



# TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

## Table of Contents

Executive Summary .....	3
<b>All presentations, handouts, and attachments are posted to the TIBC Webpage under Meeting Materials.....</b>	<b>3</b>
Assistant Secretary for Indian Affairs (AS-IA) Update and Discussion.....	4
<b>Deputy Assistant Secretary for Management (DAS-M) Opening Remarks.....</b>	<b>4</b>
CARES Act Distributions. ....	4
Exception Apportionment. ....	4
National Tribal Broadband Grants.....	4
Second Annual National Tribal Broadband Summit. ....	4
Emergency Broadband Capability. ....	4
Operation Lady Justice.....	5
Section 105(l) Lease Agreements. ....	5
Indian Affairs Manual on Distribution of Resources (26 IAM 3). ....	5
Bureau of Indian Affairs Update and Discussion .....	5
COVID-19 and the BIA Workforce.....	5
Improved Data Analytics for Indian Affairs Programs. ....	6
Office of Justice Services (OJS) Cold Case Offices.....	6
Fee to Trust Applications. ....	6
Bureau of Indian Education Update and Discussion .....	7
COVID-19 Response. ....	7
BIE CARES Act Distributions. ....	8
ISEP funds disbursement.....	8
BIE School Reopening.....	8
BIE Construction Update. ....	8
BIE Site Assessments.....	8
BIE Funding from Oil, Gas, and Mineral Receipts. ....	9
Bureau of Trust Funds Administration (Formerly OST) Update .....	9
Establishment of BTFA.....	9
House Appropriations Report Does Not Approve the Creation of BTFA. ....	9
Duplicative Services between OST and Indian Affairs. ....	9
Dingell Act – Youth Corp Initiative .....	10
FY 2021 Budget Update & Analysis – Tribal vs Request vs Enacted.....	11
Detailed Update and Analysis. ....	11
Reduction in Self-Governance Compacts. ....	11
Small Tribes Supplement. ....	11
ICWA funding for off-reservation programs.....	11
Reporting Comparison Data as a Percentage. ....	12
Cold Case Activities in Public Safety and Justice. ....	12
Emphasis on Executive Branch Budget Processes and Solutions. ....	12
Effects on Public Safety and Justice Funding after the McGirt Decision.....	12
Reduction in Forestry Funding for FY 2021. ....	12
Show Internal Transfers in Budget Reports to TIBC.....	12
Columbia River In-Lieu, Treaty Fishing Sites. ....	12
Public Safety & Justice Construction, Employee Housing. ....	13
Fund Distribution Process 26 IAM 3 .....	13



# TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

Funds Distribution Process.....	13
26 IAM 3 Not Yet Signed. ....	13
The White Book for Self-Governance. ....	13
Non-transferrable programs.....	13
Indian Affairs Internal Training. ....	14
Self-Governance Funds Disbursement.....	14
Consolidated Tribal Shares Programs. ....	14
<b>Section 105(l) Lease Agreements Update .....</b>	<b>14</b>
Draft Framework.....	14
Leases to Support Cold Case Offices.....	14
<b>CARES Act Funding Update.....</b>	<b>14</b>
Timelines for Expiration. ....	14
Distribution Methodology. ....	15
\$20 Million in Contingency Funding.....	15
Welfare Assistance.....	15
OJS Funding. ....	15
Treaty Fishing Relief.....	16
CARES Act Distribution by Region and by Tribe. ....	16
<b>Subcommittee Report Out .....</b>	<b>16</b>
<b>Budget Subcommittee.....</b>	<b>16</b>
COVID-19 Needs Assessment. ....	16
Tribal Interests or Shares in Education Programs. ....	16
Effects of the McGirt Decision on Budget. –.....	17
Use of CARES Act Funds for Emergency Assistance. –.....	17
Include All programs in Tribal Preferred Program Ranking Tool.....	17
Preferred Program Ranking Tool Outreach.....	17
<b>Data Management Subcommittee.....</b>	<b>17</b>
Comprehensive Profile of Indian Country. ....	17
Data Privacy and Security. ....	17
DOL Labor Force Report and “service population.” .....	17
DOL Labor Force Report Tribal Advisory Committee.....	18
<b>Education Subcommittee.....</b>	<b>18</b>
ISEP Formula.....	18
Report on Broadband Access for BIE Students.....	18
Special Education Services During COVID-19. ....	18
Remote Learning and Rolling Averages of Enrollees/Attendees. ....	18
Re-addressing the MOU between U.S. Department of Education and Department of Interior. ....	19
Addressing the Moratorium on New BIE Schools. ....	19
BIE School Reopenings. ....	19
Indian Education means all Native Students. ....	19
ESSA Title VI and Title VII Funding Accountability. ....	19
<b>Land, Water, &amp; Natural Resources Subcommittee.....</b>	<b>20</b>
Land into Trust. ....	20
Office of Subsistence Management Moved to Indian Affairs. ....	20
TAAMS Reporting Timeliness and Consistency.....	20



# TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

Natural Resources Facilities Construction/Operation & Maintenance. ....	21
Better Interagency Partnerships. ....	21
Water Issues During Next Meeting.....	21
Supporting Indigenous Food Sources. ....	21
Supporting Treaty Rights, Treaty Negotiations, and Treaty Rights Protection.....	21
<b>Public Safety &amp; Justice Subcommittee</b> .....	<b>21</b>
Challenges Due to COVID-19.....	21
BIA Cold Case Offices.....	21
Operations and Maintenance. ....	21
Public Safety & Justice Summit. ....	22
<b>Transportation Subcommittee</b> .....	<b>22</b>
Types of Data Collected. ....	22
List of Transportation Facilities.....	22
Roads Database Pilot Project.....	22
Transportation Asset Management Plans. ....	22
<b>Old Business</b> .....	<b>22</b>
<b>FY 2022 Tribal Budget Submission</b> .....	<b>22</b>
Tribal Budget Submission, at a Glance.....	22
Improvements to the Preferred Program Ranking Tool. ....	22
Tribal Courts Operation and Maintenance. ....	23
<b>New Business</b> .....	<b>23</b>
No Assistant Secretary for Indian Affairs in Attendance.....	23
Advisory Committee to DOL for the Labor Force Report.....	23
Nomination of Juana Majel-Dixon as Public Safety & Justice Subcommittee Co-Chair.....	23

## Executive Summary

All presentations, handouts, and attachments are posted to the [TIBC Webpage](#) under [Meeting Materials](#).

The Tribal/Interior Budget Council (TIBC) convened virtually from August 10-14, 2020.

