



TRIBAL/INTERIOR BUDGET COUNCIL - April 2023 Meeting Minutes (DRAFT)

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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 in-person on April 11-14, 2023.

- All six subcommittees convened from April 11-12, 2023.
- On April 13-14, 2023, a quorum was present and official business was conducted.
- A motion to adopt the April 2023 Agenda as a guide passed.
- A motion to adopt the December 2022 meeting minutes passed.
- The proposed dates for the Summer TIBC are July 31- August 3, 2023.

Opening Remarks

Tribal Co-chairs Opening Remarks

Department of Interior Secretary's Tribal Advisory Committee (STAC)

Tribal leaders expressed the critical need for coordination between the TIBC body and the newly created DOI-STAC regarding Indian Country's budget priorities. The Secretary's advisory committee aims to ensure Tribal leaders have direct and consistent communication with current and future Department officials, primarily serving a forum for Tribal leaders to share information and ideas pertaining to Indian Country across the Department of Interior and the White House. STAC also allows Tribes to provide advice and recommendations regarding Departmental programs and funding that impact Tribal Nations. TIBC Representatives play a critical role in the formulation of the Interior Department's budget. Consistent and uniform messaging regarding DOI budgets plays a pivotal role in ensuring DOI and White House officials are receiving the same message with regards to the budgetary needs of Indian Country.

Public Safety and Justice Issues

Tribal leaders expressed an interest in organizing a summit between the Federal Bureau of Investigation, the Department of Justice, Bureau of Indian Affairs, and tribal leaders to discuss combatting tribal public safety issues and navigating available resources.

The TIBC tribal reps suggested creating a course of action through the Tribal Interior Budget Council via the PS&J Subcommittee to work out a new location for the next OJS Public Safety and Justice Summit; and be provided an opportunity to develop the agenda topics.

Tribal Leaders from multiple regions have addressed how Public Law 280 Tribes lack adequate public safety and justice services from the State and Local law enforcement and have identified this as a serious safety issue for those Tribal Nations who are in P.L. 280 States.

Indian Affairs Staffing Shortfalls

Tribal Leaders addressed the shortage of awarding officials, realty officers by noting that these



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staffing shortfalls have led to ongoing delays in the awarding of funds across all of Indian Affairs. In addition to awarding officials, Tribal leaders across multiple regions have raised overall issues as they relate to Fee-to-Trust timeliness and lack of responsiveness by federal officials or lack of employees to process these applications.

PayCost Data Call

Tribal leaders expressed concern at the lack of participation in the latest PayCost data call put out by Office of Budget and Performance Management (OBPM). Tribes are entitled to the same rate of pay increase as federal employees. For Tribes to share in these increases, OBPM sends out a data call at the start of the new Fiscal Year requesting Prior Year salary and FTE information. This information is used to formulate the amount of fixed cost increases for pay and benefits that will be included in the President's Budget Request. One third of all Tribes did not respond to the PayCost data call and two regions had a zero participation rate. This is of the few mechanisms that increase a Tribe's TPA base funds.

Inflationary Adjustments to New Budgets

Tribal leaders expressed concern for inflationary adjustments to be made for upcoming budgets that reflect historic inflation and cost-of-living prices.



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Office of 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 serves as one of the top policy experts with recent efforts to implement provisions with the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA).

FY 2024 Presidents Budget Request to Congress

An overall request of \$4.7 billion was submitted for fiscal year 2024, this reflects a \$690 million increase from previous enacted year, approximately an overall 17-18% increases in the administrations total ask. Within the last two budget cycles, Congress has funded the budget request at nearly \$400-500 million less than what the President submits. Major asks within the budget request were Public Safety and Justice which included a \$717 million, with the emphasis being boots on the ground law Enforcement, courts, detention facilities.

TIWAHE Initiative

Emphasis was given to the TIWAHE initiative funding to build upon the programs comprehensive, integrated approach that included a wide use of programs from Social Services to Law Enforcement which wraps up these multiple programs into one plan and ultimately support those plans with increased funding. The TIWAHE initiative as shown in the TIWAHE report is one of the best cases to show what happens when Tribes get adequate funding in conjunction to allowing the program to incorporate a Tribe's language, culture, and traditions show that the results are far superior to those found in other programs across Indian Country.

