



TRIBAL INTERIOR BUDGET COUNCIL – Summer 2019 Meeting

Executive Summary

The Tribal Interior Budget Council convened in Fairbanks, Alaska from July 31 to August 2, 2019.

- A quorum was present and official business was conducted.
- The July/August agenda was adopted with no amendments.
- The April 2019 TIBC minutes were adopted.

Administrative Updates

Bureau of Indian Affairs (BIA)

BIA Director Darryl LaCounte provided Central Office updates for the BIA.

- Land into Trust in Alaska: Tribal leaders asked about Alaska Land into Trust applications and the Department's stance on the matter. They also conveyed that Alaska should not be treated differently than other Tribal Nations and that the process is expensive and cumbersome. The BIA recognizes that there is only one piece of trust land in Alaska but it sets a precedent. The applications are with the Solicitors and BIA is uncertain on the movement.
- 25 CFR Part 151: Tribal leaders asked whether the Department would issue new clarifications in the 25 CFR Part 151 regulations on whether properties are adjacent if a state or federal road goes through their reservation. A case is currently in process regarding an interstate but that question should be directed to the Office of the Solicitor who determines what is considered adjacent.
- Environmental Review: Tribal Nations should alert their BIA Regional Offices if they are being told they must spend their own money to comply with the National Environmental Policy Act (NEPA).
- TAAMS Acquisition and Disposable (A&D) Module: A suggestion was offered to use the same process used for the land buyback for TAAMS Acquisition since the A&D module is difficult to use. The department will look into modifications for the module.
- Difference Between Land Transfer and Putting Land Into Trust: Tribal leaders asked for clarification between land transfer and putting land into trust. The difference is on the authority that executes the transfer. If it is congressionally mandated and the mandate puts the land into trust, then it is trust land. If it's congressionally mandated, but it doesn't mention trust, then it is a land transfer and must go through the same process after the transfer. If it's neither of those, the exchange would be made and then would go through the 25 CFR Part 151 process.
- Separating Non-Gaming and Gaming Land into Trust Applications: Tribal leaders suggested that gaming trust land application be separated from non-gaming ones. There has been local opposition against trust land with a misconception that Tribal Nations are all trying to establish casinos. Tribal Leaders oppose this notion and noted its detrimental effect on the entire process.
- Bureau of Land Management (BLM) & Payments in Lieu of Taxes (PILT): PILT payments, in the BLM model, is the offset to the tax liability. Tribal leaders discussed whether there exists a PILT offset that the BIA does for its fee to trust conversions. The Office of the Assistant Secretary for Indian Affairs suggested taking the conversation to Congress. Tribal leaders also discussed how Tribal Nations are providing services for national parks and forests so these nations should be eligible for PILT.
- Move to Albuquerque: The Office of the Assistant Secretary for Indian Affairs discussed consolidating the department footprint in D.C. and the comparatively lower cost of living for staff in Albuquerque, NM. However, concerns from Tribal leaders were raised that they would now have to travel to D.C. and Albuquerque for meetings with the federal government, increasing costs to conduct the same business.

BIA Deputy Director for Field Operations Jim James provided updates on BIA Regional Activities.

- What is Considered Inherently Federal: The Department has received a lot of questions on what is



TRIBAL INTERIOR BUDGET COUNCIL – Summer 2019 Meeting

considered inherently federal and the Office of the Solicitor is actively working on this definition. The BIA plans to send a letter to TIBC or regional tribal organizations for input.

- Attendance of Regional Directors (RDs): Tribal leaders raised concerns over the fact that RDs and the Assistant Secretary of Indian Affairs (AS-IA) were not in attendance. Indian Affairs representatives responded that there were scheduling conflicts and that some cost savings could be used for other Indian Affairs initiatives. However, tribal leaders conveyed that this has been a reoccurring issue that predates the current administration and that RDs in attendance are not engaged or interactive during TIBC discussion.
- Regional Inconsistency: Tribal leaders discussed that there is an inconsistency between Regional Office relationships with Tribal Nations. They suggested a requirement or mandate that all RDs provide reports on fund management and allocations. Tribal leaders asked for an update on whether each Region has conducted two meetings on the budget formulation process with all the Tribal Nations as requested. Certain regions have and others have not.

Bureau of Indian Education (BIE)

BIE Deputy Bureau Director Sharon Pinto provided [BIE updates](#).