- A quorum was present and official business was conducted.
- The [August 2020 Agenda](#) was adopted as a guide.
  - A motion was approved to adopt the agenda as a guide and an amendment to the agenda was entertained to approve the minutes prior to opening remarks.
  - During the course of the meeting, the CARES Act Funding discussion scheduled for Thursday, August 13, was rescheduled to take place on Friday, August 14.
- The [March 2020 TIBC Meeting Minutes](#) were adopted.
- The House of Representatives passed its FY 2021 Appropriations bill, allowing for the first full comparison of the President’s Budget Request, the TIBC Tribal Budget Submission, and Congressional response.
  - That Office of Budget and Performance Management (OBPM) analysis can be viewed [here](#).
- The FY 2021 BIA Comp Table can be viewed [here](#).
- The FY 2021 BIE Comp Table can be viewed [here](#).
- August 2020 TIBC Action Items and New/Old Business can be viewed [here](#).



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

### Assistant Secretary for Indian Affairs (AS-IA) Update and Discussion

#### Deputy Assistant Secretary for Management (DAS-M) Opening Remarks

CARES Act Distributions. – The CARES Act provided much needed funding at a challenging time. Execution of the CARES Act placed a large burden on administrative staff who had to develop plans, distribute funding, and assess and respond to new reporting requirements while working to meet distribution timelines. For the most part, Indian Affairs supports that funds were distributed successfully and timely. The Office of the AS-IA is happy to see more CARES Act discussion as part of this TIBC meeting agenda.

Exception Apportionment. – The Office of the AS-IA continues to work with the Office of Management and Budget (OMB) to provide the full base level of TPA or tribal funding up front, in the event of a Continuing Resolution (CR) providing stopgap funding. Apportionment is an OMB-approved plan to use budgetary resources that sets limits on the obligations the federal government can incur. An exception to OMB apportionment for TPA or tribal funding would allow the federal government to obligate more than is otherwise allowable under the Apportionment instructions.

- If the CR is short, the exception apportionment may be more focused on Tribes that enter into agreements that coincide with the Federal government’s fiscal year (October 1 to September 30, “Fiscal Year Tribes”).
- If the CR is longer-term, the exception apportionment may include both Fiscal Year Tribes and tribes that enter into agreements with DOI on a calendar year-basis (January 1 to December 31 “Calendar Year Tribes”).
- As of this August 2020 meeting, the Office of the AS-IA does not see any real roadblocks to that exception apportionment.

National Tribal Broadband Grants. – On August 13, 2020, Indian Affairs announced the approval of National Tribal Broadband Grants to 23 Federally-recognized American Indian Alaska Native Tribes and two Navajo Nation communities to study the feasibility of developing or extending broadband.

Second Annual National Tribal Broadband Summit. – On September 21-25, 2020, Indian Affairs will host the [Second Annual National Tribal Broadband Summit](#).

Emergency Broadband Capability. – Tribal leaders request that Indian Affairs work with federal emergency management agencies and the Department of Defense to set up a plan and purchase equipment for providing communications networks in tribal communities during emergencies.

- Tribal leaders note that the Federal Emergency Management Agency is able to set up communications just about any place that there have been disasters and that the Department of Defense is able to set up connectivity no matter where its personnel are on the globe.
- Tribal leaders note that even in what are considered urbanized areas for tribal communities, the reality is that connectivity is often very poor. As such, this plan should include all of Indian Country and not just those that are deemed remote or rural.



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

Operation Lady Justice. – The week of August 10, Indian Affairs opened its fourth of seven offices to investigate cold cases involving Missing and Murdered American Indians and Alaska Natives.

- Tribal leaders discussed the Nashville office, its originally being on the list of cold case offices, then removed from the list, and as of this August TIBC meeting, is back on the list with no date when it would open.
- Indian Affairs representatives responded that the Nashville office was delayed by facilities and staffing considerations that need to be in place before an opening can be announced. There is no official date available for the opening of the Nashville office; however, a Dear Tribal Leader letter will go out as soon as Indian Affairs finalizes the logistics of getting staff on the ground for this office.

Section 105(l) Lease Agreements. – Indian Affairs continues to work with Tribes on 105(l) leases that are related to facilities for BIA programs and BIE schools. Internally, Indian Affairs is refining its policies to support Section 105(l) lease agreement implementation.

- The development of processes and providing templates to Tribes regarding the information that is required has facilitated the development of leases and moved them along more quickly.
- Tribal leaders asked when those policies and information would get to the Tribes.
- Indian Affairs responded that it is seeking to finalize its initial policy by the end of August or the middle of September, with a primary focus of internal processes, such as how to move funding, and core information requirements for submitting and processing a lease.

Indian Affairs Manual on Distribution of Resources (26 IAM 3). – The Indian Affairs Manual (IAM) on Distribution of Resources is in its final review and approval phase, and will be published shortly. The Indian Affairs, Office of Budget and Performance Management (OBPM) will be highlighting this document, and Indian Affairs looks forward to going into greater detail once it is published.

- This IAM update discusses funding methodology and distribution procedures that will help clarify for Tribes how funding makes its way from Washington to Tribal governments and how the different payments are calculated.

### Bureau of Indian Affairs Update and Discussion

COVID-19 and the BIA Workforce. – Within the Department of the Interior, Indian Affairs has roughly 7,000 employees, about 10 percent of the Department of the Interior Workforce. As of August 13, 2020, there have been 138 cases identified in Indian Affairs. By comparison, National Park Service has 12,500+ employees and 131 identified cases.

- Indian Affairs and Tribal leaders expressed mutual respect and condolences for the job at hand and the lives lost from their brothers and sisters across Indian Country as they work to respond.
- Indian Affairs and its agencies are following the leads of the Tribes when it comes to opening or reopening, and it is doing everything it can to respect tribal governments and tribal citizens.
- The BIA reiterated its offer to do everything it can to help and assist tribal nations.



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

- As of August 13, 2020, BIA is still largely teleworking. However, the BIA has maintained presences at all of its agency or regional offices.
  - Tribal leaders supported the sentiment of caution with BIA workforce, but drew a sharp contrast to BIE, which is moving to open up schools.
  - Tribal leaders reiterated that it should be the sovereign choice of each tribal nation with those BIE interests to make those opening decisions.
- Segments of the BIA’s operations have been affected by the virus more than others. Particularly, Office of Justice Services (OJS) Detention facilities and programs.
- Getting the proper PPE and taking care of inmates and trying to keep everybody healthy is more than a full time job, and the BIA Director commended OJS and the Tribes that handle their detention through a contract or compact.
- Indian Affairs expects the responses and lessons learned during this pandemic to change the way BIA operates for years to come.
  - Tribal leaders agreed, but stated there must also be a willingness, want, and desire to take advantage of the lessons learned.

Improved Data Analytics for Indian Affairs Programs. – Indian Affairs recognizes the data deficiency concerns raised by Tribal leaders in TIBC and the effects of this deficiency during COVID-19. Indian Affairs is beginning internal discussions about the need to hire a staff out of DC to do nothing but focus on data, so that if the data is needed in the future it is there to rely on.

- Tribal leaders noted the need for statisticians and other analysts to support the efforts of the existing Economist position that supports Indian Affairs.

Office of Justice Services (OJS) Cold Case Offices. – Seven Cold Case offices will be opened: Minnesota, South Dakota, Montana, New Mexico, Tennessee, Arizona, and Alaska. With the exception of Alaska, the other six are an expansion of existing OJS offices.

