



TRIBAL/INTERIOR BUDGET COUNCIL – November 2021 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 November 2-5, 2021.



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- On November 4 and November 5, 2021 a quorum was present and official business was conducted.
- A motion to adopt the November 2021 Agenda as a guide, based on the schedules of presenters, passed.
- The September meeting minutes were incomplete and a motion to postpone approval of the September Minutes passed.
- The TIBC Protocol was adopted by the Tribal members on November 5, 2021.
- Elections for the Tribal Co-Chairs were held on November 5, 2021, and Chairman Allen, Chairman Frazier, and Rick Harrison were elected to serve as the TIBC Tribal Co-Chairs.
- TIBC continued its work on the Program Data Profile Project through its subcommittees, exploring the data collection needs of each program selected.

Opening Remarks

Tribal Co-Chairs Opening Remarks

Land Into Trust Strike Force Update – Tribal leaders discussed the comments of a Land into Trust Strike Force that was being developed by BIA to address uniformity and streamlining the process of taking land into trust. Tribal leaders hope for an update and discussion on the progress of this strike force during the November 2021 TIBC meeting.

Protocol Discussion – Tribal leaders discussed reviewing and finalizing the TIBC Protocol and their hope for timely signature from the Assistant Secretary.

FY21 Carryover Funds – Tribal leaders hope to discuss any carryover funds from FY 2021, their cause, and any considerations for uses.

Tribal Leaders Summit – Tribal leaders discussed the lack of clarity on the process and agenda for the upcoming White House Tribal Leader Summit. Tribal Leaders asked who would be attending and how the conversation would take place, noting that if the meeting is open to anyone then it isn't necessarily the Tribal Leaders Summit that Tribal leaders had envisioned. Indian Affairs responded that the recently released registration portal is intended to sort Tribal leaders from other attendees. The registration portal also has a place for entering in questions to bring to the White House Summit team's attention ahead of the summit. Tribal leaders expressed that the definition of Tribal leader used by the Federal government can sometimes include Tribal Councils, Traditional Councils, and other official government representatives. While Tribal leaders hoped for their council to register and attend the event to be a part of this moment in history, there was concern that "Tribal leader" wasn't sufficient delineation of the government structures across Indian Country. Further, some Tribal leaders may seek to call upon a specific Tribal council member to speak to a certain issue within their expertise. Tribal leaders asked if there would be a method to indicate that the primary head of a Tribal government would like to defer to another Tribal member for a particular issue. Indian Affairs representatives in attendance replied that it was not certain of the exact process that would be adopted for the White House Summit, but understands the issue and will find that answer for Tribal leaders.



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Tribal leaders also expressed concern that after signing up for the Summit they received no email back or any sort of confirmation of the process or acknowledgement. Tribal leaders noted sending follow up communications to the Federal government to get some sort of confirmation that they were properly signed up for the event, but had not heard back.

Budget Reconciliation Bill – Tribal Leaders discussed proposed investments in BIA and BIE programs that were contained in the “Build Back Better” legislative framework, which was developed in response to the Budget Reconciliation instructions contained in [Senate Concurrent Resolution 14](#).

Office of the Assistant Secretary for Indian Affairs (AS-IA) Opening Remarks

Welcome, Deputy Assistant Secretary (PDAS) Wizipan Garriot – PDAS Garriot provided opening remarks on behalf of the Office of the Assistant Secretary for Indian Affairs. PDAS Garriot mentioned that it was his second week on the job, as of the November 2021 TIBC meeting. Tribal leaders were excited to hear from PDAS Garriot and were familiar with his work for Indian Country. PDAS Garriot looks forward to working in collaboration with Tribes throughout the country to further the Administration’s agenda.

Listening and Learning – PDAS Garriot underscored AS-IA Newland’s commitment to listening to Tribes and working collaboratively toward solutions for all of Indian Country. While PDAS Garriot is familiar with many of the issues faced by Tribes throughout the country and has experience working in the AS-IA hallway, he underscored the value in listening and continuing to learn from Tribal leaders about the issues important to TIBC.