Law Enforcement Pay Parity

With input from Direct Services tribes regarding Law Enforcement, an initiative was taken to implement Pay Parity. The agency is attempting to address the continuing challenges of Law Enforcement recruitment and retention through Pay Parity. This is a reclassification of Police Officer positions and that they would receive the same salary as other federal law enforcement officers. This is an increase in individual's salaries but it is not an increase in funding directed towards Tribal Law enforcement, funding is not be redirected from other programs to accomplish this.

Staffing up the MMIP Unit

As one of Secretary Haaland's first actions upon taking office, a Missing Murdered Unit was established as a new program. After a few years of the program's inception, staffing levels are currently filled at approximately 50% of need for program. So far 707 MMIP cases have been investigated, 217 of those cases have either been solved and/or closed, and a total of 8 murder cases have been solved. The program works with Tribal and local law enforcement and intends to continue putting out reports on the work from that program.

Native Languages

The Secretary's Federal Indian Boarding School Initiative and its Road to Healing tour has emphasized the increased need for Native language revitalization. Descendants and survivors of Indian boarding school have provided recommendations to the agency, and one of the main messages from that work included the reinvestment of Native Languages and efforts to revitalize



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those languages. The total request for Native language revitalization is approximately \$41.5 million, with \$7.5 going directly to Bureau of Indian Education and \$35 Million for the Native Language Grant run through the office Indian Economic Development.

Inclusion of Tribal Participation into Land and Water Conservation Fund (LWCF)

\$12 million requested for a tribal program to be located within the LWCF. The LWCF is currently funded at nearly \$900 million and allows the Federal Government to purchase or invest in those parks and wildlife reserves. An additional \$10 million is requested for Tribal Land Acquisition for the continued land acquisition efforts by acquiring land for landless and land limited Tribes. In addition a request of \$30 million was made for land consolidation, consolidation of fractional interests reduces the potential administrative costs associated with managing fractionated land.

Indian Affairs Update and Discussion

Update

To view the full update and discussion from Indian Affairs, please click [here](#).

New Leadership

Melody Armstrong now serves as the new Director of Office of Human Capital Management. In her previous position Ms. Armstrong served as Executive Director Human Capital for DHS Transportation Security Agency (TSA). At the TSA she was tasked with the immense task of recruiting and retaining tens of thousands of employees within that Agency and looks to implement those best practices at Indian Affairs.

Teleworking

Tribal leaders have voiced multiple concerns with teleworking, DAS-M Freihage stated that teleworking agreements have devolved to a decision by local managers. He also states that in terms of filling positions, allowing remote and teleworking makes a significant difference in the ability to recruit. Getting talent is difficult, and competing with employer's like IHS and other Indian Affairs departments makes it highly competitive and challenging. Efforts to increase incentives for the younger talent pool shows that they are in favor of the flexibility that teleworking offers. A balance is needed to meet the specific missions of those jobs but also know that remote and teleworking is a great recruitment tool especially when it comes to the hard to fill positions such as, IT, Engineers, etc.

105(l)

An update was provided on the status of 105(l) leases. The steady growth of the 105(l) program is marked by the large increase in leases for the year of 2022. In 2023, Indian affairs has surpassed its goal for program expansion to facilitate 200 leases by securing 236 leases worth over \$42.22 million dollars. Indian Affairs also mentioned that their work to expand the opportunities to tribes available through 105(l) includes outreach to tribes to disperse information on the program, as



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well as provide technical assistance and in-person learning sessions. In 2023 a total of 35 technical assistance sessions were held with Tribal Nations. Additionally, the team also completed a 105(l) technical assistance guidebook that is user-friendly and provides an almost step-by-step guide for tribal nations looking to work through securing a 105(l) lease.