- Indian Affairs is optimistic that these offices can help community safety and policing in tribal communities.

Fee to Trust Applications. – Tribal leaders have issues with not having access to the Trust Asset and Accounting Management System (TAAMS) and not receiving timely responses on the status of Fee to Trust (or “Land into Trust”) applications.

- Tribal leaders have issues with not having access to TAAMS unless the eligible entity contracts or compacts realty services.
- When tribal leaders reach out for application status updates from regional offices, they receive responses such as “you’re 24<sup>th</sup> in line.” Tribal leaders are dissatisfied because it doesn’t tell the requestor how close the application is to being processed - a week, a month, a year?
- Indian Affairs responded that it recently implemented the Fee to Trust module in TAAMS that is going to make things better in the long run.
- With respect to off-reservation Fee to Trust applications, it is difficult to determine the timeline once it leaves BIA and goes to the Office of the AS-IA.





## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

### Bureau of Indian Education Update and Discussion

COVID-19 Response. – BIE is doing everything it possibly can, as carefully as it possibly can, to move forward to continue operations, deliver services, and coordinate and consult with Tribes as it moves forward each step of the way.

- Of the \$222 million in CARES Act funding received for BIE, nearly 70 percent has been disbursed as of August 13, 2020.
  - Approximately \$65 million is available for obligation through the end of September 2021.
  - Tribal leaders noted that \$15 million retained by BIE was mentioned as “for all schools” and asked if tribally controlled schools that are not BIE-funded in any way can access that money?
    - BIE responded that no, tribally controlled schools that are not BIE-funded in any way will not be able to access that money. The 10 percent set aside that BIE picked up is specifically going toward projects. BIE is considering using this money to address connectivity deficiencies at certain BIE schools, increase speeds beyond the current 100 megabits per second (Mbps) at BIE schools, and a contractual agreement to support behavioral and mental health support services to BIE students, parents, and BIE employees.
- Tribal leaders are concerned to hear that CARES Act money is being disbursed only for the benefit of BIE-funded schools, BIE students, and BIE-funded staff when 90 percent of Native students are not in BIE schools or tribally controlled universities and colleges.
  - Tribal leaders expressed further concern that this money is being disbursed without discussion or planning on how BIE is going to reach Native students that are equally affected by what is going on, but not enrolled in BIE-funded schools.
- Off-reservation boarding schools received support under the CARES Act to purchase laptops, chrome books, and Wi-Fi hotspots at the discretion of the school site.
- BIE seeks to promote parental choice if an off-reservation boarding school has opened, allowing parents to have the ultimate decision as to how they want to have their student have instruction brought to them.
  - Tribal Leaders note the reopening of 53 BIE schools during Coronavirus, despite this parental choice sentiment and hope that the reopening did not come as a mandate from the Administration to reopen schools.
    - BIE replied reassuring tribal leaders and tribally controlled schools that the return to learn plan is guidance for tribal schools and not a mandate.
- Learning Management Systems (LMS)
  - BIE has a variety of online learning management systems and is determining which system is best aligned with the BIE’s new unified system of standards assessment and accountability.
- BIE has received spend plans from tribally controlled schools and Bureau operated schools and they include planning and budgetary items for preparedness and response, isolation rooms, spending for food programs and meal programs, planning and coordinating short and long term closures, as well as educational IT needs.
- Tribal leaders ask that BIE take into consideration that schools are shelters and sources of food for some students and that these benefits to Native students need to be preserved and promoted by any BIE COVID response plan.



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

- Tribal leaders note that elders and youth living together is common cultural practice in Indian Country, and that school reopening plans should consider the heightened risk to Native elders that reopening schools may present.

*BIE CARES Act Distributions.* – BIE received two appropriations totaling \$222 million.

- An explanation of CARES Act distributions can be found on Slide 3 of the [BIE Update presentation](#).
- Every school has submitted their spend plans relative to the CARES Act funding they have received.
- A lot of the funding is focused on IT needs that various schools have, including accommodating distance learning with laptops and mobile hotspots.
  - BIE is also providing training so that these tools are used properly.

*ISEP funds disbursement.* – All schools have received their funding as of July 1, 2020. BIE has been working to update its systems to ensure that funds are delivered to schools as timely as possible and improving its processes for making those funds available as quickly as possible.

- An explanation of ISEP distributions can be found on slide 4 of the [BIE Update presentation](#).
- BIE is evaluating how regulations regarding distribution amount and timing of disbursement are affected by student count that may fluctuate due to varying reopening models and timing. Discussion is underway in BIE on how students will be counted and at what period.

*BIE School Reopening.* – BIE-operated K-12 day-school operations across the United States have a uniform start date of September 16, 2020 for the 2020-2021 school year.

- See the [August 6, 2020, Dear Tribal Leader Letter](#).
- See the [2020-2021 BIE School Reopening Plan](#).

*BIE Construction Update.* –

Three schools are expected to be completed by October 2020.

- Laguna Elementary School
- Little Singers Day School
- Sipayik Elementary School

One school is in the design phase.

- Cove Day School

Five Schools are in the planning phase.

- Greasewood Springs Community School,
- T'iis Nazbas Community School
- ChiChilTah-Jones Ranch Community School
- Crystal Boarding School
- Tonelea (Red Lake) School

*BIE Site Assessments.* – See slide 7 of the [BIE Update presentation](#).





## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

*BIE Funding from Oil, Gas, and Mineral Receipts.* – The Great American Outdoors Act establishes the National Parks and Public Lands Legacy Restoration Fund to support deferred maintenance projects in specified systems administered by the National Park Service, Forest Service, U.S. Fish and Wildlife Service, the Bureau of Land Management, and the Bureau of Indian Education. For FY 2021-2025, an amount equal to 50% of energy development revenues credited, covered, or deposited as miscellaneous receipts from oil, gas, coal, or alternative or renewable energy development on federal lands and waters. Deposited amounts must not exceed \$1.9 billion for any fiscal year.

- BIE will receive an amount equal to 5% of the funds deposited each year.
- BIE estimates this amount to be approximately \$65 million annually.

### Bureau of Trust Funds Administration (Formerly OST) Update

*Establishment of BTFA.* – Indian Affairs is in the process of creating a new Federal bureau, the Bureau of Trust Funds Administration (BTFA) to take on the roles currently carried out by the Office of the Special Trustee for American Indians (OST).

- OST was established with a sunset provision, meaning that OST would someday not exist; however OST has served as more than a trust reform organization, managing day to day accounting functions and certain records management functions that Indian Affairs believes should not be sunset.
- After much Indian Affairs consideration and a couple rounds of consultation, the decision was made to create a new bureau that would be a permanent bureau not subject to the sun setting provisions of the Indian Trust Asset Reform Act (ITARA).
- The BTFA would not continue as a trust reform organization but to simply continue the day to day money management functions that it does now.

