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Description of document: Bureau of Indian Affairs (BIA) Transition Briefing Document for the incoming Biden Administration, 2020

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Indian Affairs (AS-IA) FOIA Officer  
U.S. Department of the Interior  
Assistant Secretary - Indian Affairs  
Freedom of Information Act Office  
1849 C Street, N.W., MS-4660-MIB  
Washington, D.C. 20240  
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# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, DC 20240

IN REPLY REFER TO:  
DOI-BIA-2021-001545

January 11, 2021

The Bureau of Indian Affairs FOIA office received your Freedom of Information Act (FOIA) request, dated January 1, 2021, on January 4, 2021 and assigned it control number DOI-BIA-2021-001545. Please cite this number in any future communications with our office regarding your request.

In your request you have stated the following “A digital/electronic copy of the transition briefing document(s) (late 2020) prepared by the Bureau of Indian Affairs (BIA) for the incoming Biden Administration. This is an individual noncommercial request.”

We have classified you as an “other-use” requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. *See 43 C.F.R. § 2.39.* If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. *See 43 C.F.R. § 2.37(g)*

You have agreed to pay up to \$25.00

We are writing today to respond to your request on behalf of the Bureau of Indian Affairs. We have enclosed one file consisting of six pages which are being released to you in its entirety.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

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College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://www.archives.gov/ogis>  
Telephone: 202-741-5770  
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If you have any questions about our response to your request, you may contact Marietta ShortBull by phone at 605-290-1960, by email at [foia@bia.gov](mailto:foia@bia.gov) or by mail at 1849 C Street, NW, Office 4660 MIB, Washington, DC 20240.

Sincerely,

*Marietta ShortBull*

FOIA Officer  
Bureau of Indian Affairs

## **BUREAU OF INDIAN AFFAIRS**

### **I. BUREAU/OFFICE CONTACT**

Genevieve Giaccardo, Chief of Staff – (202) 878-0768, [genevieve.giaccardo@bia.gov](mailto:genevieve.giaccardo@bia.gov)

### **II. SUMMARY OF ORGANIZATION**

The Bureau of Indian Affairs (BIA) mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. BIA has changed dramatically over the past 185 years, evolving as Federal policies designed to subjugate and assimilate American Indians and Alaska Natives have changed to policies that promote Indian self-determination, maintaining government-to-government relationships, and providing quality services. BIA is charged with the primary responsibility for administering federal programs and managing 66 million acres of land held in trust by the United States on behalf of 574 federally-recognized Tribes, and for carrying out the trust responsibilities emanating from treaties, the U.S. Constitution, laws, court decisions and other agreements for approximately 2 million American Indian and Alaska Natives.

The scope of BIA programs extensively crosscuts virtually the entire range of federal, state and local government services, as government entities have begun to embrace their trust responsibilities to tribes for a whole of government approach. In keeping with the authorities and responsibilities granted under the Snyder Act of 1921 and other Federal laws, regulations, and treaties, BIA employees across the country work with tribal governments in the administration of law enforcement and justice, social services, tribal government, and land and natural resources management. BIA is part of the Office of the Assistant Secretary for Indian Affairs (AS-IA) and is organized into four centralized Offices, twelve regional offices, and eighty-six agencies and field offices.

The Office of the Director, located in Washington D.C., provides bureau leadership, oversight of all functions and services, and workforce development and support. The Director reports to the Principal Deputy Assistant Secretary and provides key coordination with AS-IA and Department leadership.

The Office of the Deputy Bureau Director for Field Operations, located in Albuquerque, N.M., provides management and direction to twelve Regional offices, and 86 agencies and field offices located in Indian Country with the agencies located at the reservation level. Delivery of program services to the federally recognized tribes and individual Indians and Alaska Natives, whether directly or through contracts, grants or compacts, is administered by the twelve regional offices and 86 agencies that report to the BIA Deputy Director-Field Operations. Each regional office is headed by a Regional Director who is responsible for all Bureau activities, except for education and law enforcement, within a defined geographical area that typically include Trust Services and Indian Services. A Deputy Regional Director for Trust Services oversees a staff of specialists responsible for natural resources (water resources, forestry and fire, irrigation and

safety of dams), agriculture, (farm, pasture, and range), fish, wildlife and parks and real estate services (land acquisition and disposal land title records office, probate, rights-of-way, and lease/permit). A Deputy Regional Director for Indian Services oversees a staff of specialists responsible for transportation (planning, design, construction, and maintenance) and Indian services (tribal governments, human services, housing improvement).