Currently, Indian Affairs continues to work closely with Indian Health Service to ensure approaches are synched as much as possible as Tribal government use of 105(l) continues to evolve. FY24 President's Budget Request supports 105(l) by proposing to reclassify the program as mandatory starting in FY24, the President's request also includes additional funding for staffing to keep up with growing lease requests.

Developing a Data Strategy to Support Indian Country

Indian Affairs established an Indian Country Data Working Group which is working on a high-level set of government wide goals to improve data management and capacity that can be presented to Tribes in consultation.

Implementing Buy Indian Act

IA Office of Chief Financial Officer (OCFO) was awarded the Small Business Champion award for advancing use of Buy Indian Act in 2022. IA is working with other Interior agencies and IHS on developing and leveraging new acquisition tools to support Indian owned businesses. Extensive collaboration through DOI increased awards from non-Indian Affairs Bureaus to Indian Small Business Economic Enterprise (ISBEEs) by more than \$334M in FY 2022.

Support for Bureau of Indian Education

Office of Information Management and Technology supported BIE to roll out E-Learning Management System (ELMS) for Phase 1 - 12 schools, Infrastructure upgrade equipment for all 12 schools has been received, and 5 schools have completed infrastructure upgrades and remaining will complete by summer 2023. Phase 2: ELMS Phase 2 kick off sessions completed at 21 schools and infrastructure assessments completed at 16 of them. 27 Schools have received 1 GB circuit upgrades to increase bandwidth capacity in order to help with distance learning needs for at those schools.

Facilities program funding has finally built up to a level in which it will move more projects towards completion, as is seen with the 15 ongoing school replacement and facilities replacement projects. FY24 President's budget has a significant increase but does not meet the needs to address all 63 remaining schools in poor condition. IA is working with BIE to assess 182 schools' ventilation systems and is working to implement improvement plans for those schools. Water Systems assessments for all BIA owned water systems have been completed under the new Water Sanitation Program. These assessments are being used at all of the OJS facilities as well to ensure that clean air and water are being provided in those facilities.

Inflation Reduction Act (IRA)

A total of \$385 million dollars was given to Indian Affairs out of IRA, with \$225 million for climate resilience that included funding to address the community relocation needs of 11 communities. Emphasis was placed on addressing tribal climate resilience and adaptation needs with habitat restoration focus, with focus made towards bison conservation. \$10 million was



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provided to fish hatcheries to support expansion of the existing hatchery maintenance program to include new construction and retrofits that are not funded through annual appropriations. IA has also looked at working with National Oceanic and Atmospheric Administration (NOAA) to leverage some of its IRA funding to address fish hatcheries and costal restoration efforts. Tribal Electrification Program is funded at \$150 million and will be distributed to tribes through a request for proposals system to remain as equitable as possible. This program aims to increase the number of American Indian and Native Alaskan households with electricity through zero emissions energy sources. RFP's are expected to be released around the June 2023 timeframe.

Bureau of Indian Affairs Update and Discussion

Staffing Shortfalls

BIA Director LaCounte stated that staffing shortages are crippling his agency and that if not for remote and telework options for staff, specifically in the DC area, he would not have a staff. If he was unable to incentivize prospective employees with these recruitment tactics, then some other agency in Washington DC would and in turn take those possible employees from BIA. OJS and Social Service departments are current areas that are proving most challenging to recruit and retain employees. Improvements are being considered and with the addition of OHCM Director Melody Armstrong, BIA aims to implement new ideas and strategies to address the longstanding staffing needs for the agency. The public health emergency brought about a lot of changes, specifically the retirement of senior staff, and the effects of losing staff to other agencies that offered flexible remote and teleworking options. Director LaCounte stated that BIA has done more in the last two years to retain and recruit employees to the agency than in the last twenty.

Filling of SES Positions

Trina Locke, recently obtained SES status and is now the Director of BIA Division of Natural Resources, but she is currently acting Deputy Bureau Director for Office of Trust Services. Two additional SES vacancies within the Indian Affairs Central office are OJS Deputy Director and the Director for the Office of Indian Services. OJS Director Melville has conducted interviews for the deputy director position, and a selection shall be forthcoming for the Director for the Office of Indian Services.