*House Appropriations Report Does Not Approve the Creation of BTFA.* – The House Committee on Appropriations [report for the FY 2021 Interior, Environment, and Related Agencies Appropriations bill](#) does not approve the creation of a new Bureau due to inadequate information to evaluate this proposal. In FY 2019, the Committee approved moving OST under Indian Affairs and instructed that going forward, the budget should reflect this move.

- The House Appropriations bill includes language prohibiting any funds from being used to create a bureau.
- When asked what Indian Affairs would do if the final 2021 Appropriations deny that move, BTFA responded that it does not believe it will be in the Senate version and will have to wait and see what the actual bill says.
- BTFA is not certain how that would play out because BTFA will already exist by the time there is a budget passed.

*Duplicative Services between OST and Indian Affairs.* – The [House Appropriations Report](#) also mentions concern over several duplicative administrative and other functions and activities between OST and Indian Affairs. In its report, the Committee directs OST to work with Indian Affairs to identify and eliminate duplicative functions and activities and submit a report to the Committee within 120 days of enactment of this Act on actions taken to consolidate activities under Indian Affairs.

- BTFA responded that the Assistant Secretary's Office provides a lot of administrative functions for BIA and BIE, HR, some policy, some training, facilities, and IT. The one



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

place BTFA believes there will be discussions is IT and how that gets organized to get the best value across the three bureaus. Another may be in acquisitions.

### Dingell Act – Youth Corp Initiative

The John D. Dingell Conservation Management and Recreation Act calls for the establishment of an Indian Youth Service Corps Program. The Department of the Interior is charged with developing the guidance on this program. George McDonald, Chief of the Youth Program Division and Experience Services Program with the National Park Service is leading this effort for Interior. Before it develops the guidance, the team leading the development of program guidance would like to share with tribal communities and tribal nations what this program is supposed to be as it is written into law under the Dingell Act and then also to provide a framework for how the team believes it should go about development of the guidance.

- The Youth Conservation Corps program works with nonprofit organizations to develop conservation projects on U.S. public lands.
- Under the Indian Youth Service Corps Program, the team proposes to do those similar mission objectives, but would emphasize Native American participation and tribal nations. Their hope is to provide a direct benefit to Native Americans and Tribal nations through conservation projects that provide meaningful and quality education and employment opportunities for the participants.
- The program intent, and again, the team wants to state that this is a framework for debate and input, would be to advance the conservation of natural and cultural resources on Federal public lands and tribal lands through maintenance, research, recreational and educational projects, promote Native American self-determination, promote economic development on tribal lands, provide non-Federal employment opportunities for youth and young adults with the goal of developing gainful careers for the program participants.
- The target applicant age is between 16 and 30, for up to 35 if you served in the military.
- Successful completion of the program would provide certain hiring preference including non-competitive Federal preference in participating agencies. It would provide a clear pathway to Federal employment along with other requisite qualifications.
- The team is also suggesting three different options within the Indian Youth Service Corps Program:
  - a traditional service corps crew model where there is no educational requirement;
  - an internship or resource assistance model for academic institution, undergraduate, and graduate students involving research such as scientific, historic, archival, archaeological digs or historic preservation, habitat surveys, support of the management of natural and cultural resources such as developing and implementing resource stewardship plans, developing educational and informational materials for visitors to public lands, also enhancing recreational opportunities, preserving historic structures, developing technologically based natural and cultural resource education programs and communication outreach through like the different technological platforms, visitor education, the interpretation of natural and cultural resources, the development of educational resource materials for visits to these lands and cultural tourism as well as some administrative project and program support; and



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

- a vocational skills emersion/apprenticeship program that would develop vocational trade skills in the area of construction, electrical, plumbing, and other appropriate trades with set curriculum standards and some industry recognized certifications for the participants.
- The team is looking at grants as a model of funds disbursement with a matching requirement to receive funding. This would only be guidance to the agencies involved in designing programs that meet the requirements of the Indian Youth Service Corps.
  - Tribal leaders responded that grants can be prohibitive for tribal nations that do not have the resources to go after competitive grants they may not obtain.
  - The team has heard that from several commenters and seeks to find a collaborative solution to these items.
- George McDonald can be contacted at [George.McDonald@nps.gov](mailto:George.McDonald@nps.gov).

### FY 2021 Budget Update & Analysis – Tribal vs Request vs Enacted

Detailed Update and Analysis. – The meeting presentation [FY 2020-21 Indian Affairs Budget Update – Analysis](#) provides a detailed explanation of this update. All tribal leader statements are included in the below minutes. Statements from Indian Affairs outside of the scope of the update are also included in the below minutes.

Reduction in Self-Governance Compacts. – Tribal leaders noted a \$3.7 million reduction in funding for the Self-Governance compacts line in the House’s FY 2021 Appropriations bill compared to FY 2020 enacted.

- OBPM responded that there were was an error double counting a base transfer to Self-Governance. Those funds need pulled back out and put in their respective lines.

Small Tribes Supplement. – Tribal leaders asked if the House FY 2021 amount for Small Tribes Supplement provides the amount necessary to get all Tribes’ base up to at least \$200,000 in Alaska and \$160,000 in the lower 48.

- Not entirely. It includes those Tribes that were on the list consistently since funds were restored, but it does not include funding for those that were found as OBPM started looking.
- OBPM is working to get the money based transferred for Tribes that have been on the list for several years and then address Small Tribes Supplement funding for the newly discovered Tribes that are eligible. The 2022 President’s Budget Request Submission from Interior is to include those base transfers.

ICWA funding for off-reservation programs. – Tribal leaders ask if the \$1 million in funds for off-reservation programs are meant to address Tribes’ inability to receive ICWA funding if they do not already receive it.

- Tribal leaders discussed that when ICWA was started, Tribes could opt in at that time. Tribal leaders understand that if Tribes did not opt in at that time, they don’t have the ability to opt in now. With the funds for off-reservation programs, can Tribes get in the ICWA program now, or is that still an issue?
- 25 U.S.C. § 1932 on Grants for off-reservation programs for additional services authorizes the Secretary of the Interior to make grants to Indian organizations to establish and operate off-reservation Indian child and family service programs.



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

Reporting Comparison Data as a Percentage. – Tribal leaders requested that dollar amount comparisons that are included in OBPM reports also include that change in value represented as a percentage.

- OBPM responded it can do that and thanked tribal leaders for their recommendation.

Cold Case Activities in Public Safety and Justice. – Tribal leaders ask where the money is in Public Safety and Justice funds in FY 2021 to provide for the seven new cold case offices that Indian Affairs just opened up.

- OJS responded that the Administration requested \$4 million in increased funding under Law Enforcement Special Initiatives to address the Missing and Murdered Indigenous Women Initiative.
- Law Enforcement Special Initiatives received \$1.6 million in additional funding compared to FY 2020 enacted, but \$1.4 million less than was requested by the Administration for FY 2021.
- OJS responded further that instead of providing those funds in Law Enforcement Special Initiatives, the House provided \$7.3 million greater than what was requested by the Administration in Criminal Investigations & Police Services.

