

**NATIVE AMERICAN EMPLOYMENT AND TRAINING COUNCIL MEETING
U.S. DEPARTMENT OF LABOR
Capital Hilton, 1001 16th Street, NW
Washington, D.C. 20036**

DAY ONE – Tuesday, February 23, 2106

Call to Order & Opening Remarks: Darrell Waldron, Council Chairman, called the meeting to order of the Native American Employment and Training Council (Council) at 9:07 a.m. Ms. Athena Brown, Designated Federal Officer (DFO) and Division Chief called for a moment of silence in remembrance of the late Council member for Region IV, Dr. Stapp and then said a blessing. Chairman Waldron conducted roll call.

PRESENT- ROLL CALL

Darrell Waldron, Region 1, Chairman
Jacob Bernal, Region 6, Member
Carla Bowlan, Oklahoma, Member*
Kim Carroll, Region 4, Member
Julia Davis-Wheeler, Other Discipline, Member
Kristen English, Region 6, Member*
David Gipp, Other Discipline, Member
James Hardin, Region 3, Member
Christine Molle, Region 5, Member
Chief G. Anne Richardson, Region 2, Member
Lorenda Sanchez, Region 6, Member
Roselyn Shirley, Region 6, Member
Winona Whitman, Hawaii, Member
* present by telephone

ALSO PRESENT

Amanda Ahlstrand, Administrator, Office of Workforce Investment (OWI)
Athena Brown, Designated Federal Officer (DFO)
Norm DeWeaver, Consultant
Gerri Fiala, Deputy Assistant Secretary, Employment and Training Administration (ETA)
Duane Hall, Federal Project Officer, Division of Indian and Native American Programs (DINAP)
Craig Lewis, Alternate Designated Federal Officer
Chris Lu, Deputy Secretary, U.S. Department of Labor
Luke Murren, Division of Strategic Planning and Performance
Tiffany Smith, Senior Policy Advisor, Employment and Training Administration
Karen Staha, Director, DOL Division of Strategic Planning and Performance

A quorum was present. Councilman Hardin made a motion to approve the agenda; motion was seconded by Julia Davis-Wheeler with comment; motion passed unanimously.

A question was raised by Ms. Davis-Wheeler to the Chairman regarding the pending nominations of the Council members and the process for notifying the incumbent members. Ms. Davis-Wheeler informed

the Council that she did not receive the notification that her term had expired. Ms. Brown, DFO from the Division of Indian and Native American Programs (DINAP) explained that a notice was sent out via an email as well as the posting on the Community of Practice Website and written notice through a Training and Employment Notification (TEN) by the Department. Ms. Davis-Wheeler explained that she had changed her work number and email and did not receive the notices. Ms. Brown asked that members keep the DFO and/or DINAP informed about any changes to their contact information.

Minutes and Follow-up Items from August 18-19, 2015 Council Meeting: Athena Brown, DFO presented an update. Chairman Waldron sent a letter to the Department requesting a number of items contained in a resolution, and the Department responded on December 31st, 2015. In this letter, the Department addressed 1) the membership on the Workforce Information Advisory Committee and 2) responded to the Council's request to revisit the discussion on census data. Recommendations made by the Council regarding the notice of proposed rulemaking (NPRM) were incorporated into the comments as part of the rulemaking process. The Council's request to meet with Secretary Perez was turned over to Deputy Secretary Lu due to a scheduling conflict of the Secretary. Ms. Brown will provide an update regarding the Training and Technical Assistance (TAT) funds in response to questions from the Council about this topic. The Department has not yet formally responded to questions posed to Assistant Secretary Wu and recommendations made by the Council.

Update on Implementation of Workforce Innovation and Opportunity Act: Gerri Fiala, Deputy Assistant Secretary, Employment and Training Administration (ETA) gave the first part of the update. In its Fiscal Year (FY) 2017 budget request, the Department requested a \$2 million dollar increase in funds for Indian and Native American (INA) Programs and asked that the period of availability for these funds be increased from 12 to 15 months. This increase in funds would be used to develop services for Native American youth not living on reservations.

Ms. Fiala thanked the Council for their recommendations regarding WIOA and noted that these comments have been incorporated into the WIOA rulemaking. The Department is currently finalizing WIOA's five joint rules. The joint rule encompasses the parts of the WIOA that the Secretaries of Labor and Education have joint responsibility for, such as all of state planning, one-stop infrastructure, and performance. As a result, this requires a lot of negotiation between the two agencies. Additional federal agencies, such as the Department of Agriculture, can also be involved, depending on the state grant programs chosen by a state's Governor. This amount of collaboration differentiates the joint rule from the rest of the WIOA. The DOL-only rule states that the Department has sole responsibility for administering the other parts and programs of WIOA, including Section 166 grants, Migrant and Seasonal Farmworker Programs, Job Corps, and YouthBuild. The language on performance between the joint rule and the DOL-only rule is similar because they share performance indicators. The rule on the Adult Education and Literacy Program now puts more of an emphasis on adult education in correctional facilities. The other two rules involve vocational rehabilitation: one is small and almost administrative, and the other covers the Vocation Rehabilitation State Grant program.

The Department would like the Council's feedback on a number of documents and initiatives, such as the recently released final Information Collection Request for WIOA, which gives a final say on what will be in unified and combined state plans, the training and employment guidance letter for Section 166 grantees, and the Innovation and Opportunity Network. The Innovation and Opportunity Network is an online peer-learning labor exchange site that has information on WIOA, among other things. Ms. Fiala specifically drew attention to Voices of Experience: a video series on the website in which different experts in the field explain how they have made something a best practice. She asked the Council to be

on the lookout for people that might be good for this series, especially those thinking about the partnerships and resources that grantees can use beyond those of Section 166.

Ms. Fiala also mentioned that over 40 states have WIOA-compliant State Boards, which reviews the state plans set by a state's governor. She encouraged Council members and other Native American advocates to push to join these boards and to otherwise review their state's draft state plan. Twenty-six states say they plan to submit combined state plans. A combined state plan would use programs beyond WIOA's core programs, thereby allowing a state to take a more integrated and holistic approach in addressing the needs of those using WIOA. Ms. Fiala expects that the final rule will be publicly available around the end of June.

Amanda Ahlstrand, Administrator, Office of Workforce Investment (OWI) gave the second part of the update. She began by naming a few priorities of ETA. One of these priorities is for the ETA to have a better connection between its different programs, such as Section 166 programs, YouthBuild, and re-entry programs. ETA also sees opportunities for federal partnerships for WIOA, such as the Temporary Assistance for Needy Families (TANF) program, that would provide young people with work experience and opportunities. The ETA is interested in pursuing such partnerships and would appreciate any feedback from NAETC. Another priority for ETA is to transition out of BearTracks into an improved web-based platform. Staff training is key for implementation of a new platform. The ETA is also working on getting allotments guidance ready. WIOA was authorized to focus on Alaska Native and Hawaiian entities in the approved FY 16 budget, and has received resources that need to be awarded by June 2017. Ms. Ahlstrand also mentioned that there are still a lot of grant competitions out. The Secretary is working to ensure that Native American grantees and tribes are eligible for these grant opportunities, and NAETC is encouraged to keep an eye out for these announcements.

Council Questions and Comments:

Councilwoman Molle commented on the widespread misperception that many state workforce centers have of Section 166 as a highly funded program rather than a supplemental program. Ms. Fiala encouraged continued communication and partnership between Native American advocates and state workforce boards as a way to address this problem. These conversations are especially important because of recent laws, which have reduced the number of required members in state workforce boards in an effort to make the size of these boards more manageable. Ms. Fiala plans to try to reach out to the President of the National Association of State Workforce Agencies to see if a meeting can be arranged. Chair Waldron added that the lack of access for section 166 grantees working with states has been an ongoing problem, and that he would like to see more inclusion at the state level. Ms. Fiala agreed that lack of inclusion is a problem and that the Department will be working to find solutions.

Councilwoman Sanchez expressed her thanks to Assistant Secretary Wu, who worked to resolve concerns previously voiced by Councilwoman Sanchez regarding funding and relationships between the Region VI and Native American grantees. Thanks to Assistant Secretary Wu's outreach efforts, INA grantees have now been included in the activities of the Regional Office, something that Councilwoman Sanchez doesn't believe would have happened without Assistant Secretary Wu's efforts. Ms. Fiala expressed her happiness about this and encouraged Councilmembers having similar problems to reach out to the Department. She added that in FY 16, Congress gave state governors a full 15% set aside that gives states the resources to go beyond basic maintenance and implement creative solutions.

Chairman Waldron wanted to bring attention to challenges in the New England area regarding new jobs at electric boat facilities. Inner-city Native American youth are having difficulty obtaining these jobs due to the required entrance tests and strict drug screening. The entrance tests are difficult to pass because the high school educational standards are continually raised, and the increased presence of marijuana due to its legalization makes the drug screening difficult to pass as well. However, there are very few tests given once an employee has been hired. Chairman Waldron has asked that the entrance test requirements be lessened and that testing be done more frequently after hiring. Ms. Fiala plans to talk with the Regional Administrators regarding this issue. Ms. Fiala concluded by thanking the Council for their time and the DINAP team for all of their work.

Performance Measures Update

Ms. Karen Staha, Director of the Division of Strategic Planning and Performance provided an update on the WIOA six core indicators of performance: 1) employment in the second and 2) fourth quarter after exit, 3) median earnings after exit of individuals who exited in the second quarter, 4) credential attainment rate, 5) measurable skill gains, and 6) effectiveness in serving employers. Compared to the Workforce Investment Act (WIA), the two outcome measures, other than the quarters, haven't changed. However, the credential attainment rate has been changed, and the measurable skill gains and effectiveness in serving employers indicators are new. The proposed definitions are included in the NPRM and the data elements needed for the performance indicators for both the joint rule and the DOL-only rule were identified in two recently published Information Collection Requests (ICRs). The Department received about 2,000 pages of comments between the NPRM and the two ICRs, and so the Department is currently working through those comments.