Awarding Officials

BIA is also looking into the issue of awarding officials and how to make the process better. The BIA admittedly has not been the most efficient at getting awarding officials certified and getting out contracts to Tribes. BIA cited using a "strike team" approach to address some imperative needs; using awarding officials where they are needed as opposed to where they are stationed and also mentioned it is taking a look at the qualifications required of awarding officials to alleviate any excessively burdensome requirements and help make the opportunity to become an awarding official available to more potential candidates.

Moving Positions Out of DC

Relocating to and living in the Washington DC area has become increasingly difficult and ultimately factors into the decision as to whether or not employees are willing to fill positions.



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Director LaCounte has identified this challenge and is taking the steps to try and alleviate this problem. All but two or three Trust Services staff have been moved out into the field, specifically locating them to Albuquerque, NM and Lake Wood, CO. The Director of Field Operations is now in the field and is located in Albuquerque, NM. Director LaCounte looks at improving service delivery from time zone perspective and wants to better serve Tribes across all regions and to increase availability throughout the day. Evaluation is being conducted with regards to Tribal Government program to see what functions need to stay in Central Office and which function can be sent to the field, it is anticipated that these functions will fall within Field Operations as they are moved out into the field.

Fee-to-Trust Update

Working on ways to improve the Fee-to-Trust process has been a priority for the BIA. BIA met their goals set by the administration last year and foresee doing everything possible to meet 2022 goals as well. Emphasis is being placed within the Alaska Region and its efforts to process its Fee-to-Trust applications. BIA is on pace to process the most Fee-to-Trust applications in a single year, current projections put them 5 applications behind the single year record held in 2013 of 461 approved applications, a record Director LaCounte aims to surpass. PDAS Garriot stated that on average, it takes thousand days from start to finish for a Fee-to-Trust application.

BIA emphasized that more changes are forthcoming, that the BIA is passionate about working on the Fee-to-trust process, and that it remains a priority for this Administration.

Bureau of Indian Education Update and Discussion

Update

To view the full detailed update and discussion from the Bureau of Indian Education, please click [here](#).

Bureau of Trust Fund Administration Update and Discussion

Update

To view the full detailed update and discussion from the Bureau of Trust Fund Administration, please click [here](#).

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. [here](#). To view the latest BIA Comp tables, comparing enacted spending to TIBC Recommendations, click [here](#); for the BIE Comp table, click [here](#).



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Subcommittee Report Outs

Public Safety and Justice Subcommittee

- Change the age of eligible law enforcement officers from 21 years old and move it down to 18 years of age. It is reported that this effort has not been accepted by OJS.
- December Action Item: Move OJS Public Safety and Justice summit from Albuquerque to a new location. Tribal Reps have asked that this be included at the Summer PS& J subcommittee meeting.
- A request for a meeting with the US Attorney General and Office of the Assistant Attorney General (OAAG) to discuss the high declination rates in Indian country.
- Nominations for three Public Safety & Justice Subcommittee voting member vacancies.
 - Nominated Cherilyn Yazzie. Cherilyn Yazzie was approved by majority vote to join the Public Safety & Justice Subcommittee.
 - Nominated Bryce Kirk. Bryce Kirk was approved by majority vote to join the Public Safety & Justice Subcommittee.
 - Nominated Courtney Two Lance. Courtney Two Lance was approved by majority vote to join the Public Safety & Justice Subcommittee.
 - Nominated Michael LaRoche.
 - Nominated Donna Anthony.
 - Nominated Jason Defoe.

Transportation Subcommittee

- A recommendation to the full TIBC committee which requests Congress to fully fund the BIA Road Maintenance Program at levels authorized in Bipartisan Infrastructure Law/Infrastructure Investment and Jobs Act - \$56 million for FY25.
- Nominations for 3 Transportation Subcommittee vacancies: One Co-Chair and two voting members.
 - Co-Chair
 - Nominated Otto Tso. Otto Tso was approved by majority vote to Co-Chair the Transportation Subcommittee.
 - Nominated Misty Rickwal.
 - Nominated James “Dino” Garrigan.
 - Voting Members:
 - Nominated Otto Tso. Otto Tso was seated as the Co-Chair of this subcommittee.
 - Nominated Bryce Kirk. Bruce Kirk was approved to join the Transportation Subcommittee.
 - Nominated James “Dino” Garrigan. James “Dino” James was approved to join the Transportation Subcommittee.

