



TRIBAL/INTERIOR BUDGET COUNCIL - December 2022 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 and in-person on December 6-9, 2022.

- All six subcommittees convened from December 6-7, 2022.
- On December 8-9, 2022, a quorum was present and official business was conducted.
- A motion to adopt the December 2022 Agenda as a guide passed.
- A motion to adopt the August 2022 meeting minutes passed.
- The proposed dates for the Spring TIBC are April 11-14, 2023.

Opening Remarks

Tribal Co-chairs Opening Remarks

White House Tribal Nations Summit

Tribal leaders expressed positive feedback on the November 2022 White House Tribal Nations Summit.

Public Safety and Judicial 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 Council also asked federal co-chairs to assist in creating accurate data that represents the full scope and impact of public safety and justice issues in tribal nations. Tribal leaders underscored the importance of representative data in securing the integral funding necessary to keep their communities safe. The TIBC tribal co-chairs suggested creating a course of action through the Tribal Interior Budget Council via working groups to discuss ways in which the data needs can be met.



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Inflationary Adjustments to New Budgets

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

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

Hiring of Awarding Officials

Tribal leaders asked for an update on the challenge of filling positions for awarding officials. Indian Affairs provided an update detailing strategy they are currently utilizing to fill the positions and need for awarding officials.

In the short term, Indian Affairs 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. Indian Affairs also mentioned taking a second 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. Indian Affairs also mentioned efforts to streamline the process of becoming an awarding official by expanding and creating curricula which could potentially qualify candidates to become awarding officials upon receiving their bachelor’s degree at tribal colleges.

Fee-to Trust

Concerns regarding the timeliness of Fee-to-Trust applications were acknowledged. The Assistant Secretary also mentioned that work to hasten the processing period of the applications has kept pace with the number of applications received. There are over one-thousand applications pending at any given time across the Bureau of Indian Affairs (BIA); and, in 2021, 169 approvals for land to be placed into trust gained approval status. This year, 2022, marks a positive trajectory with 265 applications approved as of the December TIBC meetings.

Many issues related to the timeliness of the land-to-trust application processes pertained to habitual outsourcing of the various required application components to different departments within the federal system. New regulations propose less work to be completed by other federal departments, such as the Bureau of Land Management, facilitate an all-together faster fee-to-trust application process.

Additionally, two weeks ahead of the December 2022 TIBC meeting, the Department of the Interior made the second fee-to-trust acquisition in the department’s history in Alaska. Efforts to expand Fee-to-Trust acquisitions in Alaska are ongoing, however, the BIA is facing some issues pertaining to securing the necessary realty personnel to assist with this process.

Update on Progress of Administration’s Priorities for Tribal Nations

An update regarding the deliverables and current status of the Biden Administration’s priorities for tribal nations included successful efforts to reinstate the White House Tribal Nations Summit; appoint Native Americans to high-level government positions; nominate Native American judges to the Federal bench; invest over 45 billion dollars in Indian Country; create more meaningful



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tribal consultation procedures; defend the Indian Child Welfare Act; create simplified land-into-trust procedures; secure funding for tribal nations facing issues of climate change; invest in Native-owned businesses; and increase access to capital through implementation of the Buy Indian Act; as well as other measures taken by the Administration to support tribal nations over the past two years.

Indian Affairs Update and Discussion

Update

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

105(l)

An update was provided on the status of 105(l) leases. In 2019, two leases worth five million dollars were successfully facilitated for tribal nations. The steady growth of the 105(l) program is marked by the large increase in leases for the year of 2022. In 2022, 120 leases worth over 40 million dollars had been secured. In 2023, the goal is for program expansion to facilitate approximately 200 leases. 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 well as provide technical assistance and in-person learning sessions. 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. Being able to provide resources for all tribes to participate will increase the accessibility and the equitability of the program.