There are five types of measurable skill gains that apply under WIOA. The NPRM originally had six types, but this number was reduced in the ICR. There were other changes made to these skill gains from the NPRM to the ICR, for example, lowering receiving 24 hours of college credit to 12 hours. There are three proposed ways to define the effectiveness in serving employers indicators: participant is employed with the same company in the second and fourth quarter after exit, seeing how many of a community's employers access the American Job Center (AJC) in the context of the local economy and its market penetration rate, or how many employers come back more than once to the AJC. In the past, employment rates only included entered employment, but now they will look at employment after exit from the program and whether the individual was employed or not when they entered the program. There are other provisions in the statute for performance, such as sanctions. However, Ms. Staha believes these provisions apply only to the six core programs and not to the INA grant programs. The sanction is used in the event of performance failure and/or a failure to report. WIA gave the Department the authority for sanctions as well as incentive grants; however, WIOA only gives the authority for sanctions.

The Department is working to revise the data sharing agreements for the Wage Record Interchange System in order to improve wage record access for WIOA programs, because part of the WIOA legislation relies on the ability to access wage records and verify employment outcomes. However, the Department plans to maintain the ability to obtain aggregate wage information by grantee for INA programs. Negotiations for performance levels will occur in the spring. The law requires use of a statistical adjustment model, which takes into account past performance, demographics, and economic conditions. This model is almost finalized and could be used to help in the Council's negotiation process of goals, although it is not required for INA programs. The Department will take a phased in approach in establishing the performance level targets because it is still gathering historical data on new indicators.

Council Questions and Comments:

Councilwoman Sanchez asked about the additional primary indicators required for INA programs under WIOA, which exist because INA programs are not part of WIOA's six core programs. The Secretary is to consult with the Council on the nature of these additional indicators. Mr. Hall, DINAP Team Leader responded that although DINAP has not started the process of developing the additional measures with the Council, they will do so soon. Ms. Staha asked if the Council wanted any particular indicators to be considered. Councilwoman Sanchez replied that she would like the Council and the Department to consider prior work done by the Reporting and Performance Workgroup, which includes an education credential and an enhancement measure that take into account the work Indian and Native American communities are doing as well as the economic context in which this work is done. She is concerned because the law requires INA programs to meet the six core requirements as well as additional ones, and she doesn't want all of the attention and resources to be focused on just the six core requirements. She is also concerned about the six core requirements being applied to the tribal Supplemental Youth Service programs because these programs have low funding, and so she would ask that the program's current outcomes be retained.

Chairman Waldron asked if the Department reviews DINAP's performance, and if the outcomes are ever considered. Ms. Staha replied that the Department receives this work every quarter, but because her team only reviews the numbers, she believes any narratives and commentary would go to the DINAP team. Ms. Brown added that the Council's recommendations were incorporated in the NPRM on performance, and Ms. Staha noted that she and her team addressed comments related to performance while revising the regulations. Ms. Ahlstrand stated that the program team sees discussions from Council's workgroups. Ms. Ahlstrand added that the Department's revision process for WIOA starts with the core programs, but will move to tailoring of the other programs. Additional measures are in the proposed ICR and the Department is aware of them broadly but not program by program. These programmatic discussions shape where the measures are now.

Councilwoman Shirley commented that the definitions and requirements for performance data should be simplified. They are currently very technical, and the time spent trying to figure out how to collect and report required data compromises a grantee's ability to provide quality program services in their community. Ms. Staha responded that the number of performance indicators is largely determined by legislation, but that the performance team is working to simplify the definitions and requirements.

Update on Information Collection Requests (ICRs):

Mr. Luke Murren, Division of Strategic Planning and Performance provided an update of the pending ICRs. The Department has tried their best to make WIOA's definitions and requirements as simple as possible. Mr. Murren believes that Congress had this same goal and so purposely streamlined some of the definitions as a result. In addition to simplifying the language and measures, the Department also plans to put out technical assistance in the form of podcasts, blogs, short training sessions, and desk aides.

The Department has struggled with the different definitions used across programs and has produced a booklet that aligns the data elements of different WIOA programs. This allows staff to find the commonalities between these elements and ultimately streamline the different definitions. Ms. Staha added that a version of this booklet was published in the September 1st ICR, and emphasized that WIOA

programs will now have to collect data elements in the same way, using the same definitions and coding. However, INA programs will not be required to report on all of these data elements. The Department plans to release a 30-day comment period notice on this soon, with the goal of having the final version in place by the start of the upcoming program year. The Department is also working on a new system to streamline the data collection process, and will collect feedback on the new system when the time comes.

Council Questions and Comments:

Jennifer Whitmore, a member of the Information Technology Performance Workgroup, asked for clarification on the July and September ICRs. Section 166 grantees only received the September ICR, which Ms. Whitmore did not find to be as detailed regarding forms and expectations as the July ICR. The September ICR also does not include any checkmarks for what is required for INA programs. As a result, INA grantees are currently not clear on what the Department's expectations are because they don't have an ICR with that specific information.

Ms. Staha responded that she stands corrected and that the 30-day comment notice will have that level of detail. Luke Murren added that unofficial comments and questions are welcome anytime, but that official comments will be taken during the 30-day comment period. Ms. Whitmore also commented that the statistical adjustment model has limited data for economic conditions in INA communities because the census data has such a high margin of error. Mr. Murren agrees this is difficult because a model can't be made if the data isn't there. He intends to try to produce some sort of model output but it still figuring out how to do so. Ms. Whitmore hopes to have meetings on this in the future and believes that the amount of need in INA communities justifies the investment in obtaining more quality data.

Councilwoman Sanchez commented that she hopes that the Department will put aside funding for technical assistance regarding the new WIOA reporting and data collection system and will enhance training tools to be more inclusive for the INA communities. She also hopes that the Department will permit the collection of additional INA data because she anticipates that this data will be modified from that of the core programs. Ms. Staha responded that the Department will include INA grantees in the technical assistance tools as soon as able and would appreciate any comments or feedback from the Council. There are still are a few data elements and provisions to be added, which will likely be part of an amended ICR.

Ms. Brown asked if additional measures will be required to go through review process. Ms. Staha responded that she imagines so. Although WIOA no longer requires a narrative progress report from the states, the Department has come to rely on these narratives and so will amend the ICR to ask for a narrative report. Any additional data elements the Council wants to collect should be suggested in this amended ICR.

Report on Workforce Innovation Opportunity Act (WIOA) Regulations:

Mr. Hall, DINAP Team Leader provided a report on the proposed regulations. The state's formula programs have experienced a lot of changes from the WIA to WIOA switch, such as inclusion of new federal agencies, pay-for-performance, a requirement that core programs be located in the same physical location, and unified plans. However, the INA programs don't have as many changes in the services provided by WIOA. One change is that the age of eligibility for youth programs has been

increased from 21 to 24. NAETC should also be aware of a few key changes of WIOA from WIA. One of these changes is that WIOA is now on a four year grant cycle rather than a two year one. This requires a four year strategic plan rather than a two year plan, which should help to reduce administrative burdens on grantees. The Department will coordinate grant competitions with strategic plans, i.e., the funding opportunity announcement will now be combined with the requirement to submit a strategic plan. WIOA also includes language emphasizing entrepreneurial skills.

New language in the proposed NPRM states that federally recognized tribes must submit a plan to the Department in order to transfer their money over to the 477 program. However, once a tribe transfers to the 477 program, they no longer have to update their plan every three years for the Department's review. Another change under WIOA is that all required American Job Center partners are no longer required to be on local workforce development boards; this includes INA partners. And INA grantees are not subject to the requirements of funding the One-Stop system unless there is a negotiated agreement in the memorandum of understanding. Another change in WIOA Section 166 is language that authorizes funding to be awarded to the unique populations for Native Hawaiian and Alaskan Native entities. The Department will be required to put out a competitive grant competition for this funding and will be given additional resources to do so. Funding authorizations for WIOA are under Section 172(a) and include five years of appropriations. Appropriations started in FY 1016 at \$497,000, and will increase incrementally every year, ending in 2020 at \$540,137.

Changes to program performance present the biggest challenge. It is difficult for the Department to make changes once something is in the law, and so they haven't been very successful in making changes to the six required measures. Section 166 will have additional measures that are made in consultation with the Council. WIOA has an added definition for individuals with barriers to employment, which includes members of Indian, Alaskan Native, and Native Hawaiian populations. Service categories and definitions have changed a little, but the services currently provided by DINAP are not in violation of WIOA. All of the Department's responses to the comments made for the NPRM will be provided in the preamble of the final rulemaking.

Council Questions and Comments:

Councilwoman Sanchez commented on the fact that the NPRM for WIOA eliminated language that stated that the Department would utilize employees that have a particular competence in working with INA communities. She asks that employees still be required to have this competence so that they can effectively design and implement programs. Chairman Waldron commented that the language indicated that the Council and the Department would meet to discuss performance indicators, but that so far this hasn't happened. Mr. Hall responded that DINAP has been involved in the revision of any definitions or indicators involving INA programs, but that it's a challenge for the six core measures because everyone has to negotiate an agreement. Mr. Hall feels this challenge is widespread and feels that the Council hasn't missed any opportunities. Chairman Waldron then asked if grantees have an opportunity to waive performance indicators and create their own performance indicators if they give specific reasons. Mr. Hall responded that yes, WIOA does give the Secretary the ability to grant such waivers, but it has to be by special request.

