



TRIBAL/INTERIOR BUDGET COUNCIL – June 2021 2020 Meeting Minutes

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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 June 7-11, 2021.

- On June 9 and 10, 2021 a quorum was present and official business was conducted.
- A motion to adopt the June 9-10, 2021 Agenda passed.
- On June 10, 2021, the [November 2020 TIBC Meeting Minutes](#) were adopted.
- This meeting heard remarks from the Secretary of the Interior, regular updates from Indian Affairs and convened with the purpose of developing the FY 2023 Tribal Budget Submission.
- Year over year data indicates that the total increase contemplated in the TIBC Tribal Budget Submission is less than enacted amounts. The process contemplates a specified increase scenario to work within, and tribal leaders supported moving forward with a larger increase scenario for FY 2023 – 30 percent greater than the FY 2022 President’s Budget for BIA and BIE programs (\$4.073 billion).
- The Data Subcommittee continued its Data Collection Project work to develop data profiles across federal programs by discussing framing questions, types of data, and promoting solutions that look to existing federal opportunities for data collection before developing new datasets or requirements.
- Regular appropriations for FY 2022 (begins Oct. 1, 2021) are expected to be delayed, resulting in at least one Continuing Resolution (CR) on funding. Congress must also act on the Federal debt limit by sometime in the fall 2021 to avoid defaults on payments that could affect global markets.
- To view the FY 2023 Tribal Budget Submission, click [here](#).

Opening Remarks

Tribal Co-Chairs Opening Remarks

Reaffirming Relationships through Commitments and Leadership – TIBC Tribal Co-Chairs expressed that the Biden-Harris Administration commitments are a huge deal that show the Administration cares about Tribes, such as the re-establishment of the White House Council on Native American Affairs (WHCNAA) and the appointment of key officials, including Secretary Haaland as the Secretary of the Interior, Bryan Newland for Assistant Secretary for Indian Affairs, and Tribal or Indian appointees and nominees for positions not traditionally held by Native Americans.

WHCNAA Tribal Advisory Council – TIBC Tribal representatives call for a Tribal advisory council to the WHCNAA. TIBC Tribal Co-Chairs expressed that Tribal Leaders do not want a council of all federal representatives deciding what is in their best interest without talking to them. The inclusion will increase the integrity and transparency of the government-to-government relationship and the goals of the WHCNAA. TIBC Tribal representatives also



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suggest that the various tribal advisory bodies and budget formulation advisors report their work to Secretary Haaland as Chair of the WHCNAA. Reporting to a single deliberative body will promote cogent federal Indian policy and comprehensive Presidential value statements of policy and budget needs across federal agencies.

Interior Secretary's Tribal Advisory Council – TIBC Tribal Co-Chairs called for a Secretary's Tribal Advisory Council (STAC) to discuss Interior policy and budget matters, noting that some Tribal/Interior relations are with Bureaus and Offices other than Indian Affairs programs. The TIBC Tribal Co-Chairs expressed that the Tribal representatives of TIBC hope that Secretary Haaland will initiate an Interior STAC.

American Rescue Plan Funds – TIBC Tribal Co-Chairs expressed their thanks to the Administration and to Congress for providing more flexibility to deal with unique Tribal community issues in the American Rescue Plan (ARP). As of June 9, 2021, many Tribes had received their first allocation, which helped reboot economies and tribal government operations throughout the United States.

President's FY 2022 Budget Request – TIBC Tribal Co-Chairs expressed their excitement about seeing a President's Budget Request to Congress with substantial increases proposed in the overall budget for the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE), including climate change issues and a number of other areas important to all of Indian Country.

Secretary of the Interior Opening Remarks

Affirming Commitments – Secretary of the Interior Haaland expressed her honor to be attending TIBC, as a testament that upholding the Federal Trust responsibility is a priority to this Administration, and especially to the Department of the Interior.

Self-Determination and Self-Governance – Secretary Haaland emphasized that this Administration's government-to-government relationship with Tribal Nations will advance self-determination and self-governance as a cornerstone of its policies.

