



# Tribal/Interior Budget Council

November 6, 2020



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 Phone call  
 No audio

 

Microphone (Dell USB Audio) 

 

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Talking: **NCAI Staff**



# OPENING REMARKS



# Data Management Subcommittee Report Out

# ACTION ITEMS: Data Management Subcommittee

- **Tribal leaders request an update on collaboration between Interior and Department of Labor on the Labor Force Report.**

25 U.S.C. §3416. Labor market information on Indian work force

(a) Report

The Secretary of Labor, in consultation with the Secretary[ of the Interior], Indian tribes, and the Director of the Bureau of the Census, shall develop, maintain and publish, not less than biennially, a report on the population eligible for the services which the Secretary provides to Indian people. The report shall include, but is not limited to, information at the national level by State, Bureau of Indian Affairs Service area, and tribal level for the-

- (1) total service population;
- (2) the service population under age 16 and over 64;
- (3) the population available for work, including those not considered to be actively seeking work;
- (4) the employed population, including those employed with annual earnings below the poverty line; and
- (5) the numbers employed in private sector positions and in public sector positions.

# ACTION ITEMS: Data Management Subcommittee

Advisory Committee to DOL for the Labor Force Report. – **Tribal leaders would like to further discuss How to engage with DOL and whether an advisory committee can be established for the Labor Force report.**

- Who would be the lead at the federal government?
- Who amongst Tribes?
- What would be the draft charge of this proposed workgroup?
- Indian Affairs and TIBC will form a small workgroup to determine how to ramp the labor force report effort up.
- Tribal leaders would like representation from every region.
- The workgroup will coordinate with RD's to identify a Tribal representative from each region.
- Indian Affairs will reach out to see if OMB is interested in joining.

# ACTION ITEMS: Data Management Subcommittee

- Each TIBC Subcommittee should create a holistic data profile of a single BIA program.
  - Federal Subcommittee co-chairs should provide technical support on the types of available data that could inform the selected program. For example: facilities, condition of facilities, equipment, condition of equipment, *program mission costs*, contract support or administrative costs.
  - The Subcommittee recognizes that *program mission costs* is a term that needs defined for each program and that the costs of executing certain program functions varies based on what the program is. As such, the necessary data to create a profile of that program will vary on certain data types. For example: ICWA vs Forestry.
  - Certain data collection efforts have already been taken, and this effort should build off those lessons learned. The effort should seek to apply best practices of identifying necessary data sets from the TLOA Report and of the TIBC Transportation Subcommittee in collection of its BIA Roads Maintenance survey data.
  - TIBC Subcommittees should work to share new methods and best practices so that consistent, high-quality TIBC products are produced.
  - Subcommittees should meet between TIBC meetings to continue their work on a data profile of the selected program.
  - Programs selected should include some from the TIBC top ranked programs, some that are always proposed for elimination, and some that have the most urgent COVID response needs.
  - Tribal leaders suggest that further discussion with Indian Affairs on the data elements it collects and relies on is necessary.
  - Tribal leaders propose that each Subcommittee work on one program at a time until a model is developed that can be deployed by Indian Affairs.

# ACTION ITEMS: Data Management Subcommittee

- Multiple TIBC Subcommittees discussed the lack of response rates on data collection.
  - Individualized and personal outreach from Indian Affairs to each Tribe is suggested as a way to break ground and gain preliminary understanding of Tribal funding issues.
  - Tribal leaders note that priorities for a particular Tribe generally stay the same within the data collected by TIBC, often based on their economies and resources.
  - If the BIA conducted coordinated and individualized outreach with each Tribe on funding issues, it could build a base line of known funding issues at each Tribe. Knowing the specific issues allows you to identify what data needs collected.
  - Initial outreach could also allow the BIA to explain electronic data collection efforts and their use so that more Tribes will participate.
- Tribal leaders note the recurring misuse of tribal data by the Federal government. For example: NAHASDA-certified population data for the TLOA reports.
  - Certain Tribes do not operate HUD programs and have no reason to challenge the population data. Other Tribes say that the challenge process at HUD is difficult and time consuming (costly). Certain Tribes have a population of zero in that dataset that is clearly incorrect.
- Tribal leaders seek a policy document signed at the highest level restricting the use of data collected by the Federal government to specified uses.
  - Tribal leaders discussed the need to identify what data Tribes feel comfortable with providing the federal government.