- BIE Hiring and Vacancies: Full-Time Employees are staffed at 53.29 percent of capacity which equates to 170 positions that are filled. These percentages are in relation to estimates of total BIE staffing need. Tribal leaders requested percentage that reflects staffing levels as it relates to current appropriation levels also be included.
- Congressional Directives – Education IT initiative: BIE continues its work to update IT across BIE schools. There are obstacles in working with the various governmental and private partners to bring in better connectivity to BIE schools. Tribal leaders suggested that BIE look to Tribal Nations with strong local and state governance partnerships in broadband efforts as models for deployment.
- Teacher Salary & Housing: The Little Singer School recently completed its teacher housing. However, in a few areas the rental costs for housing would not be cost effective for teachers and that will need to be addressed. The Office of the Assistant Secretary for Indian Affairs hopes to again include a budget line in the FY 2021 budget for employee housing. BIE thanks tribal leaders for their comments and will look into the salary pay scale for teachers and potential solutions.

Office of the Special Trustee for American Indians (OST)

Principal Deputy Special Trustee Jerry Gidner provided updates about OST and a [PowerPoint](#).

- Organizational Chart Changes: OST will be moved under the AS-IA. As special trustee, by statute, OST must report to the Secretary of the Interior, however as an operational organization, they report to the AS-IA. This change should be approved within the next month and be effective immediately.
- Undersecretary component of Indian Trust Asset Reform Act of 2016 (ITARA): Tribal leaders would like to resume discussions to establish an undersecretary and request consultation on the matter.

Office of Wildland Fire

Director of the Office of Wildland Fire, Department of the Interior (OWF) Jeff Rupert provided updates on the Office of Wildland Fire and a PowerPoint.

- Interagency Collaboration and Workforce: Within Interior, BIA has a Fire Director, Leon Ben, who sits at NIFC that is responsible for administering all of the BIA activities within the fire program. The Interagency Fire Community includes state and local fire management programs and tribal programs. Together, they make up the Interagency Fire Community. In August 2018, there were 30,000 wildland firefighters which reinforces that it is not only a DOI issue, but interagency community issue. Tribal leaders recommend that the BIA in this interagency collaboration meet with Alaska Native fire crews.
- Tribal Ecological Knowledge to Reduce Costs: Tribal leaders note that Tribal Nations have hundreds of thousands of years of experience in forest management and are able to train different



TRIBAL INTERIOR BUDGET COUNCIL – Summer 2019 Meeting

agencies on tribal ecological knowledge including fuels reduction, forest management, and replanting and logging practices and processes.

- Executive Order 13855: In Section 2, it calls for a reduction of fuel loads including 20 year contracts with states, tribal nations and nonprofit organizations. If there are such contracts that last that period of time, Tribal leaders request that Tribal Nations be at the negotiating table where those contracts impact such nations.

Carrover Reports

Office of Budget and Performance Management Deputy Director Jeannine Brooks provided the Carrover report update.

- Administration Reduction: There was a proposed reduction in administration in FY 2019 in order to restore all tribal programs. There are several vacancies so that current staff can still be paid at the appropriated amounts.
- Executive Direction Funding: Tribal leaders asked if any funds are being transferred to cover shortfalls. Tribal leaders suggest that Tribal Nations should be a part of those discussions because the understaffing of program offices affects the efficient flow and use of program funding. Tribal leaders acknowledge limitations in appropriations but note shortfalls in the operation of programs that could also use funding transfers to support operations.
- FY 2018 Carryover: There is only a few months left into the fiscal year and the FY18 carryover figures has not been established by office divisions. TIBC attendees would like transparency on the amounts and where they can direct it. If there is carryover, that funding will stay in the respective region and RD's will work with tribes within the region. A TIBC attendee suggested TIBC form two working groups, one focused on administrative carryover and another on carryover for regions and tribes.
- Office of Self Governance (OSG) Reporting Requirements in TIBC Updates: Tribal leaders note that Self-Governance Compacting, its funding disbursement process, and the operations of OSG affect all Tribal Nation's budgets. Tribal leaders request a Self-Governance update given by OSG at TIBC. Tribal leaders request that the OSG update include funding disbursement updates and operational funding updates.

FY 2019 Fund Status

Office of Budget and Performance Management (OBPM) Director George Bearpaw provided an update on FY 2019 fund status.

- Small and Needy Tribes: Tribal Leaders suggest to change the program account name to something with a less negative connotation.
- Tribal Services Program funding: In 2018, there was an error with the administration's calculations, so to ensure FY 2019 will not have any issues, they are redoing the calculations. 2019 funding will be going out in the next few weeks.
- Tribal Funding Report: OBPM will work on a report to show tribal funding distribution. The Public Safety and Justice Subcommittee requested the report to come before subcommittee meetings.
- Regional Flow Chart: Tribal leaders requested something similar to an annotated funding flowchart so that tribal leaders know who is working on the fund distribution process including down to the regional level.

