

**TRANSCRIPT
TRIBAL CONSULTATION ON
TRIBAL COLLEGES AND UNIVERSITIES (TCU) FACILITIES
U.S. Department of the Interior
Office of the Assistant Secretary – Indian Affairs**

**May 7, 2021
2:00 pm ET**

Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen-only mode until the question-and-answer session of today's conference. At that time you may press Star 1 on your phone to ask a question. I would like to inform all parties that today's conference is being recorded. If you have any objections you may disconnect at this time. I would now like to turn the conference over to Tony Dearman. Thank you. You may begin.

Tony Dearman: Thank you. Hello everyone and good afternoon. Welcome to the Consultation Regarding Operations and Maintenance for Tribal Colleges and Universities. I am Tony Dearman, the Director of the Bureau of Indian Education.

The Consolidated Appropriations Act of 2021 appropriated \$15 million to address operation and maintenance needs at TCUs. The purpose of this consultation is to receive comments on methodologies to address the appropriations. We appreciate you taking the time to join us today. And at this time I'm going to introduce the Indian Affairs Team members that are going to be participating in today's consultation.

Sharon Pinto, BIE, Deputy Bureau Director of School Operations, Judy Wilson, Director Office of Facilities, Properties and Safety Management and Mike Wischnewski, the Deputy Director Office of Facilities, Property and Safety Management.

I will turn it over to Mike so we can get started. Mike?

Michael Wischnewski: All right thank you Tony and I also want to thank everyone who has taken the time to call in today. Judy's on another briefing but I expect that she'll be joining us soon. I would like to introduce Gabe Draper. He's the Special Assistant to the Director of the Office of Facilities, Property and Safety Management. And so he'll also be on the call representing OFPSM.

As Tony said, my name is Michael Wischnewski. I'm the Deputy Director for the Office of Facilities, Properties and Safety Management. Welcome to our consultation regarding a strategy to provide O&M funding to tribal colleges and universities for facility needs. We appreciate your willingness to engage with us. We know your time is precious so let's go ahead and get started.

The presentation that we're going to be going over today can be found on the Indian Affairs Web site. In your Internet browser if you type bia.gov and then scroll down to the bottom of the page where it says News that's where you'll see this presentation. You can click on the first link that's titled Funding Assessment and Methodology Input for Tribal Colleges and Universities Consultation and then next click on the blue text link that is titled Follow Along by Viewing the Presentation and that should get you the presentation. Again that's bia.gov and then just scroll down to the bottom of the page where it says News and the presentation is the first one on the left.

And while people are pulling up that presentation and before I go any further I just want to point out that this consultation session is not intended for the press or media use. And we respectfully ask that if you are a member of the press or media that you reach out to the Department Office of Public Affairs and disconnect now. Thank you.

I'm going to start from Slide 3. During today's presentation we're going to propose a couple of questions to be addressed, briefly go over some applicable FY '21 joint explanatory statement language and a summary of congressional intent. And then finally we're going to offer some potential distribution options to start the conversations on how we move forward.

There are two questions that I would like to address during this consultation. The first is what is an equitable methodology to distribute \$15 million? And then the second one is what data criteria, data-driven criteria can we use to assess O&M needs?

But first let's review the joint explanatory statement. That's the subject of this consultation. Any TCUs have significant unfunded needs. BIE in (Asia) are the work with tribal leaders and other stakeholders to develop a consistent methodology for determining TCU O&M needs and assess TCU facility needs and develop a distribution methodology to address these needs.

To summarize the congressional intent there is recognition of unfunded O&M needs for TCUs. And \$15 million has been appropriated to address these needs, develop a methodology to assess TCU O&M needs and then determine an equitable process to distribute O&M funding to TCUs.

So here's some potential options for allocating and distributing the \$15 million across the TCUs. Option one is the simplest. Just divide the \$15

million evenly across all TCUs. Option 2 uses a 60-40 or a 50-50 split. So an example of a 60-40 split would be to evenly divide the 60% of the \$15 million across TCUs. And then the remaining 40% could be allocated and distributed based on for example Indian student count.

Option three, divide the \$15 million evenly across the TCUs based solely on Indian student count and then option four, use an O&M formula to determine an equitable distribution.

So there are benefits and challenges to consider, to be considered with the options one through three. Some of the benefits would include the data is easily accessible, the data is recorded regularly by academic institutions, the data is publicly available. The challenge with these options is that it's not necessarily indicative of facility conditions or O&M needs.