Councilwoman Sanchez commented that in the proposed language for waivers, a waiver may be requested at the beginning of a four year grant cycle or at any time during an award cycle. However, all waivers will expire at the end of the cycle. She expressed concern that a number of grantees will be forced to get a waiver and hopes that DINAP and the Grants Office will be staffed appropriately so that

grants and funding aren't delayed. She also asked for clarification on high poverty definitions for eligibility for youth programs. Mr. Hall responded that the new law says all individuals within an area designated high poverty will be eligible for the youth program, with high poverty defined as a geographic area with a poverty rate of 25% or higher. Councilwoman Sanchez commented that she thinks it is very dangerous for the Department to start interpreting and applying a funding distribution with their current definition of a federally recognized tribe. The proposed rules are written in a way that could prevent allocation of funds to federally recognized tribes without a land base.

Chris Lu, Deputy Secretary of the U.S. Department of Labor

The Deputy Secretary acknowledged the recent loss of Council member, Dr. Rodney Stapp and began by thanking the Council members for their service and stating his and the Secretary's commitment to INA issues. The Deputy Secretary reported that he recently participated in a roundtable at the Phoenix Indian Center. The discussions he participated in made him both proud of the work the Department is doing and also acutely aware that it isn't enough. He was glad to see a budget increase for Indian and Native American Programs in the FY 17 budget. Although it is not enough of an improvement, just the fact that the budget was increased at all amid flat budget trends shows the commitment of the Department to Native American and Indian issues. The Deputy Secretary indicated that he is eager to hear from the Council because their feedback and the feedback of community members is integral to the Department of Labor's process. The Deputy stated that rather than providing a lengthy narrative, he was more interested in hearing from the Council; therefore, he opened the meeting up to questions and comments from the Council.

Council Questions and Comments:

Councilwoman Carroll commented that although local workforce boards are eligible applicants for the Funding Opportunity Announcement (FOA) for summer opportunities with Career Pathways for Youth, tribes are not included. Mr. Lu responded that the Department is aware of the problem and is working to resolve this issue. This is an example of why feedback is so important; the Department is only able to fix a problem if they are made aware of the problem. Chair Waldron commented that one of the most frustrating things about his position is doing work for the Council and then not knowing if this work is being considered by the Department and whether it impacts the communities through policies and regulations. Getting new performance measures through the process and educating staff is very difficult, but he is not seeing the results at the community level. Native Americans still have the highest rate of poverty of all of the ethnic groups in the United States. Mr. Lu agrees that this frustration is incredibly valid and is open to any creative solutions anyone has to have impact at the community level.

Councilman Gipp commended Mr. Lu and President Obama for the work they've done to improve community colleges. However, there is a high number of youth that need ongoing training. The groundwork has been laid, but the entrepreneurial portion of WIOA still needs to be strengthened. He hopes that Department will work to further empower an effective ongoing strategy so that when staff changes the programs can continue. Councilman Gipp also believes that the Department needs to pass initiatives to link training programs with schools so that INA youth can get a head start on job training, which will give them a more empowered outlook on their future. Mr. Lu agreed that one of the success stories of the Obama Administration is the improvement of community colleges. Community colleges are important partners for the Department, such as the work they have done with the Apprenticeship Program. Mr. Lu also thinks it's safe to say that community colleges will have the support of future administrations as well.

Gary Rickard, a member of the audience, commented that if WIOA performance measures are difficult to meet, this will impact the individuals who are receiving the services, and can even restrict service to them. Mr. Lu agreed that the law requires greater accountability, but this greater accountability can prevent people from receiving services, and so the Department is trying to figure out how to balance this tension.

Status Report from the IT Workgroup

Duane Hall, DINAP Team Leader, and Tiffany Smith, Senior Policy Advisor, Office of the Assistant Secretary, ETA, provided a report. Mr. Hall explained that the IT Workgroup had not met yet, and so this report would function more as a status update on where the Department is with IT reporting. Currently, DINAP is trying to figure out how to collect the information that the Department requires in WIOA; but plans to move forward on IT system decisions in partnership with the Council and the IT Reporting Workgroup. DINAP is not ready to meet with the IT Reporting Workgroup as of now, in part because of all the unknowns resulting from changes occurring in WIOA.

Ms. Smith has been hired to help develop an IT reporting system that is able to handle all of the reporting requirements as outlined in the recently released ICR and NPRM, and to do so, has been reaching out to the various programs to find out their needs. There is a modernization effort underway to change the ETA's larger IT infrastructure so that the ETA can properly collect the required data elements. Ms. Smith and her team has been partnering with subject matter experts from the different programs to have conversations around the data elements that are in the ICR. They also plan to learn more about the different programs' case management systems so that they can understand the landscape they are working with.

Apprenticeship Demonstration – Options for DINAP Reporting System

Greg Wilson, Office of Performance and Technology, ETA, provided a demonstration. The Department's Apprenticeship Program has received additional funding to develop an IT reporting system, and so DINAP is looking at this system as well as others, for ideas on how to eventually structure DINAP's IT reporting system. The Apprenticeship Program's grantee system uses commercial off-the-shelf (COTS) software, meaning it is commercial software that was purchased and licensed to use. Although the Apprenticeship Program must pay a yearly licensing fee to keep using this software, they don't have to program in things like password creation and updates. The system isn't a one-size-fits-all, and so the Apprenticeship Program can add in different layers of permissions, depending on how they want the system to run. Additionally, this software is viewable on a number of mediums and is accessible wherever there is an internet connection. This software is a business process management system tool, and so once the system is initially developed, day-to-day maintenance can be done by people who are not software developers or programmers, allowing the Apprenticeship Program office to change the system as needed. Additionally, because the programming for the software is so flexible, the Apprenticeship Program can release updates on a monthly basis.

The Apprenticeship grantee system has three different tabs which are all now part of one system. These tabs include the RAPIDS tab, which is the case management system, and a tab for grantee reporting. The grantee reporting system was developed in four months by using the COTS software, as opposed to the year that comparable grantee systems took to develop. One feature of the grantee reporting system is that it allows the data to be entered individually as well as be done by a batch upload. For

example, users are able to enter themselves as multiple races. The system also has a place where users can enter their background information, which aides more with assessing program performance than anything else. Although most of the questions asked on the system are currently yes/no, there is the ability to add definitions or answers to the questions if needed. Data entered in the quarterly report section produces a quarterly report automatically, and grantees can type in background information directly on the site so that the information doesn't have to be emailed or sent in as a Word document to the Program. Graphs and charts can also be added into the system.

The different programs are all collecting their data as specified in the Participant Individual Record Layout format. The goal is that the data for these different programs will be able to interact across systems, giving users the ability to see the big picture of workforce development in a specific area. The Apprenticeship Program's system also pulls in grantee information from E-grants. The goal is to have one system that produces financial and other data on one platform so that users only have to learn this one system. The software being used is federal grant compliant, which means that it has passed all of the federally required security protocols, unlike other homegrown software.

Council Questions and Comments:

Councilwoman Davis-Wheeler asked if the Apprenticeship Program's system is similar to what the Council will be considering—because she heard that the system cost \$1.2 million. Chairman Waldron stated that he believes the Council will look at something similar and said that the cost for the Apprenticeship Program's system is currently up to \$500,000. Mr. Wilson clarified that \$500,000 has been spent on the grantee hardware, but that there will be three pieces total. Councilwoman Molle asked if grantees will be responsible for paying for the grantee tool portion of the system. Mr. Wilson answered that the Apprenticeship Program paid for the license out of its own money, and so grantees did not have to pay for the new system. Additionally, the principle of economies of scale is at work, and so the more Department programs that switch to this new system, the less each individual program will have to pay for the licensing fee. The pricing model for this system is divided by daily users and more occasional users. Daily users, such as program staff, are registered as such and are associated with a higher flat fee. Occasional users, such as grantees, are associated with a "per hit" fee. There is flexibility in this model, so people can switch from one category to another if their amount of usage changes. The program pays a licensing fee up front, but must pay to keep the system maintained throughout the year.

Chairman Waldron stated that currently DINAP and some states share clients but can't look into or access each other's systems. Mr. Wilson responded that the interactive feature of this new system would mean that if all of the programs got onto the same system, users would be able to navigate across systems quite easily. All that would be necessary would be to set up protocols, such as who controls the access to set up an account. Councilman Hardin asked if Bear Tracks historical data could be uploaded to a new system such as the one demonstrated. Mr. Wilson replied that this can be done, but the data should be cleaned in the process. The Apprenticeship Program only plans to migrate active cases to their new system, but other programs can choose to do this differently because the new system has no data limitations in terms of storage.

Council Discussion and Recommendations on IT:

Councilwoman Shirley put forth the recommendation to have an IT Workgroup meeting at the upcoming Western Regional Conference. The workgroup needs to discuss the criteria for an effective new system for all of the grantees and how it would be paid for. Councilwoman Shirley anticipates a lot of grantee

reporting to be happening this year, and is worried that the current grantee system will not be equipped to handle this reporting come July 1st. Chair Waldron believes that a lot has been happening informally around this new system, but Councilwoman Richardson feels that NAETC is behind where they should be on this issue. Councilman Hardin doubts that WIOA reporting standards will actually be ready by July 1st because there are still draft rulemakings out, comments to be taken, and revisions to be made. Councilman Gipp agreed with Councilman Hardin on the timing issue and wondered if the Council should spend more time looking at information that will lead to a better assessment and prevent noncompliance, such as how long it will take grantees to become familiar with the new rules and standards for reporting.

Athena Brown asked if there was a recommendation from the Council that the costs of developing a new IT reporting system not be taken out of the technical assistance training (TAT) fund. Her understanding from Tiffany Smith's presentation was that the Department is well aware that the reporting systems must be updated for all of the programs, and has budgeted funds specifically for this purpose. Councilwoman Sanchez made a motion to have the ETA provide non-Section 166 resources for the development of Section 166 reporting software and systems as well as make non-Section 166 resources available for training that will benefit the Indian and Native American Programs. This will include training through podcasts, webinars, or regional and national training opportunities. ETA should work with the DINAP Chief, Mr. Hall, the IT Workgroup, and with the Council. Councilwoman Davis-Wheeler seconded the motion; motion passed unanimously.