Strong Administration Leadership – Secretary Haaland expressed thanks to the key leadership positions that have been nominated or appointed throughout the Administration to provide leadership and vision on Indian Country issues that will support the President's goal of advancing the Biden-Harris Plan for Tribal Nations, so that equality is attainable for all of our communities.

American Rescue Plan – Secretary Haaland noted that President Biden's deep commitment to Tribes is reflected in the American Rescue Plan's \$31.2 billion dollar investment in Tribal communities. – the largest since investment that the United States has ever made in Indian Country to address housing and clean water and support BIE funded schools and Tribal Colleges and Universities (TCUs).

American Jobs Plan – Secretary Haaland stated that President Biden's American Jobs Plan builds on the Administration's commitment to Tribes with funding for Tribal communities to



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expand broadband coverage; improve roads, bridges, and water systems; and to promote economic development.

President's FY 2022 Budget Justification to Congress – Secretary Haaland briefly highlighted the strong investments proposed in the Department of the Interior's FY 2022 Budget Justification to Congress for Tribal operations and land acquisition programs, including investments to address climate change, public safety and justice, Indian education, and to fully fund Contract Support Costs and Section 105(l) Lease Agreements. The Budget Justification also includes suggested appropriations language to address the *Carciari* decision.

FY 2023 Budget Formulation – Secretary Haaland thanked TIBC for its ideas and feedback on the best use of resources and how Interior can increase efficiencies, program delivery, and develop stronger partnerships throughout government that will allow Interior to be more responsive to tribal governments.

Tribal Leaders Offer Support – TIBC Tribal representatives offered to collaborate on actions and requests of the Secretary, noting that the priorities of Tribal governments and the Federal government are achieved together.

White House Tribal Nations Summit – Secretary Haaland said that there is planning underway for a Tribal Nations Summit and that details will be shared when a date is finalized.

Land into Trust – Tribal leaders asked Secretary Haaland if the Administration was considering land into trust issues, particularly for landless Tribes including Tribes in Alaska that have delayed taking land into trust under the last Administration. Secretary Haaland responded that it is a very important issue to the Administration and thanked TIBC for raising the issue.

Assistant Secretary for Indian Affairs Opening Remarks

Mandatory Funding for Indian Affairs – Tribal leaders expressed their desire for the entire Indian Affairs budget to be moved from discretionary to mandatory spending.

Advance Appropriations – Tribal leader are looking for what they need to do as partners for advance appropriations for Indian Affairs. Tribal leaders note that the same justification in the treaty and trust responsibility not only applies to IHS, but it also applies to Interior budgets that are directly related to Tribes.

Support for Interior STAC – Tribal leaders sought the Assistant Secretary's support for the establishment of a Secretarial Tribal Advisory Council at Interior. Then-nominee for Assistant Secretary Bryan Newland responded that Interior's recent [Detailed Plan for Improving Interior's Implementation of E.O. 13175](#) includes the recommendation of establishing a Secretary's Tribal Advisory Committee.



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Co-Management of Resources – Tribal leaders expressed issues with managing water resources with other Interior agencies and sought the Assistant Secretary’s support in growing co-management partnership of water resources.

Bureau of Indian Affairs Director Opening Remarks

FY 2022 Indian Affairs Budget – The Bureau of Indian Affairs (BIA) Director Darryl LaCounte expressed excitement over the FY 2022 Budget Request to Congress and mentioned that the BIA is also going to work to reveal how much more is needed for Indian Affairs programs.

Ongoing Pandemic Health and Economic Effects – Director LaCounte brought to attention that many areas still have high unemployment rates and other challenges affecting Tribes that will remain a focus at the BIA.

Indian Affairs Administrative Updates

Tribal Citizen Enrollment Data – The Indian Affairs Deputy Assistant Secretary for Management (DAS-M) Jason Freihage thanked Tribes and all Indian Affairs staff across the country for working to collect tribal citizenship enrollment data for supplemental coronavirus relief funding disbursements.

