



BUDGET The United States
Department of the Interior

JUSTIFICATIONS

and Performance Information
Fiscal Year 2022

**BUREAU OF TRUST
FUNDS ADMINISTRATION**

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees. Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.



Printed on
Recycled Paper

**DEPARTMENT OF THE INTERIOR
BUREAU OF TRUST FUNDS ADMINISTRATION
BUDGET JUSTIFICATION FOR FISCAL YEAR 2022**

Table of Contents

Executive Summary	1
Total 2022 Budget Request.....	1
Organizational and Budget Realignment	3
Current Organizational Structure	4
Proposed Organizational Structure	5
 Bureau Level Tables	 9
Bureau of Trust Funds Administration Budget at a Glance	9
Summary of Requirements for Bureau of Trust Funds Administration	10
Justification of Fixed Costs Internal Realignments	11
Employee Count by Grade	13
Section 403 Compliance	14
 Appropriation Language	 15
Justification of Proposed Language Changes	16
Appropriations Language Citations	17
 Account: Federal Trust Programs	 20
Activity: Executive Direction	20
 Account: Federal Trust Programs	 22
Activity: Trust Operations	22
Subactivity: Field Operations.....	22
Subactivity: Accounting Operations	24
Subactivity: Settlement Support.....	26
Subactivity: Information Resources and Trust Records.....	29
Program Component: Information Resources.....	29
Program Component: Trust Records.....	30
Subactivity: Trust Management Operations.....	34
 Activity: Program Operations	 35
Subactivity: Business Management	35
Subactivity: Office of Strategic Oversight and Planning (formerly Trust Risk, Evaluation and Compliance).....	39
 Tribal and Other Trust Funds.....	 42
 Trust Land Consolidation Fund	 46

Executive Summary

Executive Summary

Mission—The mission of the Bureau of Trust Funds Administration (BTFA) is to manage the trust beneficiaries’ trust assets. BTFA provides fiduciary guidance, management, and leadership for Tribal Trust and Individual Indian Money (IIM) accounts.

Total 2022 Budget Request

(Dollars in Thousands)

Budget Authority	2020 Actual	2021 Enacted	2022 Request
Current	108,540	108,399	110,672
Permanent	532,114	486,000	491,000
Total Current and Permanent	640,654	594,399	601,672
<i>FTE - Federal Trust Program</i>	<i>382</i>	<i>417</i>	<i>420</i>
<i>FTE - Trust Land Consolidation Fund (Land Buy Back)</i>	<i>17</i>	<i>29</i>	<i>10</i>
<i>Total FTE</i>	<i>399</i>	<i>446</i>	<i>430</i>

Budget Overview: The 2022 budget includes \$110.7 million in current appropriations to support the execution of the Federal trust responsibilities to Native American Tribes, individuals, and communities. BTFA estimates staffing will total 430 full-time equivalents (FTEs) in 2022, including staff in the Land Buy-Back Program for Tribal Nations (LBBP). BTFA was established within the Office of the Assistant Secretary—Indian Affairs (AS-IA) in 2020 to house the ongoing trust management functions of the Office of the Special Trustee for American Indians (OST) in anticipation of the sunset of OST. For the remainder of 2021 and in 2022, BTFA will continue to work with Tribes through formal consultations and in other forums, such as the Tribal Interior Budget Council, and with Congress to chart a path forward for BTFA and for the eventual termination of OST in accordance with the American Indian Trust Fund Management Reform Act of 1994. In 2022, BTFA proposes a budget restructuring to facilitate the eventual closure of OST.

BTFA is responsible for the financial management of Indian trust funds, including receipting, investing, disbursing, and reporting of trust funds on behalf of individual Indians and Tribes. BTFA manages approximately \$5.67 billion, held in roughly 3,800 trust accounts for more than 250 Indian Tribes and about 402,000 open IIM accounts. In addition, BTFA provides litigation and document production support for lawsuits related to those accounts.

BTFA manages trust funds, which include payments from judgment awards, settlements of claims, land use agreements, royalties on natural resource use, other proceeds derived directly from trust resources, and financial investment income. BTFA has the responsibility to plan and execute the historical

accounting of Tribal Trust accounts and IIM accounts. That work is accomplished by the Office of Trust Analysis and Research (OTAR), which also works to resolve the ownership of residual balances in Youpee Escheat accounts and special deposit accounts and to distribute account balances to Tribes, individual Indians, and non-trust entities. OTAR provides litigation support resulting from the settlement of *Cobell v. Salazar* and other Tribal lawsuits, in coordination with the Department of Justice. As of April 2021, 26 pending cases were filed in various Federal courts by Indian Tribes or individual Indians regarding the Federal Government's fiduciary trust duties.

The Land Buy-Back Program for Tribal Nations is responsible for the expenditure of the \$1.9 billion Trust Land Consolidation Fund authorized by the settlement agreement in *Cobell v. Salazar*, confirmed by the Claims Resolution Act of 2010. The program, which was authorized for 10 years, ends in November 2022. Until then, the LBBP will work to reduce land ownership fractionation in Indian Country by continuing implementation efforts at scheduled locations and effectively managing administrative costs. Recognizing the importance to maintain the momentum of the LBBP effort, the Bureau of Indian Affairs (BIA) budget proposes to reestablish a modified Indian Land Consolidation program in 2022 and includes \$150.0 million for this program to further reduce land ownership fractionation in Indian Country. The program will also support Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, by enhancing the ability of Tribal governments to plan for and adapt to climate change and to build stronger Tribal communities.

Trust and Program Operations—The 2022 budget includes \$109.2 million for Trust and Program Operations, of which \$23.5 million is for Field Operations. Field Operations staff serve as the primary point of contact for trust beneficiaries—Tribes, individual Indians, and Alaska Natives—seeking information and services in conjunction with their trust assets.

The budget provides \$17.2 million for Accounting Operations, which conducts all fiduciary accounting activities, including receipting, disbursing, and reconciling, related to the trust funds managed by the Department. To manage the expected workload for historical accounting of Tribal Trust and IIM accounts, the budget includes \$17.5 million for Settlement Support, which funds OTAR.

The request includes \$8.3 million for Information Resources funding to develop, maintain, and operate the trust information technology enterprise architecture; provide day-to-day computer support to BTFA personnel nationwide; and develop and maintain applications in support of the BTFA mission. In 2022, the program will continue work to complete the mobile/virtual workforce initiative, which will help staff work in remote locations, and to consolidate data centers. The program will also work to migrate from a data-centric environment to the cloud, including Voice over Internet Protocol (VoIP), and to provide beneficiaries online account access.

The budget provides \$13.0 million for Trust Records. This program operates the American Indian Records Repository and provides records management training and services to BTFA, Tribes, BIA, the Bureau of Indian Education, and AS-IA. Included in the request is \$2.7 million for the digitization of trust records to continue ongoing work to meet new Federal records retention requirements and to modernize records operations.

BTFA requests a \$500,000 increase to establish a Trust Operation Management function in Trust Operations. This increase will fund dedicated personnel to coordinate efforts among the various programs under Trust Operations. The dedicated resource will allow for enhanced continuity in program delivery to Tribes and beneficiaries.

The budget requests \$22.9 million for Business Management, which includes BTFA's communication, policy, and training functions and its budget, finance, and administration entities. This amount includes \$9.7 million for DOI's Office of Hearings and Appeals and the Office of the Solicitor for litigation support. The budget provides \$6.3 million for the Office of Strategic Oversight and Planning, which oversees and evaluates the Indian fiduciary trust programs and manages a comprehensive system of internal controls of BTFA operations, and the BTFA Strategic Planning and Project Management Office.

The BTFA budget includes \$600,000 to establish an Office of Equal Employment Opportunity as part of a Department-wide Diversity, Equity, Inclusion, and Accessibility budget initiative to address identified high-priority needs in support of Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation. As part of this initiative, the Department, bureaus, and offices will jointly conduct a review of the Diversity, Equity, Inclusion, and Accessibility program across Interior to identify gaps, challenges, and best practices and to examine Department and bureau roles, responsibilities, and governance.

Fixed Costs—Fixed costs of \$1.2 million are fully funded.

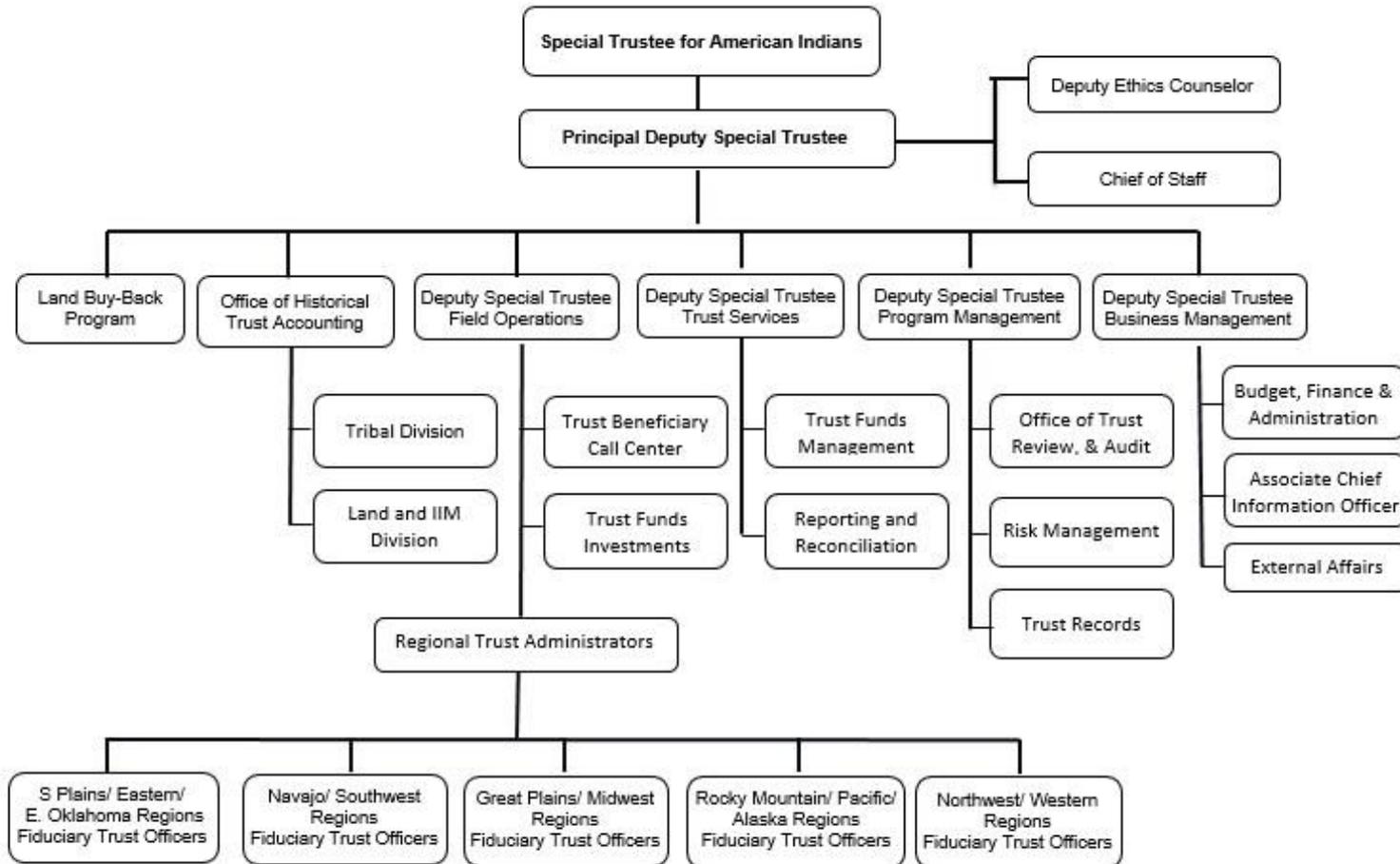
Organizational and Budget Realignment

The FY 2022 budget proposes the following organizational and budget realignments: To realign and restructure BTFA offices to consolidate trust operations in one activity and program operations in another.