Currently, Indian Affairs is seeking feedback on the guidebook. Additionally, Indian Affairs is currently offering and negotiating with 22 tribal nations to determine leasing status. A current priority for the team is to secure more staffing to assist with the growth of this work on the administrative side of the process.

Bureau of Indian Affairs Update and Discussion

Filling of Regional Director Positions

Two regional director vacancies in field operations—one in Alaska and the other in the Western region—are in the process of being filled. In the Western Region, Jesse Durham has been selected with a start date beginning in January 2023. The process to select a regional director for the vacancy in Alaska is in motion.

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.



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Regulations set in place to ease the total Fee-to-Trust application process are either “at the finish line or really close to the finish line.” Internal measures have been taken to further the broader goal of improving the process—such as eliminating some unnecessary legal description reviews that were being performed by Bureau of Land Management. Application component tasks that can be delegated to BIA’s own realty specialists are being completed at a quicker pace than before and BIA will continue to support the use of sped-up internal processes.

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.

Awarding Officials

BIA addressed the shortage of awarding officials by noting that setting up a curriculum will open up more opportunities for people to receive the necessary training to qualify as an awarding official. BIA mentioned working in partnership with the Bureau of Indian Education (BIE) to be able to begin putting curriculum in place to help bring training opportunities to non-federal workers and mentioned that the same tactic could be used to address shortages in other areas as well, such as for BIA realty specialists.

Staffing in The Office of Justice Services

A priority for BIA is to make changes in order to recruit more candidates and improve retention rates for justice services. One change being made to further this effort is the reclassification of BIA law enforcement officers so that they are competitive with other law-enforcement agencies in terms of pay and benefits, which should provide incentive for people to apply and stay in those roles. Filling positions for law enforcement positions across the country has been challenging. As in other instances, potentially creating curriculum to be utilized in tribal colleges could be beneficial.

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](#).

BIE Budgeting Process Annual Formulation Overview

To view the BIE Budgeting Process Annual Formulation Overview, 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](#).



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Indian Affairs Budget Update and Discussion

Update

To view the Indian Affairs Budget Update and Discussion Update, please click [here](#).

White House Tribal Nations Summit

To view the presentation of the discussion of the White House Tribal Nations Summit, please click [here](#).

Presidential Memorandum on Tribal Consultation

A Presidential Memorandum was issued to all cabinet-level departments and to all the federal agencies requiring the use of tribal consultation. The Memorandum establishes a standard for tribal consultations that must be implemented across all the agencies. No set standards currently exist for tribal consultation and disparities between tribal consultation policies contribute to a lack of uniform standards and varying expectations. A standard consultation policy will aid in ensuring a standard that includes giving notice, a recording of the consultation in some medium, ensuring reasonable comment period, and, when decisions are reached following a tribal consultation, a written explanation detailing how the agency created a determination and incorporated tribal consultations in the decision-making process will be called for.

Tribal leaders raised concerns that the Office of Management and Budget (OMB) is not utilizing relevant tribal consultation policies. In response, it was noted that independent federal agencies without direct oversight from the Administration might not utilize the same consultation standards as outlined in the Presidential Memorandum on Tribal Consultation.

Issued a Report on Treaty Rights

A report focusing on guidance and best practices with regard to treaty rights for tribal nations was issued by the Administration. The creation of this document responds to misunderstandings of tribal treaty rights among various federal agencies. This report was created to help federal agencies to have a resource to aid in the consultation and understanding of how certain actions impact tribal treaty rights for tribes throughout the United States.

Co-Stewardship

Feedback on co-stewardship agreements has indicated that the co-stewardship joint secretarial order should include the Department of Commerce. The Department of Commerce has since joined the Joint Secretarial Order. The Department of the Interior (DOI) and the Department of Agriculture (USDA) each provided a report on the annual activities under this Order that included all the new co-stewardship agreements that have been developed, implemented and signed with tribes across the country.