Councilwoman Shirley made a motion to have an IT Workgroup meeting at the Western Regional Conference; Councilwoman Carroll seconded the motion; motion passed unanimously.

Councilwoman Sanchez asked that the Council review who is on the IT Workgroup, and that the Workgroup's subject matter experts who are not Council members be considered for reimbursement for travel to the Western Regional Conference. Chairman Waldron brought up that the Western Regional Conference takes place in April, and so new Council members may not be confirmed by the Secretary in time, and asked if the workgroup meetings should operate with their old Council members. Ms. Brown replied that only a few Council members are changing from the current Council, and so she is hopeful that all of the new Council members could be confirmed by the start of the Western Regional Conference. Ms. Brown also discussed a revision to the NAETC charter that now allows Council members to choose a proxy that can vote on their behalf. The designated proxy would need to understand the issues. The intent of this provision was in part to help maintain a balanced membership.

Census Data Discussion

Norm DeWeaver, an independent consultant, led the discussion. He began by emphasizing that the WIOA programs need to be about serving Native American and Indian communities, not satisfying the Department's requirements. Currently, there is so much performance data that needs to be submitted, but none of it is very helpful in terms of being able to integrate the data into something relevant that can be used to help a community.

The law and the regulations for WIOA and every other program in 477 govern the allocation of funds for that specific program. Congress appropriates the funds, and does so by dollar amount for the total amount of funds for the Comprehensive Services Program (CSP). The law itself doesn't say how the funds should be allocated from this point; rather, this information is in the regulations. The Department's formula used to determine the allocation of funds for the CSP program is that one quarter

is based on the number of Native Americans unemployed in the grantee's service area as a percentage of total such people nationwide and the remaining three quarters are determined by the number of Native Americans in poverty in the service area. The Department's Supplemental Youth Services (SYS) program is based on the number of Native American youth in poverty in each service area as a proportion of the total amount of Native American youth in poverty nationwide. Gary Rickard brought up the fact that census data is taken every ten years, and asked if the data would still be applicable and accurate after ten years. Mr. DeWeaver responded that allocation formulas are currently based off of census data from 2000, and there are no signs of this changing.

The regulations state that the Department must obtain its formula numbers and definitions from the Census Bureau. The Census Bureau provides this data in a special tabulation that aggregates numbers for the American Indian, Alaskan Native, and Native Hawaiian populations. The Department must pay to send the Census Bureau its specifications, which the Census Bureau uses to write a program that will aggregate the original data to meet these specifications. This special tabulation is used for the CSP and SYS programs. Ron D'Amico, Social Policy Research Associates, then takes this data and translates it into grantee service areas, which, for tribes, often extend beyond the reservation boundaries.

Prior to 2010, the decennial census had short form and long form data. The short form consisted of ten to twelve questions that were asked of everybody, whereas the long form had additional questions regarding socio-economic characteristics and was only distributed to a sample of the total population. The long form was the source of data used for the special tabulation and was not included in the 2010 census, which meant that it collected no data on unemployment and poverty. The American Community Survey (ACS) now collects data on socio-economic characteristics such as unemployment and poverty. The ACS collects the same data as the long form, but through a different process with a smaller sample. This smaller sample makes it less reliable. The process differs because the ACS collects data continuously and releases the results annually. The data for smaller communities is aggregated over a five-year span as a way to make up for the small sample size, but this aggregation of survey data through algorithms makes it less reliable than the decennial long form data. Additionally, ACS data is made less reliable by under-counts and over-counts. According to a chart Mr. DeWeaver created, from 2010 to 2014 the ACS appeared to undercount the American Indian and Alaskan Native population by about half a million people when compared to census data estimates. These under-counts are not just happening on reservations, but also in urban areas such as the Bronx. There currently doesn't appear to be any pattern to these under-counts or over-counts.

There are two potential sources of error for survey data: sampling error and non-sampling error. A sampling error tends to be larger in smaller areas and populations. As a result, the sampling error tends to be smaller for geographic service areas than for reservations because geographic service areas tend to be larger. Non-sampling errors can arise from respondents not answering the questions correctly, or from incorrectly weighting different responses when extrapolating the survey data. In an effort to be transparent, the Census Bureau published every single number in the ACS to allow one to calculate sampling error. The bottom line is that there appears to be under-counts and over-counts in ACS data for American Indian and Alaskan Native populations in some, but not all, areas. These errors also create inequities for grantees serving these different areas.

The first step in addressing this problem is to understand the underlying issue. At its core, there is a difference in the beliefs held by the Department and the Census Bureau. The Department holds the position that the Census Bureau is the only uniform source of data counting Native Americans in the U.S. at the same point in time and in the same way, both on and off reservation areas. However, the Census

Bureau believes that the ACS numbers are similar in quality to the long form data for most areas and characteristics, and that the data for Native American populations is similar in quality to the data for other populations.

After understanding the problem, there are several options that can be used to address issues: 1) implement a “hold harmless” appeals process, in the new formula, or the 2) no action alternative. Hold harmless is a factor placed in the formula to keep grantees from losing all of their money if the data shifts. Although this is built into the proposed regulations, it is a short term fix. An appeals process would require grantees to apply for an exception that would allow them to substitute their own numbers in place of those from the Census Bureau. This is difficult to do because the grantee has to prove that their numbers are of the same quality as those from the Census Bureau, and there is the question of who would decide the appeal. Additionally, the regulations would have to be changed to allow an appeals process. However, an appeals process would at least give tribes a chance to challenge obvious data inaccuracies. The creation of a new formula would allow the use of some other kind of factors, but raises questions about what these factors should be, what data would be used, and whose data would be used. The final option would be to take no action and use the ACS data because that’s all that is available.

The Department’s ETA switched to ACS data several years ago for the state formula programs, and used the first generation of five-year ACS data. However, the ETA has not yet made a decision on using ACS data for the section 166 programs, in part because of difficulty in deciding on how to pay for the special tabulation. Mr. DeWeaver recommends that the Council make a recommendation on where funding for the special tabulation would come from before the ETA makes any decisions about using ACS data for Section 166 programs.

Council Questions and Comments:

Councilman Bernal asked how and when it was decided that ACS data would be used for core state programs but not section 166 programs. Mr. DeWeaver responded that no decision was made, and suspects that this is due to the stronger focus and priority the Department places on its core programs. Councilman Bernal followed up by asking if it is the responsibility of the Council to work with their designated federal officer (DFO) or the Secretary to help reach a decision on this issue. Athena Brown, DFO responded that the workgroups make their recommendations to the Council and the recommendations are then passed to the DFO, who passes them to the Secretary. Councilman Bernal also suggested that the name of the Census Workgroup be changed to the Funding Allocation Workgroup. Chair Waldron commented that the Council put out a special tabulation request a few years ago but never received the money to do one. Mr. DeWeaver cautioned the Council to discuss using ACS data before requesting it again, because once section 166 programs receive ACS data, they will be expected to use it, regardless of associated errors.

Councilwoman Carroll recalled that the Council did pass a motion requesting that the Department be responsible for the data needed in funding allocations and that the Council and/or the grantees would not be responsible for paying for this data. She also had heard that the ACS was going away and asked for clarification. Mr. DeWeaver answered that the ACS no longer publishes three-year estimates, but rather just publishes one and five-year estimates. This is the only piece of the ACS that he has heard of being discontinued. Councilman Gipp asked if Mr. DeWeaver had an analysis that shows the cause of the major decline in appropriated dollars to section 166 grantees. Mr. DeWeaver responded that the maximum amount of money going into Indian and Native American employment and training programs

was reached in 1979, and has steadily declined since. The main reason for this decline in absolute dollar figures is due to the Congressional appropriations process and across the board cuts that Congress applied to all discretionary programs. This being said, the decline in buying power is much steeper than the decline in absolute dollar amount.

Ms. Brown asked if any federal agencies other than the Department of Housing and Urban Development (HUD) and the Department use census data. Mr. DeWeaver responded that the Bureau of Indian Affairs (BIA) uses this data for their Tribal Transportation Program because prior to the most recent Highway Bill, the Tribal Transportation Program was required by law to use the same data as the HUD Indian Housing Block Grant Program. Additionally, the Administration for Children and Families allows the usage of census data as a default for some of its child welfare programs, but tribes are permitted to submit their own data if they choose. Councilwoman Carroll added that some HUD and BIA programs use the Department of the Interior's Labor Force Report.

Councilwoman Molle asked Mr. DeWeaver what recommendations he has for the Council. Mr. DeWeaver recommended that the Council consider who they want to pay for the special tabulation and how, as well as have a Census Workgroup meeting. Councilwoman Sanchez recommended that after the Council finds out the price of the special tabulation, the Council should make a recommendation that the Department pay for the cost with non-Section 166 funds. If the Department denies this request, the Council should look into their own technical assistance (TA) funds to pay for the special tabulation. Councilwoman Sanchez believes that although these TA funds should go towards technical assistance, they should be used for paying for the special tabulation, if necessary, so that the Council can have a choice in deciding on their data collection method. Ms. Brown assured the Council that the issue of funding was not yet dead and that the DINAP team is pursuing other avenues for obtaining funds. Councilwoman Carroll made a motion that the Council support Ms. Brown's efforts in obtaining funding through other means in the Department and Section 166 for the special tabulation of census numbers. The motion was seconded by Councilman Hardin; motion passed unanimously.