# Budget Subcommittee Report Out

# ACTION ITEMS: Budget Subcommittee

- Indian Affairs should update its records of enrolled citizens in collaboration with Tribes as quickly as possible.
  - Tribal enrolled citizenship data should be refreshed each year.
  - Should carry the weight of certification by the BIA that the data is accurate.
  - Proposal to work with Indian Affairs to identify a date that updated enrollment data needs to be complete.
  - Urgency due to COVID-19 and the likelihood that enrolled citizen data may be relied on for distribution of future relief funds.
- How COVID funding is distributed to citizens for on reservation vs off reservation services.
- For new COVID relief funding, tribal leaders support a floor on funding distribution that supports all tribal governments receiving adequate COVID-19 relief resources.
- New funding should take a distribution methodology into account that recognizes situations like no access to water, or other lack of infrastructure like facilities for quarantining.
  - No money was put into HIP to address some of the underlying infrastructure issues that contribute to the spread of COVID-19.
  - Funding flexibility may be the best solution to use issues to address the diversity of needs in COVID-19 response.
- There is a need for clear guidance and additional training on the use and purpose of the Tribal Preferred Program Ranking Tool.



# Land, Water, & Natural Resources Subcommittee Report Out

# ACTION ITEMS:

## Land, Water, & Natural Resources Subcommittee

- Does the Annual budget request reflect Land, Water, Natural resources issues, including natural disaster issues?
- Does the Annual budget request include the opportunity for Tribes to co-manage with federal, state, and local partners?
  - What should co-management look like?
- How does the annual budget request support stability in natural resource management?
- How does the budget address the urgent needs that have been observed due to increased severe weather/natural disaster events?
  - Tribal leaders note that the frequency of disasters are increasing but the funding has not grown to respond to these increases.
- Tribal leaders would like to discuss how the BIA Budget can support more local food sources for Tribes to protect against supply disruptions?

# ACTION ITEMS:

## Land, Water, & Natural Resources Subcommittee

- Budgets should consider resource management activities on more than just trust lands. Tribal lands should be considered in terms of ancestral lands.
- Tribes should be able to manage wildlife and natural resources for themselves on all land they own, regardless of trust status.
- Does the annual budget request include funding for Natural Resource program infrastructure?
  - Tribes seek further discussion on Natural Resources facilities and infrastructure.
  - Indian Affairs should advocate for tribal inclusion in all infrastructure packages considered by Congress
- Does the annual budget request promote tribal ecological knowledge and application of that knowledge along with modern resource management science and techniques?
- Tribes seek a solution to pulling Subsistence funding for Alaska Tribes out of Fish and Wildlife Services and over into the Indian Affairs budget.

# ACTION ITEMS:

## Land, Water, & Natural Resources Subcommittee

- Tribes seek to further discuss the subsistence practices of Tribes outside of Alaska and how budgets may be able to support those traditional cultural practices.
- Is Indian Affairs collecting data on the impacts of COVID on tribal fisheries, including economic impacts?
  - Even though certain CARES Act treaty fishery funding was disbursed by NOAA instead of Interior, Interior still has an obligation to tribes within the scope of programs it provides funding for.
  - There is huge unmet need in fisheries and during disbursement of the CARES Act funds, only a fraction went to Tribes. Tribes in the Great Lakes and on the East Coast were left out and those that received money did not receive enough.
  - Tribal leaders also discussed Tribes on the Copper River that have also been affected.
  - The data is important because it can be translated into a line item, whether it be at Interior or another funding source. Interior must collect this data.
  - What about other Natural Resource programs that produce food sources and economies?