Indian-Energy Preference

Federal authority will provide preference for purchasing from Indian energy providers. This initiative is focused on implementing the Indian Energy Preference for the procurement of



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energy for the operation of federal facilities. In order to be fully implemented, collaborative efforts between the General Services Administration (GSA), the Department of Defense (DOD) and the White House Procurement Council will be required. The goal is to help Indian energy companies acquire federal contracts.

Subcommittee Report Outs

Public Safety and Justice Subcommittee

- A request for a summit discussing the Public Safety and Justice data profile between the Federal Bureau of Investigation, Department of Justice, Department of Homeland Security, and Office of General Services.
- A recommendation for increased funding for public safety officers to address the declining rate of public safety officers per 1,000 people.
- A recommendation for increased communication between the Department of Justice and tribal nations regarding crime on reservations.
- A recommendation for an action-item: Change the basis of public safety allocations to the Census (because funding must include crimes impacting both Native and non-Native individuals).

Transportation Subcommittee

- No action items to report out.

Budget Subcommittee

- A request for increased communication between the whole Tribal/ Interior Budget Council, tribal nations, and staff in the future to encourage increased participation in future Tribal Interior Budget Council meetings and Regional Budget meetings.
 - A recommendation for regional budget officers to update communication information utilized for contacting tribal nations within respective regions.
- A recommendation for the subcommittee to communicate to all BIA-funding eligible tribal nations a clarification of the verbiage in the education section of the ranking tool.
 - Tribal nations should complete all sections of the survey, including the education section.

Data Management Subcommittee

- A request to compare survey results to proposed budgets and actual budgets for each region.
- A recommendation to utilize prior-year survey data, for tribal nations that did not submit data this year, to be consolidated with the final report submitted for regions as done in the past.

Land, Water, and Natural Resources Subcommittee

- A request for the Tribal co-chair to work alongside Federal co-chair on drafting survey questions for Forestry TPA account.
 - Survey questions to be prepared for review for the Spring 2023 Tribal/ Interior



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Budget Council Meeting subcommittee meeting.

- A recommendation to add a seat to the subcommittee.
 - Nominated, Head Councilman-- Ohkay Owingeh, Joe Garcia.
- A recommendation to gather data regarding successful strategies of the management of tribal land, water, and natural resources.

Education Subcommittee

- Information related to funding requests for Indian education:
 - Motion passed by TIBC to support principles and positions outlined in National Congress of American Indians Resolution SAC-22-034.
 - Motion passed by TIBC to support the principles and positions outlined in National Congress of American Indians Resolution SAC-22-042.
- A request for data regarding number of state-funded Indian education programs in all states.
- Nominations for two Education Subcommittee vacancies.
 - Nominated Derrick Leslie. Derrick Leslie was approved to join the Education Subcommittee.
 - Nominated Nina Smith. Nina Smith was not present to accept the nomination and the vacancy will be discussed at the next Education Subcommittee meeting.

New/Old Business

Marshall Plan for Tribal Nations

The Tribal/Interior Budget Council adopted resolution TIBC-22-002, “Calling for a Marshall Plan for Tribal Nations”. Please click here to view [The Marshall Plan for Tribal Nations](#).

Nominations for Vacancies at TIBC

Tribal co-chairs called for nominations to be brought forward to fill a vacancy for the third Tribal co-chair position. The nominees had until December 16th to submit a short bio or platform statement to NCAI. Then NCAI would send out that information and a ballot for the vote that was to be returned to NCAI by December 23. NCAI staff will count the ballots and inform the TIBC Co-Chairs of the results first, prior to announcing them to the full TIBC group. The following individuals received nominations: Councilwoman Lisa Whitepipe (Rosebud Sioux Tribe), Head Councilman Joe Garcia (Ohkay Owingeh), Chairwoman Eugenia Charles-Newton (Navajo Nation), and Councilwoman Juana Majal Dixon (Pauma Yuima Band of Luiseno Indians).