Improved Communication – Indian Affairs representatives mentioned that in their prior work for their Tribal government, their Tribal leader received hundreds of emails a day, with a particular increase during the pandemic response. Indian Affairs invites Tribal leaders to please share ideas to improve communications. Tribal leaders responded that expanding certain communications like job postings to administrative staff would help move that information throughout the community where Tribal leaders are inundated with emails.

Bureau of Indian Affairs Update and Discussion

Future of Work Initiative – The Indian Affairs team was hit extraordinarily hard by the pandemic. However, BIA Director LaCounte understands how hard all of Indian Country was hit, and reiterated that his heart goes out to each of you and your communities for the family you have lost. Indian Affairs is working on its future of work initiative to address office footprints, teleworking, and hybrid work environments in response to the changes that were accelerated by the Pandemic. On several occasions, Indian Affairs has expressed how transitions to teleworking have grown the talent pool for their workforce and resulted in greater ability to accomplish their programmatic missions.

Staffing – Finding employees has been difficult for Indian Affairs and, generally, for all of America after the effects of the pandemic. The BIA continues its work to recruit for vacant and newly established positions that will benefit Tribes and the work of BIA in fulfilling its mission. The BIA is committed to providing the very best work that it can for Indian Country. Tribal



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leaders expressed that their concern is not only with staffing for traditional paperwork positions of the BIA, but also for operational services such as road maintenance. Shortages on trained operators and maintenance workers are resulting in ongoing road closures. Tribal leaders expressed their desire to hear plans for action, but to also see action on maintenance backlogs. BIA responded that it recognizes the need and recognizes the safety issues that it presents. BIA is hopeful that increased funding as part of regular appropriations and supplemental appropriations will make those roads safer and better maintained. BIA road maintenance activities are limited by the funds provided by Congress, and BIA continues to utilize its funds and any carryover to address these types of safety issues. The BIA committed to continued budget requests to Congress for increases to address the specific BIA roads maintenance need.

In response to needs for trained equipment operators in Tribal communities, Tribal leaders mentioned intertribal coalitions for activities such as road maintenance that have been successful in places such as California. Tribal leaders suggest that the BIA work to develop a similar coalition workforce with equipment that could be mobile in order to address immediate community needs.

Tribal leaders also suggested that some positions could be filled with contractors with the intent to provide support as they navigate the USAJobs process. This could allow for critical positions to be filled more quickly so that services are provided and ultimately fill those positions with the right candidates who are actively gaining additional expertise and experience.

Indian Preference and Hiring in Local Communities – Tribal leaders asked that when Indian Affairs opens up a position in the field that it please alert Tribal leaders and their councils to support recruiting. BIA responded that it will work with Regional Directors to develop a process for notifying Tribes in the region when positions become available. The BIA also encouraged Tribes to use USAjobs.gov and sort positions by their state and by jobs within Indian Affairs to support local recruitment of employees from their communities in Indian Affairs jobs.

Revisiting the MOU on the “477” Workforce Development Program – During the National Congress of American Indians’ Annual Convention, Vice President Kamala Harris announced that the administration would be revisiting the MOU on the “477” workforce Development Program. The BIA is excited by this news and was long in support of Tribal leaders’ position that the MOU had issues since its initial drafting.

BIA Engagement in the Field – BIA Deputy Director of Field Operations Bart Stevens underscored that much of the work of Indian Affairs is derived from the work that takes place in tribal communities. BIA has worked to ensure robust engagement of its staff with tribal communities, including robust participation in TIBC. The BIA expressed its commitment to the issues that are faced throughout Indian Country and remains engaged on topics of interest to Tribes.

BIA Land Into Trust Strike Force – Tribal leaders discussed the Land Into Trust Strike Force during Tribal Caucus and requested an update on the work of the strike force. BIA responded that the team has been pulled together from across the BIA regions to address the Land Into



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Trust process and expedite the application process. The team is detailed for 120 days and is comprised of the best of the best in the Land Into Trust process, in order to address some of the most urgent Land Into Trust applications, based on the amount of time that had passed since their initial submission. The goal of the Strike Force is to address these applications and get the entire process uniform and in timely order. The Strike Team is also offering training, including to the BIA Alaska Region that does not have the same level of experience based on the policy positions of past Administrations.

