and  
8 there is more than one way that things can be  
9 done. And there's pluses and minuses for doing it  
10 either way. So that's the kind of difficult  
11 questions we have to address when we talk about  
12 contract support costs, but there are many others,  
13 also.

14           So at this time I just want to open  
15 it up to any additional comments that you might  
16 have. Is there anything else that you think would  
17 help us to streamline the process or improve a  
18 policy? Anything that you want to mention right  
19 now, I'll just open the floor up to whatever you  
20 want to talk about.

21           MS. KARTY: I have a comment. On the  
22 training, a couple of our directors were absent  
23 due to other commitments, but I know the Public  
24 Law 638 course, they were offered two or three  
25 times a year. I wonder if you could maybe

1 increase those to maybe four for each quarter.

2 MS. ORTIZ: Just the general 638  
3 class?

4 MS. KARTY: Yes. All of the classes  
5 really.

6 MS. ORTIZ: Do you have a specific  
7 time period or course? Because we could do that,  
8 we could try to do that. And then, also, if you  
9 wanted something specific.

10 MS. KARTY: I would do the Public Law  
11 638, probably January, February, March?

12 MS. ORTIZ: What's your name again?

13 MS. KARTY: Denise Karty.

14 MS. ORTIZ: Any other comments?

15 MR. DEERINWATER: I was going to ask  
16 for increased training. I'm finding that I get  
17 people find out on where I'm at and I get called.  
18 Some of these people can't tell you the difference  
19 from A, B. C.

20 MS. ORTIZ: Is there a specific  
21 question that you're asking me that we could train  
22 on that would be helpful?

23 MR. DEERINWATER: I think in  
24 general --

25 MS. ORTIZ: Just basically like she

1 was saying?

2 MR. DEERINWATER: Some people don't  
3 even understand the concept of what the law is  
4 about.

5 MS. ORTIZ: Okay. That sounds good.

6 MS. FREEMAN: On training, let me go  
7 ahead and offer some of the ideas we've been  
8 working with. One of my own ideas, the work group  
9 wants if you would establish a mechanism for  
10 adjustments for over and underpayments. We  
11 currently do that with welfare assistance, kind of  
12 an over and under, so let that be part of the  
13 training.

14 Provide training and technical  
15 assistance to tribes with audit and financial  
16 issues that become barriers when they go in to  
17 negotiate their IBC rate. The default matrix or a  
18 list of pass-throughs and exclusions to be used  
19 only in absence of information from the tribe to  
20 use as the contract on the support adjustments  
21 paid to date. Develop a matrix so that tribes  
22 know what the items could possibly be for pass  
23 through and exclusion. Establishes instruction  
24 for tribes to determine the pass through and  
25 exclusion, kind of a worksheet as far as the

1 training.

2           Then in terms of my own  
3 recommendation on training, a lot of regions now  
4 are required, or even the agencies are required to  
5 do a budget talk or presentation with tribes  
6 annually. A lot of the folks who show up for that  
7 are not only tribal leaders, but a lot of finance  
8 folks for tribes. There is a providers'  
9 conference that takes place in Alaska. There's a  
10 Midwest providers' conference that now takes place  
11 in Minnesota. So, again, when that call goes out  
12 to do that budget discussion, maybe have room or  
13 have a workshop or have a time scheduled at the  
14 same time, since you already have those finances  
15 folks there, to have that training take place  
16 there so that it's not coming to a special 638 or  
17 contract support training, but you include it  
18 because you're already going to be there to talk  
19 about budget with the regions or with the  
20 agencies, so do the training at that same time.

21           MS. ORTIZ: Thank you, Sherry. Were  
22 there any other comments that you wanted to make?

23           UNIDENTIFIED SPEAKER: I think it's  
24 important to state that I know that the department  
25 is paying 100 percent contract support costs;

1 however, I don't know where those extra dollars  
2 are coming from. And I think it's important to  
3 state on behalf of the tribes that the department  
4 looks at other resources other than the direct  
5 service tribes, the money that's going to them,  
6 the Title I contracts or under the self-governance  
7 compact, any of those tribes. They're not pulled  
8 from other people, those services. I just wanted  
9 to state that.

10 MS. FREEMAN: Thank you. On that  
11 note, one of the comments that came back from  
12 self-governance tribes is that if you're going to  
13 try to meet the 100 percent and you don't know  
14 where it's going to come from, if you've already  
15 kind of extended that contract support amount of  
16 money, that at least have the opportunity to have  
17 consultation with tribes as if you're going to  
18 take programs or where you're going to go to take  
19 that extra needed money. The hope is that we  
20 don't have to do that, but if we do, at least have  
21 the consultation with the tribes so they know what  
22 programs. You know, they're a part of that  
23 discussion.