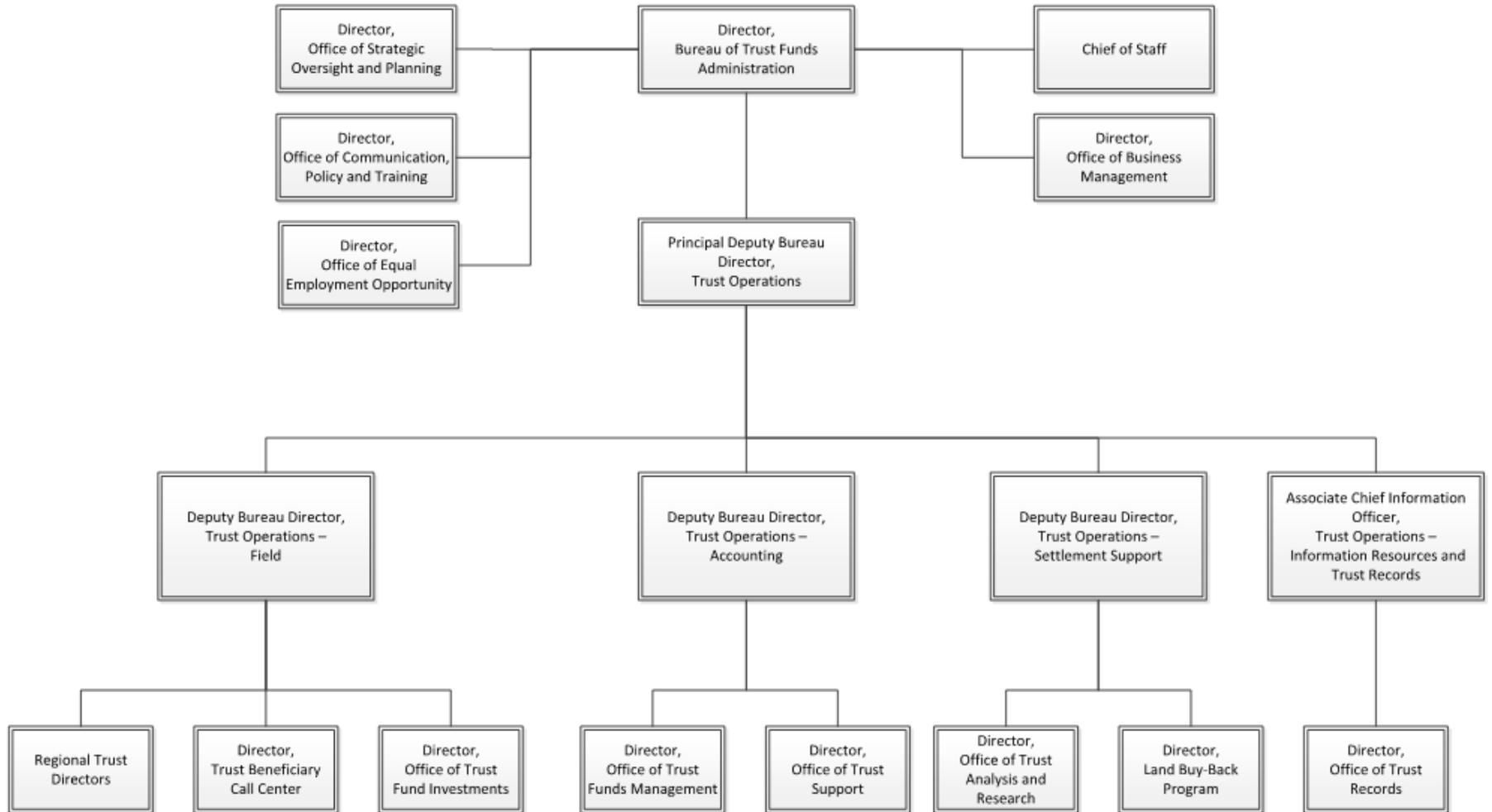
BTFA's core functions, as further described below, will be executed under the Trust Operations activity, which includes the following sub activities: Field, Accounting Operations, Settlement Support, and Information Resources and Trust Records. BTFA's core functions will be supported by the Program Support activity, which consists of the following sub activities: Business Management, and Trust Risk, Evaluation and Compliance. Both Trust Operations and Program Operations will be supported by the Executive Direction activity, which will provide executive leadership, planning, monitoring and guidance. These changes will provide consolidated management for operations under the Principal Deputy Bureau Director – Trust Operations, allowing for greater coordination of operational functions, which will improve beneficiary services.

The organizational and the proposed budget realignment are as follows:

Office of the Special Trustee for American Indians Organizational Structure



BUREAU OF TRUST FUNDS ADMINISTRATION Proposed Organizational Structure



Budget Realignment for Bureau of Trust Funds Administration

	Executive Direction	Trust Operations					Program Operations		Total
		Field Operations	Accounting Operations	Settlement Support	Information Resources and Trust Records		Business Management	Office of Strategic Oversight and Planning	
					Information Resources	Trust Records			
2021 Enacted Budget Sub Activities Federal Trust Programs (000's)									
Executive Direction	1,494							1,494	
Program Operations and Support									
Program Operations									
Field Operations		23,085						23,085	
Appraisal Services Trust Services			17,670					17,670	
Historical Trust Accounting				17,911				17,911	
Program Support									
Business Management									
DST Business Management							1,340	1,340	
Budget, Finance, & Admin							19,662	19,662	
[Litigation Support]							[2,571]	[2,571]	
[Hearings & Appeals]							[7,096]	[7,096]	
Information Resources					8,365			8,365	
External Affairs							1,266	1,266	
Program Management									
Trust Records						12,902		12,902	
Trust Review and Audit							4,149	4,149	
Risk Management									
TOTAL, FEDERAL TRUST PROGRAMS							555	555	
TOTAL, OFFICE OF THE SPECIAL TRUSTEE	1,494	23,085	17,670	17,911	8,365	12,902	22,268	4,704	108,399

Existing Structure

Budget Realignment for Bureau of Trust Funds Administration

	Executive Direction	Trust Operations					Program Operations		Total	
		Field Operations	Accounting Operations	Settlement Support	Information Resources and Trust Records		Trust Management Operations	Business Management		Office of Strategic Oversight and Planning
					Information Resources	Trust Records				
2022 President's Budget Request Former Budget Sub Activities Federal Trust Programs (000's)										
Executive Direction	1,501								1,501	
Program Operations and Support										
Program Operations										
Field Operations		23,466							23,466	
Trust Services			17,192						17,192	
Historical Trust Accounting				17,536					17,536	
Trust Operations Management						505			505	
Program Support										
Business Management										
DST Business Management							1,360		1,360	
Budget, Finance, & Admin							19,343		19,343	
[Litigation Support]							[2,571]		[2,571]	
[Hearings & Appeals]							[7,096]		[7,096]	
Information Resources					8,266				8,266	
External Affairs							1,276		1,276	
Equal Employment Opportunity							895		895	
Program Management										
Trust Records						13,037			13,037	
Trust Review & Audit								5,727	5,727	
Risk Management								568	568	
TOTAL, FEDERAL TRUST PROGRAMS										
TOTAL, OFFICE OF THE SPECIAL TRUSTEE	1,501	23,466	17,192	17,536	8,266	13,037	505	22,874	6,295	110,672

Existing Structure

BTFA Management Initiatives

Ongoing BTFA management activities include:

- Modernize operations through a review of BTFA business processes, installing a new VoIP phone system, moving data to the cloud, and digitizing trust records.
- Improve beneficiary services by continuing to move towards online account access for beneficiaries and moving into the next phase of deploying self-service kiosks to areas with reduced BTFA staffing.
- Continue to provide consistent financial literacy curriculum for BTFA beneficiaries, in person or virtually to empower Indian Country with financial skills. Participate in the Financial Literacy and Education Commission (FLEC).
- Collaborate with the U.S. Treasury Department (Treasury) and other agencies to aggregate certain long-term unclaimed trust funds into a single account at Treasury rather than maintaining separate IIM accounts. Beneficiaries would still be able to claim monies.
- Provide effective training to develop staff skills to facilitate cost-effective operations and quality service and eliminate harassment in the workplace.
- Continue digitization of paper records at the American Indian Records Repository (AIRR) to comply with Office of Management and Budget (OMB) / National Archives and Records Administration (NARA) Directive M-12-19 – Transition to Electronic Records – that "requires that to the fullest extent possible, agencies eliminate paper and use electronic recordkeeping." NARA's Strategic Plan provides that they will no longer accept paper records beginning January 1, 2023.

Good Accounting Obligation in Government Act Report

The Good Accounting Obligation in Government Act (GAO-IG Act, P.L. 115-414) enacted January 3, 2019, requires that Agencies report the status of each open audit recommendation issued more than one year prior to the submission of the Agency's annual budget justification to Congress. The Act requires Agencies to include the current target completion date, implementation status, and any discrepancies on closure determinations.

The Department of the Interior leadership takes audit follow-up very seriously and considers our external auditors, to include the Government Accountability Office (GAO) and Office of the Inspector General, valued partners in not only improving the Department's management and compliance obligations but also enhancing its programmatic and administrative operations. As stewards of taxpayer resources, the Department applies cost-benefit analysis and enterprise risk management principles in recommendation implementation decisions. The Department's GAO-IG Act Report is available at the following link:
<https://www.doi.gov/cj>

Bureau Level Tables

Bureau Level Tables

Bureau of Trust Funds Administration Budget at a Glance

Dollars in Thousands (\$000)

Appropriation: Federal Trust Programs	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	2022 Program Changes (+/-)	2022 Request
Executive Direction	1,697	1,494	+7	0	0	1,501
Trust and Program Operations	109,843	106,905	+1,166	0	+1,100	109,171
Trust Operations	80,050	79,933	+847	-1,278	+500	80,002
Field Operations	23,085	23,085	+381	0	0	23,466
Accounting Operations	20,034	17,670	+239	-717	0	17,192
Transfer of the Reporting Group (6 FTE) to OSOP	[20,034]	[17,670]	[+239]	[-717]	[0]	[17,192]
Settlement Support	18,587	17,911	+22	-397	0	17,536
Transfer of FOIA (2 FTE) to OSOP	[18,587]	[17,911]	[+22]	[-397]	[0]	[17,536]
Information Resources and Trust Records	18,344	21,267	+200	-164	0	21,303
Information Resources	8,111	8,365	+65	-164	0	8,266
Transfer of Associate Privacy Officer (1 FTE) to OSOP	[8,111]	[8,365]	[+65]	[-164]	[0]	[8,266]
Trust Records	10,233	12,902	+135	0	0	13,037
Trust Management Operations	0	0	+5	0	+500	505
Add the Trust Operations Management Office	[0]	[0]	[+5]	[0]	[+500]	[505]
Program Operations	29,793	26,972	+319	+1,278	+600	29,169
Business Management	24,672	22,268	+6	0	+600	22,874
Create Office of Equal Employment Opportunity (3 FTE)	[24,672]	[22,268]	[+6]	[0]	[+600]	[22,874]
Office of Strategic Oversight and Planning (OSOP)	5,121	4,704	+313	+1,278	0	6,295
Transfer in 9 FTE from Accounting, Settlement Support and Information Resources	[5,121]	[4,704]	[+313]	[+1,278]	[0]	[6,295]
TOTAL, Federal Trust Programs	111,540	108,399	+1,173	0	+1,100	110,672
2020 Recission of Unobligated Balances	-3,000	0	0	0	0	0
TOTAL, Bureau of Trust Funds Administration	108,540	108,399	+1,173	0	+1,100	110,672