Thank you, Director George Bearpaw – The Indian Affairs Office of Budget and Performance Management Director George Bearpaw is retiring at the end of June, 2021. Director Bearpaw is leaving Indian Affairs with a historic FY 2022 budget proposal. DAS-M Freihage thanked Director Bearpaw for his leadership as the Budget Director in Indian Affairs and for his previous work at the Indian Health Service (IHS), the Cherokee Nation, and for his military service to the United States. Director Bearpaw will be missed for his contributions and for the warmth that he brings to the work that he does. Tribal leaders from across the country expressed their individual thanks and support, recalling Director Bearpaw’s long career helping Tribes and advancing the lives of Indian Country.

Section 105(l) Lease Agreement Accounts – Congress provided funding for Section 105(l) lease agreements in “such sums as may be necessary,” creating an annual indefinite appropriation for this mandatory obligation. DAS-M Freihage expressed excitement at the establishment of the account from a management perspective. Indian Affairs continues to work with IHS to develop Section 105(l) lease regulations that are transparent and consistent, where appropriate.

Increased BIE School Construction by the Great American Outdoors Act – The [Great American Outdoors Act](#) provided an additional \$95 million a year for BIE infrastructure, which has increased the number of schools being built a year from about two schools a year to as many as three and four schools a year – effectively doubling BIE school construction rates.

Construction Project Best Practices – Indian Affairs is working on new public safety and justice facility construction processes and held consultation sessions on setting up site assessment and capital investment processes similar to [Education Construction projects](#). Transparent assessment processes will produce a data-driven approach to Public Safety and Justice Construction investment.



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Buy Indian Act Invests in Indian Country – DAS-M Freihage stated that increased efficiencies in federal operations resulted in an increase in the use of binding authorities, including approximately \$84 million more to Indian-owned businesses through the acquisitions process than the previous year. These procurement policies continue to help bring important economic input to tribal businesses across the country.

Department of the Interior 5-Year Strategic Plan – The Department of the Interior continues its work on its strategic plan for the next five years. Indian Affairs is working to ensure that the plan has a forward looking view that adequately addresses the importance of Indian Country. A key part of Indian Affairs' developing input for that plan will be tribal consultation.

Expanding ISDEAA to the Census Bureau – Tribal leaders proposed and discussed expanding self-determination and self-governance contracting and compacting to the U.S. Department of Commerce for Census Bureau functions, as part of a discussion on the solution to certain data deficiencies.

Bureau of Indian Affairs Update and Discussion

Office of Emergency Management – The BIA is reorganizing the Office of Emergency Management to operate under the BIA Director. The Office used to be in the Office of Justice Services. This move re-organizes labor in the Office of Justice Services to promote programmatic efficiencies and elevates the Office of Emergency Management to report to the BIA Director.

Ongoing Pandemic Response – BIA Director LaCounte expressed sorrow and respect for those BIA employees who lost their lives to the coronavirus, paying respect for how hard it has also hit Tribal communities. The BIA Director monitors trends across aspects of the pandemic in Indian Country through its new Office of Emergency Management.

Data Position at BIA – BIA Director LaCounte will be hiring an individual in his office that will monitor, track, and keep data associated with BIA program activity, specifically noting data deficiencies that limited the ability to respond to the Pandemic. The BIA welcomes comments on ways to work appropriately with Tribes in the collection and use of data.

BIA Office of Field Operations – The BIA Office of Field Operations is now located out of Albuquerque and operated by Deputy Director Bart Stevens. Deputy Director Stevens hopes to promote accountability and responsibility throughout BIA field operations, emphasizing responsiveness to tribal inquiries and communications.

Teleworking and the BIA Workforce – As of June 2021, the BIA is in the process of reviewing and rewriting its regulations to allow more teleworking and duty station options for employment opportunities to promote finding the best person for the job. The BIA is seeing more overall productivity with employees teleworking.



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Water Filtration Systems for Potable Water – Tribal leaders asked for solutions for potable water that include the installation of filtration systems that deliver much more clean water with less waste than delivering potable water by container.