FY 2020 Budget/Congressional Marks

Office of Budget and Performance Management Deputy Director Jeannine Brooks gave an update on FY 2020 Budget and Congressional appropriations bills.

- Small and Needy Tribes: 100 percent of the \$4.4 million allocated in FY 2018 for Small and Needy tribes was distributed to tribal nations, but not all tribal nations that should have received it actually received money.

FY 2021



TRIBAL INTERIOR BUDGET COUNCIL – Summer 2019 Meeting

Office of Budget and Performance Management Deputy Director Jeannine Brooks provided documents on the [Budget Formulation Guidelines](#) and [FY 2021 Tribal Budget Formulation – Preferred Program Ranking Tool](#). The Office will be preparing a submission to the Office of Management and Budget (OMB) by September 6.

TIBC Business

Budget Formulation Process

TIBC provided a [PowerPoint](#) budget formulation process implementation recommendations.

Resolution Consideration

TIBC-19-001: In Support of Forward Funding for Scholarship & Adult Education Program Lines and the Restoration of Any Proposed Reductions or Eliminations in Funding for Education Program Line Items in the BIA/BIE Budget

Status: Passed

TIBC-19-002: In Support of Tribal Nations' Sovereign Right to Determine their Own Citizenship Eligibility for the Johnson – O'Malley Program and Increased Funding to Promote this Sovereign Right

Status: Passed

Old Business

- Discussion on regions for future TIBC meetings was held. Lake Tahoe was agreed upon for the Summer 2020 TIBC meeting.
- Letters were sent to the House and Senate regarding an upcoming Broken Promises hearing; the AS-IA that memorialized many of the motions and requests from the last meeting; the House and Senate in support of the Violence Against Women Reauthorization Act of 2019; and the House and Senate calling for enacted streamline funding enhancements, a 477 like authority for public safety programs.
- Invitations were sent to OMB and DOI representative from Policy Management and Budget, Scott Cameron. They have both accepted for the November meeting.
- TIBC still needs to draft and send a letter to House and Senate appropriators to see if they'll attend TIBC meetings.

New Business

TIBC Full Committee

- A motion to send letter to the Secretary of Interior and AS-IA requesting a STAC like structure; the AS-IA asking the BIA and BIE to require its regional offices to give year end reports, and also to reiterate that attendance of the AS-IA is important to tribal nations and to ask why the regional directors are not all here in attendance **carries**.
- A motion that there should be a report from the Office of Self-Governance as part of TIBC. A general report on the Office of Self-Governance's programmatic mission and its operational mission to be given by the Office of Self-Governance Director **carries**.
- Tribal leaders request a year-over-year analysis of what TIBC recommended for the budget, what came out of the President's budget request in response to those TIBC recommendations and what was enacted by Congress. Tribal leaders request that this report be consolidated into a rolling report with multiple years of data.

Public Safety and Justice Subcommittee

- Recommendation to the Office of Justice Services to have greater tribal engagement in the proposed Public Safety and Justice Summit. The request is to lift caps on attendance and if they're



TRIBAL INTERIOR BUDGET COUNCIL – Summer 2019 Meeting

unable to be lifted than there should be additional meetings in place.

- Provide notification to TIBC attendees about the upcoming VOCA funding deadline.
- Recommendation to ask for a report on the money that Senator Murkowski put in for public safety in Alaska. TIBC requests a report of what has been done with that money and how it is addressing the Alaskan tribal nation needs.
- This subcommittee will assist in coordinating a meeting with the Alaskan Native leadership regarding public safety. The tentative plan is to establish a point person from the Alaska Region, a date, an agenda, a location, invite the Alaskan leadership and develop a report to present to TIBC at the November meeting.

Budget Subcommittee

- Motion to request that the Office of Management and Budget representatives attending the November TIBC meeting be prepared to respond to the OMB crosscut issues; an inflationary analysis on purchasing power be performed; and that Indian Affairs provide its budget reports at least a week in advance of the meeting.
- A letter to the AS-IA, who at the region is involved in the funds distribution project, simply a list of specific names for Budget Personnel

Education Subcommittee

- Draft a JOM proposed rulemaking resolution (TIBC-19-002.)
- Draft invite letter to representatives of the Department of Education to attend TIBC.
- Draft a letter to the AS-IA encouraging the Office of the Assistant Secretary for Indian Affairs to advocate for tribal nation budgets by educating all branches of the United States Government on the special government-to-government relationship between tribal nations and the Federal Government