Summary of Requirements for Bureau of Trust Funds Administration

(Dollars in Thousands)

FEDERAL TRUST PROGRAMS	2020 Actual Amount	2021 Enacted FTE	2021 Enacted Amount	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes and Transfers (+/-) FTE	Program Changes (+/-) Amount	2022 Request FTE	2022 Request Amount	Change from 2021 Enacted (+/-) FTE	Change from 2021 Enacted (+/-) Amount
Executive Direction	1,697	5	1,494	+7	0	-1	0	4	1,501	-1	+7
Total, Executive Direction	1,697	5	1,494	+7	0	-1	0	4	1,501	-1	+7
Trust Operations											
Field Operations	23,085	153	23,085	+381	0	0	0	153	23,466	0	+381
Accounting Operations	20,034	102	17,670	+239	-717	-6	0	96	17,192	-6	-478
Settlement Support	18,587	11	17,911	+22	-397	-2	0	9	17,536	-2	-375
Information Resources and Trust Records	18,344	81	21,267	+200	-164	-1	0	80	21,303	-1	+36
Information Resources	8,111	27	8,365	+65	-164	-1	0	26	8,266	-1	-99
Trust Records	10,233	54	12,902	+135	0	0	0	54	13,037	0	+135
Trust Operations Management	0	0	0	+5	0	+1	+500	1	505	+1	+505
Total, Trust Operations	80,050	347	79,933	+847	-1,278	-8	+500	339	80,002	-8	+69
Program Operations											
Business Management	24,672	40	22,268	+6	0	+3	+600	43	22,874	+3	+606
<i>[Litigation Support]</i>	<i>[3,086]</i>	<i>0</i>	<i>[2,571]</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>[0]</i>	<i>0</i>	<i>[2,571]</i>	<i>0</i>	<i>[0]</i>
<i>[Hearings & Appeals]</i>	<i>[8,516]</i>	<i>0</i>	<i>[7,096]</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>[0]</i>	<i>0</i>	<i>[7,096]</i>	<i>0</i>	<i>[0]</i>
Office of Strategic Oversight and Planning (OSOP)	5,121	25	4,704	+313	+1,278	+9	0	34	6,295	+9	+1,591
Total, Program Operations	29,793	65	26,972	+319	+1,278	+12	+600	77	29,169	+12	+2,197
TOTAL, FEDERAL TRUST PROGRAMS	111,540	417	108,399	1,173	0	+3	+1,100	420	110,672	+3	+2,273
2020 Rescission of Unobligated Balances	-3,000	0	0	0	0	0	0	0	0	0	0
TOTAL, BUREAU OF TRUST FUNDS ADMINISTRATION	108,540	417	108,399	+1,173	0	+3	+1,100	420	110,672	+3	+2,273

**Bureau of Trust Funds Administration
Justification of Fixed Costs Internal Realignments**

(Dollars in Thousands)

Fixed Cost Changes and Projections	2021 Enacted Total or Change	2021 Enacted to 2022 Request Change	Description
Change in Number of Paid Days	-212	0	This column reflects changes in pay associated with the change in the number of paid days between the 2021 Enacted and 2022 Request, which is the same number of paid days in both 2021 Enacted and 2022 Request.
Pay Raise	+853	+1,157	The President's Budget for FY 2022 includes one quarter of a planned 1.0% pay raise and three quarters of a planned 2.7% pay raise.
Employer Share of Federal Employee Retirement System	+512	+400	The change reflects a 1.1% (and 1.8% for Law Enforcement) increase in the employer contribution to the Federal Employee Retirement System.
Departmental Working Capital Fund	+253	-175	The change reflects the final 2022 Central Bill approved by the Working Capital Fund Consortium.
Worker's Compensation Payments	-4	+2	The amount reflects final chargeback costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for the 2022 Request will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.
Unemployment Compensation Payments	0	0	The amounts reflect projected changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.
Rental Payments	+311	-211	The amounts reflect changes in the costs payable to General Services Administration (GSA) and others for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to Department of Homeland Security (DHS). Costs of mandatory office relocations, i.e. relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.
Baseline Adjustments for O&M Increases	0	0	In accordance with space maximization efforts across the Federal Government, this adjustment captures the associated increase to baseline operations and maintenance requirements resulting from movement out of GSA or direct-leased (commercial) space and into Bureau-owned space. While the GSA portion of fixed costs will go down as a result of these moves, Bureaus often encounter an increase to baseline O&M costs not otherwise captured in fixed costs. This category of funding properly adjusts the baseline fixed cost amount to maintain steady-state funding for these requirements.

Bureau of Trust Funds Administration

Justification of Internal Realignments

(Dollars in Thousands)

Internal Realignments and Non-Policy/Program Changes (Net-Zero)	2022 Request (+/-)	Description
Accounting Operations	-717,000	Reporting Group (6 FTE) transfer from Accounting Operations to Office of Strategic Oversight & Planning. Consolidation of functions to one office within BTFA.
Office of Strategic Oversight and Planning (OSOP)	+717,000	Reporting Group (6 FTE) transfer from Accounting Operations to Office of Strategic Oversight & Planning. Consolidation of functions to one office within BTFA.
Settlement Support	-397,000	FOIA (2 FTE) transfer from Settlement Support to Office of Strategic Oversight & Planning. Consolidation of functions to one office within BTFA.
Office of Strategic Oversight and Planning (OSOP)	+397,000	FOIA (2 FTE) transfer form Settlement Support to Office of Strategic Oversight & Planning. Consolidation of functions to one office within BTFA.
Information Resources	-167,000	Associate Privacy Officer (1 FTE) transfer from Information Resources to Office of Strategic Oversight & Planning. Consolidation of functions to one office within BTFA.
Office of Strategic Oversight and Planning (OSOP)	+167,000	Associate Privacy Officer (1 FTE) transfer from Information Resources to Office of Strategic Oversight & Planning. Consolidation of functions to one office within BTFA.

**Bureau of Trust Funds Administration
Employee Count by Grade
(Total Employment)**

Employee Count by Grade	FY 2020 Actual	FY 2021 Estimated	FY 2022 Estimated
Executive Level II	0	0	0
SES	9	9	8
	9	9	8
SL - 00	2	2	2
ST - 00	0	0	0
	2	2	2
GS/GM -15	32	27	33
GS/GM -14	61	62	59
GS/GM -13	48	67	50
GS -12	37	38	36
GS -11	26	20	24
GS -10	0	0	0
GS - 9	21	15	23
GS - 8	21	25	21
GS - 7	97	109	101
GS - 6	26	20	26
GS - 5	14	17	15
GS - 4	5	4	5
GS - 3	0	0	0
GS - 2	0	0	0
GS - 1	0	0	0
	388	404	393
Other Pay Schedule Systems	0	0	0
Total employment (actuals & estimates).....	399	415	403

Section 403 Compliance

BTFA will adhere to the requirements of Section 403 contained in the Further Consolidated Appropriations Act, 2021 (P.L. 116-260) requiring agencies to present in their annual budget justification any external and internal administrative costs, overhead charges, deductions, reserves, or holdbacks from programs, projects, and activities to support government-wide, Departmental, and BTFA administrative functions or headquarters, regional, or central office operations.

BTFA budgets for these support costs within the Business Management line item in the Program Operations sub activity as a chargeback (reference table below).

Working Capital Fund	2022 Request
External Administrative Costs	
WCF Centralized Billings	\$2,034,500
WCF Direct Billings	\$2,916,100
Total WCF Costs	\$4,950,600
	2022 Request
Program Assessments	
Human Resources Support	\$1,314,267
Acquisition Support (Included in WCF Direct billing)	\$1,047,400
Accounting Support (Included in WCF Direct billing)	\$ 238,100
Security	\$ 151,145
Space Rental	\$ 905,969
Chargeback Estimate	\$3,656,881

Appropriation Language

**DEPARTMENT OF THE INTERIOR
BUREAU OF TRUST FUNDS ADMINISTRATION**

Appropriation Language

Appropriation: Bureau of Trust Funds Administration, Federal Trust Programs

(including Transfer of Funds)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, [\$108,399,000] \$110,672,000, to remain available until expended, of which not to exceed [\$17,911,000] \$17,536,000 from this or any other Act, may be available for [historical accounting] *settlement support: Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" and Bureau of Indian Education, "Operation of Indian Education Programs" accounts; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year [2021] 2022, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of \$15 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed [\$50,000] \$100,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than \$500 unless the [Office of the Special Trustee] *Bureau of Trust Funds Administration* receives proof of ownership from a Special Deposit Accounts claimant: *Provided further*, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103-412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least 5 years and shall not be required to generate periodic statements of performance for the individual accounts: *Provided further*, That with respect to the eighth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders. (*Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021.*)

DEPARTMENT OF THE INTERIOR**BUREAU OF TRUST FUNDS ADMINISTRATION****Justification of Proposed Language Changes**

1. Change in the following: Provided further, That not to exceed [~~\$50,000~~] *\$100,000* is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002:

The administrative error authorization was originally implemented when OST/BTFA had roughly \$4 billion dollars under management. Now BTFA has near \$6 billion under management. This is a result of increased revenues and associated larger disbursements. The proposed increase will allow BTFA to address errors mitigating BTFA's risk of litigation because BTFA did not have enough authorized administrative error funds to address the error.