Emphasis on Executive Branch Budget Processes and Solutions. – Tribal leaders remind their federal partners that the emphasis of the Tribal/Interior Budget Council should be on improvement of Interior's tribal budgets, not explanation of the House Appropriations bill or the Congressional appropriations process. Tribal leaders view this body's intent as helping the President put forward budgets that reflect obligations.

Effects on Public Safety and Justice Funding after the McGirt Decision. – Tribal leaders note that the decision in [McGirt v. Oklahoma](#) will affect BIA Public Safety and Justice funding. Tribal leaders implore the Administration and Indian Affairs budget staff to respond to the Congressional inquiry of budgetary impact by responding how *McGirt* affects funding, but also funding deficiencies prior to *McGirt*.

Reduction in Forestry Funding for FY 2021. – Tribal leaders asked why there is an apparent reduction in the Forestry program of just under \$1 million.

- OBPM responded that these are internal transfer and do not represent reductions. These can be TPA base transfer requests received by a Tribe or when a Tribe enters the Self-Governance program and moves its shares of a program into the Self-Governance Compacts line.

Show Internal Transfers in Budget Reports to TIBC. – Tribal leaders note that it is difficult to know the net gain or loss to funding in a program line item without internal transfers clearly identified.

- OBPM agreed that it can calculate each line of funding taking into account internal transfers so that TIBC attendees can see a realistic gain or loss on the program amounts.

Columbia River In-Lieu, Treaty Fishing Sites. – Tribal leaders asked where a program seeking construction funding for Columbia River sites In-Lieu would be funded.



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

- OBPM responded that a new line would need to be created under Resource Management Construction for it to do true construction.
- It could also go in Other Program Construction but because it is resource management related, it would probably be best to be in Resource Management Construction as its own separate line.

Public Safety & Justice Construction, Employee Housing. – Tribal leaders asked how much funding has been directed to each of the regions and is there detailed information of how much each region requested for Public Safety & Justice Employee Housing.

- OBPM respond that those amounts are announced and prioritized by OJS across all regions. As a follow up, OBPM can provide some recent allocation projects for each year.
- Tribal leaders asked if those are the same project schedules that are put into the [Greenbook](#) each year.
  - Indian Affairs responded yes, there are planned projects with requested amounts included in the Greenbook and then once Indian Affairs gets funding appropriated it does updated operating plans that occasionally there are some tweaks needed to represent more or less funding available.

### Fund Distribution Process 26 IAM 3

Funds Distribution Process. In response to GAO recommendations to set up a tracking system for Self Governance and ‘638’ programs, Indian Affairs began a process to respond that ultimately resulted in an expanded Indian Affairs Manual (IAM) to include budget formulation processes and distribution methodologies. This effort is being viewed as a standard operating procedure for many disbursement functions and is a key resource in definitions common to budget processes and timelines for completion of those processes. Publication of funding distribution methodologies will provide transparency and predictability to Tribes.

- OBPM Director George Bearpaw publicly recognized OBPM Deputy Director Jeannine Brooks for her involvement and efforts in this IAM update on distribution of resources.

26 IAM 3 Not Yet Signed. – OBPM expects final signature and release sometime in the coming weeks.

- **9/30/20 UPDATE:** The IAM has been published and can be found [here](#). Once you have the manual open, you will see the link that takes you to the attachments within Section 1.1 Purpose. You can also find those attachments hosted on the OBPM webpage [here](#).

The White Book for Self-Governance. – Tribal leaders asked for clarification on the White Book as it relates to this funds distribution process.

- OBPM replied that the White Book is put together by the Office of Self Governance (OSG) and it is how OSG tells OBPM which shares, if any, are being transferred.
- Any Tribe that wants to do transfers into the Self-Governance Compacts line works directly with OSG to identify those shares to be transferred. OSG then provides the White Book to OBPM and it executes all the transfers.

Non-transferrable programs. – Tribal leaders asked if programs that are non-transferrable are identified as such in 26 IAM 3.





## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

- OBPM responded yes.

Indian Affairs Internal Training. – The BIA intends to do thorough training throughout Bureau staff on 26 IAM 3 upon its release and reiterated the value of this document for its transparency and accountability.

Self-Governance Funds Disbursement. – Tribal leaders asked if 26 IAM 3 addresses funds that are provided from the Indian Affairs central office to the BIA Region, then to OSG for disbursement. Tribal leaders propose that funds should be provided from Indian Affairs central office accounts directly to OSG for disbursement to the Tribes, eliminating the burden of work and review from the BIA Regional office and expedite disbursement.

Consolidated Tribal Shares Programs. – Tribal leaders asked if 26 IAM 3 addresses identifying tribal shares that were rolled into consolidated tribal shares programs such as Aid to Tribal Government (ATG) and Consolidated Tribal Government Program (CTGP), but are now difficult to identify.

- OBPM responded no. This IAM update is intended to identify and improve processes and not the specific identification of tribal shares. OBPM also responded that the Self-Governance Advisory Committee (SGAC) is working with Indian Affairs to come up with solutions to these issues. As those processes are determined, OBPM supports that they should be included in the overall IAM.
- Tribal leaders urge that Indian Affairs must identify the tribal shares from various programs that were moved into these consolidated program lines because those that do not have their shares clearly identified by the federal government continue to lose out on increases to various program line items that were once consolidated.

### Section 105(l) Lease Agreements Update

Draft Framework. – A copy of the draft framework is available [here](#).

- Indian Affairs is seeking to finalize its initial policy by the end of August or the middle of September, with a primary focus of internal processes, such as how to move funding, and core information requirements for submitting and processing a lease.
- Section 105(l) lease agreement policy will take time to develop specificity because the types of facilities that are eligible will vary, which may change the way Section 105(l) lease agreements need to be structured.

Leases to Support Cold Case Offices. – Tribal leaders asked if Section 105(l) lease agreements could be used to support the facilities needed for cold case offices.

- Indian Affairs responded yes, assuming that the offices associated with that are conducted with an activity that is either contracted or compacted to the Tribe. Each situation requires particular information, but at a high level, yes.

### CARES Act Funding Update

Timelines for Expiration. – The timeline for the expiration of OIP funds is September 30, 2021, for Federal offices only. Any funding that has been issued to Tribes under ‘638’ contracts or under Self Governance compacts will not expire and will be available until expended. The funds





## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

that Tribes have drawn down and are using from the CARES Act will not be pulled back from Tribes for any expiration date.

*Distribution Methodology.* – Tribal leaders did not believe the CARES Act distribution methodology chosen was necessarily the best solution to equitable funds distribution.

- Tribal leaders noted that measuring the total amount of regular OIP funding received by each Tribe in relation to one another may have resulted in a more representative distribution of resources, based on funded government size instead of solely population.

*\$20 Million in Contingency Funding.* – Indian Affairs stated that it has distributed the \$20 million that it kept for surge in need for Welfare Assistance or other unforeseen needs.