24 MS. ORTIZ: Okay. Thank you. Any  
25 other comment?

1 MR. DEERINWATER: I think that leaves  
2 the main question of transparency of the  
3 appropriation and where it comes in, what's the  
4 target population.

5 MS. ORTIZ: Okay. Thank you. Any  
6 other comment? Okay.

7 MR. JONES: I have a comment. Thank  
8 you. My name is Ethan Jones. I'm with the Yakama  
9 Nation. I wanted to make sure all the tribal  
10 representatives here got a chance to speak before  
11 I did.

12 We would like to say just on behalf  
13 of my client, the Yakama Nation doesn't consider  
14 this as consultation. Under Yakama Law,  
15 consultation can only take place on the Yakama  
16 Reservation with the Yakama Nation Tribal Council,  
17 and I encourage you to live up to the Treaty of  
18 Sovereign Nations with the Federal government by  
19 doing so. This is an important issue. Tribal  
20 Council has taken an interest in this and would  
21 love to hear from you.

22 So I guess my question, and I  
23 apologize. It seems that there is a lot of  
24 technical staff here. But my question is a little  
25 broader. So I feel that the BIA is planning on

1 fully funding FY '14. Is BIA fully funding beyond  
2 2014?

3 MS. ORTIZ: That's the plan, yes.

4 MR. JONES: Okay. And that -- has  
5 that been captured anywhere that I could find  
6 that?

7 MS. FREEMAN: No, it hasn't been  
8 captured yet. It results from two things. One,  
9 through the FY 2013 appropriation, Congress had a  
10 cap on the amount of funds that could be used for  
11 contract support cost. In Fiscal Year 2014,  
12 Congress did not have a cap. And the statute says  
13 that tribes should be paid full contract support  
14 costs. So now it is incumbent on the department  
15 to honor that statutory obligation. The barrier,  
16 the appropriations language, has been removed.

17 MR. JONES: Wonderful. Thank you.

18 And I guess along those lines, what  
19 efforts is BIA making to ensure that Congress is  
20 appropriating enough funds in the future so we're  
21 not dealing with cuts in other programs?

22 MS. FREEMAN: As part of our  
23 appropriations process, we have tried to -- we  
24 have to try to predict. As we said, the budget  
25 process runs two years prior to the actual fiscal

1 year when funds are appropriated. So it's kind of  
2 a target that we're trying to make two years down  
3 the road. Every year we try to do that anyway.  
4 We try to identify. In months that the shortfall  
5 quota is used for the contract support cost report  
6 that goes to Congress, that's how it's been  
7 helpful, because it identifies how much contract  
8 support cost had been paid.

9           And in the past, it showed where they  
10 need to actually run, so that we could try to  
11 calculate our best guess for what we're going to  
12 need in a couple of years. And so now I'm paying  
13 them 100 percent contract support costs. So it  
14 will still be done and still will be submitted to  
15 Congress. It should not have been out in the  
16 first place. It should identify what has been  
17 paid and then hopefully using that will help us  
18 predict in a couple of years what our need is  
19 going to be. That's how we try to determine that.

20           MR. JONES: So is there an active  
21 effort? Because I guess I haven't seen an active  
22 effort, at least I haven't received any  
23 communication about how BIA can be working with  
24 the Yakama Nation in particular to work with  
25 Congress, because this is an effort where BIA has

1 to fully fund, the Yakama Nation wants full  
2 funding. How can we be helping you to communicate  
3 with Congress so that we can get -- you know,  
4 putting the right foot forward for full funding.

5 MS. ORTIZ: So there are a couple of  
6 opportunities. As I mentioned before, we have a  
7 contract support cost work group with  
8 representatives from the regions. So  
9 communicating with your regional representative  
10 what your needs are, what your ideas, comments,  
11 thoughts are and have them translate that to the  
12 work group.

13 Also, the Tribal Interior Budget  
14 Committee is made up of representatives from each  
15 region. Those representatives work on budget  
16 issues year round, so they are constantly working  
17 on budget issues, so any time the Yakama Nation  
18 should be communicating with their representative  
19 to that committee, also. And, of course, to try  
20 to make every opportunity to have their own  
21 conversations with Congress and how they want to  
22 proceed. That is their option. Sherry, did you  
23 have something else?