Option four is to use an O&M formula for potential variables could include square feet of academic space, number of buildings, age of facilities, again Indian student count and then current O&M expenditures. So a question would be are there other data points to consider or a combination of the above?

So that ends the formal presentation. We've explored some equitable methodologies to distribute the \$15 million in O&M funding using some potential data-driven criteria. I do want to point out that there was an error on the Dear Tribal Leader letter that was posted April 5. The letter had a deadline so had input of May 11. That should have been May 21 which will give you two weeks from today. So just to clarify, written comments will be accepted until midnight on May 21 by sending them to the consultation at bia.gov email address. That's consultation@bia.gov.

So moving forward we'd like to open up the phone lines to hear your questions, thoughts, ideas on potential options for allocating and distributing the \$15 million across the TCUs.

Coordinator: Thank you. We will now begin the question-and-answer session. If you'd like to ask a question please press Star 1. If you need to withdraw your question press Star 2. Our first question comes from Ned Norris.

Michael Wischnewski: Are you there? Hello?

Ned Norris: Yes.

Michael Wischnewski: Hello?

Ned Norris: We're here now. Thank you. Ned Norris, Tribal Chairman, O'odham Nation in Arizona. First off just want to let you know that appreciate your acknowledgment that the long-standing facilities construction needs of tribal colleges and universities, also appreciate the opportunity as a tribal leader to provide some input in on the subject and also the fact that you all have asked tribal leaders to provide some input on the subject.

To my knowledge, the BIE has never operated a tribal college or university construction program but also that it's also my understanding that they have never requested funding from Congress for such a program even though the TCU construction program has been authorized for more than 40 years through the tribally controlled colleges and university grant.

However having said that, regarding the \$15 million appropriated for fiscal year 2021 I have reason to believe that the BIE might be confused. And I say that because the joint explanatory statement to the Consolidated

Appropriations Act of 2021 which allocated the \$15 million "for TCU facilities requirements" refers to TCU construction and this funding should be used as a down payment towards meeting long-standing TCU facility's needs.

And while there is a need for tribal colleges and universities OIF funding which is currently available only to the 2 BIE. operated schools Haskell and (Sidney) this \$15 million is not for that purpose.

So having said that I want to offer some recommendations. And one recommendation would be to distribute the \$15 million to TCUs for construction based on their consensus recommendation. Also to work with the TCUs and AIHEC to develop a formula for determining TCU facility and O&M needs that is not based on your K-12 formulas and experiences.

As I think we would agree, higher education is different from K-12. And for that reason we think that higher education experts should be consulted in consideration of that.

And then also to another recommendation is carry out the congressional directive to develop a needs-based formula for determining overall PCU operating needs. As we I think we will realize this undertaking is going to be complex so we would suggest that BIE should contract with a third party to conduct the work, a third party that understands higher education institutions and operations and that will work closely with TCUs.

So that, you know, and I say this because I think about our own community college here on my tribal nation which then has been in existence for years. and they continue to struggle with the need for facilities. They continue to struggle with the need for operating expenses.

And in talking with President (Robertson) there at on community college, we think that coming to these recommendations we think that that would be the best approach to implementing the use of the \$15 million. So I appreciate the opportunity. Thank you for listening and I look forward to hearing the rest of the questions that may be asked. Thank you.

Michael Wischnewski: Chairman Norris, Yes, this is Michael Wischnewski again. I really appreciate the input. This is exactly what we're looking for during these consultations is to get some really thoughtful input on how we can distribute these funds so again I appreciate that.

Coordinator: Our next comment comes from Leander McDonald. Your line is open.

Leander McDonald: Thank you. I just want to thank you for having this call. And I just want to share that my name is Leander McDowell. I'm President for the United Tribes Techno College. I've been designated by the United Tribes of North Dakota which includes MHA Nation, Standing Rock Sioux Tribe, Turtle Mountain Band of Chippewa Indians, Sisseton Wahpeton Oyate Tribe and the Spirit Lake (unintelligible).

And those five tribes are our board of directors. We have a chairman and a councilperson from each of those (unintelligible). And I just want - I just appreciate the previous comment that was shared and that on behalf of the United Tribes of North Dakota we fully support and concur what was shared in regard to these funds. And we again support that these funds be directed to construction rather than O&M while at the same time recommending, recognizing the importance of operation and maintenance for our tribal colleges and universities. Thank you.

