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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 August 15-19, 2022.

- All six subcommittees convened from August 15-17, 2022.
- On August 18-19, 2022, a quorum was present and official business was conducted.
- A motion to adopt the August 2022 Agenda as a guide passed.
- A motion to adopt the March 2022 meeting minutes passed.
- TIBC discussed the recently-enacted Inflation Reduction Act of 2022, the Bipartisan Infrastructure Law, the status of FY 2023 appropriations, preparation for the FY 2025 Budget Formulation process, and other general Indian Affairs updates. Subcommittees continued their discussion of the program data profile project and other budget policy impacting Indian Affairs programs. During the August 2022 meeting, one motion passed calling on NCAI to draft a Resolution in Support of the Restoring America’s Wildlife Act for review and comment by the Tribal representatives of TIBC and to be approved by email by a quorum of voting members from their official email address for the TIBC Directory.

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Opening Remarks

Tribal Co-Chairs Opening Remarks

Supplemental Appropriations Update – Tribal leaders requested an update on Indian Affairs’ progress with obligating funds from the various supplemental appropriations bills. Indian Affairs responded that it will have a presentation during this meeting on the funds provided as part of the Bipartisan Infrastructure Law and that it was having its first internal meeting on the funds provided as part of the Inflation Reduction Act of 2022.

Small Tribes Supplement Funding Increase – Tribal leaders renewed their recommendation from the FY 2024 Tribal Budget Submission that the minimum base amount provided to Tribes be $750 thousand and asked for a status update on Congress and the Administration’s collaboration to raise the minimum amount to $300 thousand for all Tribes. Indian Affairs responded that its FY 2023 Budget Request to Congress includes a request for $23 million for the Small Tribes Supplement program to allow existing Tribes in the category to reach a funding threshold of $300 thousand; the program is currently funded at $7 million in FY 2022; the House Appropriations Committee did not recommend additional funding for the program in FY 2023; the Senate partially supports the request for an increase, providing a $3 million increase for the program. During the August 2022 TIBC meeting, tribal leaders requested an estimate of the minimum threshold amount established in 1995, adjusted for inflation. Using the Bureau of Labor Statistics’ Consumer Price Index Inflation Calculator for amounts as of October 1995: the adjusted amount for Tribes in Alaska would be $385,525.05; the adjusted amount for Tribes in the lower 48 states would be $308,420.04.

Hiring of Awarding Officials – Tribal leaders requested an update on hiring additional awarding officials, calling for an emergency staffing solution to address the issue. Some Tribal leaders commented that borrowing staff from other offices is not working for their regions. Indian Affairs responded that it is going through the final stages of training awarding officials with final test results for certification becoming available the week of August 22, 2022. Additionally, Indian Affairs responded that it has established the same “strike force” method used for Land into Trust applications that addresses areas with high volume backlogs of awarding official actions, so that a remote team can work where the work is, instead of having the work exclusively in silos by region. Indian Affairs has also been reviewing the certification requirements and training process to improve the process in a way that maintains the integrity of the awards process. Indian Affairs believes that the combination of special teams to address backlogs, improvements to procedure, and a new class of certified awarding officials will improve award obligations and staffing needs.

Tribal leaders acknowledged the value in moving awarding decisions to staff at another region that can make those awards but have received information that those awards were put at the bottom of the list below awarding decisions from the particular region. Tribal leaders recommend that those awarding decisions not be treated as last on the list of workload volumes are transferred between regions to address backlogs.

The BIA discussed the possibility of developing curriculum for Tribal Colleges and Universities (TCUs) to provide training for awarding officials so that student could get the certification for
certain Bureau functions as part of their education and training. This solution would need collaboratively developed with TCUs and the BIA. The BIA encourages any TCU representatives or any Tribes with contacts at TCUs to encourage them to reach out to Bureau and work on this initiative to create a pipeline of future employees with the certifications already in place. Tribal leaders supported the idea and noted that there may be other pathways to providing this training other than at TCUs so that there are more qualified and certified candidates in the job market for BIA. The BIA agrees with this notion and would like to work to get a curriculum in place to start putting potentials hires through the internal training necessary to take on Bureau positions.

Tribal leaders also suggest that Indian Affairs could consider entering into contracts with Tribes to borrow staff to address workloads, noting that some Tribes and Tribal organizations would be interested in providing staff if it would help get money out of the door faster and keep the process going more smoothly on the Tribal side.

**Land into Trust Strike Force Update** – Tribal leaders requested an update on the progress of the Land into Trust Strike Force. Indian Affairs said that the strike force has been successful at reducing the backlog of Land into Trust applications, that it continues to train its staff on the process for consistency, and that it looks forward to implementing new regulations for land acquisition that are designed to reduce the time it takes to complete the process per parcel and make the requirements for a complete application clear and consistent.