DEPARTMENT OF THE INTERIOR
BUREAU OF TRUST FUNDS ADMINISTRATION
Appropriations Language Citations

1. For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, [\$108,399,000] *\$100,672,000*
 - 25 U.S.C. 5321(a) and 5322(a) directs the Secretary, upon the request of any Indian Tribe, to enter into a contract or contracts to plan, conduct, and administer programs which the Secretary is otherwise authorized to administer (P. L. 93-638, as amended).
 - 31 U.S.C. Chapter 63 provides procedures to be followed in the preparation of Federal contracts, grants, and cooperative agreements.
 - 25 U.S.C. 5363(cc) provides procedures to be followed to establish and implement Tribal self-governance compacts.
 - 25 U.S.C. 162a authorizes the deposit and investment of Indian trust funds.
 - 25 U.S.C. 4001 et seq. provides procedures to be followed for Tribal withdrawal of trust funds, and authorizes the Bureau of Trust Funds Administration.
 - 25 U.S.C. 459 et seq. includes numerous provisions affecting specific Tribes related to distribution of claims, settlements, and judgments.
2. to remain available until expended,
 - 25 U.S.C. 13a authorizes the carryover of funds, which were not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such sums were appropriated.
3. of which not to exceed [\$17,911,000] *\$17,536,000*, from this or any other Act, may be available for [historical account] *settlement support*:
 - Consolidated Appropriations Act, 2021 (P.L. 116-260) caps funding for historical accounting in order to preserve funding for other Indian programs.
4. Provided, that funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" and Bureau of Indian Education, "Operation of Indian Education Programs" accounts; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account:

- 25 U.S.C. 4043(b) (1) authorizes the Special Trustee to oversee all reform efforts within the Bureau (of Indian Affairs) and to ensure the establishment of policies, procedures, systems and practices to allow the Secretary to discharge his trust responsibilities in compliance with this chapter. This language also provides the authority for BTFA to transfer funds to the Office of Hearing and Appeals to address probate backlog reductions as part of trust reform efforts and to the Office of the Solicitor for litigation support.
5. Provided further, That funds made available through contracts or grants obligated during fiscal year [2021] 2022, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee:
- 25 U.S.C. 5301 et seq. authorizes funds obligated for Tribal contracts to remain available until expended.
6. Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of \$15 or less:
- 25 U.S.C. 4043(b)(1) authorizes the Special Trustee to oversee all reform efforts within the Bureau (of Indian Affairs) and to ensure the establishment of policies, procedures, systems and practices to allow the Secretary to discharge his/her trust responsibilities in compliance with this chapter.
 - 25 U.S.C. 4041 et seq. requires the reform of trust practices to promote the effective discharge of the Secretary's trust responsibilities.
 - 25 U.S.C. 4011(b) establishes the schedule for issuance of statements of performance. Periodic statement of performance Public Law 106-291, Title I Oct. 11, 2000 114 Stat. 939 and subsequent appropriations through HR 601 P.L. 115-141 provided in part: "That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of \$15.00 or less: provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder."
7. Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder:
- 25 U.S.C. 4041 et seq. requires the reform of trust practices to promote the effective discharge of the Secretary's trust responsibilities.

8. Provided further, That not to exceed [\$50,000] *\$100,000* is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose:
 - Interior and Related Agencies Appropriation Act, FY 2002. Annual Appropriations Acts have continued this provision each year since FY 2002.
 - BTFA requests an increase from \$50,000 to \$100,000: The administrative error authorization was originally implemented when OST/BTFA had roughly \$4 billion dollars under management. BTFA currently has approximately \$6 billion under management. This is a result of increased revenues with associated larger disbursements. The proposed increase will allow BTFA to address errors mitigating BTFA's risk of litigation because BTFA did not have enough authorized administrative error funding to address the error.

9. Provided further, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than \$500 unless the [Office of the Special Trustee for American Indians] *Bureau of Trust Funds Administration* receives proof of ownership from a Special Deposit Accounts claimant:
 - American Indian Trust Fund Management Reform Act of 1994, P.L. 103-412, esp. Title I. The Dawes Act of 1887 and subsequent statutes continuing the allotment process prevent BTFA from making an operational decision to eliminate reconciliation of low dollar value Special Deposit Accounts. The Dawes Act established the process of creating allotments and the split style of ownership. The Act also charged the Department of the Interior with the responsibility to manage the allotted lands, collect revenue earned on those trust lands, and to pay the earned revenue to the equitable owners of the land.

10. Provided further, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103-412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least five years and shall not be required to generate periodic statements of performance for the individual accounts: Provided further, That, with respect to the eighth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.
 - Interior and Related Agencies Appropriation Act, FY 2017. Annual Appropriations Acts have continued this provision each year since FY 2017.

Executive Direction

Account: Federal Trust Programs

Activity: Executive Direction

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Executive Direction	1,697	1,494	+7	0	0	1,501	+7
Executive Direction	1,697	1,494	+7	0	0	1,501	+7
<i>FTE</i>	5	5	0	0	-1	4	-1

Program Component – Executive Direction

Program Description

The Director, BTFA will provide general oversight of BTFA and administration of Tribal and IIM beneficiary fiduciary trust assets to ensure proper and efficient discharge of the Department’s fiduciary responsibilities to federally recognized Indian Tribes, individual Indians, and Alaska Natives.

FY 2022 Program Activities

The FY 2022 budget will fund 4 FTE to provide the following:

- Lead strategic planning and performance oversight.
- Coordinate activities within BTFA, between other DOI bureaus and offices, and other Federal agencies.
- Implement programs to prevent harassment in the workplace and improve the workplace environment; create effective metrics and monitor performance.
- Collaborate with other DOI organizations and other Federal agencies to prioritize and implement various approaches to reduce the time, cost, and complexity of probates.
- Create informed partnerships with other DOI organizations to achieve positive trust outcomes.
- Support the cost of organization-wide training.

Program Overview

Executive Direction (\$1,501,000/4 FTE) – The Director, BTFA will provide general oversight of BTFA and administration of Tribal and IIM beneficiary fiduciary trust assets to ensure proper and efficient discharge of the Department’s fiduciary responsibilities to federally recognized Indian Tribes, individual Indians, and Alaska Natives. Staff within this office provides guidance shaping the performance of the entire organization, ensuring support for the President’s Management Agenda, the Department’s priorities, and Strategic Plan of the Department. The budget primarily funds personnel, who perform organization-wide planning, performance monitoring, and coordination of activities.

The Executive Direction staff provides guidance to all programs within BTFA, coordinates with the Department's executive leadership and other DOI bureaus, monitors progress, and measures effectiveness of multiple projects targeting increased efficiency, cost savings, and improved services to beneficiaries.

Trust Operations

Account: Federal Trust Programs

Activity: Trust Operations

Sub activity: Field Operations

Field	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Field	23,085	23,085	+381	0	0	23,466	+381
Field	23,085	23,085	+381	0	0	23,466	+381
<i>FTE</i>	<i>138</i>	<i>153</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>153</i>	<i>0</i>

Program Component – Trust Operations - Field

Program Description

Trust Operations-Field (TO-F) staff will serve as the primary point of contact for all trust beneficiaries (Tribes, individual Indians, and Alaska Natives) seeking information and services in conjunction with their trust assets. TO-F staff will provide technical assistance to beneficiaries on a daily basis at local levels throughout Indian Country from regional, agency, and urban locations regarding account statements, account balances, account updates, receipts, disbursements, probate processing, and leases. Other trust asset information important to beneficiaries, such as statutory or regulatory changes that affect trust asset management, will also be provided.

In FY 2022, TO-F will prioritize service delivery to meet its fiduciary obligations to Tribes, individual Indians, and Alaska Natives. Specifically, TO-F will continue to provide beneficiaries with a dedicated primary point of contact focused on providing beneficiary services in a trusted, timely, and accurate manner as follows:

- Implement the new Interactive Beneficiary Service Kiosks in four (4) locations throughout Indian Country. Kiosks provide live video connection to the TBCC and ability to scan documents for people who do not have access to BTFA staff or internet connectivity.
- The Trust Beneficiary Call Center (TBCC) will answer an estimated 100,000 beneficiary calls, an average of 400 beneficiary interactions per day.
- TBCC should achieve a first-line resolution rate of 95.6%.
- TBCC as a High Impact Service Provider (HISP), will continue making improvements per OMB Circular A-11 Section 280.
- Assist the LBBP by responding to an estimated 3,000 calls.
- Maintain and enhance strategic partnerships with the Department’s bureaus and offices with Native American trust responsibilities. These partnerships enhance communication with beneficiaries and promote a beneficiary focus throughout the Department.
- Participate in over 20 plus BTFA virtual outreach events providing information on services, trust asset management, trust initiatives, and financial skills training reaching over 1,200 individual Indian beneficiaries who might not otherwise be in contact with DOI.

- Continue interactions with Tribal leaders to discuss investment of Tribal trust funds (including investment training) and other issues important to the Tribes and their communities.
- Provide financial skills training to IIM beneficiaries throughout Indian Country.
- Respond to 93% of beneficiary inquiries within two business days and respond to the balance of these inquiries within 30 days.
- Coordinate and review formal applications from Tribes to withdraw their funds from trust status for Tribal self-investment and management and encouraging enhanced Tribal involvement in this program whenever possible.

Program Overview

Trust Operations - Field (\$23,466,000/153 FTE) –TO-F will play a key role in leading the BTFA’s outreach efforts to beneficiaries. Outreach events will include virtual staff attendance at community meetings, Tribal leadership conferences and social gatherings such as pow-wows and pueblo feasts, focusing to providing information on asset management and modernization, as well as creating virtual financial skills training for IIM beneficiaries throughout Indian Country. This virtual training will use culturally sensitive techniques and methods geared toward Native American audiences. Topics will include balancing checkbooks, applying for credit, estate planning, reading a credit application, budgeting, investing, and planning for the future. There will be a special effort to offer this training to minors approaching the age of majority through the deployment of an online curriculum. The training will also help elders with the special challenge of managing resources they may consider leaving to their heirs.

The TBCC will provide a convenient “one-stop” service for beneficiary inquiries. Beneficiaries can access information and assistance regarding a wide range of account information by calling the toll free number. Additionally, beneficiaries will be able to request a disbursement from, or update their IIM account information. The TBCC will utilize a tracking and case management tool, which will also be shared with all BTFA offices and BIA Social Services to improve communication and collaborative efforts between BTFA and BIA for the management of supervised accounts.

Another component of Trust Operations - Field is Trust Funds Investments division. This division plans, develops, operates, and controls the buying, selling, and trading of investment instruments totaling near \$6 billion in accordance with applicable laws, regulations, and policies. The division will provide technical advice and assistance to 12 Regional offices, 50 agencies, and 574 Indian Tribes in developing financial plans and investment strategies for Tribal trust funds.

Account: Federal Trust Programs
Activity: Trust Operations
Sub activity: Accounting Operations

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Accounting Operations	20,034	17,670	+239	-717	0	17,192	-478
Accounting Operations	20,034	17,670	+239	-717	0	17,192	-478
<i>FTE</i>	<i>93</i>	<i>102</i>	<i>0</i>	<i>-6</i>	<i>0</i>	<i>96</i>	<i>-6</i>
Major Program IT Investments:							
Trust Fund Accounting System	[5,200]	[5,000]	[0]	[0]	[+164]	[5,164]	[0]

Program Component – Trust Operations - Accounting

Program Description

Trust Operations-Accounting (TO-A) is responsible for the management of Tribal and IIM trust funds through the accurate and timely execution of investments, disbursements, receipts, accounting, and reconciliation.

The FY 2022 budget will fund 96 FTE to provide the following services:

- Reconcile accounts with Treasury daily.
- Conduct receipting, accounting, reconciliation and disbursing.
- Record at least 99% of Office of Natural Resources Revenue (ONRR) royalty revenue within 24 hours of receipt.
- Manage near \$5.67 billion in trust funds.
- Attain 99.7% accuracy for financial information initially processed in trust beneficiary accounts.
- Disseminate timely financial account information to trust beneficiaries 100% of the time.
- Process over 6,500 probate orders and distribution of funds to beneficiaries annually.
- Process over 350,000 account maintenance transactions.

Program Overview

Trust Operations - Accounting (\$17,192,000/96 FTE) – Congress designated the Secretary of the Interior as the trustee delegate with responsibility for the monetary and non-monetary resources held in trust on behalf of Tribes, individual Indians, and Alaska Natives and other trust funds. In carrying out the management and oversight of the Indian trust funds, the Secretary has a fiduciary responsibility to ensure that trust accounts are properly maintained, invested, and reported in accordance with The American Indian Trust Fund Management Reform Act of 1994, Congressional action, and other applicable laws.