Michael Wischnewski: Again thank you for your comments President McDonald.

Coordinator: And as a reminder please press Star 1 if you would like to make a comment.
Our next comment comes from James King. Your line is open.

Monte Randall: (Unintelligible) Monte Randall at (Johajisacodos) Muscogee at (Owa Nachoga Mohagus, the Howigi). Hello everybody. This is Monte Randall, President College of Muscogee Nation and we just wanted to voice our - we wanted to concur with the previous comments from Tohono O'odham and President McDonald.

We concur that, you know, the funding should go towards construction for tribal colleges and universities. We have a developed master site plan here at the college of Muscogee Nation and we are ready to go to continue the development of our campus. And those funds would definitely help us out in that area so we appreciate this opportunity.

We appreciate the O&M funding suggestions. But what's really going to benefit tribal colleges is construction. So I just want to voice that out to you all. Thank you for this opportunity. We appreciate it.

Michael Wischnewski: Thank you President King. I appreciate the comments.

Coordinator: Our next comment comes from a Monty Roessel.

Monty Roessel: Good afternoon. My name is Monty Roessel. I'm the President of Diné College. And I want to again voice my support of what's already been spoken, like to thank you for having this consultation.

But I think, you know, what we're looking at from tribal colleges is also a question that we hear a lot in the news about equity. So equity for us is

different from equity from HBCUs or from other institutions and especially from K-12 institutions in terms of the formula that we use.

I think the other thing just to kind of add on to what we're talking about, Congress clearly stated that the intent of these funds were for construction. And so we view that this is a down payment on the next step which is that O&M. And so I appreciate the conversation to talk about O&M because I think you need to have both.

You need to be able to build new facilities to meet new demands of new programs and what's happening. Just take a look at what's happening within the pandemic.

But at the same time we need the O&M because a lot of our facilities are so old. And we know what happens if you don't take care of those buildings. Look what's happening with the K-12 system. And there's been an influx of funding and we're appreciative of that because a lot of our students go to the schools in our communities and on our reservations.

But I think that same fairness of treatment is what we're looking for is that same approach. Now we would need to have is been discussed a formula that would be very specific to our needs in higher ed and I think that can be done.

And I think you know what having a committee so I think there's two things that need to happen. One is a study of all the facilities and that's been a request by Congress. We are unique here at Diné College because this was something that was actually done and completed a couple years ago. We have not seen the results they have not been shared with us. But an analysis of our entire campuses across the two states has been completed.

So there is a footprint there that can be followed in terms of what comes next. So you need to do the analysis first then and maybe while you're doing that a convening to develop and owing to formula but and then putting the two together with what the needs are out there based on this assessment and then the formula so then we can get to the next step which actual event is the appropriate funding that's needed.

But I think the other thing that's important and that is not in and what separates at least Diné College and also the other tribal colleges is we have language and our enabling act that specifically says will receive O&M funding.

And for Dine College it actually has an amount. So if you take this \$15 million and you try to say, you know, the cost of inflation we're woefully under that and we don't receive a penny for it. So I think it also must be recognized the tribal colleges unlike a 12 we have authorizing language that says we will receive O&M cost.

And so this is about construction. So I think both things need to happen at the same time and provide a separate line item for O&M for tribal colleges just like it is done with Muscogee and Haskell but also for construction just like it's done for K-12. And it has to be some, you know, in a manner that we're already starting to look at ways to develop, you know, funding that comes to BIE 60-40, 50-50 -- whatever that percentage is.

We're already going to half, so we're not that far away from actually coming up with a solution. And so I think, you know, what we're looking for is one fairness. We're also looking for being at the table to develop a formula. And we're looking at this as just a down payment on what needs to come next because we have in our authorizing language the - we already have that

language saying you will receive O&M funding. So it's, you know, 53 years later we're just now getting around to it. Thank you.

Michael Wischnewski: And again thank you for those comments. I really appreciate that.

Coordinator: Our next comment comes from Myrna Thompson. Your line is open.

Myrna Thompson: Good afternoon. My name is Myrna Thompson from the Sisseton Wahpeton Oyate Northeastern South Dakota. We appreciate your time that you have taken today to visit with us and engage us in this important work and conversation.