Bureau of Indian Education Update and Discussion

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

Section 105(l) Lease Agreements – Tribal leaders have had difficulty connecting with BIE staff on Section 105(l) lease agreements under the Indian Self-Determination and Education Assistance Act. BIE responded that Judith Wilson is handling Section 105(l) lease agreements and would put the requesting Tribal leader in contact. BIA followed up that since the Section 105(l) lease agreement process is so new for Indian Affairs, they have centralized the operations into one office; however, it expects that after Indian Affairs gains some familiarity with the process, that those points of contact would be expanded into field offices and operations for beginning the process.

Sherman School Conditions – Tribal leaders received a report that dormitories at the Sherman Indian High School had no hot water and certain mold conditions that made them uninhabitable. Tribal leaders asked that if this report is true, that BIE take immediate action. BIE responded that staff are scheduled to do a site visit on November 15 to check the conditions and that it had received photos of the conditions. BIE is considering mitigation measures and working to find the source of the leak. Tribal leaders asked if BIE was in contact with the school board or just the staff. BIE responded that it had been in contact with the staff and that staff had previously taken action to remediate the mold issues, but that it may have failed to address the source of the moisture that is contributing to the mold.

Virtual Learning and Expansion of Student Eligibility – Tribal leaders asked if there has been any thought of expanding eligibility for Native students to attend BIE schools with the option of virtual learning. In furtherance of that consideration, is there any way to utilize Impact Aid funding to further the resources for those BIE schools that accept new virtual learning students. BIE responded that Impact Aid is provided to the States and none is provided to BIE. BIE invites solutions to providing Impact Aid for BIE schools for Native students. On virtual learning, BIE noted that enrollment across its school systems remains down, even with options for virtual learning.

Temporary Facilities for Schools – Tribal leaders asked if BIE has considered temporarily relocating BIE school activities into other facilities with better conditions, noting the lack of funding provided by Congress to address the BIE schools that are in poor condition.

Tribal Law and Leave Due to COVID – Tribal leaders noted that in earlier discussions, BIE said that it would tribal law on policies related to the pandemic. Certain Tribes have passed laws that



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if a BIE employee tests positive for COVID-19, they would be granted leave. Tribal leaders ask if that policy position is still in effect. BIE responded that it had received letters on those tribal laws and have been working with the Office of Personnel Management on this question. There is some leave that is available for federal workers, but there is a limit to that leave. BIE will be responding to that letter from the affected Tribe in the near future. BIE re-emphasized that it continues to work with Tribes to comply with their laws.

Bureau of Trust Funds Administration Update and Discussion

Update – To view BTFA’s detailed update, click [here](#).

Total Tribal and Individual Indian Money Accounts (IIM) Funds – As of September 30, 2021, the total amount of Tribal and IIM funds under BTFA management is \$6.1 billion. The tribal part of that is \$4.9 billion. About 250 Tribes have accounts. BTFA schedules meetings with each of those tribes to discuss the investment objectives and other account management items. If your Tribe has an account and is not having those meetings, please reach out to BTFA so that it may ensure that those meetings are taking place for the best benefit of account holders.

Beneficiary Services Kiosks – BTFA is launching the first in its series of self-service kiosks for beneficiary services. While different in function than an ATM machine, the kiosks are intended to provide beneficiaries access to information and immediately connect beneficiaries with a video call center. The Kiosks are also expected to have scanners so that if certain documentation is needed for a beneficiary, it can be securely provided to BTFA using the Kiosk. The first Kiosk is intended to be deployed at Ft. Peck and if beneficiaries like using them, BTFA would expand their availability.

Call Center Capacity – BTFA will be implementing its new Voice of Internet Phone service to address call center capacity, which will be coming online in the coming days (as of November 4, 2021).

Collaboration on Missing and Murdered Indigenous Women Initiative – BTFA has been working with the Missing and Murdered Indigenous Women Unit with the BIA Office of Justice Services to cross-reference the list of missing persons with any IIM account activity that may be taking place. It is another resource that may have investigative value and working to provide support where they are able.