Recap and Closing Remarks:

Ms. Brown, DFO and Division Chief, began by giving an update on the nominations of the twelve NAETC members. Nominations were received for all the regional categories, and most of these nominations were returning Council members, so the vetting process didn't take too long. The other discipline categories had enough nominees as well. Information about expiring nominations was sent out by the Department through a TEG. Ms. Brown asked Councilmembers to keep their email addresses and phone numbers current so they can receive these types of notices. DINAP has almost finished compiling the packet of information to be used in the clearance process, during which the Department's leadership will give final approval on the nominees. Craig Lewis, Alternate DFO mentioned that five Council members will have their terms expire this November, and indicated that DINAP will be starting the nomination process soon.

Councilwoman Davis-Wheeler asked that the Council posthumously recognize and honor Dr. Rodney Stapp for his service on the Council. Chairman Waldron replied that he and Ms. Brown have been discussing ways that NAETC could honor Dr. Stapp. Ms. Brown added that the Secretary plans to write a letter to the family of Dr. Stapp. Councilwoman Davis-Wheeler made a motion that the Council present a plaque to Dr. Stapp's family in his honor. The motion was seconded by Council member Gipp; motion passed unanimously.

Councilwoman Sanchez discussed a few recommendations that the National Congress of American Indians (NCAI) made for 2017. First, NCAI made a budget request for \$60.5 million. They also made several recommendations that would restore funding for YouthBuild and support work through the CSP program. NCAI also commented that despite the reauthorization of Section 166 programs into WIOA, funding has not been addressed as a drastic change in economic environments and growth of the population since the 2000 census. Therefore, NCAI recommended that the Council look at the census data and be given \$125,000 from DINAP funding. NCAI plans to bring these recommendations to Congress on Friday.

Chairman Waldron made a motion to recess; seconded by Councilwoman Molle; motion passed unanimously. The meeting adjourned at 5:16 p.m.

DAY TWO – Wednesday, February 24, 2016

Call to Order & Opening Remarks: Darrell Waldron, Council Chairman, called the meeting to order at 9:07 a.m., and conducted the roll call.

PRESENT- ROLL CALL

Darrell Waldron, Region 1, Chairman
Jacob Bernal, Region 6, Member
Carla Bowlan, Oklahoma, Member*
Kim Carroll, Region 4, Member
Julia Davis-Wheeler, Other Discipline, Member
Kristen English, Region 6, Member*
David Gipp, Other Discipline, Member
James Hardin, Region 3, Member
Christine Molle, Region 5, Member
Chief G. Anne Richardson, Region 2, Member
Lorenda Sanchez, Region 6, Member
Roselyn Shirley, Region 6, Member
Winona Whitman, Hawaii, Member
* present by telephone

ALSO PRESENT

Athena Brown, Designated Federal Officer (DFO)
Duane Hall, Federal Project Officer, Division of Indian and Native American Programs (DINAP)
Craig Lewis, Alternate Designated Federal Officer
Terry Parks, Division Chief, P.L. 102-477 Program
Greg Wilson, Office of Apprenticeships
Nick Hannon, Employment and Training Administration
Stephanie E. Birdwell, M.S.W., Director, Veterans Administration, Office of Tribal Government Relations;
Gordon J. Burke, Senior Policy Advisor, DOL's Veterans' Employment and Training
Jennifer Kemp, Youth Services
Thomas Dowd, Deputy Director, Office of Federal Contract Compliance;
Theresa Lujan, Director, Indian and Native American Employment Rights Program (via teleconference)
Robert Knight, Director of WIA Adult Services and Workforce System

Public Law 102-477 Update:

Terry Parks, Acting Director of the P.L. 102-477 (477) Program provided an overview and update. For the last two to three years, the 477 Workgroup has been housed and managed under the Assistant Secretary's for Indian Affairs, Office of Economic Development. Due to disagreements with how money was being managed and spent, the workgroup successfully urged the Department of the Interior to move the 477 program to the Bureau of Indian Affairs (BIA); this move was implemented in May, 2015.

Mr. Parks previously worked for the Osage Nation and administered seven programs through four funding sources and had 24 reports a year. He had a staff of five people and served 150 to 200 clients a

year with an annual budget of about \$800,000. He then convinced the Osage Council to submit a plan to the 477 program. After the first year of running a 477 program, his five employees were spending 40-50% of their time collecting data. Once the Tribe combined their programs under a 477 plan and switched, they filed a single report, only dealt with one office, and his employees were able to use the time saved to go out in the community and provide services. In the first year, the positive termination rate increased by 40 percent. Because of this experience, Mr. Parks supports the single report, single office, and single budget structure of the 477 program.

Now that Mr. Parks is Acting Director, he is making staffing changes to the 477 program to increase efficiency. The BIA is now in the process of hiring three additional program staff to increase the team to six, and Mr. Parks has hired someone to solely manage the budget, which will allow the money to be handled more quickly. Mr. Parks also has an awarding official who processes the funds through a P.L. 93-638 contract for the 477 program. The program has plans that will result in an increased workload, so the BIA will also bring in a compliance officer for audit purposes. The 477 program also requires that federal staff provide onsite monitoring and conduct program reviews, and technical assistance.

Mr. Parks provided an update and hopes that more tribes will see the benefits of joining the 477 program. One of the benefits of the 477 program is that its reporting guidelines are much less stringent than those outlined in WIOA. To incorporate programs into 477, tribes must send in a resolution, proposal, scope of work, and have two or more federal programs included in the contract. These applications must be approved by the applicable funding source (federal agencies). However, the 477 program can only serve federally recognized tribes, and so programs serving non-federally recognized tribal members cannot be included in its application process. Programs that have over \$750,000 in federal dollars must submit an audit, but those under this threshold do not. Mr. Parks recommends that smaller and medium sized tribes that will have difficulty meeting the new WIOA requirements seriously consider moving to the 477 program. The 477 program only requires a single report sent to a single office, and this report includes a narrative, financial information, and statistical data. This information is then compiled by the office and sent out to the federal partners. The 477 grants are monitored by the BIA once every three years, or more as needed, and the BIA provides any necessary technical assistance.

A bill has been introduced in Congress and is currently pending in the House that would allow block grants to be included in the 477 program. The bill would also allow programs from other federal agencies, such as the Department of Commerce, Department of Veterans Affairs, and HUD, to be combined into a 477 grant, resulting in an even larger reduction in reporting for tribes choosing to participate in the 477 program. Finally, Mr. Parks interprets that this bill would also give tribes the ability to waive statutory law in certain areas.

Council Questions and Comments:

Chair Waldron asked if any urban section 166 grantees have moved to the 477 program recently. Mr. Parks responded that they haven't, but that the 477 program does serve the urban Indian and Native American communities. Councilwoman Molle asked about competition for her non-profit within the 477 program. Mr. Parks responded that the 477 program only awards money through 638 grants, contracts, and compacts, and non-profits should get a resolution from the tribes they serve in order to apply for the 477 program. Councilman Bernal asked if the provisions of the 477 program apply to off-reservation non-profit governed entities. Mr. Parks responded that through Public Law 638, these entities would have to get resolutions from the tribes they serve in order to be considered, and would only be able to use the 477 program for the tribes that concur through resolutions. Mr. Lewis, Alternate

DFO and Ms. Brown, DFO commented that DINAP requires Section 166 grantees switching to the 477 program complete a close-out with DINAP prior to approving the funds transfer to the DOI. Councilwoman Sanchez asked DINAP staff how this close-out works if an entity, such as a consortium, is using both Section 166 and 477 program grants. Ms. Brown responded that this is a difficult situation she doesn't know the answer to this question; Mr. Parks added that he believes it can be done, but requires federal partners to work out the logistics.

Apprenticeships, New Initiatives:

Greg Wilson from the Office of Performance and Technology, ETA, and Angela McDaniel from DINAP provided information on the registered Apprenticeship Program that is a formal training agreement between an employer and an employee, and is combination of work experience, internship, and on-the-job training. This training agreement is reviewed and approved by the Department before going into effect. The program has five core components: employer-driven, training is practical and work-based, includes job-related education, wage progression based on skill gains, and participants receive an industry-recognized credential upon completion. In some cases this credential can be transferred into college credit, allowing participants to complete an apprenticeship and attend college.

Ms. McDaniel is on a detail in the Apprenticeship Office as part of the DOL's Emerging Leaders Program and has some ideas of what the Council and DINAP can do regarding apprenticeships moving forward. The Department has a goal to double the number of apprentices in the U.S., to 750,000 by 2019, and will work to get more INAs in apprenticeship programs. The Apprenticeship Office plans to have a conference call or webinar that will link tribal colleges with grantees. Pell grants can be used towards an apprenticeship, and participants can get their wages subsidized for the apprenticeship through the Department of Education. There are also plans to get more tribal colleges involved with the Registered Apprenticeship-College Consortium.

Council Questions and Comments:

Ms. Brown, DINAP Chief asked how Section 166 grantees fit into this structure if the program is employer-driven. Mr. Wilson responded that the Apprenticeship Program does not pay employers but rather provides them guidance, so the grantee element becomes moot. However, this does not include the Program's H-1B grants. Councilman Gipp asked how the Apprenticeship Program works in Right-to-Work states, where there are significant private sector jobs without union involvement. Mr. Wilson answered that union involvement with the Apprenticeship Program is only required if a collective bargaining agreement is in place. As long as the five core requirements are met, it doesn't matter who administers the program.

Jennifer Kemp, Youth Services:

Ms. Jennifer Kemp from the Office of Workforce Investment gave a presentation on the Division of Youth Services, focusing mostly on the opportunities given by WIOA's Youth Formula Program. In her opinion, one of the biggest benefits is that it gives youth the chance to explore different careers in a safe environment.

Several recent changes to WIOA's Youth Formula Program reflect this benefit. One such change is the extension of the program's cut-off age to 24. This is especially important for disconnected communities where youth may be struggling to obtain employment training and career development opportunities.