24 MS. FREEMAN: One other option is the  
25 regional director every year has what's required

1 as a budget meeting with tribes to talk about  
2 plans or kind of what it is that they want to see  
3 in the budget for the next year. So each regional  
4 director has been tasked to do that, and they do  
5 it at various -- different tribes come in, some do  
6 it by agency meetings, some do it with a big  
7 providers' conference I talked about, or the  
8 Midwest. I think Midwest conference is happening  
9 next week. So that's an opportunity for the  
10 tribes to actually come in and sit down and talk.  
11 Also, be with the other tribes.

12 MS. ORTIZ: Just anytime throughout  
13 the year if you have issues, you can submit them  
14 to the leadership at the BIA, the assistant  
15 secretary, the regional director at any time.  
16 There's always an opportunity.

17 MR. JONES: So it sounds like there  
18 are numerous opportunities. So I guess my  
19 comment, then, following up is communication.  
20 Communicating those opportunities so that we're  
21 aware of when we can be doing that.

22 And just one final note is, I notice  
23 one of the questions was ensuring that the Federal  
24 government is going to overpay, and I think that  
25 the focus at this point, I know this is in active

1 settlement discussions, but we've had decades of  
2 underpayment. So I think we should be focusing on  
3 fixing that underpayment before we focus on, you  
4 know, 5, 10, 15 percent overpayment. Thank you.

5 MS. ORTIZ: Thank you for your  
6 comment. Does anyone else have any comments they  
7 want to share?

8 UNIDENTIFIED SPEAKER: I have a  
9 question. This tribal work group, are they the  
10 ones going to be making the decisions or --

11 MS. ORTIZ: The work group is not  
12 considered consultation. They're not going to  
13 make any decisions. What they're going to do is  
14 help us sort out the comments that we receive. So  
15 we're taking it from transcripts, because this is  
16 a formal consultation. We have a transcript from  
17 every one of the consultations conducted so far,  
18 and we're going to do that for the ones we're  
19 going to conduct in the future.

20 I just put up a slide that identifies  
21 the consultation sessions that we have done and  
22 are going to be still. So we get the transcripts  
23 and we are going to pull the comments out of the  
24 transcripts and we're going to try to categorize  
25 them into particular issues that are important,

1 and the work group is really going to help us sort  
2 through that and try to come up with some  
3 recommendations that would address those comments  
4 that it receives.

5           And then we're going to show the  
6 assistant secretary and then have some discussions  
7 on next steps, whether that means we're going to  
8 do a proposal with changes to the policy, to  
9 consult in the future, maybe do the Federal  
10 registers. I don't know. I'm not sure exactly  
11 after we take the comments how it is going to go.  
12 Depends on what they are, depends on if they're  
13 policy change recommendations, procedure change,  
14 procedure recommendations or legislative changes  
15 they want to make. It depends on -- that will  
16 determine the next steps. So the work group is  
17 just going to help us sort through those  
18 recommendations, but not make any decisions.

19           UNIDENTIFIED SPEAKER: I just wanted  
20 to add one thing. I just want to make sure that  
21 the tribes have approved each review, the  
22 shortfall report before it goes to Congress. And  
23 then if there's any payment they feel like that  
24 needs to be changed, that it's changed.

25           MS. ORTIZ: Every tribe should have

1 that opportunity to review their data. So we have  
2 been instructed not to share the entire shortfall  
3 report with everyone. Some tribes don't want  
4 their data shared with other tribes. But every  
5 tribe should have an opportunity to look at their  
6 own data and confirm that that's correct. And I  
7 believe, Kelly, you work with the tribes in the  
8 region.

9           Okay. Any other comments? I want to  
10 make sure we capture everything. We're here to  
11 listen.

12           The sessions we had, we had two  
13 national sessions in Washington, D.C.; one at the  
14 self-governance conference and one during the NCAI  
15 Executive Council Intercession. And then we had a  
16 national consultation at the midyear conference at  
17 NCAI in Anchorage, Alaska. This week we had one  
18 on Tuesday at the Navajo Nation, that region, and  
19 then in Phoenix, Arizona. So this is our third  
20 consultation this week, and then we are going to  
21 come back next week and have one in Minnesota, and  
22 then on the 19th we're going to have one in South  
23 Dakota.

24           So we have tried to do some regional  
25 consultation. We've tried to reach out to other

1 places across the country and give them an  
2 opportunity. So I just wanted to let you all know  
3 that these are open to everyone, so everyone's  
4 invited to comment. We sent out a Dear Tribal  
5 Leader letter to provide notice that these  
6 consultations were going to be conducted.