Child Tax Credits – BTFA has been working with individual tribal members to provide technical assistance on applying for Child Tax Credits. Please reach out to BTFA if you have any questions or would like assistance in filing for these tax credits.

Boarding School Initiative – BTFA continues its work in building maps and data profiles of Indian Boarding Schools based on Federal Indian trust records. That report is due to the Secretary on April 1, 2022, and BTFA continues its work in supporting that effort, including collaborating with the National Archive and other sources of data.



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Request for Presentation Materials – Tribal leaders request for the information on the funds under management by BTFA and its other initiatives. Tribal leaders are grateful for the presentation and talking points, but note that the financial information is data intensive and that the information must be brought back to the Tribes in each region by the Tribal representatives of TIBC. BTFA Director Jerold Gidner replied that he can develop a presentation for use in the future and that there may be presentation material that could be repurposed in a short amount of time for use related to this presentation.

Indian Affairs Budget Update and Discussion

Update – To view the Office of Budget and Performance Management (OBPM), Budget Formulation and Financial Management’s detailed update, click [here](#). To view the latest BIA Comp tables, comparing enacted spending to TIBC Recommendations, click [here](#); for the BIE Comp table, click [here](#).

Protocol Discussion

Proposed Changes – Tribal leaders discussed proposed changes from the last TIBC meeting, including whether subcommittee members should have voting capacity and whether there should be two or three TIBC Co-Chairs and whether their terms should be staggered so that all three do not expire at the same time.

Subcommittee Chairs have Voting Capacity – In an earlier TIBC meeting, a motion passed to make Subcommittee co-chairs non-voting members of the Subcommittee. During the November 2021 TIBC meeting, a motion was put to the floor to allow subcommittee chairs a vote, in the event of an action that requires a vote. The motion passed and Subcommittee chairs may vote in the event of a contentious issue in Subcommittee.

Three TIBC Tribal Co-Chairs – During discussion, Tribal leaders suggested that there need only be two TIBC Co-Chairs, while other Tribal leaders suggested that there should be three Tribal Co-Chairs. After discussion on the issue, a motion was put to the floor to continue with three Tribal Co-Chairs. The motion passed.

TIBC Representatives Serve Three-Year Terms – A motion was put to the floor that all TIBC Tribal members serve three year terms, subject to the other limitations approved in the Protocol, and that the Co-Chairs serve staggered terms so that not all three Co-Chairs are termed out at the same time. The motion passed.

Protocol Review Every Six Years – A motion was put to the floor to change the protocol duration from expiring at the end of six years to will be reviewed every six years. The motion passed.

Protocol Adopted by Tribal Members – On November 5, 2021, the TIBC Protocol was approved as drafted.



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Infrastructure Bill Update

Update – To view the National Congress of American Indians' Infrastructure Bill Update for the Tribal/Interior Budget Council, click [here](#). To view NCAI's Analysis of the Infrastructure bill, click [here](#).

Tribal Climate Resiliency

Update – To view the Tribal Climate Resilience Program Overview presentation, click [here](#).

Section 105(1) Leases & Facilities

Template Documents – For a 105(1) template letter that outlines the type of information and documentation that Indian Affairs needs to receive, explaining the different methods for determining lease compensation, click [here](#). For the 105(1) Template-All Areas Consolidated spread sheet that will help in calculations for the applicable Cost Elements, click [here](#). For a template of the type of information that a signed lease will include, click [here](#).

Department of Labor – Labor Force Report

Issue Paper – The Department of Labor is working to release an issue paper on its requirement to publish a report every two years.

Tribal Working Group – Tribal leaders have asked for a Tribal Working Group to assist in this project over several TIBC meetings and in several other forum. Tribal leader re-emphasize the importance of collaborating with Tribal leaders to develop this report. The Department of Labor responded that it explores this request in the issue paper. The Department of Labor responded that a Tribal Working Group has not been established. The Department of Labor cited a change in administration as requiring getting the Biden Administration up to speed. The Department of Labor responded that the issue remains. Tribal leaders responded that Department of Labor should stop waiting around for an issue paper and put a Tribal Working Group together to address these issues.