By extending the age to 24, older youth are able to stay in the youth program, which has increased support when compared to the adult program. Another change to the Youth Formula Program is that 75% of its funding must go towards out-of-school youth. The term out-of-school youth encompasses youth who are not connected with either an educational program or a job. There are currently 5.5 million youth in the U.S., who are identified as out-of-school youth. Many INA youth not living on reservations are participating in the city-based youth programs, which Ms. Kemp thinks is great because it allows them to explore opportunities beyond those provided in INA-specific WIOA programs. Another change to the Youth Formula Program is that 20 percent of the funds must be spent on work experience, which can include summer opportunities, apprenticeships, internships, and year-round employment.

Another change is the Youth Program's focus on integrated education and training, which is the idea of practicing how to do a job at the same time as learning about it. The Youth Formula Program is also focusing on teaching youth financial literacy and financial capability. Financial education is important because about 80 percent of youth in disconnected communities enter the workforce with poor credit, which can keep them from being hired by some companies. Educating youth about finances can also help their families become more financially literate. Labor market information and the element of entrepreneurship have now been included in WIOA's Youth Formula Program. One helpful tool is "My Next Move", an online platform that provides up-to-date and geographically specific labor market information. This tool helps youth make better-informed decisions about what career field they want to pursue and where.

Council Questions and Comments:

Councilwoman Sanchez commented that funding is necessary to address the extreme need for employment and training services for off-reservation INA youth. Approximately 75% of the INA population lives in urban communities, and are almost fully dependent on workforce development boards for employment training. In Councilwoman Sanchez's experience, many INA youth don't receive help from these workforce development boards because boards are screening out more difficult candidates in order to meet their outcomes. Ms. Kemp recommended Section 188 as a possible avenue to address this problem, and hopes that WIOA's new performance measures discourage this practice.

Stephanie E. Birdwell, M.S.W., Director, Veterans Administration (VA), Office of Tribal Government Relations; Gordon J. Burke, Senior Policy Advisor, DOL's Veterans' Employment and Training:

Ms. Stephanie Birdwell from the VA's Office of Tribal Government Relations and Mr. Gordon Burke from the Department's Veterans Employment and Training Service gave a presentation on their respective divisions. The Veterans' Employment and Training Service is a microcosm of the DOL's Employment and Training Service. They have a federal employee with experience in veterans' employment in every state who works with the State Workforce Agencies. The Department gives priority service to veterans' employment programs, regardless of size. Over the past few years, the Veterans' Employment and Training Service has focused on serving INA veterans living on tribal lands. The term tribal land includes more than just federally recognized tribes.

The VA's Office of Tribal Government Relations exists to facilitate tribal consultations on behalf of the Secretary of the VA. The office employs four tribal government relations specialists whose work focuses on three things: 1) facilitating the tribal consultation policy on behalf of the VA; 2) facilitating increased access to healthcare and benefits for veterans in Indian country; and 3) promoting economic

sustainability. It can be difficult to promote economic sustainability because the VA doesn't fund programs, but rather uses a lot of its money to fund veterans directly. If a strategic plan does not exist between the VA and a Tribe; it can be difficult to connect INA veterans with services that can help stabilize their lives. Data collected annually by the VA in the Geographic Distribution Index can aid tribes in creating a strategic plan and in understanding the impact of how their veterans access VA benefits.

The office has held over 20 veterans' summits on or near tribal communities since 2012. These summits connect senior VA leadership, other federal agencies, nonprofit organizations, and tribal leaders to work together on veterans issues. Two of these summits will be happening this year, one of which will focus on gathering information from tribal leaders regarding their priorities for VA service. This information will be used to create goals to help VA service stay continuous even in the midst of the upcoming Administration change. Ms. Birdwell also described Tribal HUD-VASH, a pilot program in which 26 tribes were extended invitations, and has been allocated roughly five million dollars. The funding goes towards hiring case managers and towards tribally-designated housing entities that manage the vouchers. The case managers provide whatever supportive services are needed for the veteran.

The Department has created a ten-point plan to address INA employment in the U.S. Many of these points are about special initiatives, in which state and tribal governments receive extra grants to work together and develop special initiatives in their state. One of these points states that INA veterans must be addressed in any strategic plans created by states, and another asks for a change in the law that would allow the Department to provide employment grants directly to tribes. The use of these grants has specifically been left undefined in order to allow increased flexibility and dexterity in its usage. The Department is also offering grants to reintegrate homeless veterans back into society, some of which serve INA populations on tribal lands. There is some discussion about whether there should be a separate grant competition for tribal applicants, but no decision has been reached. There is also an initiative to develop a memorandum of understanding between the Small Business Administration, VA, and ETA to leverage an effort to reach out to INA communities.

Council Questions and Comments:

Councilman Gipp asked what kind of results Mr. Burke is seeing from special initiatives. Mr. Burke responded that he hasn't seen as many special initiative plans as he would have hoped, but thinks this is in part due to the recent release of the ten-point plan. He encourages more education of tribal leaders about these special initiative opportunities. Councilwoman Davis-Wheeler expressed concern that special joint initiatives will not work in states that do not want to work with tribal governments. Mr. Burke agreed that this is a problem, and encouraged tribal leaders to directly contact the Veterans' Employment and Training office if they encounter these issues. Councilman Richardson asked if special initiative grants can be used to fund a specific position for an INA veteran that will serve and connect with other INA veterans throughout the state. Mr. Burke answered that this is allowed. Councilman Gipp asked if there are any amendments pending in Congress to include tribal governments as grantee recipients, external to the states themselves. Mr. Burke is not aware of any such amendments.

Councilman Gipp made a motion that the Council recommend that Congress authorize VA special initiative funds to tribal governments and communities as recipients of grants or contracts for purposes of addressing the employment and training of American Indian veterans, homeless veterans, and incarcerated veterans transitioning back into society. The motion was amended to be stated as a resolution. The motion was seconded by Councilwoman Davis-Wheeler and passed unanimously.

Thomas Dowd, Deputy Director, Office of Federal Contract Compliance; Theresa Lujan, Director, Indian and Native American Employment Rights Program:

Mr. Thomas Dowd, Deputy Director from the Office of Federal Contract Compliance Program (OFCCP) and Theresa Lujan from the Indian and Native American Employment Rights Program (INAERP) gave a presentation on the INA Employment Rights Program. The OFCCP has done two things to establish a more formal relationship with tribal governance and Indian communities: 1) they have strengthened their relationship with the Council for Tribal Employment Rights Offices (TERO) through a national memorandum of understanding, and 2) established the INAERP. The INAERP works directly with tribes and Indian organizations and conducts evaluations to ensure that INA employees aren't discriminated against in contracts or subcontracts. The program works with employment training programs to connect employers with qualified minority employees. The program is asking other federal agencies to give them advance notice of upcoming contracting projects, especially those concerning INAs, so that the program can give this information to tribes, who can then get an early start on applying for the contract.

Theresa Lujan provided highlights of what the INAERP has accomplished in almost three years of existence. The program has worked to connect federal contractors with INA organizations in order to break down barriers and help federal contractors hire more INAs to work on multi-million dollar construction projects on or near Indian reservations or tribal lands. Ms. Lujan has also created partnerships with TEROs, the Council for Tribal Employment Rights, Equal Employment Opportunity Commission, and DINAP. She also works closely with the Wage and Hour Division to ensure that workers on projects with the Service Contract Act are paid the correct wage and not misclassified by contractors. These problems happen quite often, especially on reservations. Ms. Lujan is partnering with other federal entities, particularly the Small Business Administration and the Federal Highway Administration, to find contracting and employment opportunities for INAs and to educate businesses on the obligations of being a federal contractor. She works with state and local agencies in order to understand what employment outreach they do for INAs in their area when federal contractors are awarded federally assisted contracts.

The INAERP is pursuing a number of endeavors. One is to develop partnerships with tribal colleges and universities through the National Indian Education Association and the American Indian Higher Education Consortium. Another endeavor is to continue to educate federal contractors on benefits of extending a publically announced policy on Indian preference. The program is also working to create region-specific outreach strategies to conduct more effective outreach to INA stakeholders. Ms. Lujan is currently the only staff member for the program, and needs the help of these stakeholders to be successful. Ms. Lujan, along with OFCCP staff, has almost finished creating an INAERP section in the OFCCP webpage to be available to the public, as well as a new INAERP tribal brochure. This brochure gives information on the INAERP, OFCCP, contractors' responsibilities, and how to file a complaint. They are also thinking of developing an application that would show contractors tribes within a reasonable recruiting area. The INAERP would like to partner with the Council in order to bring their respective stakeholders together.

Council Questions and Comments:

Many Councilmembers thanked OFCCP and Ms. Lujan for all of the work they have done to give INAs access to the federal contracting world. Mr. Dowd was pleased to hear this and happy that OFCCP can use their enforcement authority to ensure that federal contractors are more inclusive. Chairman Waldron asked about OFCCP's relationship with the Department of Transportation. Mr. Dowd

responded that OFCCP and the Department of Transportation are in the midst of finalizing a memorandum of understanding, which he thinks will make a big difference. Councilman Hardin asked how OFCCP and Ms. Lujan work with federally recognized tribes as opposed to state recognized tribes. Mr. Dowd responded that OFCCP works with all tribes, regardless of if they are state or federal. Ms. Lujan added that when reviewing the lists of TEROs across the U.S., there were none developed by state-recognized tribes. However, they have found that some state-recognized tribes will partner with federally-recognized tribes that do have TEROs.

Robert Kight, WIA Adult Services and Workforce System:

Mr. Robert Kight, Division Chief, WIA Adult Services and Workforce System, provided an overview. He and Ms. Brown have been partnering in order to keep the INA communities informed about opportunities with the WIA Adult Services program. They meet roughly twice a week to exchange ideas and information about their respective programs. They collaborate in order to ensure that Section 166 grantees are not an afterthought in the WIA Adult Services program. The WIA Adult Services and Workforce System division plans to review its state plans in light of the upcoming changes to WIOA, and DINAP staff will be invited to participate in this review process.