And I agree with all the leaders that spoke and concur with what they have said. I also believe that the higher education experts need to be consulted also along with us and also that for construction with the pandemic, there's been a lot of issues with upgrading HVAC systems, replacements for air quality improvements. And a lot of these facilities are older and so we do need that money for construction.

And also like this would be considered just one step, the initial step because when you really think about it and while we appreciate it \$15 million spread across all the TCUs will not end up to be that big of a moment in the end after it's all said and done. But I believe in fairness and equity across the board so I just wanted to say I think looking at years of existence would be another aspect. I know the age of the facilities vary. So I just want to say that much and thank you for the opportunity to speak today. Thank you.

Coordinator: And as a reminder if you like to make a comment please press Star 1. Our next comment comes from Paul Robertson. Your line is open.

Paul Robertson: Thank you and good morning and good afternoon. My name is Paul Robertson. I'm the President of Tohono O'odham Community College 60 miles west of Tucson. And I want to say that I strongly agree with all of the comments that have been made thus far including from Chairman Norris Tohono O'odham Nation.

And I want to thank you and I welcome this opportunity to address your provision of the 2021 Omnibus and COVID Relief and Response Act that appropriates \$15 million for the facility the TCUs. If that amount were split among the 37 TCUs it would provide each of us with \$405,000.

Though that amount is small, the inclusion of the provision in the Act is significant as a starting place for future appropriations and support for the sizable construction and infrastructure needs of TCUs. In, short we should use this education construction provision of PL115-260 as an opportunity to address the long-standing well-documented needs of TCUs for support for construction and infrastructure. That's the path we should follow rather than the limited thought surely needed operations and maintenance formulation.

Those construction and infrastructure needs is documented by the AIHEC include the following. Deferred maintenance needs of \$500 million, construction for master plans of \$837 million, broadband support of \$24 million annually that would be there to support Internet costs and expansions within campuses for hardware and related needs especially now during this pandemic.

In sum we could use this opportunity to move the discussion forward and toward equitable treatment of TCUs and to meaningfully address TCU construction needs for physical facilities and for cyber infrastructure. Thank

you so much for this consultation and the chance to move forward to address the unmet needs of TCUs.

Michael Wischnewski: And thank you for your comments President Robertson.

Coordinator: As a reminder please press Star 1 if you'd like to make a comment. Our next comment comes from Haven Gourneau. Your line is open.

Haven Gourneau: Can you hear me?

Michael Wischnewski: Yes, loud and clear.

Haven Gourneau: Hello?

Michael Wischnewski: Loud and clear.

Haven Gourneau: Okay. Yes my name is Haven Gourneau. And I am President at Fort Peck Community College. We are located in northeastern Montana. And I just have to say that I also agree and confer with the other TCU presidents and people that yes construction is definitely where TCUs have a huge need.

Most of us as you know began in kind of cast-off buildings and haven't fully been able to (unintelligible). But it's been a long road and there are still (unintelligible) they're starting out in buildings that are really not conducive to good learning. So, you know, I support the idea of construction also. Thank you.

Michael Wischnewski: Thank you President Gourneau.

Coordinator: Our next comment comes from Sharon Thompson. Your line is open.

Sharon Thompson: Thank you. My name is Sharon Thompson. I am appearing on behalf of Chairman Mark Fox's Office from the Three Affiliated Tribes. Once I again want to thank you for this opportunity for the tribal consultation and along with bringing up this really important issue for all type of leaders and (appointed) stakeholders to make some comments and feedback.

The purpose that I wanted to speak really my goal is that I do have a few questions that I would like to find out some answers to or perhaps something to put on the table for further consideration. In terms of the methodology that has been presented on your Slide 7 it looks like are these methodologies that have been previously implemented? And if so what have been the feedback and the effectiveness of the four various types of methodology that has been presented?

The second question is whether or not there has been any discussion as to how soon the fund will be released to the TCUs as well as how quickly those funds need to be expended. From my understanding and under the CARES Act funding, that must be used by the end of this year so, you know, curious as to whether or not that has any implications on the funding that's going to be coming for the construction?

So if you could speak to that or if it's something that hasn't been addressed yet I definitely would like, you know, to bring that to the table. Thank you once again for this opportunity and we definitely look forward to working with everyone.