7 We also published in the Federal  
8 Register notice. So hopefully people have gotten  
9 the word out, and, you know, people will have  
10 comments. They're welcome to attend any of these  
11 sessions, or you can submit a written comment by  
12 August 31st.

13 August 31st is going to be the cutoff  
14 for our consultation comments. You can send them  
15 in e-mail with your comments to  
16 [consultation@bia.cutoff](mailto:consultation@bia.cutoff) or you can mail a hard  
17 copy of your comment to the BIA, the Department of  
18 Interior, Attention Charley Park. He is going to  
19 be gathering those comments. He is also the  
20 Federal co-chair for this contract support cost  
21 work group. So that all would be very helpful.

22 I think the written comments are  
23 extremely helpful because we can see exactly what  
24 your comment is and what you want to state. So I  
25 think we kind of threw some questions out there to

1 you that you have on the PowerPoint. When you go  
2 back home, if there's something that you want to  
3 say or the tribes that you work with, the Federal  
4 staff, if they have some comments, please let them  
5 know that they can submit written comments, that  
6 there is still plenty of time to do that. You  
7 have over a month to get those submitted and we  
8 look forward to having them. We welcome all  
9 comments because there are so many complicated  
10 issues.

11 Contract support costs are not an  
12 easy issue. There's many factors that are  
13 involved, so there are opportunities for  
14 improvements all across the board. We want to try  
15 to make those changes. And the more substantive  
16 comment on point with regard to policy,  
17 legislative, or procedural changes that we can  
18 get, the better, I think, we're going to be.

19 Someone else have a comment?

20 UNIDENTIFIED SPEAKER: I wanted to  
21 urge everybody to take a look at the policy, the  
22 current policy, because a couple of things have  
23 happened. First of all, the powers that be have  
24 come up with ONB that replaces the old ONB  
25 circulars. And our current policy refers to the

1 old ONB circulars, so we're going to have to be  
2 doing some cleanup work on that, which gives us  
3 the opportunity to look at the whole policy and do  
4 cleanup work based on comments that we received in  
5 these consultations. So take a look through the  
6 current policy and any suggestions you have for  
7 revising it during this coming period.

8 MS. ORTIZ: Thank you. Yes, that  
9 would be very helpful.

10 Sunshine, did you have any final  
11 comment? Sherry, did you have any?

12 MS. JORDAN: I'd just encourage those  
13 that are from self-governance side to take a look  
14 at the tribalself-gov.org. They're going to post  
15 the comments that were done by the self-governance  
16 smaller group contract support work group sometime  
17 probably next week. Just go ahead and take a look  
18 at those and send in your comments if you have  
19 additional comments.

20 MS. ORTIZ: Dan, did you have any  
21 final comments?

22 MR. DEERINWATER: No. The only thing  
23 that I'd comment on is you guys having cool  
24 weather when you come to Oklahoma is not normal.  
25 Usually it's 110 degrees.

1 MS. ORTIZ: We were in Phoenix  
2 yesterday. It felt so good. We were just so hot  
3 in Phoenix yesterday, and then to come here. I  
4 said, "I love Oklahoma."

5 MR. DEERINWATER: I can't believe you  
6 scheduled it in August. But thank y'all for  
7 coming. We appreciate you.

8 MS. ORTIZ: I say thank you to your  
9 staff, because they did an outstanding job in  
10 setting up everything. This has been great. They  
11 bought donuts for everyone. We appreciate getting  
12 everyone set up. We know it's a lot of work  
13 because we've had to do it, and we just appreciate  
14 your staff. Thank you so much.

15 All right. Thank you all for coming  
16 and spending time with us. We appreciate your  
17 comments and look forward to receiving some more  
18 written comments from you. Thank you.

19 (Meeting concluded at 10:16 a.m.)

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1 R E P O R T E R ' S C E R T I F I C A T E

2

3 STATE OF OKLAHOMA )

)

4 COUNTY OF OKLAHOMA )

5

I, Kelly Laird Stoabs, Certified

6

Shorthand Reporter for the State of Oklahoma,

7

certify that the above and foregoing meeting

8

transcribed by me is a true and correct transcript

9

of the meeting; that the meeting was held on July

10

31, 2014, in the State of Oklahoma; that I am not

11

an attorney for nor a relative of any said

12

parties, or otherwise interested in the event of

13

said action.

14

IN WITNESS WHEREOF, I have hereunto set

15

my hand and seal of office on this the 17th day of

16

September, 2014.

17



18

19 Kelly Laird Stoabs  
20 Certified Shorthand Reporter  
21 For the State of Oklahoma

19

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