Bureau of Indian Education Update and Discussion

Update – To view BIE Director Tony Dearman’s detailed update, click [here](#).

FY 2022 Budget Justification – Tribal leaders expressed their excitement with the proposed increases for BIE programs, but acknowledge that it is on Congress to enact such resources for FY 2022 and to continue to increase funding for BIE programs.

School Construction – Tribal leaders noted the increased funding for school construction is a good thing, facilitated by the BIE’s efforts doing school site assessments, but it also reveals that a lot more funding is needed to catch up on school construction needs.

Promoting Native Languages – Tribal Leaders expressed support for increasing the distribution formula weight given to Native language students to promote traditional cultural education. BIE Director Dearman welcomed those and all comments on the formula from tribal stakeholders.

Bureau of Trust Funds Administration Update and Discussion

Update – To view Bureau of Trust Funds Administration (BTFA) Director Jerry Gidner’s detailed update, click [here](#).

Teleworking and the BTFA Workforce – BTFA Director Gidner commented that workforce recruitment has improved with increased teleworking options for positions where it makes sense.

Land Buy-Back Program – Tribal leaders discussed additional resources and time to support the activities of the [Land Buy-Back Program](#) asking, “how much more time is needed to accomplish the purpose of the Act?” Director Gidner replied that certain rough estimates could be provided, but appraised values change over time. Tribal leaders noted the time lost due to COVID, and the loss of life that probably changed ownership on some fractionated land. Tribal leaders also discussed the need for funding to purchase tribal lands back that are not eligible under the Land Buy-Back Program. BIA responded that the FY 2022 Budget Justification to Congress includes a request for \$10 million for the purchase of Tribal lands on and off reservation.

FY 2022 Budget Update and Discussion

Update – To view the Office of Budget and Performance Management (OBPM), Budget Formulation and Financial Management Division Chief Sharon Ompps’ detailed update, click [here](#). To view the detailed FY 2022 Budget Justification to Congress, click [here](#).

Adjustments to the TIBC Tribal Budget Submission – Year over year data indicates that the total increase contemplated in the TIBC Tribal Budget Submission is less than enacted amounts. The



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methodology contemplates a specified increase scenario, and tribal leaders supported moving forward with a larger increase scenario to adjust each request.

Program Assessments – Tribal leaders discussed the value of program assessments that are intended to measure unmet obligations for the best interest of the Tribe.

Small Tribes Supplement – Tribal Leaders ask that the Small Tribes Supplement funding be increased to a minimum threshold of \$300 thousand. The current thresholds haven't changed since the 90s.

2023 National Priority Rankings

FY 2023 Results – To view the FY 2023 National Priority Rankings results, click [here](#).

Education Results – Tribal leaders asked if the results for the education programs included Tribes and schools. Indian Affairs confirmed that the results included responses from schools and from Tribes. TIBC discussed separating the results to see if rankings change within that category for further discussion.

Legislative Update

Update – For the TIBC June 10, 2021 Legislative Update, click [here](#).

Data Collection Project

Update – For the TIBC Data Subcommittee's Data Collection Project update, click [here](#).

FY 2023 Tribal Budget Submission

FY 2023 Tribal Budget Submission – For the final FY 2023 Tribal Budget Submission, click [here](#).

Old Business

Labor Force Report – Tribal leaders noted to follow up with Indian Affairs during this June 2021 meeting on the status of the American Indian Labor Force Report with Department of Labor (DOL). Indian Affairs responded that as of the June 2021 meeting, DOL was working through the data that is available and how to best use it, including ways to increase capacity for Tribes to manage and share their own data securely and effectively.

New Business

Impact Aid – Tribal leaders would like for the Education Subcommittee to look into whether Impact Aid calculations for Native students are accurate calculations of Native student count and how those dollars are being used for the benefit of Native students in public schools.

TIBC Protocol – Tribal leaders will convene a team to discuss the TIBC Protocol document for meeting activities. The entire TIBC voting membership will discuss the Protocol document at the next TIBC meeting.