**Access to Funding Lines for All Tribes** – Tribal leaders discussed barriers to funding for certain programs such as Indian Child Welfare Act (ICWA) (TPA) funding, but not limited to this program, for which Tribes are not able to access the program because they did not affirmatively opt into the program by a certain date in history, sometimes that took place decades ago. As a result, Tribes with otherwise eligible children or community needs do not receive funding for a particular program within the BIA budget and do not share in any of the new funds for a program that Congress provides. Tribal leaders would like for Indian Affairs to look into why Tribes are not eligible to receive certain funds and work collaboratively toward solutions that meet these obligations in the community.

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

**Inflation Reduction Act of 2022** – Indian Affairs discussed the positive impacts of the Inflation Reduction Act of 2022, including $220 million for tribal climate resilience and adaptation programs, $10 million for fish hatchery operations and maintenance, and $12.5 million for near-term drought relief. Indian Affairs emphasized the $145.5 million in the law for tribal electrification, encouraging Tribes to engage with Indian Affairs on innovative uses for those funds and how to best design that program for the benefit of Tribes. The Administration is proud to be a part of the implementing the largest investment in addressing climate change in United States history.

**Bipartisan Infrastructure Law** – Funds continue to be rolled out for the Bipartisan Infrastructure Law (BIL), including $46 million in climate resiliency funding that will be announced for award in the coming months, as well as the selected community relocation pilot projects. Additionally,
the BIA Division of Transportation and the Department of Transportation Office of Tribal Transportation will be co-presenting on the funds made available under the BIL (view the presentation here). Indian Affairs is working on a web-hosted map of all of the BIL-funded projects for Tribes and their locations.

**Hiring for New Positions** – The BIA is seeking a Regional Director the for the Alaska Region. Tribal representatives from Alaska hope that an Alaska Native might be selected for that position and that Tribes in Alaska have some say and input in that decision. Issues for Alaska are unique and tribal leaders hope for someone in the position that is familiar with those issues. Indian Affairs is also seeking to hire staff for regional offices to fulfill regional climate resiliency positions. Indian Affairs asks that Tribes and their partners let people know who may be interested in these positions as the agency builds out its climate resiliency work into the future. Indian Affairs is also seeking to hire an interagency coordination for funds and programs under the Bipartisan Infrastructure Law to provide information and technical assistance to Tribes. Indian Affairs is also looking at hiring an Ecosystem Restoration Coordinator.

**Co-Stewardship of Federal Lands** – A number of co-stewardship agreements over federal lands with Tribes are in the process of being finalized. A report on those agreements will be released. If Tribes are looking to enter into co-stewardship agreements with other federal land management agencies, please reach out to Indian Affairs. While a formal process is being developed, currently, reaching out to Indian Affairs to show interest is the best way to get that conversation going. Indian Affairs encourages Tribes to help further develop co-management should look like and increase the number of those agreements. Indian Affairs is also proud that two of DOI’s 2022-2026 Strategic plan goals include advancing Tribal/Federal co-stewardship agreements.

**White House Council on Native American Affairs** – A Tribal Nations Summit is expected sometime in the fall, but no date has been announced. The Council remains busy, and council members are meeting as of the week of August 15, 2022, in Colorado discussing the future of Tribal energy. The Council also continues to hold meetings as part of its Women’s Symposium.

**National Tribal Broadband Summit** – The National Tribal Broadband Summit will take place on September 13, September 20, and September 27, 2022.

**Fee to Trust** – the Fee to Trust (or Land into Trust) Strike Team work is ongoing. Indian Affairs monitors this work on a weekly basis from the Office of the Assistant Secretary for Indian Affairs-level making sure that applications are moving forward timely and efficiently. Indian Affairs has conducted several internal trainings for its staff to continue to improve the process. Indian Affairs also issued a National Policy Memorandum on streamlining the legal description process. All of these efforts will be aided by the regulations for land acquisition that are still in development.

**Taking Land into Trust on Behalf of Multiple Tribes** - In Alaska, a TIBC Tribal Representative had an opportunity to purchase a piece of property that was the mutual trading site for eight Tribes. The Tribe contacted the BIA Alaska Regional Office to discuss purchase of the parcel...
and putting the property into trust. The Tribe was notified that only one Tribe could put the land into trust. Tribal leaders commented that there should be a process where land can be taken into trust for the benefit of multiple Tribes could have rights to these areas, instead of one Tribe being identified with rights over an area that has sacred or historical meaning to many Tribes. Indian Affairs responded that it would like to follow up to learn more because there are other instances where multiple Tribes are able to collaborate on putting land into trust. Indian Affairs continued by stating that it would like to learn more about the issue in case there is additional guidance or training that needs provided to the BIA Regions on this process.