TO-A will provide leadership, guidance, and oversight of the development of policies, procedures, and processes to ensure proper management of trust funds on behalf of beneficiaries. It will support Indian Fiduciary Trust Responsibilities by providing timely and accurate financial account information to trust

beneficiaries, the timely recording of oil and gas royalties in the trust accounting system, and the accurate processing of financial information in trust beneficiary accounts.

TO-A will manage \$5.67 billion in funds held in trust for federally recognized Tribes, individual Indian, and Alaska Native beneficiaries. The \$5.67 billion will be held in about 3,800 Tribal and other trust fund accounts, including the Alaska Native Escrow Fund. Approximately \$1.0 billion will be held on behalf of individual Indians in nearly 402,000 beneficiary accounts. The accumulated balances in the Tribal Trust are a result of claims and judgment awards, investment income, and revenues from approximately 56 million acres of trust lands. Revenues derive from subsurface mineral extractions (coal, oil, gas, and uranium) timber, grazing, and other surface leases. IIM balances will be held generally on deposit as a result of restricted accounts (e.g., minors, estates, Whereabouts Unknown) and voluntary hold accounts.

TO-A will provide valuable assistance to litigation support through subject matter experts, development of presentations, and document production accounting support.

In FY 2022, the top priority for TO-A will be the management of Tribal and IIM trust funds through the accurate and timely execution of investments, disbursements, receipts, accounting, and reconciliation functions.

Account: Federal Trust Programs**Activity: Trust Operations****Sub activity: Settlement Support**

Settlement Support	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Settlement Support	18,587	17,911	+22	-397	0	17,536	-375
Office of Trust Analysis and Research	18,587	17,911	+22	-397	0	17,536	-375
<i>FTE</i>	<i>11</i>	<i>11</i>	<i>0</i>	<i>-2</i>	<i>0</i>	<i>9</i>	<i>-2</i>

Program Component: Settlement Support**Program Description**

Settlement Support funds the Office of Trust Analysis and Research (OTAR), which performs historical accounting of Tribal Trust and IIM Accounts, including identifying ownership and disseminating residual balances in the Special Deposit Accounts (SDA) and Youpee Escheat Accounts, as well as the LBBP.

The FY 2022 budget will fund 9 FTE to:

- Review the following types of documents for tracking, progress, and status reporting to OTAR, BTFA, BIA, and TO-A leadership:
 - Financial documents (e.g. Journal Voucher, Public Voucher for Refund, SF1081, SF224, Collection Voucher, Schedule of Collections, Field Receipt, Bill for Collection, etc.).
 - Lease/Contract Instruments (e.g. Rights of Way, Mineral Leases, Business Leases, Permits, Farm Pasture Leases, Grazing Permits, etc.).
 - Ownership Documents (e.g. Probate, Land Sales, Gift Deeds, TAAMS Ownership Reports, etc.).
- Identify, retrieve, and process accounting metadata forensic requirements and formats to support OTAR's business needs to process and manage historical accounting (i.e. Research, Analysis, Distribution, Offsetting, Disbursement, and the documents listed above, etc.).
- Provide training to Federal OTAR staff to recommend forensic analysis distribution, offsetting, disbursement results and actions to BIA and TO-A for approval.
- Fund contracts to:
 - Provide supporting documentation and analysis to the SOL and the Department of Justice (DOJ) defending the Department in trust lawsuits alleging breach of trust.
 - Assist in the Department's work toward negotiated settlements of Tribal trust fund accounting and related claims.
 - Conduct research and analysis to identify ownership of financial assets in SDA, Youpee Escheat Accounts, individual Indians accounts, and non-trust entities and to distribute balances.
 - Address historical accounting requirements, verify system account codes, prepare interest calculations, generate system interface files, research system transactions, assist with backlog management, reconcile accounts and evaluate accounting document dispositions.

Program Overview

Office of Trust Analysis and Research (\$17,536,000/9 FTE) – OTAR will manage historical accounting of Tribal Trust and IIM accounts, and work to identify ownership and disseminate residual balances in the SDA and Youpee Escheat Accounts, individual Indians' accounts and non-trust entities. OTAR will provide both litigation and settlement support to defend the Department against litigation alleging breach of fiduciary trust duties.

In July 2001, the OTAR was created by a Secretarial Order to plan, organize, direct, and execute the historical accounting of IIM accounts. The OTAR's responsibilities were later expanded to include the provision of historical accounting for Tribal accounts. The OTAR's management model is based on a small staff of Federal employees directing the efforts of individual contractors. The contractors have provided critical technical expertise in areas such as accounting services, data analysis, historical research, information resources, data security, statistical analysis, and document search, collection, imaging, coding, and reproduction. The Department and OTAR are working to resolve approximately 26 breach of trust lawsuits filed by or on behalf of Tribes and individual Indians that involve claims related to both trust funds and natural resources or land management. These cases are in various Federal District Courts and the Court of Federal Claims.

The OTAR will support active litigation and settlement negotiations in coordination with the DOJ and the SOL. The DOJ, SOL, and the Department will rely on the OTAR to satisfy the critical, and often court-ordered, information demands (e.g., formal discovery requests) of the litigating Tribes and of the Government for the defense of the lawsuits through document search, document production, accounting services, historical research and data analysis of Tribal and individual accounts and claims, among other litigation support activities.

Tribal and IIM Historical Accounting – The OTAR will compile, share, and explain trust fund accounting and related information to help resolve the remaining Tribal and individual breach of trust cases and avoid future disputes or claims. The Tribal Division's efforts will focus on supporting resolution of breach of trust and related lawsuits brought by Tribes and individual Indians alleging violation of the Department's trust relationship. The OTAR will be the sole office within the Department, to provide both litigation and settlement support (document research and retrieval, document reproduction, and analysis) for violations of trust claims against the Department.

Special Deposit Accounts/Youpee Escheat Funds Distribution Project – The OTAR will identify the proper ownership of residual balances in aged SDA. The balances that have accumulated in SDA, while under BTFA, resulted generally from judgment awards, settlement of claims, land-use agreements, royalties on the use of natural resources, other proceeds derived directly from trust resources, and financial investment income. Settlement Support will plan, organize, direct, and execute the historical accounting of IIM accounts, conducting the research and performing the necessary analysis to distribute trust funds residing in SDA and Youpee Escheat Accounts to proper owners whether it be Tribes, individual Indians, and Alaska Natives and/or non-trust entities. The Youpee Escheat accounts reflect income from land interests that had escheated (transferred) to Tribes under legislation that the Supreme Court deemed unconstitutional. BTFA’s FY 2022 budget request will allow the annual closure goals of \$500,000 to be distributed to Tribes, individual Indians (both SDA and Youpee accounts), and/or third parties.

Account: Federal Trust Program

Activity: Trust Operations

Sub activity: Information Resources and Trust Records

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Information Resources and Trust Records	18,344	21,267	+200	-164	0	21,303	+36
Information Resources	8,111	8,365	+65	-164	0	8,266	-99
Trust Records	10,233	12,902	+135	0	0	13,037	+135
<i>FTE</i>	<i>76</i>	<i>81</i>	<i>0</i>	<i>-1</i>	<i>0</i>	<i>80</i>	<i>-1</i>

Program Component: Information Resources

Program Description

Overseen by the Associate Chief Information Officer, the Trust Operations – Information Resources (TO-IR) will provide organization-wide information resources and support for BTFA in carrying out fiduciary trust responsibilities to Tribes and individual Indian beneficiaries.

The FY 2022 budget will fund 26 FTE and contractors to:

- Provide IT Help Desk support to BTFA employees nation-wide.
- Continue to migrate IT infrastructure to a cloud smart computing environment.
- Continue to redevelop and consolidate IT applications for enhanced services to beneficiaries and improved operating efficiencies in TO-A and TO-F.
- Provide IT data recovery in the event of a disaster.
- Replace or modify in-house developed application programs originally written in cold-fusion and designed to work with the previous trust financial accounting system.
- Fund Working Capital Direct costs related to Federal and Departmental IT security.
- Fund contract support for the mobile banking application.
- Develop a data warehouse.
- Deploy a common VOIP system to all BTFA office locations.
- Improve IT security and resource access management.
- Support DOI OCIO initiatives:
 - Privileged Account Management
 - Zero Trust Networking
 - Transition to Internet Protocol version 6 (IPv6)
 - Endpoint protection services
 - Single IT Ticketing System

Program Overview

Trust Operations - Information Resources (\$8,266,000 /26 FTE) – TO-IR will develop, maintain, and operate the trust IT enterprise architecture; provide day-to-day computer support to BTFA personnel nationwide; and develop and maintain applications in support of the BTFA mission. TO-IR will implement its comprehensive plan to centralize and automate BTFA’s IT network services. This will include funding critical IT investments for migration of the existing BTFA hardware infrastructure to a FEDRAMP certified, FISMA moderate cloud computing environment. The new investments in dash boarding and data management pursuant to the Open Data Act, shall work to eliminate infrastructure costs associated with the previous TFAS hosting and security environments, generating savings as BTFA is modernizes TFAS services.

In FY 2022, TO-IR will:

- Advance existing mission support of IT applications/systems and develop applications to address new or changing requirements, specifically those in support of the new TFAS, which will move IT services to the cloud, automate beneficiary delivery services and invoke business intelligence to make more effective and longer term business decisions.
- Transition the development of an enterprise architecture model ensuring shared-services, mobile workforce technologies and the consolidation of IT investments, applications and data, to incorporate mandated OMB directives such as Open Data, Controlled Unclassified Information, Records Management, Security and Privacy.
- Redesign of BTFA’s infrastructure including identifying solutions to meet key mandates:
 - August 1, 2006, Data Center Optimization Initiative¹
 - February 8, 2011, Federal Cloud Computing Strategy²
 - December 19, 2014, Federal Information Technology Acquisition Reform Act³
 - May 5, 2016, Improving Administrative Functions Through Shared Services⁴
 - May 16, 2018, U.S. Department of Homeland Cybersecurity Strategy⁵

IT operations Department-wide have incurred increased costs to meet new Federal requirements including cybersecurity. Subsequent changes in Federal and Departmental guidelines and policies regarding privacy, records, open data, open source software, category management, mobile workforce, and shared services required further changes in how BTFA delivers IT services now and in the next decade.

Program Component: Trust Records

Program Description

The Trust Operations – Trust Records (TO-TR) will continue to manage records at the AIRR, in Lenexa, KS in addition to providing records management training, guidance, and assistance to BIA,

¹ [Data Center Optimization Initiative](#)

² [U.S. Department of the Interior Cloud First](#)

³ [FITARA Guidance Directive](#)

⁴ [Shared Services Directive](#)

⁵ [DHS Cybersecurity Strategy](#)

BIE and AS-IA. The funding will also accelerate and expand the digitization of trust records at AIRR and to over one hundred BTFA, BIA, and BIE field locations.

The FY 2022 budget will fund 54 FTE and contractors to:

- Fund leased space for records storage.
- Respond to records retrieval requests.
- Electronically index records.
- Provide records management training.
- Provide remediation services for damaged inactive records.
- Maintain sound records management policies.
- Provide guidance and support to Indian Affairs and Indian Tribes on records.
- Implement records digitization.

Program Overview

Trust Records (\$13,037,000/54 FTE) - The BTFA will manage trust records including training, guidance, and assistance to BIA, BIE and AS-IA, and, to some extent, the Tribes. This will include the revision of policies and procedures for management of trust records, and the associated training and technical assistance. It also will include operation of the AIRR, an underground trust records storage facility in Lenexa, Kansas. In addition, TO-TR will develop and obtain approval from the Archivist of the United States for records schedules; develop computer-based records management training; administer the disposition and safeguard of inactive records; retrieve records for authorized users; support the implementation of Interior's eERDMS initiative; and manage/administer all inactive record activities/processes. This will include the electronic index of inactive records; assure security safeguards are in place at AIRR; provide remediation services for damaged inactive records; and limit access to inactive records to authorized users only.