- Some funds were distributed for the Tribes that receive Small Tribes Supplement funding and the rest went to the regions to distribute out to Direct Service and Self-Governance Tribes.

*Welfare Assistance.* – Tribal leaders discussed the [April 15, 2020, Information Sheet on CARES Act Operation of Indian Programs and Indian Education Programs](#) and its restriction on the use of CARES Act funds for Emergency Assistance, an otherwise authorized program within the Welfare Assistance funding line item.

- Tribal leaders stated that the CARES Act provided great flexibility and is intended to help tribal citizens and communities deal with and cope with the impact of the coronavirus pandemic, and that for the Emergency Assistance program, which is the basis for a lot of distributions of these monies because many were out of work, many had trouble being able to cover basic costs, it can be everything from house payments, rental payments and the rising cost or the availability of food, etc. So many Tribes modified, if they didn't already have it in their codes that Emergency Assistance payments are an allowable expenditure.
  - Other Tribal leaders reiterated that Indian Affairs has no authority to tell Tribes what is an eligible expense under CARES Act distributions for Welfare Assistance, particularly where those nations have a general welfare code in place.
- BIA and Indian Affairs responded that they would work together to review the April 15, letter and address any changes that may be required.

*OJS Funding.* – Tribal leaders had issues with funding that went to OJS for detentions and Personal Protective Equipment (PPE) and asked if that funding was going to be for BIA owned and operated detentions or would Tribes be receiving some of that funding for detentions needs.

- OJS responded that the funding for the cleaning of detention facilities and the PPE was meant for in-house BIA, but that OJS has been sending some of that out to Tribes. PPE purchased from those dollars have been sent out to Tribal programs because several of them had been unable to obtain PPE.
- OJS has a cache of PPE and every day, things are being sent out to law enforcement and detention programs that are funded under OJS.
- For the cleaning of facilities, OJS has already cleaned several facilities for Tribes out of that funding.



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

- OJS stated that funds were only withheld in an amount to support direct service programs, the rest of the money, with the exception of the amount retained for additional surge, was distributed to the Tribes.
- Indian Affairs supported that these retained funds are being used to provide support to Tribes and that knowing just when to use retained surge resources can be difficult when the outlook of additional funding from Congress is uncertain.

Treaty Fishing Relief. – Tribal leaders noted that the CARES Act included funding for treaty fishing relief and the money got channeled through the National Oceanic and Atmospheric Administration (NOAA), where it was dictating how funds would be disbursed among eligible Tribes. Tribal leaders also noted that implementation had conditions tied to it that tribal leaders felt were inappropriate relative to this virus crisis.

- Tribes around the Great Lakes and on the East Coast with large treaty fisheries experienced many of the same kinds of impact as Tribes in the Northwest to their treaty fisheries. However, Tribes from the Midwest and Eastern Region were squeezed out of the funding by the process at NOAA.
  - Tribal leaders want to ensure that those Tribes with treaty fisheries are included in any additional treaty fishing relief funding.
- Tribal leaders ask that Indian Affairs support that funding for treaty fishing relief be administered by Indian Affairs because it has more knowledge about these matters than NOAA does.
- Indian Affairs responded that the funding was provided in the CARES Act tied to some very specific regulations and criteria. It would be like asking Indian Affairs to implement someone else's program regulations. Indian Affairs does not mean to shut this concept down, it only means to state that the CARES Act, as written, would have been difficult to take those funds and administer them through Interior.

CARES Act Distribution by Region and by Tribe. – Tribal leaders requested to know how much CARES Act funding went to each region and how much went to each Tribe.

- For Aid to Tribal Government and Welfare Assistance Funding, this information is available on the Indian Affairs website by clicking [here](#).
- Indian Affairs will look into a comprehensive report of how the funds were spent, but the vast majority are in the above linked report or identified generally during this meeting's discussion (also outlined [here](#)).

### Subcommittee Report Out

#### Budget Subcommittee

COVID-19 Needs Assessment. – Tribal leaders suggest that Indian Affairs, in collaboration with TIBC, put together a list of needs identified due to COVID-19.

Tribal Interests or Shares in Education Programs. – Tribal leaders ask BIE and OBPM to work together to determine Tribal interest or shares in education programs in the Indian Affairs budget and report to Tribes.



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

Effects of the McGirt Decision on Budget. – Tribal leaders note that the decision in [McGirt v. Oklahoma](#) will affect BIA Public Safety and Justice funding and seek further discussion on the effects of this decision on Public Safety & Justice funding.

- Tribal leaders implore the Administration and Indian Affairs budget staff to respond to the Congressional inquiry of budgetary impact by responding how *McGirt* affects funding, but also funding deficiencies prior to *McGirt*.

Use of CARES Act Funds for Emergency Assistance. – Tribal leaders seek that the April 15, 2020 Information Sheet on CARES Act funding be amended to strike the limitation on the use of Welfare Assistance funds for the Emergency Assistance program.

Include All programs in Tribal Preferred Program Ranking Tool. – Tribal leaders renew their opinion that Tribes should rank every Indian Affairs program and not just those programs selected for the ranking tool.

Preferred Program Ranking Tool Outreach. – Tribal leaders acknowledge that preferred programs for a particular Tribe stay relatively the same from year to year, but can fluctuate based on tribal government initiatives and cycles of federal funding availability. Tribal leaders suggest that the BIA focus its outreach during the upcoming ranking tool cycle to those unreported Tribes to increase diversity of tribal input in the TIBC budget formulation process.

### **Data Management Subcommittee**

Comprehensive Profile of Indian Country. – Tribal leaders request that Indian Affairs develop a comprehensive profile of Indian Country utilizing the economist position it has filled and by hiring additional statisticians and other analysts to support the development of this profile.

- Tribal leaders note that out of date and inaccurate data was used by the federal government in Coronavirus relief efforts that harmed Tribes.
- Tribal leaders note the fact that unmet programmatic needs were not gathered and measured by Indian Affairs harmed Tribes in Coronavirus relief efforts and in their ability to respond.

Data Privacy and Security. - Tribal leaders seek a policy document signed at the highest level restricting the use of data collected by the Federal government to specified uses.

- Tribal leaders requested any information that may be available on the previous efforts, including previous concerns that may have made the document stall.
- Tribal leaders mentioned the recent tribal data breach associated with the CARES Act and concern over any further data collection that is not protected and properly used.

DOL Labor Force Report and “service population.” – Tribal leaders express that the discussion on service population is a very nuanced conversation with different applications across different federal programs. Tribal leaders urge caution from the Department of Labor and Interior in consideration of these long-standing and nuanced service population considerations that vary across programs based on their intent and the reality of services provided.

- Tribal leaders request that a federal task force be put together, consisting of all the federal agencies that rely on service population to determine any tribal program funding. This



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

task force should address what population measures are used, where the data is derived from, and why they use their particular measure of service population.

*DOL Labor Force Report Tribal Advisory Committee.* – Tribal leaders recognize the need for a larger, more-inclusive group beyond TIBC in this data collection effort and insist on an advisory committee to DOL as it completes its labor force report. This committee should be representative of all 12 BIA regions, at least, with maximum tribal/federal collaboration encouraged.