**Secretary’s Tribal Advisory Committee** – The Administration is finalizing the Secretary’s Tribal Advisory Committee for its first convening. Appointments have been made and Indian Affairs looks forward to this forum as another opportunity for Tribes to engage with the Secretary.

**Interior’s Tribal Consultation Policy** – DOI will be releasing its Tribal Consultation Policy in the coming months, which is being finalized after a series of consultations and input from Tribal leaders.

**Sacred Sites MOU Working Group** – Interior is one of the co-leads on the Sacred Sites working group and continues to meet with partner agencies to develop goals and policies, both short- and long-term, in response to comments received during consultation on the protection of sacred sites. The [2021 Sacred Sites MOU](#) directs the signatory agencies to meet and work to implement the provisions of the MOU. The signatory agencies will put out the annual report on this MOU later this year (as of August 18, 2022). Tribal leaders recommended that Indian Affairs take an active role in supporting Tribes in the protection of sacred sites, acknowledging the work that is already being done. Specifically, Tribes understand that many of their sacred sites that need protection are on federal lands with bureaus and agencies other than the BIA. Tribal leaders ask that Indian Affairs serve as the federal liaison and advocate helping Tribes navigate these relationships and protecting their sacred sites.

**Indigenous Knowledge** – Indian Affairs continues to develop its work around the empowerment and implementation of Indigenous knowledge.

**“477” Workforce Development MOA** – Indian Affairs has been working to renegotiate the interagency Workforce Development Program MOA so that it is more inclusive of tribal input and is consistent with the statute. The MOA is expected to be rolled out in the next month or so (as of August 18, 2022). There is also an annual ‘477’ (workforce development) meeting in the month of September that will be noticed out to Tribes very soon.

**Indian Affairs Update and Discussion**

*Update Presentation* – To view the Indian Affairs Administrative Update presentation provided by the Deputy Assistant Secretary for Management, click [here](#).
Bureau of Indian Affairs Update and Discussion

Fee to Trust – The BIA thanked Indian Affairs for its thorough update and did not want to recap the same information (see “Fee to Trust” above); however, it wanted to reiterate that Fee to Trust remains a top priority, as it addresses efficiency and process throughout the Bureau.

BIA Staffing – Staffing for the BIA remains comparatively low and notes that the labor market is much more competitive with increased options for remote work. While remote work has expanded the talent pool for positions within the BIA, the same is true throughout the broader market and it is touch parget to hire in. BIA remains committed to addressing staffing and to training its existing staff to fulfill the operational needs of the Bureau.

Promoting and Empowering Grant Recipients – The BIA acknowledged comments provided by a TIBC Tribal Representative prior to the meeting regarding the operation and administration of tribal grant programs. The BIA seeks to empower grant recipients to design and operate programs within the law as they see fit, and anywhere the Bureau has the appearance of heavy-handedness, it wants to know so that it can do what is best for the Tribes. The BIA wants to avoid rules that get in the way of Tribes and Tribal grant recipients doing what is best for their Nations and their communities. Tribal leaders were appreciative of the BIA’s direct comments on this issue.

Deputy Director for the Office of Justice Services – The BIA announced that Glen Melville will be reporting as the Deputy Director for the Office of Justice Services. The BIA Director thanked Acting Deputy Directory Steve Juneau for stepping in to support OJS during the transition.

Infrastructure Grant Symposium – On September 7, 2022, a one-day Infrastructure Grant Symposium will be taking place in Anchorage, Alaska to discuss resources provided under the Bipartisan Infrastructure Law and other infrastructure funding opportunities for Tribes.

Improved and Increased Tribal Consultation – The BIA is proud to have a record-setting amount of tribal consultation sessions and dear tribal leader letters going out to Tribes for collaboration on programs and policy. The BIA continues to improve its outreach associated with these opportunities and advises Tribes to please continue to expect more in the future. The BIA Director noted that he was grateful to be involved with this Administrations historic action.

Bureau of Indian Education Update and Discussion

Update – To view BIE’s detailed update, click here.