In FY 2021, BTFA is moving toward a modern records management system via the Electronic Records Management Program (ERMP). The ERMP will digitize and upload paper records into the cloud for storage in compliance with:

- The President's Management Agenda requiring a move towards digital services and tools.
- The NARA Strategic Plan, Goal 3.2, states that by December 31, 2022, NARA will, to the fullest extent possible, no longer accept transfers of permanent or temporary records in analog formats and will accept records only in electronic format and with appropriate metadata.
- The Office of Management and Budget/NARA memo M-19-21, Transition Electronic Records.
- The Individuals with Disabilities Education Act (IDEA) required all government forms to be electronic and move to digital signatures no later than December, 2020.
- The Federal Cloud Computing Strategy also known as CloudSmart Act (10/5/1018).
- OMB memorandum M-12-18, dated August 24, 2012 entitled, "Managing Government Records Directive".
- The OMB Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce, M-17-22. The guidance proposes that government better leverage technology and improve the underlying business processes.

The ERMP is a multi-year project with several components, including:

- Revise policies and procedures;
- Purchase of high speed, air-based scanners;
- Prepare for digitization at field sites;
- Move the database for digitized records to the cloud, and creating a portal to allow easier internal access for research and retrieval;
- Review of approximately 335,000 boxes of records at the AIRR to 1) identify and disposition General Records Schedule documents, and 2) to digitize trust records.
- Provide training to BTFA, BIA, and BIE staff on electronic records management;
- Partner with NARA to develop online records management training;
- Review and digitize records at nearly 50 BTFA field sites, 12 BIA regional sites, and 85 BIA agencies;
- Review and digitize BIE records at operated schools; and,
- Provide training and digitization services to Tribes that desire BTFA assistance.

The end result of the ERMP will be that BTFA will:

- Have over a billion trust records available for electronic research and review;
- Collect records electronically from scheduled systems instead of generating duplicative paper records (eliminating print and file for electronic born records);
- Allow controlled sharing and management of records between agencies in an agile manner without costly contractor support;
- Retain and manage electronic records for easily retrievable information;
- Enable a common user experience, integrated and accessible data, and data security by leveraging the latest advancements in technology;
- Eliminate burdensome manual collections and reporting requirements, while improving the quality and integrity of these electronic records;
- Have the ability for Tribes to access their trust records online, a historical first, supporting Tribal sovereignty; and,
- Reduce costs and improve efficiency across BTFA, BIA and BIE.

In FY 2022, the benefits from the ERMP will be:

- The current manual indexing process will continue to be transitioned to a time saving scan/upload and quality control review process. The current AIRR research process will become a digital search process avoiding the costs associated with the recall of boxes from storage and increasing the preservation of the records. The long-term vision is to grant stakeholders permissions to 1) upload documents ready for transfer to the electronic records repository and 2) research documents in the electronic records repository necessary for work functions from desktops, reducing costs and improving efficiency. Development of an application to search records stored in the cloud is required to implement this function.
- Digitization will eliminate further deterioration of paper records caused by manual handling. The technological advancement benefits include, but are not limited to, providing clearer images of old, brittle, and fragile documents while preserving the records.

- The use of a PDF/A as its file format, which is an ISO-standardized version of the Portable Document Format (PDF) specialized for use for archiving and long-term preservation of electronic documents. This format is also used in the Library of Congress and is a NARA requirement.
- An estimated reduction of the records storage footprint from 350,000 cu. ft. to less than 10,000 cu. ft.
- BTFA anticipates the current storage space of 350,000 cu. ft. at AIRR will be at capacity in approximately 2.5 years. Therefore, an additional 105,000 cu. ft. will need to be leased from NARA. In FY 2020, the cost for storage of 455,000 cu. ft. textual records was approximately \$1,554,744. By comparison, the cost of storing an equivalent amount of textual records as images in the cloud would be approximately \$175,000.

Account: Federal Trust Program

Activity: Trust Operations

Sub activity: Trust Management Operations

Trust Management Operations	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Trust Management Operations	0	0	+5	0	+500	505	+505
Trust Management Operations	0	0	+5	0	+500	505	+505
FTE	0	0	0	0	+1	1	+1

Summary of 2022 Request Program Changes for Trust Operations Management

Request Component	(\$000)	FTE
<u>Program Changes:</u>		
Create the Trust Operations Management Office	+500	+1
TOTAL Program Changes	+500	+1

Justification of 2022 Program Change

The FY 2022 budget request for Trust Operations - Trust Operations Management is \$505,000 and 1 FTE, a program change of +\$500,000 and +1 FTE from the 2021 Enacted for this new office that will promote efficiency across BTFA’s trust operations programs.

Trust Operations Management Office (+\$500,000/+1 FTE) – The Trust Operations Management Office would consist of a Deputy Bureau Director and staff who oversee day to day operations, and perform planning, performance monitoring and coordination of activities, providing direction and targeting efficiency, cost savings, and cohesive trust services to beneficiaries.

Program Overview

Trust Operations Management Office (\$505,000/1 FTE) – The Deputy Bureau Director, Trust Operations Management provides overarching leadership to the core trust functions of BTFA and oversight for the trust operations as a whole within BTFA. The Deputy Directors of Trust Operations – Field, Trust Operations – Accounting, Trust Operations – Settlement Support and Information Resources and Trust Records will report directly to this position. The combined efforts of these programs have a direct impact on beneficiary services. TO-F and TO-A are the frontline service providers, dealing directly with beneficiaries, Individual Indians and Tribes. The TO-Settlement Support provides litigation support to the Department, while Information Resources and Trust Records (IRTR) provides communication and network connectivity as well as management of records and disposition of those records.

The addition of this office will allow for increased coordination of effort and communication between offices eliminating duplicative efforts while increasing interconnected and consistent planning for trust operations as a whole. The Trust Operations Management office will promote efficiency across trust operations programs.

Program Operations

Account: Federal Trust Programs
Activity: Program Operations
Sub activity: Business Management

Business Management	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Business Management	24,672	22,268	+6	0	+600	22,874	606
Chief of Staff	1,513	1,340	+20	0	0	1,360	+20
Business Management	21,101	19,662	-319	0	0	19,343	-319
<i>Litigation Support</i>	<i>[3,086]</i>	<i>[2,571]</i>	<i>0</i>	<i>0</i>	<i>[0]</i>	<i>[2,571]</i>	<i>[0]</i>
<i>Office of Hearings and Appeals</i>	<i>[8,516]</i>	<i>[7,096]</i>	<i>0</i>	<i>0</i>	<i>[0]</i>	<i>[7,096]</i>	<i>[0]</i>
Communication, Policy and Training	2,058	1,266	+10	0	0	1,276	+10
Office of Equal Employment Opportunity	0	0	+295	0	+600	895	+895
<i>FTE</i>	<i>37</i>	<i>40</i>	<i>0</i>	<i>0</i>	<i>+3</i>	<i>43</i>	<i>+3</i>

Summary of 2022 Program Changes for Business Management

Request Component	(\$000)	FTE
<u>Program Changes:</u>		
Create the Office of Equal Employment Opportunity with 3 FTE	+600	+3
TOTAL Program Changes	+600	+3

Program Component: Business Management

Program Description

Business Management includes four support functions: The Chief of Staff (COS), Office of Business Management (OBM), Office of Communication, Policy and Training (OCPT), and the new Office of Equal Employment Opportunity (OEEO).

The FY 2022 budget will fund 43 FTE to:

- Perform workforce planning.
- Provide clerical and administrative support for senior management in Executive Direction.
- Perform special projects involving coordination with other BTFA programs.
- Perform budget formulation, presentation, and execution functions.
- Collect data, draft, and provide budget execution reports to BTFA, DOI, AS-IA, OMB, and Congress.
- Negotiate and manage internal shared services Intra-Department Agreements.
- Manage and provide guidance on conference planning and reporting.

- Manage and provide guidance on the remote and telework program.
- Manage, provide guidance, and assist employees with the time and attendance system.
- Manage, provide guidance, and audit the government charge card program.
- Manage, provide guidance, inventory personal property, and inspect facilities and space.
- Continue development and dissemination of information concerning BTFA activities and new opportunities of importance to beneficiaries, Tribal leaders and Native organizations.
- Continue support of BTFA's national debit card and direct deposit programs for IIM account holders.
- Generate further awareness of Whereabouts Unknown (WAU) accounts across Indian Country.
- Develop and coordinate implementation of training activities within BTFA.

Justification of 2022 Program Change

The FY 2022 budget request for the Office of Business Management (OBM) is \$22,874,000 and 43 FTE, a program change of +\$600,000 and +3 FTE from the 2021 Enacted.

Business Management (+\$600,000/+3 FTE) – The \$600,000 increase will establish an Office of Equal Employment Opportunity as part of a Department wide Diversity, Equity, Inclusion, and Accessibility budget initiative to address identified high-priority needs in support of Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation. As part of this initiative, the Department, bureaus, and offices will jointly conduct a review of the Diversity, Equity, Inclusion, and Accessibility program across Interior to identify gaps, challenges, and best practices and to examine Department and bureau roles, responsibilities, and governance.

Program Overview

Business Management (\$22,874,000/43 FTE) - Functions of the COS include coordination of activities across the entire organization, conducting workforce planning, performing special projects as directed by Executive Management, and assisting with development and monitoring of BTFA's strategic planning. The OBM performs the following support management functions: acquisition, administration, budget, charge card, conference reporting, contracting, finance, fleet, human resources oversight, mail, safety, personnel and physical security, policy and procedure, property, space, time and attendance, travel. OBM also coordinates the implementation of performance improvement throughout BTFA by closely monitoring program outputs and activities in accordance with the Government Performance and Results Act.

OBM also manages the delivery of acquisition, fund accounting, human resources, and training through Intra-Department Agreements (IDA) with other DOI bureaus and offices, and support administration of P.L. 93-638 self-governance and self-determination activities and services to Tribes who contract or compact the Beneficiary Process Program (BPP). This office also will provide pass-through funding for the Indian Tribal Litigation Office (ITLO) as well as the Office of Hearings and Appeals (OHA) for probate adjudication.

OCPT will communicate with a diverse group of internal and external stakeholders about BTFA's programs and activities and the Department's fiduciary trust activities. Additionally, OCPT will be responsible for Congressional liaison activities and coordination with the Department's external affairs and communications offices on communications to the public and Tribes. OCPT will also develop communications to BTFA staff on a variety of subjects unrelated to trust, such as Departmental and BTFA policies, information regarding

BTFA events, and sharing of information of interest to employees. OCPT coordinates training activities previously dispersed across BTFA. OCPT will continue to improve internal communication with employees and conduct training to increase employee engagement and operational performance by improving the workplace environment. Increasing opportunities for employee training for specific skill sets will further enhance efficient delivery of mission-critical services and employee engagement.