Budget Subcommittee

- Nominations for one Budget Subcommittee voting member vacancy.
 - Nominated Vernelle Lussier. Vernelle Lussier was approved by majority vote to join the



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- Budget Subcommittee.
- Nominated Shaandiin Parrish.

Data Management Subcommittee

- Request the agency define “Data”.
- Request that all DTLL regarding Tribal Data Priorities be sent to TIBC Reps and the large tribe coalitions.
- Request a road map of the agency’s Strategic Plan & subsequent Performance Evaluation.
- Suggested data management workgroup comprised of Tribal leaders to work with agency staff.
- Nominations for one Data Management Subcommittee voting member vacancy.
 - Nominated Michelle Beaudin. Michelle Beaudin was approved by majority vote to join the Budget Subcommittee.
 - Nominated Frank Star Comes Out.
 - Nominated Vince James.

Land, Water, and Natural Resources Subcommittee

- Request for increased funding for Co-management & Co-stewardship to meet its initiatives, and that it be annual mandatory funding.
- Request Tribal Historic Preservation Office move out of National Park Service and over to Assistant Secretary of Indian Affairs (AS-IA) with program increases.
- Request Office of Subsistence management move out of USFWS and under AS-IA.
- Request Mandatory Funding, Forward Funding, full funding and inclusion of tribes in the Payment on Lieu of Taxes and Land Program (PILT).
- Nominations for three Land, Water, and Natural Resource Subcommittee vacancies: One Co-Chair and three voting members.
 - Co-Chair:
 - Nominated TJ Green. TJ Green was approved by majority vote to Co-Chair the Land, Water, and Natural Resources Subcommittee.
 - Nominated Germaine Simonson.
 - Voting Members:
 - Nominated Nathan Notah. Nathan Notah was approved to join the Land, Water, and Natural Resources Subcommittee.
 - Nominated Courtney Two Lance. Courtney Two Lance was approved to join the Land, Water, and Natural Resources Subcommittee.
 - Nominated Tracey King. Tracey King was approved to join the Land, Water, and Natural Resources Subcommittee.

Education Subcommittee

- Continue to request increases in ISEP, Facilities funding, but review how to accomplish this because funding is provided under Indian School Equalization Plan.
- Request and advocate for increased Funding of Tribal Education Department.



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- Request for Pay Cost increase.
- Request to approve a \$870 million total ISEP Program Budget for FY2025. This will equate to WSU at the level of \$12,500 per student for all BIE and tribally controlled schools.
- Increase the number of TIBC Education Subcommittee Members Education Subcommittee was formed when Education was still under BIA Education Subcommittee is now under BIE Structure to provide better education related input; a more diverse and inclusive group is needed. Increasing the current membership will help to accomplish the education needs of Indian Country.
- The Full TIBC body took action to increase the number of Education subcommittee voting members from three to six voting members.
- Nominations for five Education Subcommittee voting member vacancies.
 - Nominated Ryman LeBeau. Ryman LeBeau was approved by majority vote to join the Education Subcommittee.
 - Nominated Nina Smith. Nina Smith was approved by majority vote to join the Education Subcommittee.
 - Nominated Shawna Becenti. Shawna Becenti was approved by majority vote to join the Education Subcommittee.
 - Nominated Hermina Frias. Hermina Frias was approved by majority vote to join the Education Subcommittee.
 - Nominated Tafuna Tusi. Tafuna Tusi was approved by majority vote to join the Education Subcommittee.
 - Nominated Andy Nez.
 - Nominated George Tolth.

New/Old Business

Next Meeting Site

A site has not been identified for the July 31-Aug 3, 2023 Summer TIBC Session, the Eastern Region was identified to locate and host the next TIBC Meeting. NCAI Staff will work with Eastern Region Reps to lock in the next site.