

Tribal/Interior Budget Council
Data Management Subcommittee Notes
August 16, 2022

Federal Update:

- The Indian Affairs Chief Data Officer position is in pre-employment. This person specializes in data, and will bring much needed technical expertise. They should be onboard prior to the next TIBC, and they will be involved in the Subcommittee.
- Indian Affairs provided information for 20 lines as part of the "Benchmark Report" for the last budget formulation cycle. We will continue to build out those budget lines without a benchmark, and refine those with a benchmark.
- Creation of a Data Inventory will be vitally important moving forward to understand what Indian Affairs already collects from the tribes and identify areas to streamline or any gaps that exist. This will also help with the Benchmarking work to further refine the estimates for each budget line.
- Indian Affairs has been bringing other agencies together as part of a cross-government "Indian Country Data Working Group". The group is working to address tribal sovereignty with regard to data, data sharing/access, filling data gaps across agencies, and data quality issues among other things. Some of the agencies involved in the working group are the Census Bureau, Department of Labor, and Department of Housing and Urban Development. The White House Council on Native American Affairs is also aware of this work, and we will continue to work with and through them to continue these efforts.
- The DOI Strategic Plan - FY 2022-2026 is formally published. Unlike previous years, performance goals and measures were not published as part of the DOI Strategic Plan to provide flexibility to change measures based on the needs of the agency. A separate consultation on performance goals and measures was held, and changes made based on those consultations can be expected as part of the FY 2024 Annual Performance Plan.
- Agency Priority Goals (APG) are two-year goals based on the Administration's priorities that typically don't require funding. These types of goals typically require reworking policy or procedures to accomplish the stated targets. Indian Affairs has an FY 2022-2023 APG aimed at bringing down the amount of time needed to process land into trust applications. This is a priority for the Assistant Secretary. Quarterly reporting for the APG is mandatory, and can be found at [performance.gov](https://www.performance.gov).

- Now that the DOI Strategic Plan has been published, Indian Affairs will be moving forward with an Indian Affairs specific Strategic Plan to address the uniqueness of our portfolio. This will be conducted with a top-down, bottom-up approach to ensure there is a shared understanding of mission, vision, etc. between Central Office, the Regions, and the Tribes.

ICWA (TPA) Program Data Profile Discussion:

- On Program Data, Generally:
 - BIA collects ICWA data through quarterly reports, and it only includes ICWA funded Tribes. Approximately 377 ICWA funded Tribes in FY 2022. 186 reports received in FY 2021, 66,301 notices. Only acted on 14,313. Only 293 of those acted on were transferred to a Tribal court.
 - What goes into this form?
 - Form [OMB 1076-0131](#).
 - Asks several questions, including the child to casework staff ratio, where the child is placed, and questions about domestic violence and drug abuse.
 - On staffing ratios: The requirement is supposed to be limited at 20 active cases per social worker and one supervisor for every six caseworkers.
 - There is an ICWA section and a child protection section on Form 1076-0131.
 - What does BIA do with this collected data?
 - Sent out to Tribes, then submitted to Regions, and to Central Office.
 - Self-Governance Tribes are not required to submit this form.
 - Tribal leaders commented that the data should include the distance traveled and other logistics that take into account the time and costs of achieving the mission beyond just the number of cases.
 - Another dataset is GPRA reports submitted quarterly by the Regions. This report measures the number of ICWA requests received.
 - The role at the Region is to provide assistance to the requestor to help them identify if that Tribe is federally-recognized and to get them in touch with the federal agent.
 - The regulations require that they notify the requestor, custodian, or parent within 15 days of receipt of the notice.
 - The GPRA measure is whether a response is completed within 15 days of receipt.

What are the goals of the program?

- Notes:
 - Statutory Authority: 25 U.S.C. 1901 et seq. (Indian Child Welfare Act), 92 Stat. 3069.
 - “The Indian Child Welfare Act (ICWA) program is provided to Tribes as authorized under Pub. L. 95-608, the Indian Child Welfare Act of 1978. All BIA-funded ICWA programs are Tribally operated and base funded. Tribes have received ICWA TPA base funding to prevent the separation of Indian families and provide assistance for family reunification. Funded ICWA activities include intervening in involuntary child custody proceedings and providing reunification and prevention services to Indian families. Tribal ICWA programs are the central contact point for Tribes and AI/AN families seeking assistance for temporary and permanent placement of Indian children, including foster care. Tribal ICWA staff also serve as the liaison between State and Tribal court systems and are the first responders to incidences of child endangerment, neglect, and abuse. The activities and work of Tribal ICWA staff have resulted in improved coordination and compliance with the law.” – From [FY 2023 BIA Greenbook](#).

Why don't all Tribes receive ICWA funding? What data makes them uniquely excluded?

- Notes:
 - The competitive grants model was converted to a base funded TPA model in 1994. Published in the Federal Register in '94 and implemented in '95. Since then, not many Tribes have been added or included. There was a cutoff date for when Tribes could request to be included in the program.
 - [Federal Register Notice on the Change](#) (in reference to discussing what is the origin of the authority and what could be the method of addressing unmet ICWA obligations for Tribes that currently do not receive ICWA funding from Indian Affairs).
 - *[This discussion was paused to move back to discussing reporting data that could be used to develop a representative sample for cost estimates (above).]*