OCPT will also provide Tribal and individual Indian trust beneficiaries, Department, Congress, other government agencies, and the public with a wide range of information on the status of trust priorities, current initiatives, and benefits through personal contacts, dissemination of printed and electronic outreach materials, and news releases. Examples of information created and disseminated include brochures explaining: the probate process, how to withdraw funds held in trust, and the Explanation of Payments statement. The OCPT will continue to work to improve external communications with the stakeholders through outreach activities regarding the BTFA activities, national debit card and direct deposit programs. Communications generated for internal use will focus on apprising employees of BTFA’s activities, new legislation affecting beneficiaries, promoting training opportunities and enhancing employee engagement.

Litigation Support (\$2,571,000) – The BM budget includes pass-through funding for the SOL. Services that will be provided by SOL include (but are not limited to): document production capabilities, case load review, analysis, management and support, as well as, internal controls counsel and advice.

OHA Probate Performance Data 2015-2020

	Number of Cases Pending Beginning of Year	Number of New Cases Received	Number of Cases Decided	Number of Cases Pending End of Year
FY 2015	5,490	6,505	6,843	5,152
FY 2016	5,152	6,317	6,233	5,236
FY 2017	5,236	6,051	6,604	4,683
FY 2018	4,683	5,635	4,607	5,711
FY 2019	5,711	4,519	6,154	4,076
FY 2020	4,076	2,892	3,439	3,529

Office of Hearings and Appeals (\$7,096,000) – The budget for BM includes pass-through funding for the Office of Hearings and Appeals. OHA will use the funding for probate adjudication of Indian trust estates, ensuring that individual Indian interests in allotted lands, their proceeds, and other trust assets convey to the decedents' rightful heirs and beneficiaries.

Due to the pandemic, substantially fewer cases were sent to OHA in FY 2020 than in prior years, and that trend is projected to continue for the rest of FY 2021. There is a build-up of cases as a result of the

pandemic, cases sent to OHA are expected to substantially increase in FY 2022 once processing can resume at normal levels. OHA is expected to be able to increase cases concluded due to the filling of five critical Judge vacancies in FY 2021. Training is ongoing and by FY 2022, OHA expects these Judges to be fully productive to meet a potential surge of case receipts.

Account: Federal Trust Programs

Activity: Program Operations

Sub activity: Office of Strategic Oversight and Planning

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Strategic Oversight and Planning	5,121	4,704	+313	+1,278	0	6,295	+1,591
Office of Strategic Oversight and Planning	5,121	4,704	+313	+1,278	0	6,295	+1,591
<i>FTE</i>	<i>20</i>	<i>25</i>	<i>0</i>	<i>+9</i>	<i>0</i>	<i>34</i>	<i>+9</i>

Program Component: Office of Strategic Oversight and Planning (OSOP)

Program Description

OSOP evaluates BTFA’s trust programs and trust records management for deficiencies and monitors corrective actions for the identified deficiencies. It oversees BTFA’s financial reporting, Risk Management, Compliance, Audit Liaison, Project Management, Strategic Planning, and Data Governance and Analytics functions. OSOP also evaluates trust programs managed by Tribes under Self-Determination compact agreements pursuant to Title 25 CFR, Part 1000.

The FY 2022 budget will fund 34 FTE to:

- Conduct 23 Tribal evaluations.
- Conduct 40 records assessments.
- Conduct reviews of mandated DOI programs.
- Conduct 12 comprehensive Regulatory Compliance Reviews of BTFA’s trust operations activities.
- Conduct 20 internal control reviews.
- Review 17 financial business processes.
- Conduct comprehensive annual mandated reviews; review 2 SORNs and 4 PIAs; conduct annual privacy awareness and role-based training for 350 employees.
- Respond to 12 referrals from Office of Inspector General.
- Process 75 FOIA requests

Program Overview

Office of Strategic Oversight and Planning (\$6,295,000 /34 FTE) - The BTFA developed a number of advanced oversight capabilities that allow it to proactively address risks to our beneficiaries and our mission, to act strategically, to increase performance, and to report its results. These oversight capabilities are consolidated into the OSOP, which is broken up into a number of Divisions and workgroups.

The Division of Strategy and Project Management enhances the strategic planning process and ensures consistent and thorough project planning across the organization. The Strategy and Project Management program focuses on three main areas: (1) implementation of the Project Management Improvement Accountability Act (PMIAA); (2) the Project Management Community of Practice at BTFA; and (3) Strategic Planning.

The FOIA program oversees all FOIA activities, including receiving, reviewing, and interpreting FOIA requests for BTFA records; maintaining FOIA requests in the Departmental FOIA online database of record; identifying the types of records being sought; preparing a response to the requestor, and performing critical analysis of responsive documents consistent with Departmental FOIA policy and guidance.

The Privacy Program Office (PPO) manages and oversees BTFA privacy activities to ensure compliance with Federal privacy laws and policies. Provides policy, guidance, monitoring, and training to ensure privacy considerations are addressed during the planning, developing, or updating of BTFA programs, systems, or initiatives in order to protect individual privacy and promote transparency.

The Division of Trust Evaluation and Review (DTER) is responsible for performing Indian Self-Determination and Education Assistance Act (Public Law 93-638) Tribal Trust Evaluations for compact Tribes, and for performing Trust Records Assessments within Indian Affairs. DTER evaluates trust programs and trust records management for deficiencies, identifies findings, issues reports, and monitors corrective actions for the identified deficiencies. The Tribal trust reviews evaluate trust programs managed by Indian Tribes under Self-Determination compact agreements (Title 25 CFR, Part 1000).

The Division of Financial Trust Reporting is responsible for completing BTFA financial reporting responsibilities that may be required on a monthly, quarterly, annual, or ad-hoc basis. The work is used internally, as well as, submitted to Treasury and other External Stakeholders. Reporting efforts include:

- U.S. Standard General Ledger;
- DATA Act Reporting;
- Treasury SF-224;
- BTFA Financial Statements;
- Footnote Compilation for use in DOI Financial Statements;
- Tax Forms to Individual Indian Beneficiaries; and
- Additional reporting as needed for oversight and monitoring purposes.

The Division of Data Governance and Analytics will be led by the Deputy Chief Data Officer to direct data governance across the BTFA with a focus on guiding, monitoring, analyzing, and operationalizing data. Additionally, this group will provide advice and analysis to support data-driven decisions and strategies. This Division ensures BTFA compliance with the Open Government Data Act, including collaborating with the Office of Government Information Services and the Administrator of General Services to facilitate open and machine-readable data practices. Additionally, it will assist BTFA personnel in harnessing data to inform and improve decision-making, revamp and improve operations, and identify inefficiencies and risks.

The Division of Risk and Compliance (DRC) works to ensure BTFA complies with OMB Circular A-123 and the FMFIA. This Division coordinates management's annual self-assessment evaluation of the effectiveness of internal controls designed to mitigate risk associated with financial and non-financial program activities; conducts independent testing of the internal controls within financial business processes; conducts internal control reviews of programs; and provides assistance with risk management inquiries. Through the use of risk assessments completed by all program managers for their assigned programs, DRC ensures that BTFA management can provide reasonable assurance that the financial reports are reliable, their programs operate efficiently and effectively, and their programs comply with applicable laws and regulations. DRC also performs Enterprise Risk Management activities, including coordination of an annual

Risk Profile with all BTFA offices, maintaining a centralized, full repository of BTFA's risks in the form of a Risk Register, facilitating the creation of Risk Response Plans, and providing training, education, and guidance to advance risk capability and fluency. Finally, DRC performs all regulatory compliance oversight, including the performance of standard compliance reviews and ad-hoc requests that monitor, analyze, document, and report on compliance with laws, regulations, and OIG referrals.

Trust Funds

Tribal and Other Trust Funds

(Dollars in Thousands)

	2020 Actual	2021 Enacted	Fixed Costs (+/-)	Internal Transfers (+/-)	Program Changes (+/-)	2022 Request	Change from 2021 (+/-)
Total	532,114	486,000	0	0	+5,000	491,000	+5,000
Tribal Special Fund	355,462	332,000	0	0	+3,000	335,000	+3,000
Tribal Trust Fund	176,652	154,000	0	0	+2,000	156,000	+2,000
<i>FTE</i>	0	0	0	0	0	0	0

Program Overview

The budget authority for the Tribal Special Fund and Tribal Trust Fund is equal to receipts of settlements and/or judgments from the Judgement Funds for on-budget trust funds as well as transaction activity from buying and selling investments outside of Treasury for on-budget trust funds; including investment income and proceeds from investment in government sponsored entity securities. Most of the assets of these funds are in investments held outside Treasury.

Tribal Special Fund

This fund includes activities associated with the following accounts:

- *Tribal Economic Recovery Fund*. This fund is authorized by the Three Affiliated Tribes and *Standing Rock Sioux Tribe Equitable Compensation Act of 1992* (P.L. 102-575) and holds funds which have been appropriated pursuant to the Act. Beginning in 1998, interest earned on the principal of this fund is available for both Tribes for economic development, education, and social services programs.
- *Three Affiliated Fort Berthold* (P.L. 102-575). The fund is not designated by law as a trust fund. The Act provides for additional compensation to the Three Affiliated Tribes and the Standing Rock Sioux Tribe for the taking of Tribal lands related to the Garrison Dam and Reservoir project. The Tribes are only entitled to the interest earnings, not the corpus (sec 3504(a)(4)).
- *Standing Rock* (P.L. 102-575, Title XXXV). The Act provides for additional compensation to the Three Affiliated Tribes and the Standing Rock Sioux Tribe for the taking of Tribal lands related to the Garrison Dam and Reservoir project. The Tribes are only entitled to the interest earnings, not the corpus (sec. 3504(a)(4)).
- *Papago Cooperative Fund* (P.L. 97-293). The fund was established for the Tribe to obtain services that are financed by earnings on investment of the fund.
- *Ute Tribe* (P.L. 102-575, Title V). The fund was established for certain environmental and developmental purposes. One of the expressed purposes of this Act is to put the Tribe in the same economic position it would have been in had features contemplated by a September 20, 1965 agreement with the United States and others been constructed and thus, resolve Tribal claims arising out of the agreement. In addition, the Act qualifies the Tribe’s reserved rights and provides for the waiver of Tribal claims related to this issue. The funds provided for by Section 504, like all funds provided for by the Act, with the exception of those funds provided for under Section 505, are intended to resolve legal claims related to the Tribe’s water rights.
- *Pyramid Lake Indian Reservation* (P.L. 101-618), Specifically, the Lahontan Valley and Pyramid

Lake Fish and Wildlife Fund. The Lahontan Valley and Pyramid Lake Fish and Wildlife Fund consist of payments for the use of certain water and transfers from the Fisheries Fund.

- *San Luis Rey Water Authority* (P.L. 100-675). This settlement resolved pending water rights litigation between the United States and the Bands local entities. The Act established the San Luis Rey Tribal Development Fund and authorized appropriations of \$30 million to the Fund. Following execution of the proposed settlement agreement, the Secretary of the Treasury is directed to make funds available upon the request of the Indian Water Authority.
- *Cochiti Wetfields Solution*. In 1994, the Army Corps of Engineers transferred \$4 million pursuant to P.L. 102-358 to fund the Department's responsibilities under the settlement agreement between Cochiti Tribe, the Corps, and the Department. The Secretary of the Interior is responsible for maintenance, repair, and replacement of a drainage system constructed by the Corps for the Cochiti Pueblo.