Region	Location	# of Agencies	Regional Land Base
Alaska	Anchorage, AK	2	Alaska
Eastern	Nashville, TN	3	Connecticut, Rhode Island, New York, Florida, Mississippi, North and South Carolina, Louisiana, and Maine
Eastern Oklahoma	Muskogee, OK	6	Oklahoma
Great Plains	Aberdeen, SD	12	North Dakota, South Dakota, Nebraska
Midwest	Minneapolis, MN	4	Iowa, Minnesota, South Dakota, Wisconsin, and Michigan
Navajo	Gallup, NM	5	Arizona, Utah, New Mexico
Northwest	Portland, OR	15	Oregon, Washington, Idaho, Montana
Pacific	Sacramento, CA	4	California
Rocky Mountain	Billings, MT	7	Montana, Wyoming
Southern Plains	Anadarko, OK	5	Oklahoma, Texas, Kansas
Southwest	Albuquerque, NM	9	Colorado, New Mexico, Texas
Western	Phoenix, AZ	14	Arizona, Nevada, Utah

The Office of Justice Services (OJS) upholds tribal sovereignty and customs and provides for the safety of Indian communities by ensuring the protection of life and property, enforcing laws, maintaining justice and order, and by confining American Indian offenders in safe, secure, and humane environments. Eight areas comprise the Public Safety and Justice sub-activity: Criminal Investigations and Police Services, Detention/Corrections, Inspections/Internal Affairs, Law Enforcement Special Initiatives, the Indian Police Academy, Tribal Court Justice Support, Program Management, and Facilities Operations and Maintenance.

The Office of Trust Services executes Indian Affairs trust responsibilities to Indian tribes and individuals and oversees all headquarter activities associated with management and protection of trust and restricted lands, natural resources, and real estate services. The office provides land related functions to Indian trust owners including acquisition, disposal, rights-of-way, leasing and sales, and assists them in the management, development, and protection of trust land and natural resource assets.

The Office of Indian Services fulfills Indian Affairs trust responsibilities in the areas of Human Services; Indian Self-Determination; Tribal Government; Transportation, and Workforce Development. The Office is charged with providing and promoting safe and quality living environments, strong communities, self-sufficiency and individual rights for tribal people and tribal governments. This office also ensures that all policies, practices, procedures and systems

within Indian Services program are effective and consistent Bureau-wide.

BIA has 4,400 employees, of which approximately 90% are American Indian or Alaska Native, representing a number larger than at any time in its history. Given the BIA's long historical and significant presence in the communities it serves, and Congress's recognition of needing its workforce to reflect those communities, the Bureau was given the authority to use Indian Preference in its recruitment and hiring processes.

### **III. MANAGEMENT AND KEY PERSONNEL**

#### PAS officials:

*None*

#### Non-career SES:

*None*

#### Schedule C employees:

*None*

#### Career SES:

Darryl LaCounte, Director

James (Jim) James, Deputy Bureau Director for Field Operations

Jeanette Hanna, Deputy Bureau Director – Indian Services

Charles Addington, Deputy Bureau Director – Justice Services

Johnna Blackhair, Deputy Bureau Director – Trust Services

Eugene (Gene) Peltola, Regional Director, Alaska

Richard (Glen) Melville, Regional Director – Eastern

Eddie Streater, Regional Director – Eastern Oklahoma

Tim LaPointe, Regional Director – Great Plains

Tammie Poitra, Regional Director – Midwest

Bartholomew (Bart) Stevens, Regional Director – Navajo

Bryan Mercier, Regional Director – Northwest

Amy Dutschke, Regional Director – Pacific

Susan Messerly, Regional Director – Rocky Mountain

James (Jim) Schock, Regional Director – Southern Plains

Patricia Mattingly, Regional Director – Southwest

Brian Bowker, Regional Director – Western

#### Other senior career employees:

Genevieve Giaccardo, Chief of Staff

#### *Office of Justice Services*

Jason O'Neal, Assistant Deputy Bureau Director

Monty Gibson, Associate Director – Field Operations Directorate

Algin Young, Associate Director – Criminal Investigations and Drug Enforcement  
Jason Thompson, Associate Director – Special Programs Directorate  
Tricia Tingle, Associate Director – Tribal Justice Support Directorate  
Audrey Sessions, Associate Director – Support Services Directorate  
Robert Mathis, Deputy Associate Director – Field Operations  
Patricia Broken Leg-Brill, Deputy Associate Director – Corrections Division  
Byron Hix (Acting), Deputy Associate Director – Drug Enforcement Division  
Kevin Martin, Deputy Associate Director – Support Services Directorate