Tribal Grant Support Costs Treated like Contract Support Costs – Tribal leaders asked if BIE or anyone in Indian Affairs is working to fund Tribal Grant Support Costs in the same way that Contract Support Costs (CSC) or Payments for Tribal Leases are funded. Indian Affairs responded that it would like to follow up to give the most accurate statement, but that the legal requirement to provide such funds is not the same as CSC or Payments for Tribal Leases. Indian Affairs has made an effort to fully fund Tribal Grant Support Costs in its request because it believes that it is the right thing to do, but it may not have the same legal justification that is the basis for the mandatory nature of CSC and Payments for Tribal Leases. Tribal leaders note that
the concept is similar and that it seems like it should have the same authority to fully fund as CSC and Payments for Tribal Leases.

Bureau of Trust Funds Administration Update and Discussion
*Update* – To view BTFA’s detailed update, 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](#). To view the latest BIA Comp tables, comparing enacted spending to TIBC Recommendations, click [here](#); for the BIE Comp table, click [here](#).

Transportation Update - Bipartisan Infrastructure Law
*Update* – To view the Transportation Update, as it relates to programs enacted under the Bipartisan Infrastructure Law, click [here](#).

Legislative Update
*Legislative Funding Update* – To view the Legislative Update presentation, click [here](#).

Priority Ranking Tool Discussion
*Ranking Tool Defined* – the Indian Affairs’ Budget formulation process includes an annual forum for Tribes to provide recommendations for tribal initiatives, policies, and budget. The ranking tool allows Federal and Tribal partners to work together and provide input on the President’s Budget Request for Indian Affairs programs.

*October 2022 Release of Tool* – The Ranking Tool is expected to be sent out to Tribes and the BIA Regional offices mid October to solicit feedback to begin the FY 2025 budget formulation process.

*Education Program Ranking* – Tribal leaders discussed the difference between education program interests based on what type of BIE programs are eligible for their students or in their respective regions. Tribal leaders discussed a variety of perspectives on how to rank these programs and what differing interests may do to the ranking of education programs in overall comparison to other Indian Affairs-funded programs. Even within regions or specific tribal governments, the Tribal government may rank the education category substantially different than the BIE-funded school in that region based on who receives the funds and administers the program. Indian Affairs budget staff responded that it is working on solutions to report the data in a way that could reveal some of these regional or education-specific interests among ranking tool respondents without overly separating the data to where it cannot be as effectively compared to overall interest in the Indian Affairs budget.

Subcommittee Report Outs
*Public Safety and Justice Subcommittee*
- A recommendation that law enforcement personnel from other DOI bureaus and
offices attend and participate in TIBC (in reference to Jason O’Neal taking a new position with BLM in a law enforcement capacity).

- A request to discuss the organization of the Secretary’s Tribal Advisory Committee as it relates to Public Safety & Justice issues.
  - Across bureaus in DOI and with other law enforcement agencies like DOJ and Homeland Security.
    - Issues with accessing and utilizing resources in collaboration with Tribes.
- A request for a stand-alone meeting to provide an update, overview, and educational discussion on Section 105(l) lease agreements.
- A recommendation for more funding for officers.
- A recommendation to discuss the distribution methodology for Public Safety and Justice funding.
  - A systems check on what goes into the methodology and is it appropriate.

**Transportation Subcommittee**

- A recommendation that a resolution be adopted that TIBC Tribal leaders support a hearing held in Congress on Road Maintenance.
- A recommendation that a letter be drafted to the Assistant Secretary recommending that they ask Congress to hold a hearing on Road Maintenance, with a resolution supporting the action attached to the letter.
- In general, the deferred maintenance estimate of cost continues to rise and affects construction progress through allowable maintenance activities with TTP funding.
- How can States be involved or forced to collaborate with Tribes on transportation facilities that are included in the National Tribal Transportation Facilities Inventory.
  - What is DOI’s role in making States have better relationships with Tribal governments.

**Budget Subcommittee**

- A recommendation that the FY 2025 Preferred Program Priority Ranking Tool include a section for unmet programmatic costs in addition to success stories (in reference to discussing that success stories are good, but they could paint an untrue picture of whether funds for programs are sufficient to meet actual costs in the community).
- A recommendation to hear from the BIA Regions how they plan to solicit and get responses for the Ranking Tool (in reference to concerns that the information is not getting out to Tribes to fill in the data).
- A recommendation to provide information broken out by Region and not just provide a national roll up of the Ranking Tool results (in reference to concerns that certain regional high priorities get lost in the national roll up because interests naturally vary for some programs by BIA Region).
- A recommendation to consider sorting out BIE responses, similar to a regional breakout, and for similar reasons (See Education Action Items).
- A recommendation for a cross reference of how well each region is doing. Maybe, a measure of funds provided to unmet costs.