Tribal Trust Fund

This fund includes activities associated with the following accounts:

- *Funds Contributed for the Advancement of the Indian Race*. This fund accounts for any contributions, donations, gifts, etc., which are to be used for the benefit of American Indians in accordance with the donors' wishes (82 Stat. 171).
- *Bequest of George C. Edgeter*. This fund includes a donation made by George C. Edgeter; income is available according to the terms of the bequest for the expenditure as determined by the Assistant Secretary - Indian Affairs, for the relief of American Indians.
- *Ella M. Franklin Fund*. This fund consists of a bequest, the principal of which is invested in U.S. Treasury securities, and the interest is to be used for the relief of American Indians as specified by the donors' wishes (82 Stat. 171).
- *Josephine Lambert Fund*. This fund includes a donation made by Josephine Lambert, income to be used for the health or education of underprivileged Indian Children.
- *Orrie Shaw Fund*. This fund includes a donation made by Dr. Orrie Shaw, income used only for the training or education of American Indians.
- *Wemas Endowment Fund*. This fund was established to receive revenue generated by land owned by the decedent for the period of ten (10) years whereby the annual interest earnings of the endowment can be distributed by the Assistant Secretary - Indian Affairs for the education of members of federally recognized Tribes; provided that 20 percent of the annual interest serves to benefit the education of Agua Caliente Tribal members. The Tribe has the option of obtaining complete control of the land, prior to the end of the endowment period, if it elects to fund the endowment so that the principal amount reaches \$750,000.
- *Arizona Intertribal Fund* (P.L. 100-696). The fund represents an exchange agreement for privately held lands in Florida for publicly held land in Arizona. Use of the money is subject to appropriations and is available to pay for supplemental education and child welfare programs.
- *Navajo Trust Fund* (P.L. 100-696). The fund ratifies an exchange of Federal Land in Arizona.
- *Crow Creek* (P.L. 104-223). The Act established a corpus that is to be invested and makes the interest earnings available without appropriation for the various activities under Section 5. However, the Act does not appear to transfer ownership of the money to the Tribe or create a legal claim to the funds, until it is paid to them.
- *Lower Brule Infrastructure* (P.L. 105-132). The Act provides additional compensation to the Lower Brule Sioux Tribe for the taking of land related to the construction of the Fort Randall and Big Bend

dams. The Congress had originally provided compensation of \$4.3 million in 1958 and 1962. Total deposits are capped at \$39.3 million. The Act does not appear to transfer ownership of the money to the Tribe or create a legal claim to the funds, until it is paid to them.

- *Chippewa Cree Tribal Compact ADM/Chippewa Cree Future Water Supply* (P.L. 106-163). The fund was established in FY 2001. The trust fund is established under Title I, Sec. 104, Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund. The ownership of the trust fund does not convey to the Tribe until such time as the Tribe waives all claims and meets the underlying settlement requirements.
- *Shivwits Band of Paiute Indians* (P.L. 106-263). The fund was established in FY 2002. Ownership of the trust fund does not convey to the Tribe until such time as funds have been appropriated and deposited into the Trust fund; the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement and the Settlement Agreement are approved and in effect; the State Engineer of Utah has approved all applications necessary to implement the provisions of the Santa Clara Project Agreement, St. George Water Reuse Agreement and the Settlement Agreement; the Court has entered a judgment and decree confirming the Shivwitz Water Rights and is final as to all parties to the Santa Clara Division and the Virgin River Adjudication.
- *The Crow Creek Sioux Tribe Infrastructure Development Trust Fund of 1996* (P.L. 104-223, 110 Stat 3026). The law establishes a Crow Creek Sioux Tribe Infrastructure Development Trust Fund. In FY 1997, \$27.5 million was deposited into the Fund. The interest earned from the invested principal is available for payment to the Tribe for Tribal education, health care, recreation, and other projects.
- *Blackfeet Water Rights Settlement* (P.L. 114-322). The fund was established to achieve fair, equitable and final settlement of claims to water rights in the State of Montana for the Blackfeet Tribe.
- *Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation* (P.L. 116-260). The fund was established to achieve fair, equitable and final settlement of claims to water rights in the State of Montana for the Confederated Salish and Kootenai Tribes.

Justification of 2022 Program Change

The FY 2022 budget request for the Tribal Special Fund and Tribal Trust Fund totals \$491,000,000. Balances are a result of receipts from settlements and/or judgments from the Judgement Funds for on-budget trust funds as well as transaction activity from buying and selling investments outside of Treasury for on-budget trust funds, including investment income and proceeds from investment in government sponsored entity securities. The balances fluctuate daily dependent on the timing of incoming proceeds, re-investment, and disbursements. Given the current economic conditions investments with higher coupon rates are being called thus increasing investment activity. BTFA does not have control over the timing of all the aforementioned factors impacting balances on any single day. Thus the balance as of one point in time, Oct 1, is subject to significant variance from year to year. Most funds invested outside of the US Treasury are primarily in Agency, Government Sponsored Enterprise, and mortgage backed securities.

Budget Classification of Tribal Trust Funds

Tribal Trust Funds are deposited into consolidated accounts in the U.S. Treasury pursuant to general or specific acts of Congress and Federal management of Tribal real properties, the titles to which are held in trust for the Tribes by the United States. These funds are available to the respective Tribal groups for various purposes, under various acts of Congress, and may be subject to the provisions of Tribal constitutions, bylaws, charters, and resolutions of the various Tribes, bands, or groups.

Commencing with FY 2000, most Tribal trust funds, including special funds managed by BTFA were reclassified as non-budgetary. Ownership of these funds did not change; changes were made for presentation purposes only. Some Tribal Trust Funds remain budgetary, in the Tribal Special or Tribal Trust Funds accounts.

The budgetary funds are included in either a budgetary special fund account or trust fund account. The distinction between a special and a trust fund is purely technical from a budgetary standpoint; if the law creating the fund delineates it as a “trust fund”, it is included in the trust fund account. If the law delineates the fund as something other than a trust fund (e.g., a “development fund”), it is included in the special fund account.

Trust Land Consolidation Fund

Trust Land Consolidation Fund

Appropriation Summary Statement

The Class Action Settlement Agreement resulting from the *Cobell v. Salazar* litigation (confirmed by the Claims Resolution Act of 2010, P.L. 111-291, and finalized on November 24, 2012), established a \$1.9 billion Trust Land Consolidation Fund for the purchase of fractional interests in trust or restricted land from Individual Indian landowners in accordance with the Indian Land Consolidation Act Amendments of 2000 P.L. 106-462. The fund also covers implementation costs to address the ongoing problem of fractionated interests by continuing the process of consolidating fractional interests through tribal and landowner collaboration. According to the Cobell Settlement and the statute that ratified and confirmed it, amounts in the Fund are “made available to the Secretary during the ten-year period” ending in November 2022, and “any amounts remaining” at that time shall be returned to the Treasury. Consistent with the Settlement, the Program will end by November 2022.

Activity: Land Buy-Back Program for Tribal Nations**Program Overview**

In FY 2012, the Secretary of the Interior established the Land Buy-Back Program for Tribal Nations (LBBP) to implement the land consolidation provisions of the 2009 Cobell Settlement Agreement, which included a new \$1.9 billion Fund to acquire fractional interests in trust or restricted land from individual Indian landowners who are willing to sell their interests for fair market value. Acquired interests are immediately held in trust for the tribe with jurisdiction with the potential to expand economic development and other opportunities for tribal communities. Land consolidation restores tribal control over tribal lands to strengthen tribal self-determination. The Settlement states the Fund must be expended within a 10-year period. Any funds remaining at the end of the 10-year period, in November 2022, will return to the U.S. Treasury Department. As provided in the Settlement, implementation costs to acquire fractional interests and associated trust reform activities, must not exceed 15% of the Fund.

As an additional incentive to participate in the LBBP, the Settlement provided that a portion of the Fund, up to \$60 million, would be contributed to a Cobell Education Scholarship Fund. Program contributions reached \$60 million in 2017. The Cobell Education Scholarship Fund provides financial assistance to American Indian and Alaska Native students attending post-secondary vocation schools or institutions of higher education.

The principal goal of the LBBP is to maximize the reduction of fractional land interests through voluntary sales in the most effective manner possible. Despite the large size of the Fund, it is not sufficient to purchase all fractional interests across Indian Country. The value of the land equivalent to purchasable acres exceeds \$1.9 billion. Consequently, it is imperative that the Fund continue to be used thoughtfully on cost-effective acquisitions to have maximum impact.

The LBBP's appropriated funding will continue to be used in accordance with the Settlement Agreement. The funding for the LBBP will remain separate from appropriated funding for BTFA operations. All LBBP staffing and operational costs will continue to be paid from the Fund.

Recognizing the importance of maintaining the momentum of the LBBP effort as the program approaches its 10-year fund expiration date in November 2022, the Bureau of Indian Affairs budget proposes to reestablish a modified Indian Land Consolidation program in 2022 and includes \$150.0 million for this program to further reduce land ownership fractionation in Indian Country. The program will also support Executive Order 14008 by enhancing the ability of tribal governments to plan for and adapt to climate change and to build stronger Tribal communities.

FY 2022 Program Activities:

The LBBP will continue working to reduce fractionation by continuing to implement efforts at scheduled locations while effectively managing administrative costs and preparing to conclude its activities. In FY 2022, the LBBP anticipates providing offers at its last location and conducting an orderly wind down and closure of the Program by November 2022.

Program Performance Estimates

Land Buy-Back for Tribal Nations Spending by Fiscal Year

(Dollars in Thousands)

	2020	2021	2022
Trust Land Consolidation Fund	Actual	Estimate	Estimate
Land Purchases	\$86,654	\$98,895	\$27,901
Implementation/Administrative Costs	\$14,034	\$13,750	\$13,862
Total	\$100,688	\$156,366	\$79,445
Indian Education Scholarship Holding Fund*			
*The LBBP transferred a cumulative amount of \$60 million to the Cobell Education Scholarship Fund effective March 2017, which was the maximum amount that the program could contribute under the terms of the Settlement Agreement.			

In FY 2020, the LBBP surpassed \$1.5 billion in cumulative land sales paying over \$86 million to landowners who accepted offers resulting in nearly 97,000 fractional interests purchased (nearly 176,000 equivalent acres consolidated).

As of FY 2020, the LBBP has paid landowners over \$1.54 billion and it has created or increased tribal ownership in over 49,000 tracts of allotted land – with nearly 1,800 of those tracts reaching 100 percent tribal trust ownership. The LBBP has acquired nearly 983,000 interests, which is a 33 percent reduction in total purchasable fractional interests identified by the LBBP in 2013. The LBBP has restored the equivalent of more than 2.7 million acres of land to tribal trust ownership.

In FY 2021, the LBBP continues to mail offers for interests at scheduled locations. The LBBP estimates that it will acquire approximately 60,000 fractional interests and total payments to landowners will be approximately \$99 million. In addition, the LBBP estimates it will transfer the equivalent of more than 111,000 acres of land to tribal trust ownership.

The LBBP will continue working to reduce land ownership fractionation in FY 2022 by continuing implementation efforts as several locations while also planning to conclude its land consolidation efforts by November 2022. The Program will ensure that ample appraisals are completed to help utilize as much of the remaining funds as possible for land consolidation. The LBBP will continue operations in FY 2022 and will contact tribes individually as resources allow for any implementations beyond the Program’s announced schedule. The LBBP estimates that it will acquire more than 16,000 fractional interests and that total payments to landowners will exceed more than \$27 million. In addition, the LBBP estimates it will transfer the equivalent of more than 12,000 acres of land to tribal trust ownership. The LBBP will continue to effectively manage implementation (administrative) costs and perform an orderly wind down and closure of the Program by November 2022.