*Office of Indian Services*

Evangeline Campbell (Acting), Associate Deputy Bureau Director  
LeRoy Gishi, Chief – Division of Transportation  
Evangeline Campbell, Chief – Division of Human Services  
Sunshine Jordan, Chief – Division of Self-determination  
Laurel Iron Cloud, Chief – Division of Tribal Government  
Anthony Riley (Acting), Chief – Division of Workforce Development

*Office of Trust Services*

Francis (Frank) Holiday, Associate Deputy Bureau Director  
Trina Locke (Acting), Chief – Division of Program Management and Coordination  
Charlene Toledo, Chief – Division of Probate  
Sharlene Roundface, Chief – Division of Real Estates Services  
Ira New Breast, Chief – Division of Natural Resources  
Dawn Patterson (Acting), Chief – Division of Forestry & Wildland Fire Management  
Debi Koebrick, Chief – Division of Land Title and Record  
Yulan Jin, Chief – Division of Irrigation, Power and Safety of Dams  
Carla Clark (Acting), Director – Indian Energy Service Center

### **III. CRITICAL POLICY, LEGAL, MANAGEMENT, CONGRESSIONAL AND INFRASTRUCTURE ISSUES**

- **Support of Law Enforcement:** The Tribal Law and Order Act (TLOA) and Violence Against Women Act Reauthorization of 2013 have promoted tribal courts; however, neither piece of legislation came with increased funding. OJS is mandated to submit to Congress an annual unmet needs assessment, which estimates the need of Tribal Public Safety and Justice Programs across Indian Country at over 1 billion dollars. This assessment does not take into account facility and court's needs and is a conservative estimate.
- **Contract Support Costs (CSC):** Under the Indian Self-Determination and Education Assistance Act (ISDEAA) Section 106, the Federal government is required to pay contract support costs (CSC), which are all the costs associated with a program that a tribe has entered into an agreement with the federal government to administer. In the past, the Secretary had been unable to fund 100% of the overall CSC need. In 2012, the Supreme

Court issued a decision favoring Indian tribes and required the Secretary to pay the entirety of costs associated with contracting with Indian tribes and tribal organizations for each contract based on government contract law. Contract support costs are a key component of self-determination and support the ability of tribes to assume responsibility for operating Federal programs.

- **Indian Energy:** The Indian Energy Service Center is composed of four Interior agencies: BIA, BLM, the Office of Natural Resource Revenue, and Bureau of Trust Fund Administration (formerly the Office of the Special Trustee for American Indians). Intended to help expedite the leasing and permitting processes associated with Indian energy development, the Center was a response to the inability of Federal agencies to timely process administrative requirements. Delay in production causes a very real and immediate adverse economic consequence to reservation and mineral estate owners- namely that drilling rigs go on to non-Indian sites to drill instead. The Center provides a wide suite of support services and assists in coordination between Federal agencies that are involved in the permitting process.
- **Recruitment and Retention of Indian Affairs Employees:** Indian Affairs continues to experience recruitment and retention problems in maintaining a quality workforce to carry out the mission and strategic goals of the organization. Indian Affairs utilizes Indian Preference in hiring for their positions which are directly and primarily related to the provision of services to Indians. Indian Preference applies to all positions in the Bureaus of Indian Affairs and Indian Education; within the Assistant Secretary – Indian Affairs, the preference applies to over 70% of their positions.
- **BIA Facility Conditions/Safety:** Indian Affairs maintains approximately \$6.5 billion in facilities spread across three lines of effort, BIA administrative offices, BIE schools, and OJS law enforcement sites. The Indian Affairs strategy is to ensure all facilities and operations at each site receive scheduled inspections to properly maintain overall site and facility functionality and ensure the safety and health of students, employees, and the visiting public.