### **Education Subcommittee**

*ISEP Formula.* – Tribal leaders request a one-pager on the ISEP formula and any other more detailed information that may be necessary to understand how increases and decreases are applied under the ISEP Formula Funds and ISEP Program Adjustments line items.

*Report on Broadband Access for BIE Students.* – Tribal leaders request a report on internet upload and download speeds at BIE schools and at the homes of BIE students.

- The report should seek to answer, ‘is there sufficient broadband infrastructure to support education throughout BIE?’
- Tribal leaders ask for a plan from BIE that guarantees all BIE students have access to remote education experience.
- Tribal leaders asked how much the BIE is asking Congress for to address the broadband needs of BIE schools and students.
  - BIE replied that it relies on the Office of Information Management Technology within Indian Affairs to support all BIE school needs and ensure that BIE is meeting certain standards.
  - BIE is working to assess the IT environment to ensure that distance learning can be captured and utilized.
- Tribal leaders note that end-user speeds in certain parts of the country are between four and ten Mbps – far below the 100 Mbps discussed for BIE schools and that this severely limits educational opportunities during COVID-19.
- Tribal leaders discussed the Verizon contract that BIE has at the federal level that limits access in certain BIE schools. In certain areas, there is broadband available for the tribe 10 feet away from the school, but because of the bureaucracy and contract constraints, the tribal government cannot support connecting the school. The result is that sometimes children in BIE schools do not receive commensurate broadband access as other schools in the area even though better access is or could be made available.

*Special Education Services During COVID-19.* – Tribal leaders request a plan from BIE that ensures students who are provided special education services receive those services, regardless of an in-person or virtual environment.

*Remote Learning and Rolling Averages of Enrollees/Attendees.* – Tribal leaders noted that some BIE resources are contingent on rolling averages of students enrolled and attending BIE schools. Tribal leaders ask how remote learning will affect funding for schools when rolling averages of attendees affect certain funding amounts.



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

Re-addressing the MOU between U.S. Department of Education and Department of Interior. – Tribal leaders ask when the [MOU](#) under [Executive Order 13592](#) between DOI and the Department of Education (ED) will be readdressed.

- EO 13592 established the White House Initiative on American Indian and Alaska Native Education, with the mission of expanding education opportunities and improving education outcomes for all AI/AN students, including opportunities learn their Native languages, cultures, and histories and receive complete and competitive educations that prepare them for college, careers, and productive and satisfying lives.
- The purpose of the MOU is to establish the process by which ED and DOI will implement their responsibilities under EO 13592 and to establish the responsibilities of BIE and BIE funded schools for use of funds provided by ED to BIE for the benefit of AI/AN students.

Addressing the Moratorium on New BIE Schools. – Tribal leaders would like to further discuss the moratorium on new BIE schools and whether there are alternative ways to conceive the construction of BIE schools in a way that supports current operations and expansion.

BIE School Reopenings. – Tribal leaders seek more transparency and plain language updates on how the BIE intends to respect tribal viewpoints and local public tribal health input on the question of whether brick and mortar schools should physically open, in the first place.

- Tribal leaders seek more transparency and plain language updates on how the Department will center the safety and well-being of students, staff and families for each of the 53 Bureau operated schools.

Indian Education means all Native Students. – Tribal leaders reiterate that BIE has a responsibility to all Native students and would like to include all Native students in the conversation of Indian Education, and not just students at BIE operated or funded schools.

- Tribal leaders state that BIE has programs in its budget that service non-BIE students, such as higher education programs, that merit expanding the discussion.
- Tribal leaders also discussed the transfer of funds between the Department of Education and the Department of the Interior, BIE that necessitates discussion of greater Indian education issues and Department of Education's involvement.
- Tribal leaders ask whether there has been any discussion on expanding the enrollment within BIE schools underneath this tele-education situation.
  - Remote learning options may provide opportunities to reinvest construction and facilities dollars into teachers and curriculum, as well as expanding and removing traditional barriers to BIE school attendance for the vast majority of Native students that were not necessarily eligible.
- Tribal leaders would also like to discuss options such as school voucher programs for Native students so that funding could be re-directed from public schools to BIE schools, if parents of Native students so choose.
  - These solutions may re-invigorate funding for BIE schools, allowing for more Native students to receive culturally appropriate and high quality education.

ESSA Title VI and Title VII Funding Accountability. – Tribal leaders are concerned that funds received by public schools for the benefit of Native students are not being used within the scope





## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

of that funding. Tribal leaders ask for BIE to assist in identifying the formula for distributions under ESSA for the benefit of Native students, whether the distributions match that formula, and to discuss reporting and accountability to ensure that those resources are not being misused.

- The Every Student Succeeds Act (ESSA) Title VI—Indian, Native Hawaiian, and Alaska Native Education provides funding to Local Educational Agencies (LEAs), Indian tribes and organizations, and other entities development elementary school and secondary school programs for Indian students that are designed to meet the unique cultural, language, and education needs of such students and ensure that all students meet the challenging State academic standards. 20 U.S.C. § 7421.
- ESSA Title VII—Impact Aid provides funding to LEAs for “federally connected children,” which includes activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes. 20 U.S.C. § 7701.

### **Land, Water, & Natural Resources Subcommittee**

Land into Trust. – Tribal leaders expressed frustration over issues with land into trust, generally, and especially for health clinics, sacred lands, and ceremonial areas.

- Tribal leaders ask, ‘why is the administration holding up land into trust applications in Alaska when a law was passed allowing Alaska tribes to take land into trust?’

Office of Subsistence Management Moved to Indian Affairs. – Tribal leaders ask that the Office of Subsistence Management in the U.S. Fish and Wildlife Service be moved into the Indian Affairs Budget.

- Tribal leaders note that funding gets sent to the U.S. Fish and Wildlife Service (FWS) for subsistence management and that the overhead of their operations drastically diminishes the available funding that gets sent out to rural Alaska and to Tribes.
- Tribal leaders are concerned that interests in FWS favor States over working with Tribes.
- IA representatives note that there are two funding sources for Alaska Subsistence programs: one with BIA and one with FWS.
  - Tribal leaders expressed that they would rather that money go to a BIA Regional Office to administer the program.
  - Tribal leaders replied that their interest is in both funding lines, improving Tribal/Federal partnerships at FWS, and in IA support to encourage FWS to use subsistence funds to support Tribal partnerships and not to supplement other refuge management funding received by FWS.
  - Tribal leaders argue that a change in funding disbursement and administration of subsistence management funding could increase the amount of funding that makes it way to Tribes by reducing bureaucratic inefficiencies and improving Tribal/Federal partnerships in subsistence management.

TAAMS Reporting Timeliness and Consistency. – Tribal leaders express concern that they are not receiving reports of information from TAAMS in a timely and consistent manner.

- Tribal leaders would like access to TAAMS, even if the tribe has not contracted or compacted the requisite services from the BIA.





## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

Natural Resources Facilities Construction/Operation & Maintenance. – Tribal leaders would like to further discuss Natural Resources facilities construction and operations and maintenance needs at the next meeting.

Better Interagency Partnerships. – Tribal leaders ask that IA facilitate better interagency partnerships between tribal governments, the Forestry Service, Forestry and Wildland fire programs within DOI, Fish and Wildlife Services, and Indian Affairs.

- Tribal leaders seek better co-management of resources and respect for tribal ecological knowledge and program capacity.

Water Issues During Next Meeting. – Tribal leaders note the importance of water issues and would like to discuss water issues as part of the next meeting.

Supporting Indigenous Food Sources. – Tribal leaders ask Indian Affairs if there are any programs that support indigenous food sources within Indian Affairs and seek further discussion on this topic.

Supporting Treaty Rights, Treaty Negotiations, and Treaty Rights Protection. – Tribal leaders express support for treaty negotiations and treaty rights protection for all Tribes, including the ongoing Columbia River Treaty negotiations, which affect 15 Tribes in the Northwest.

### **Public Safety & Justice Subcommittee**

Challenges Due to COVID-19. – Tribal leaders would like to further discuss what challenges OJS has encountered due to COVID-19.

- What types of data is the BIA collecting as part of COVID-19 related to the operation of Public Safety and Justice programs?
- What lessons have BIA and OJS learned regarding procedure, capacity, operations, etc.?
- Tribal leaders request that facilities construction and repair plans be updated to incorporate the requirements discovered during the pandemic.

BIA Cold Case Offices. – Tribal leaders would like to further discuss the cold case offices that the BIA set up.

- Was there consultation on the creation of these offices?
- Who decided the funds should be spent on opening offices?
- What are these offices tasked to do, exactly? How will these offices operate?
- How were the cities selected?
- How much does it take to open up and adequately staff each office?
- Money for this initiative is identified as limited and not necessarily recurring. Is there a long term plan for these offices?
- Has there been a plan submitted to Congress for additional money to maintain this effort?
- What is the long-term intention of this effort?

Operations and Maintenance. – Tribal leaders ask for a list of facilities eligible for and receiving operations and maintenance (O&M) funding across Public Safety and Justice programs and request instruction on how to get facilities onto that list.

- How much do O&M accounts cover in relation to facility need each year?



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

- Indian Affairs representatives replied that facilities replacement/new construction funding has increased since 2018 to \$25.5 million.
  - Indian Affairs acknowledges that this amount is not a lot of money, given the cost of construction, but it is helping Indian Affairs start to address its priority list of detention facilities throughout Indian Country.

Public Safety & Justice Summit. – Tribal leaders renew their request for a Public Safety & Justice Summit that includes law enforcement and tribal courts subject matter and issues.

### Transportation Subcommittee

Types of Data Collected. – Tribal leaders ask for a report from the BIA on what types of data are currently being collected on roads at BIA? What is the domain of data collected?

- If specific tribal data cannot be shared, is there a sample of the datasets that could be reviewed to know data domains?

List of Transportation Facilities. – Tribal leaders ask for a report on all transportation facilities classified by type, state of improvement, and condition to answer which facilities need the most attention.

Roads Database Pilot Project. – Tribal leaders request that IA provide funding for the roads database pilot program previously endorsed by official motion from TIBC. During the April 2019 TIBC meeting.

Transportation Asset Management Plans. – Tribal leaders would like to further discuss Transportation Asset Management Plans required of each state and how these reports could be used as a framework for better tribal facilities management and to justify funding increases for transportation programs.

## Old Business

### FY 2022 Tribal Budget Submission

Tribal Budget Submission, at a Glance. – Distributions for the FY 2022 Tribal Budget Submission can be reviewed on Slides 27 and 28 of the Subcommittee Report Out, under “Old Business.”

Improvements to the Preferred Program Ranking Tool. – TIBC Tribal Representatives urge Indian Affairs to engage with TIBC to further improve the Priority Ranking Tool and enhance the quality and accuracy of this submission.

- During the FY 2022 budget formulation process, Tribal Representatives identified that the program line items Tribal Colleges & Universities and Tribal Technical Colleges were not included in the BIA’s Tribal Priority Ranking Tool.
- TIBC Tribal Representatives included Tribal Colleges & Universities and Tribal Technical Colleges under the Education category and applied the existing methodology for the Education category to propose increases for these two programs, but a fix is needed.



## TRIBAL/INTERIOR BUDGET COUNCIL – August 2020 Meeting Minutes

*Tribal Courts Operation and Maintenance.* – Indian Affairs should propose the creation and request funding for a new line item in the BIA budget for Tribal Courts Facilities Operation and Maintenance under the BIA Activity Public Safety & Justice.

- This new line item should be funded using new additional funding and not through the decrease in funding of any existing programs eligible under the BIA Tribal Priority Ranking Tool.
- For comparison, BIA Public Safety & Justice Facilities Operations and Maintenance funds are used to operate detention centers including janitorial services, utilities cost, refuse disposal, fire protection, maintenance of vehicles, communications cost, pest control, personnel services, equipment, material and supplies, travel, training, and for products required to keep these services operational.

### New Business

*No Assistant Secretary for Indian Affairs in Attendance.* – Tribal leaders request an explanation why the AS-IA or DAS-PED did not attend.

- Tribal leaders are disappointed that the AS-IA and the Deputy Assistant Secretary for Policy and Economic Development (DAS-PED) did not show up to meet with tribal leaders and discuss the roll out of COVID-19 funding and to discuss how tribal nations have been affected by this pandemic.
- Tribal leaders expressed frustration over the consistent lack of engagement from the AS-IA, but specifically recognized the Deputy Assistant Secretary for Management (DAS-M), BIA, and OBPM for their dedicated and continued engagement.
- Tribal leaders seek to make formal record of the lack of attendance from the AS-IA or the DAS-PED.

*Advisory Committee to DOL for the Labor Force Report.* – Tribal leaders would like to further discuss How to engage with DOL and whether an advisory committee can be established for the Labor Force report.

- Who would be the lead at the federal government?
- Who amongst Tribes?
- What would be the draft charge of this proposed workgroup?
- Indian Affairs and TIBC will form a small workgroup to determine how to ramp the labor force report effort up.
- Tribal leaders would like representation from every region.
- The workgroup will coordinate with RD's to identify a Tribal representative from each region.
- Indian Affairs will reach out to see if OMB is interested in joining.

*Nomination of Juana Majel-Dixon as Public Safety & Justice Subcommittee Co-Chair.* – During the next TIBC meeting with a quorum present, TIBC Tribal representatives will consider the nomination of Juana Majel-Dixon as Tribal Co-Chair of the Public Safety & Justice Subcommittee, along with Council Delegate Eugenia Charles-Newton.

- Council Delegate Eugenia Charles-Newton made motion for consideration and the Council agreed that, based on time and participation, the motion would be taken up at the next meeting with a quorum present.