# ACTION ITEMS:

## Land, Water, & Natural Resources Subcommittee

- Tribes discussed Ceremonial subsistence funding that was provided in the CARES Act and Department of Commerce is disbursing those funds. Why is Commerce disbursing Ceremonial subsistence funding and not Interior?
- Tribal leaders want to further discussions on a subsistence calculator that would address how to quantify the subsistence economy vs the cash economy.
  - A calculation would allow Tribes to come to the table with a cash value associated with the game and plants that are gathered, raised, or cultivated.
  - It would also quantify the cash value equivalent to the loss of taking that game or plants.

# ACTION ITEMS:

## Land, Water, & Natural Resources Subcommittee

- Tribal leaders note that there was a request reported out for presentations on water issues and programs that support indigenous food sources but no presentation was prepared by federal partners. Federal staff available to respond to questions were not prepared to address the question across programs outside of their division.
  - The end result is a less meaningful conversation took place.
- Tribes seek a measured analysis of the effects of fires on tribal governments to be completed by the federal government.
  - Billions of dollars are spent to fight the fires after they happen. There is a need for infrastructure dollars to have tribal governments take over forest management or provide for better co-management plans.
- Tribes seek to measure the effects of climate change on the cost of operating Natural Resources programs and seek resources to respond to what appear to be increased costs due to more frequent weather events.

# ACTION ITEMS:

## Land, Water, & Natural Resources Subcommittee

- Does the Annual budget request reflect the need for realty to improve the efficiency of converting land into trust?
  - There are generally two processes for land into trust at the Bureau – Gaming and non-gaming.
  - Is there internal staff design that puts more labor toward certain types of applications compared to others?
  - There should be an expedited processes for these non-gaming applications.
- How many acres of land have been taken into trust in the last three years?
  - About 75,000 acres.
  - How many applications are approved compared to submitted each year?
  - Could metrics be provided as a grand total, by region, and by state as an annual report? IA says yes.
- Tribes seek further discussion on why they cannot have TAAMS access unless they compact/contract certain realty services.
  - Tribal leaders need the data in TAAMS on a regular basis to operate other programs they compact/contract.



# Education Subcommittee Report Out

# ACTION ITEMS: Education Subcommittee

- Tribal leaders are concerned about distribution methodologies that are developed without consultation of Tribes.
- Tribal leaders note that funding distribution formulas are designed to allocate pre-determined resources and do not necessarily capture program need and, by extension, performance.
  - Tribal leaders seek an approach to measure the unmet need, not how to disburse fixed dollar values.
- How can Tribes, Indian Affairs, and Department of Education work to ensure that funding for Native student in public schools are used for their intended purpose. Is the allocation adequate? Are the funds being used properly on Native students?
- Tribal leaders note the extreme majority of Native students attend non-BIE schools. Tribal leaders would like to further discuss a voucher program for Native students as a potential solution to addressing education needs of all Native students.
- Tribal leaders would like to further discuss with BIE how lower performance metrics or disciplinary actions could be translated into datasets to support additional funding to address systemic issues that produce these outcomes.
- Tribal leaders discussed the use of dollar per student ratios for Native vs non-Native students to quantify the federal government's underinvestment in BIE.

# ACTION ITEMS: Education Subcommittee

- How much is BIE central office able to withhold of funding provided for COVID relief?
  - Tribal leaders note amounts from the CARES Act that BIE retained for certain projects. BIE discussed identifying how much could be retained of certain CARES Act funding at the Central office.
  - Tribal leaders discussed the use of those funds and generally agreed with their intent, but wanted to understand those BIE costs so that Tribes can advocate in Congress for that funding along with funding sent out for schools, students, teachers, and staff.
- Employee Housing is critical to retaining good teachers and increasing student outcomes.