Approved: 12/09/2022

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Data Management Subcommittee

- A recommendation that Indian Affairs develop a method for Tribes to affirm or describe their jurisdiction as Indian Affairs continues its Data Inventory Project.
- A recommendation that Tribal leaders have representation in the “Indian Country Data Working Group” (in reference to the Indian Affairs Budget Office creating this working group to address its Data Inventory Project).
  - Tribal governments have data for various unmet obligations across programs, but Tribes want to be collaborated with on an equal basis.
  - If Tribes wish to share data, who would they send it to?

Land, Water, and Natural Resources Subcommittee

- A recommendation that Indian Affairs should take a leadership role on getting co-management and co-stewardship agreements in place (in reference to the joint USDA-DOI MOU on Stewardship of federal lands).
  - Indian Affairs has taken the position in past meetings that Tribes should submit stewardship and co-stewardship projects to Indian Affairs.
  - A recommendation that Indian Affairs work with Tribes in an active engagement sort of way instead of waiting to hear about projects.
  - Indian Affairs should work with Tribes to explore co-management solutions and serve as the federal coordinator to promote action and effective use of the MOU.
  - Tribal leaders discussed balancing collaboration with Tribes and taking their lead with Indian Affairs’ role as leader internally for federal partners and agencies.
- A recommendation to work better with Tribes for the protection of cultural and sacred sites and promote tribal stewardship to protect these lands.
  - A recommendation to discuss agreements for those activities and that the mechanism must address both on and off tribal lands agreements.
  - A recommendation for a task force as part of the White House Council on Native American Affairs for federal partners across agencies and Tribes to discuss how to protect these sites.
  - Who is the lead, and who do Tribes contact and work with?
- A recommendation that successful co-management programs and projects be taken out of perpetual pilot status and provided as annually recurring funding.
- A recommendation that Indian Affairs should take an active role in ensuring that States and private industry do not infringe on or abuse Tribal sovereign rights or their natural resources (in reference to activities such as energy production and transmission and communications network construction).
- A recommendation to add resources or establish a program to address water resources (in reference to off-stem reservoirs).
- A recommendation to promote Tribal Ecological Knowledge (TEK) with existing programs or the need to establish new programs to implement TEK.
  - The knowledge cannot just be taken and used without Tribal collaboration.
  - An opportunity to move policy from consultation to consent.
• A recommendation for funding for facilities, including employee and workforce housing.
• A recommendation for an update on fire management and protection as it relates to cross-collaboration between other federal land management agencies and getting additional resources to Tribes.
  o Expansion of ‘638’ contracting to other land management agencies to have more Tribal stewardship and co-management of the land.
• A recommendation that a resolution be adopted that supports the Recovering America’s Wildlife Act (RAWA) so that Tribes and advocates may use that support as another tool to convince the Senate to pass the bill (in reference to the current bill passing in the House but not currently having enough Republican sponsors to overcome the 60 vote threshold to stop the filibuster).

**Education Subcommittee**

• A recommendation that infrastructure capacity and distance and durability studies be conducted as part of the BIE proposal to transition school buses to electric vehicles (in reference to a lack of charging station infrastructure and poor road conditions. The solution could be cost effective or it could have practical limitations for Tribal lands).
• A recommendation that a new or specialized process for BIE program interests be adopted for the FY 2025 Preferred Program Priority Ranking Tool (in reference to BIE issues not getting equal weight because some Tribes and regions do not have BIE schools. There are BIE programs that Tribes have interest in ranking because they benefit whether there is a BIE school in their area, or not. One solution might be to have a BIE funded schools (Bureau Operated and Tribally-Controlled) and TCUs breakout of the ranking data, just like the request for data by Region).
  o A call for transparency in the process for BIE priority ranking and BIA priority ranking for funded programs.
• A recommendation that Indian Affairs request and provide the full cost of operations and maintenance for BIE schools.
• A recommendation that Indian Affairs request an exception apportionment for BIE schools, including operations and maintenance.
• A recommendation to study the unmet costs of school facilities operations and school facilities maintenance.
  o The issue of needing to borrow from ISEP dollars for allowable costs to address necessary operations and maintenance.
• A recommendation that BIE report total operations and maintenance expenditures to Congress.
• A recommendation that the weighted student unit investment for BIE schools be comparable with federal funding for per student investment in public schools.
• A recommendation for an update on the progress of the boarding school initiative.
  o How has Indian Affairs used the funds provided to it to continue and expand its work on the effects of Indian boarding schools.
New/Old Business

A Resolution in Support of the Recovering America’s Wildlife Act – a motion passed calling on NCAI to draft a Resolution in Support of the Restoring America’s Wildlife Act for review and comment by the Tribal representatives of TIBC and to be approved by email by a quorum of voting members from their official email address for the TIBC Directory.