## Budget Overview

(\$ in Thousands)						
	2019*	2020	2021			2021 Req
	Actual	Enacted	Request	House	Senate	to 2020
Current	2,009,907	2,046,981	1,858,410	2,183,938	TBD	-188,571
Permanent	134,523	159,386	126,190	126,190	TBD	-33,196
<b>Total</b>	<b>2,144,430</b>	<b>2,206,367</b>	<b>1,984,600</b>	<b>2,310,128</b>	<b>TBD</b>	<b>-221,767</b>
Supplemental	0	453,000				
<b>FTE</b>	<b>4,402</b>	<b>4,410</b>	<b>3,988</b>	<b>N/A</b>	<b>N/A</b>	<b>-422</b>

\*The 2019 Actual column does not include Bureau of Indian Education (BIE) funding, see BIE budget summary for information.

## Budget Profile

The 2021 BIA budget request is \$1.9 billion in current appropriations and prioritizes operations and program assistance to American Indian and Alaska Native (AI/AN) service populations. BIA estimates staffing of 3,988 full-time employees in 2021. BIA carries out Federal trust, treaty, and other responsibilities serving 574 federally recognized Tribes with a service population of nearly 2 million. BIA programs deliver community services, restore Tribal homelands, fulfill



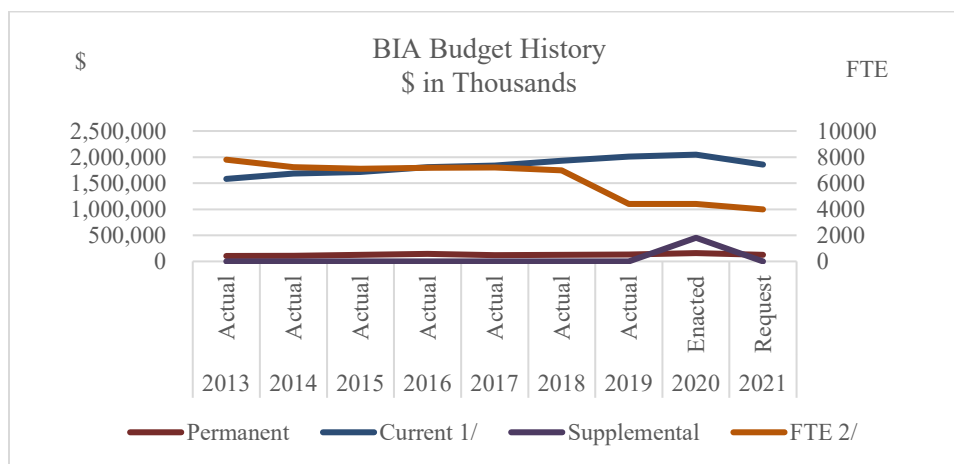
commitments related to water and other resource rights, execute fiduciary trust responsibilities, support the stewardship of energy and other natural resources, and create economic opportunity.

BIA has several sources of permanent funding including revenue from power generation, operation of quarters (housing), and gifts and donations. The 2020 supplemental funding is provided through the Coronavirus Aid, Relief and Economic Security (CARES) Act (P.L. 116-136). Additional information on the FY 2021 President's Budget request may be found on the Department's website: <https://www.doi.gov/sites/doi.gov/files/uploads/fy2021-bib-bh093.pdf>

## Key Budget Issues

*Tribal Budget Priorities:* The Tribal Interior Budget Council, comprised of Tribal leaders across the Nation, meets with Indian Affairs three times a year to voice their concerns and priority budget issues. Tribal leaders contend the key budget issue is inadequate funding levels for BIA and BIE programs. Recent priority issues discussed include the COVID-19 response, law enforcement funding including Missing and Murdered AI/AN concerns, and funding for Tribal facility lease agreements that require BIA and BIE to fund lease agreements upon request of a Tribe or Tribal organization. The 2021 budget proposes a new, separate indefinite discretionary appropriations account which would provide funding for these lease costs.

*Indian Land and Water Rights Settlements funding:* The FY 2021 BIA budget includes \$43.9 million for settlements. Many water rights settlements have legislated deadlines for completed funding of authorized components. BIA will need to budget steady state funding through FY 2024 to comply with existing settlements. There are multiple Indian water settlements currently introduced in Congress, at least one with Federal costs in excess of \$1.0 billion. As settlements are enacted, sustained and/or increased appropriations may be required.



1/ Prior year BIE funding appropriated to BIA is not included in the above graph. See BIE budget summary.

2/ 2013 to 2018 figures include BIE FTE, which was not tracked separately from BIA prior to 2019.

2020.10.05