Tribal Citizenship Enrollment Data – Tribal leaders asked whether the Department of Labor was working with the BIA to assess the data that it collects, including the recently tribally-certified citizenship enrollment data. Tribal Leaders expressed a desire for the Department of Labor to use data Tribes support through self-certification. The Department of Labor said that it has been working with the BIA, but has not utilized the Tribal Citizenship Enrollment Data. The draft issue paper on its overdue reporting requirement does not include this data, but the Department of Labor responded that it looks forward to working with BIA regarding this data.

Subcommittee Report Outs

Program Data Profile Project

Data Subcommittee – The Data Subcommittee has been working on a set of framing and guidance questions that can be used by all of the Subcommittees in exploring the program selected for the initial phase of the Data Profile project. The goal of the Data Profile Project is to pick one program at a time, get the ball rolling, and develop best practices over time and build a dataset for every program in the Indian Affairs budget. The Data Subcommittee selected the



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Indian Child Welfare Act (ICWA) (TPA) program. The Subcommittee noted that this program has value to the entire collection effort because it represents sensitive data. Reviewing methods for data collection and use for the ICWA program could provide a model for data protection across Indian Affairs programs. The Subcommittee also discussed the arbitrary cutoff date for which Tribes are eligible to receive funding. Exploring in group versus out group in funding eligibility could help address what defines these groups and whether these delineations are appropriate.

Transportation Subcommittee – The Transportation Subcommittee had success in developing a roads maintenance survey by receiving input from Tribes before the survey was developed and released, efficiently collecting that data, and utilizing that data to affect changes in federal spending to address the deferred maintenance backlog. The Transportation Subcommittee has a method for soliciting and collecting the data, and it has proven successful. The Transportation Subcommittee is considering ways to improve the number of responses for this survey and improving the specificity of the data.

Public Safety and Justice – The Public Safety and Justice Subcommittee has an existing framework with a methodology for producing estimated unmet costs through the Tribal Law and Order Act Reports submitted to Congress. The TLOA report has two key parts of the process implemented – a methodology for developing cost estimates and a method of reporting that information. During the Subcommittee discussions, one of the factors that was brought up in the methodology is service population. Specifically, what does service population mean for the purpose of Public Safety and Justice Programs and how to improve that service population number to increase the accuracy of the estimated unmet costs associated with the program. The public Safety and Justice Subcommittee noted that service population includes a jurisdictional component for people, and a jurisdictional component for land.

Land, Water, and Natural Resources Subcommittee – The Land, Water, and Natural Resources Subcommittee selected the Natural Resources (TPA) line. The Subcommittee’s efforts for this program are valuable because the Natural Resources (TPA) program is one that can be uniquely designed at the Tribal government level. Because it has so much freedom to be designed, the Subcommittee is seeking to first explore, “what does the Natural Resources (TPA) program look like in an operational sense at the Tribal government level?”

Budget Subcommittee – The Budget Subcommittee selected the Housing Improvement Program. The Subcommittee discussed the existing application process for receiving funding under the Housing Improvement Program, which is in line with TIBC’s goals of utilizing existing processes and data where they may be available so that it limits the administrative burden on Tribal governments to develop data profiles. The Subcommittee noted that not all tribes are eligible for the Housing Improvement Program, so one goal is to consider the existing application processes for the program and how those same questions might be utilized to collect similar data for all Tribes and build a more holistic profile of potential costs.



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New/Old Business

Tribal Co-Chair Elections – An election was held for each of the three Tribal Co-Chairs during the November 2021 TIBC meeting. The three elected Tribal Co-Chairs are:

- Chairman Ron Allen, Jamestown S’Klallam
- Rick Harrison, Chickaloon Nation
- Chairman Harold Frazier, Cheyenne River Sioux Tribe

Length of Co-Chair Terms – The motion put to the floor for staggering terms called for the Tribal Co-Chairs to choose amongst themselves the length of terms for the first election. However, Chairman Frazier and Chairman Allen had conflicting tribal engagements for the very end of the meeting. Finalizing these initial terms under the newly-adopted protocol will take place at the next TIBC meeting.