# Public Safety & Justice Subcommittee Report Out

# ACTION ITEMS:

## Public Safety & Justice Subcommittee

- Tribal leaders request that the TLOA report be expanded to include all unmet programmatic needs and not just staffing needs for Public Safety and Justice programs.
- OJS discussed using NAHASDA-certified population data for its TLOA report. There was discussion on the need for a challenge process to contest some of that population data that Tribes know to be inaccurate.
  - Certain Tribes never contested NAHASDA population numbers because they do not operate HUD programs. Changing the context of use for the data without an administrative process to revise those numbers could cause underreporting in TLOA for unmet need.
- Tribal leaders request a follow up from OJS on the amount BIA is keeping per program and how much is being disbursed to Tribes for Public Safety and Justice programs.
- Tribal leaders would like to further discuss how to make OJS engagement with Tribes in P.L. 280 states and Tribes with no reservation or Trust lands more robust.
  - Despite P.L. 280, the United States has trust and treaty obligations to all Tribes.

# ACTION ITEMS:

## Public Safety & Justice Subcommittee

- There was never any official consultation regarding the BIA cold case offices. OJS stated it was connected to the Operation Lady Justice consultation sessions. Tribes raised concerns about the funds being diverted from other Tribal programs to fund these offices and Tribes were told by OJS that was not what they were doing. However, the Administration's Budget Request seems to reflect that is exactly what is happening.
- Tribes would like to further discuss how Indian Affairs is addressing additional expenses associated with the *McGirt* decision.
  - If the administration is proposing cuts and Congress is mostly restoring those cuts, how are the additional expenses being taken into account by Interior?



# Transportation Subcommittee Report Out

# ACTION ITEMS: Transportation Subcommittee

- Tribal leaders request that IA provide funding for the roads database pilot program previously endorsed by official motion from TIBC.
  - Why has this not taken off, yet?
- Tribal Leaders discussed bridges in the BIA Facilities inventory and the need for additional funding to address bridges, including bridge design and clearances to get projects shovel ready.
- Tribal leaders seek further discussion on any data that the Federal Highway Administration (FHWA) works collaboratively with BIA on to identify, including needs for Bridges, in the National Tribal Transportation Facilities Inventory (NTTFI)?
- Tribal leaders support that Indian Affairs and Tribes should advocate for more funding for transportation programs, including emergency investment to address the deferred maintenance backlog, which exceeds \$390 million on BIA roads and facilities, alone.
- Tribal leaders would like to discuss how will the Self-Governance program at DOT affect funding sources and distribution processes for tribal transportation programs?
- Tribal leaders understand that there will be an infrastructure initiative coming out of Congress.
  - Indian Affairs and Tribes need to be aware of this potential package. This subcommittee should work with Indian Affairs to make sure that tribes are prepared and receive a fair share of the funding provided.



**OLD/NEW BUSINESS**

# OLD/NEW BUSINESS

- Tribal leaders request an explanation why the AS-IA or DAS-PED did not attend.
- How to engage with DOL and whether an advisory committee can be established for the Labor Force report.
  - Who would be the lead at the federal government?
  - Who amongst Tribes?
- IA and TIBC will form a small workgroup to determine how to ramp the labor force report effort up.
  - Representative from every region. Will coordinate with RD's to identify a tribal rep from each region.
  - IA will reach out to see if OMB is interested in joining.
- The workgroup will identify a draft charge.
- TIBC and Subcommittee Representation.
- Directory Updates
  - Tribal elections have changed certain voting members. The authority to certify those changes is with Indian Affairs, through each Regional Office and its procedure.
  - Nomination of Juana Majel-Dixon as Tribal Co-Chair of the Public Safety and Justice Subcommittee.
  - Other Subcommittee Nominations.



# Call for Adjournment