The WIA Adult Services and Workforce System division is primarily responsible for the adult services programs, the dislocated workers programs, the employment services program, and the National Dislocated Worker Grants. The adult services, dislocated workers, and employment services grants are distributed down through state workforce investment boards to local workforce investment boards. Veterans are given priority for opportunities through American Job Centers.

Last year, Mr. Kight's division finished their last round of language for the Workforce Innovation Fund, which is part of their discretionary funding. The National Dislocated Worker Grants are another piece of discretionary funding from this division. These grants are intended for dislocated workers out of work through no reason of their own. The Secretary has been using these funds to support special initiatives outside of the standard allocation of money to states. Tribes, as well as states, can apply for these grants. The division is also looking to use some of this discretionary funding to help applicants upgrade their data system infrastructure to more effectively meet WIOA requirements.

Council Questions and Comments:

Councilwoman Molle asked if tribal organizations and non-profits can apply for the National Dislocated Worker Grants. Mr. Knight responded that while only states and tribes can apply for these grants, tribal organizations and non-profits are welcome and encouraged to partner with the states and tribes. Councilwoman Molle recommended that federal agencies speak to state entities, because without this encouragement, many won't partner with tribal organizations, to which Mr. Kight responded that his office is happy to facilitate any necessary conversations. Other Councilmembers echoed Councilwoman Molle's sentiment and expressed their happiness that DINAP will be included in the review of state plans. Councilwoman Shirley, from the Navajo Nation, shared her more positive experiences in working with the state governments in her area. Mr. Kight is interested in working with Ms. Brown to share these experiences through a webinar as a potential model for other communities. Councilwoman Whitman commented that the State of Hawaii has included Indians, Native Americans, and native Hawaiians in their unified state plan, and that last year she was appointed to the state workforce development board. Chair Waldron thanked Mr. Kight for his work.

Workgroup Updates and Activities for PY 2016-2017:

Performance and Reporting Workgroup, presented by Councilwoman Sanchez: Over the past two and a half years, the workgroup has been working on an educational measure. Creating this measure has included discussions on who counts in the base, the success factor and type, requirements, and the program coding. During this time, the workgroup was also looking at an employability skills enhancement measure. Councilwoman Sanchez read an excerpt from NAETC's charter that outlines: "that it is NAETC's duty to develop a set of performance indicators and standards in addition to the primary indicators for performance described in Section 116(B)(2)(a), that these indicators and standards apply to programs under Section 166", and what these performance indicators and standards should take into account. Councilwoman Sanchez submitted a document dated November 20, 2011, that the Performance and Reporting Workgroup developed as a starting point for the development of those performance indicators, as a recommendation to the workgroup who will be working on these indicators. Chairman Waldron recalls that the Council had adopted and put a timeline on some of these indicators, specifically around the education measure. Councilwoman Carroll moved that the Council accept the recommendations made by Councilwoman Sanchez. This motion was seconded by Councilwoman Molle and passed unanimously.

The Council also discussed the appointment of members for a new performance workgroup. The appointment of new members and the scheduling of this workgroup's next meeting is difficult due to the upcoming expiration of some of the Councilmembers' terms and the timeline for the release of the final WIOA measures. Councilwoman Shirley recommended re-naming this workgroup to keep its duties distinct from the IT/Reporting Workgroup. The members appointed to the new performance workgroup are Councilwoman Shirley, who will be the Chairperson, Jennifer Whitmore, Councilwoman Winona Whitman, Councilwoman Richardson, Councilman Gipps, and Councilwoman Molle. The performance workgroup has to meet by April 2nd, 2016. Athena Brown noted that a DFO needs to be present for all workgroup meetings and calls.

Training and Technical Assistance(TAT)/Status of Contract/Timelines/Deliverables, Upcoming NAETC Meetings – Regional and National Conferences:

Ms. Brown, DFO provided a status report of the TAT contract; she was accompanied by Mr. Hall, FPO, and Michael Delaney, the contracting officer's representative. Ms. Brown began by giving some background information. DINAP has switched from a grant to a contracting process due to a decision made by the Department. DINAP uses a percentage of appropriations for TAT funding. Previously, in addition to this percentage, DINAP had support from the ETA's discretionary funds. Although DINAP has experienced a decrease in funding, we still work to assist small grantees where we are able.

In 2012, DINAP entered into a contract with Lumbee Enterprise Development Corporation (LED) and Griuffrida Associates. The contract is a fixed-price contract, and so their administrative costs are higher than they might otherwise be. Funds previously used to support the Council were provided through the ETA's Workforce Investment Discretionary System (WIDS) and were provided by the Department. The major tasks covered by the TAT funds include the national and regional conferences, IT support for the community of practice website, small grantee travel to conferences, peer-to-peer training, support for Public Law 102-177, and contract administrative costs. Ms. Brown anticipates that the switch to a new reporting system and adoption of new performance measures will result in an increase in TAT costs.

DINAP reserved one percent of its appropriations for 2015, but a portion was reserved and hasn't been put into the contract. All the 2015 funds need to be obligated for use by the end of the fiscal year. Ms. Brown and Ms. Ahlstrand prepared a joint response to Chairman Waldron's email regarding NAETC's recommendations from the Durant conference. In this response, they expressed the Department's position that not funding the TAT contract would have a serious effect on the ongoing services performed, and it would not be in the best interest of the grantee community. However, they acknowledged ongoing communication challenges between the Department and the Council regarding TAT challenges, and are working to reassess the deliverables under the contract. DINAP has been reviewing the statement of work and provided copies to the Councilmembers. The Department has exercised continuing the option year with the current contractor. The contract expires in November 2016, but if NAETC wants to pursue other options for the use of TAT funds, these decisions can be worked out before the expiration date.

Council Questions and Comments:

Councilwoman Molle asked how the Council can go from being a contract funded by the one percent of appropriations back to being a grant funded by the Department because she doesn't feel that grantee money should be used to pay for the Council. Ms. Brown responded that during the switch, the Department followed other models of support provided for other advisory councils. Many other advisory councils are supported by appropriations from their respective programs rather than discretionary funds from the Department, and so Ms. Brown believes that the Department made it so NAETC would follow this model as well. Councilman Hardin read from the charter that the Council should receive up to \$150,000 a year in order to perform their duties effectively. Ms. Brown noted that DINAP staff did request additional funding for FY 17 but it was taken out of the budget. Councilwoman Shirley asked why the Department has so much of the TAT funds set aside for late fees. Mr. Delaney explained that this is a contract requirement for the Department set by the Office of Inspector General to ensure that even if the Department is late paying for invoices, the money still gets to the contractor. If these funds aren't used, the Department can apply and return these funds back to DINAP.

Council Recommendations for TAT – FY 2016:

Councilwoman Sanchez restated her recommendation that the Department determine the cost of the census special tabulation and seek approval for non-Section 166 funds. If the Department is unable to obtain these funds, Councilwoman Sanchez recommends that the Council cover this cost with part of their TAT funding. Councilmembers discussed whether getting a special tabulation would be beneficial. Norm DeWeaver clarified that the current allocation formula used is set in the regulations, and so the Department wouldn't be able to switch to a discretionary program. He further stated that once the Council receives special tabulation numbers, they will have to use them. This may be beneficial to some grantees and harmful to others. Councilman Gipp recommended that the Council delay any action on this topic until after the public meeting, and Councilwoman Sanchez withdrew her recommendation. Other Council recommendations were discussed during the public comments period.

Public Comment Period:

Jeremy Bishop, Principal Advisor for Tribal Affairs in the Office of Congressional and Intergovernmental Affairs (OCIA), gave a brief update. The OCIA received three letters: 1) one requesting consultation with Councilwoman Sanchez and 2) two others requesting consultation with 114 California tribes regarding the youth issue. OCIA is working on a response, which will be that they cannot consult at this time

because of where they are in the rulemaking process. Once the final regulations are out, OCIA will be happy to revisit this issue.

Jennifer Whitmore, California Indian Manpower Consortium (CIMC) commented on tribal consultation. In November 2015, CIMC held a town hall meeting in which many community members expressed concern over the implementation of WIOA. However, they have not yet heard a response from the Department, even though they have requested additional consultation and have made comments on the proposed regulations. Ms. Whitmore has requested information on the proposed performance indicators because as a result of the proposed regulations, Section 166 tribal supplemental youth services will be mandated to follow six performance indicators, even if these indicators don't reflect the goals of different communities. She is concerned that the Californian tribes will be able to meet these indicators, because the funding they receive has to cover such a large area, and she would like the Department to recognize this difficulty and respond to the community's comments. Ms. Whitmore is happy to hear that the cut-off age for supplemental youth services has been increased to 24, but thinks it is unfortunate that the funding has not changed at all to reflect the anticipated increase in number of client served. She also commented that inflation has not been taken into account for funding, and so communities are expected to work with the same amount of funding even though the cost of doing business has risen. Ms. Whitmore believes that the Department is not meeting its duties under Executive Order 13175 to respond to tribe's concerns regarding new regulations and to create an annual report to be shared with the National Congress of American Indians. She recommends that the Department have a more formalized process for tribal consultation, and believes that WIOA is being implemented without proper tribal consultation.

Angel Cully from the Iowa Tribe of Kansas and Nebraska and Turtle Mountain Chippewa expressed her concerns regarding the new IT reporting system that will replace Bear Tracks. She worries about how this new system will be funded, and requested that the Department be responsible for paying for the new system and any training associated with it. She fears that if this funding is taken from grantee funds, both grantees and the programs that serve them will suffer.

Gary Rickard, a long-time employment coordinator and case manager, commented that in the past, part of the INA program separation from other Department programs was that the grantees would be allowed to customize their program to be able to best meet the needs of those they serve. However, he believes that the proposed WIOA performance indicators will take away this ability to meet the needs of the client, and is worried that grantees will screen out the candidates most in need in order to meet WIOA's reporting requirements. He recommends that the Department and the Council take the time to look closely at how they can ensure the client will receive the best services possible.

Tilford Denver, representing the United Indian Nations' Board of Directors and the Owens Valley Career Development Center, commended the work Sally Gallegos has done with United Indian Nations. He also expressed concern regarding WIOA's stricter reporting standards, and would like the Department to do more tribal consultations in order to better understand what causes this concern.

Ian Record, from NCAI's Partnership for Tribal Governance, commented that the Partnership is currently engaged in a project to document tribal innovations in workforce development, and he is happy to give information from this project to any interested parties.

Gertrude Brown, Chairwoman of the Owens Valley Board of Trustees and Tribal Council for the Bishop Paiute Tribe, expressed her concern that tribes without a land base may be ineligible to receive services due to lack of funding from WIOA.

Ms. Lorenda Sanchez, Council member and Executive Director of CIMC, announced that this is her last Council meeting and named a few reasons why she is leaving the Council. First, she believes that the partnership between the Council, the grantee community, and the Department has deteriorated over the past ten years. She finds it difficult to keep investing time and work on behalf of the Council if the Council's recommendations are not viewed with respect by the Department. Second, she is leaving the Council because of the disrespectful portrayal of her leadership as written in the September 9th, 2013 Federal Register Notice to the public. She feels this portrayal was very disrespectful and doesn't wish to have her 20 years of service de-valued or insulted by the Department's leadership. Although she will no longer be a Councilwoman, she still plans to be involved with the Council. Ms. Sanchez hopes that the Council will continue to meet the priorities from her Program Year 2012 report to the community and to Councilmembers. She thanked the CIMC staff, the CIMC Board of Directors, and the CIMC members who spoke at today's meeting. In PY 2014, CIMC had 2,851 participants who were served through their eight field offices, and met all three of the common measures, which shows the commitment of CIMC staff.

Indian and Native American programs may not have been included in WIOA without the support of many grantees and NCAI, because the predecessor bills that were introduced completely eliminated these programs. She thinks that it is a major success for the community that the INA programs were included and that the only change to the intent and purpose was the addition of entrepreneurial skills. It is important to her that the intent and purpose has not changed from the time that Section 302 of CETA, Section 401 of JTPA, and Section 166 of WIA and WIOA were passed, because this shows the responsibility of the federal government to tribes. On the other hand, this lack of change also signifies that the need to educate and train INA communities still exists. She hopes that the Council will continue the fight for the academic and educational part of WIOA programs and will continue to work hard to build relationships with other partners, even if these partners don't want to build the relationships. She thinks WIOA provides the opportunity to force unwilling state workforce development boards and programs to serve INA programs, and so she asks the Council members to take the time to comment on their state plans and to make sure that INAs are included.

Ms. Sanchez also commented that youth programs are very important to all of CIMC's communities, particularly those in California. As of January, CIMC has had 57 chairmen complete their job training programs, and of this number, 38 participated in the youth program. This program produces leadership that is critical to the goal of CIMC. CIMC's entrepreneurship program has graduated over 400 entrepreneurs, 68% of whom are in businesses throughout California and Illinois. In the past five years, three of the students have made over a million dollars. She is amazed at what people can do if given the opportunity. She asks that the Council not let whatever system is designed get too far away from what the Council strives to accomplish. She hopes that the Council will honor the work of the late Dr. Stapp, and will make sure that there is an adequate carry over policy for the INA communities.

Arlene Dilts-Jackson, the Tribal Administrator of the Ketchikan Indian Community provided comment. The Ketchikan Indian Community has about 5,000 tribal members and a service population of 2,500. It does not feel the impact of WIOA funding because all of the money for the entire region, which has more than 19 communities, goes through a regional tribal organization and translates into roughly three part-time summer intern positions. As a result, the Ketchikan Indian Community is forced to use their

own compact money to cover a whole range of needs. However, the Tribe cannot apply directly for workforce investment funds because they do not meet the monetary threshold. Ms. Dilts-Jackson asked the Council to help fix these systemic barriers that exclude the smallest and neediest tribes from the funding process.

Chief Anne Richardson of the Rappahannock Tribe of Virginia and the Powhatan Nations of Virginia commented on the intent of the law that this program was established. This program was established to address the unique character traits, economies, barriers to employment, and education faced by INA communities. The law was intended to embrace Indian self-determination and tribal sovereignty. This is also one of the few programs that is still available to off-reservation communities. However, she feels that the intent has shifted depending on the Administration. President Obama established a Native American liaison and an executive order for consultation with tribes for every federal department. However, the Department's Native American liaison position has not been filled since the last liaison left, and in Chief Richardson's opinion, the Department's recently published tribal consultation policy is very different from the intent of the Executive Order. Without proper consultation, INA communities are not involved in the development of laws that directly impact them. As a result, the values and characteristics unique to INA communities have not been taken into account, and INA communities have to meet the same performance measures as every other program and have to meet additional measures. She argues that this is discriminatory. This would not have happened had there been tribal consultations. She encourages the Department to make purposeful tribal consultation with tribal leaders nationwide as a formal part of their policy so that they can understand the issues specific to each community and formulate an effective program to address them. She feels that one of the Council's challenges is to work with their career administrators to solve these problems.

Councilmembers thanked Councilwoman Sanchez for her leadership and years of service.

During this public comment portion, NAETC discussed percentages for 2016. Councilwoman Carroll recommended that if the PY 2015 funds were still available and had not been spent, then the Council should not request PY 2016 funds at this time. Chair Waldron commented that a full one percent was received from the Durant, Oklahoma conference, part of which has to go towards some necessary expenses, such as Council meetings, SPRA, and other TAT. DINAP staff has looked elsewhere for additional funds, but so far has been unsuccessful. Councilwoman Carroll asked if remaining one percent funds can be used to provide for expenses until the next opportunity to allocate the one percent, even with the obligation of funds by the end of September. DINAP staff responded yes, but the money needs to be obligated by September. Ms. Brown clarified the issue further. DINAP has already reserved one percent for 2015, and this money has not been obligated yet, so it is available to go into the contract. The question is: Does NAETC want an additional percentage from the PY 16 allocation to be added to this already-reserved PY 15 money? This PY 16 allocation is used to fund all of the grants DINAP provides through WIOA beginning July 1, 2016. Chair Waldron added the caveat that there is a lot left in the one percent because NAETC has not been using it since the Michigan meeting due to the amount of work that goes into NAETC accessing this money in a timely manner. Ms. Brown remarked that as of now it looked like PY 16 costs could be covered with the PY 15 money, but Councilman Hardin commented that there are currently a lot of unknown costs for PY 16.

Councilwoman Shirley commented that with all of the changes due to the upcoming final rules and regulations, she recommends that more of the PY 15 one percent funding go towards TAT. She also suggested that DINAP should ask more of Department's leadership to do this training. Ms. Brown recommended that the Council review the statement of work to ensure that its tasks and subtasks meet

the TAT needs. Councilwoman Carroll thinks that this new process is confusing because it is different from the process used in the past. In the current process, the TAT funds come to the Council in a scope of work, which includes all of the areas in which funds will be spent, but is not specific as to how much will be spent where. As a result, reports that detail this specific spending become important.

Councilwoman Carroll made a motion that the Council not request one percent from PY 16 funding. This motion was seconded by Councilwoman Shirley. Ms. Brown reiterated that as of now, it is her belief that the Council has enough funds from PY 15 to cover its PY 16 expenses. Councilwoman Richardson asked how the training needs created by the upcoming changes to WIOA will impact the Council's PY 16 expenses, and if there will be enough funds from PY 15 to cover these changes. Chair Waldron and DINAP staff responded that they believed there will be enough funds. The motion passed with eight votes.

The Council then discussed the scope of work. Councilwoman Sanchez asked that the Council consider making \$200,000 the threshold for the National Conference if they do peer-to-peer training. She believes that the new WIOA changes will be released by this point, and wants all grantees to have some resources available to come to the National Conference and participate in this training. Ms. Brown commented that the federal representatives have been encouraging grantees to receive the transitional funds and to use these funds to support their travel to any type of needed training. They have also been encouraging grantees with high carry-over to spend their money. Councilwoman Richardson commented that she was having difficulty deciding how to allocate money because the scope of work given to Council members did not have an attached budget. Ms. Brown commented that the statement of work follows the same categories as before, but has been modified to continue to meet the grantees' needs in terms of training and technical assistance.

Councilwoman Carroll commented that the Department has changed language for eligibility in Summer Jobs and Beyond: Career Pathways for Youth. The new language states that eligible candidates are LWDBs, recipients of grants under Section 166 of WIOA and federally recognized tribes.

Earl Evans, a tribal council member for the Haliwa-Saponi Indian Tribe, commented on his disappointment in the lack of tribal consultation prior to the passage of WIOA. He disagrees with WIOA's performance measures because of the relationship that exists between the U.S. government and Indian tribes, which is one of trust responsibility, and thinks that these performance measures work to make tribes comparable to states in terms of their relationship to the federal government. Mr. Evans views these measures as paternalistic and detrimental to the Indian self-determination movement. He hopes that Native American and Indian leaders will pay attention to this language and work to maintain the government-government relationship that Indian tribes and the U.S. government are supposed to have.

Councilman Hardin expressed his hope that Councilwoman Davis-Wheeler and Councilwoman English will have the opportunity to be reappointed. Council members expressed confusion regarding the Department's policy on vacancies and nominations.

Adjourn and Closing: Councilwoman Shirley expressed her thanks to the Councilmembers and the federal staff for all of their hard work and encouraged them to continue to be agents of change. She made a motion to adjourn the meeting, which was seconded by Councilwoman Richardson and passed unanimously. The meeting adjourned at 5:05 p.m.