Michael Wischnewski: Right. Thank you for your comments and your questions Sharon. You know, speaking to Slide 7 about the potential distribution methodologies I don't know if any of these have been used. I think the number two with the

split has been used somewhere else kind of splitting - doing and even across the TCUs and then the other 40% is based on some metric. I think that's where that came from. and obviously just dividing evenly across the TCUs is just the simplest option.

So but these were just everything that we're presenting is just a potential. We're just kind of throwing some things out there and just really looking for your feedback to see if you agree with any of the ones that were presenting or you have ideas, a better way to do it. But what I'm saying is that the theme is though that this should be related to construction and not O&M. So I'm not sure how these potential distribution options would be maybe applicable to the construction.

As far as when would the funds be released, I think that would be based on when we can come up with the methodology. That's what we're trying to figure out. Once that's - if we come up with that then I would think that would be pretty quickly.

And then as far as when the funds need to be expended I'm - that I'm not sure about and maybe somebody else could jump in and answer that.

Man 1: Yes these funds don't have any relation to the CARES Act so we - there's - there won't be an immediate reason to. Usually when we obligate our funds then you don't you don't have a same expiration period. Given that this is related to new facility investment, it sometimes takes a little bit longer. But there is no immediate period where the funds would expire.

Michael Wischnewski: Sharon I don't know if you're still on, but I don't know if that answers your question because you had left some (unintelligible).

Sharon Thompson: Thank you.

Coordinator: As a reminder, if you would like to make a comment, please press Star 1. I'm showing no further comments or questions at this time.

Michael Wischnewski: Okay, just give folks another minute in case there are some other questions out there. I guess while we're waiting I would just say that, you know, as we've kind of thought about through this and it was brought up in the consultation that we can't really realistically do construction with \$15 million across all of the TCUs. That's why we've really been directing this towards funding O&M. But...

Coordinator: Our next comment...

Michael Wischnewski: Oh, go ahead.

Coordinator: Our next comment comes from Chris Caldwell.

Chris Caldwell: Hello. So sorry. I had pressed Star 1 a couple of times but I was in my vehicle. So my name is Chris Caldwell. I'm the President at the College of Menominee Nation in Wisconsin. And I just want to support and emphasize the comments made earlier by the other TCU presidents and the tribal leaders in regards to the use of the funds.

From what we understand is construction needs though. But even though it's an underfunded amount, we feel like that reflects the legislative language but also the importance of operations and maintenance funding. And so that earlier statement of the tribal leader from Tohono O'odham I fully support that. On behalf of the College of Menominee Nation I do thank you BIE for holding the consultation session and that's it.

Michael Wischnewski: All right thank you President Caldwell for these comments.

Coordinator: Our next comment comes from Lane Azure.

Lane Azure: I'm assuming I'm on now. Hi. This is Lane Azure. I am President of Sisseton Wahpeton College in the Lake Travers Reservation in northeastern South Dakota. And I just want to say I appreciate your acknowledgment of long-standing facilities construction needs of tribal colleges and universities and your efforts to engage tribal leaders in your important work.

I want to comment on one of the facilitator's comments that was made earlier just before President Caldwell came on in that there - I think one of the things that - and I was interrupted because of the - when I pressed Star 1. So with that being said I think the comment was there isn't enough money in - with \$15 million spread across 35 tribal colleges and universities to do construction. And I'm paraphrasing here.

What I would suggest is the tribal colleges and universities have been around since the 60s and we have worked on very, very minimal funding sources. And we've usually had to, you know, compete for those funds against major universities that have been around for even longer than us.

So I would ask that we continue to be allowed to think for ourselves especially in cases where construction is involved in funding is available that we can make use of a dollar very well for ourselves. So we would rather that this - these funds be used for construction as is dated in the joint explanatory statement to the Consolidated Appropriations Act that this should be education construction and rather than for O&M.

Now the other thing about that is if we were to have a formula based method of delivering or dispersing these funds to tribal colleges and universities that while whether it was equitable or formula based whatever it happens to be, any amount of funding for construction for tribal colleges and universities that would be dispersed to us would be of great value and greatly appreciated and we would be able to make good use of those funds supplementary or as the only source.

Another thing that I wanted to mention was that if we could, we would ask that this \$15 million be distributed for construction based on the consensus recommendation. And the other comment or request would be that we - that you work with the tribal colleges and universities in AIHEC to develop a formula for determining TCU facility O&M needs that is not based on your K-12 formulas and experiences.

Higher education is different from K-12, higher education experts should be consulted. Carry out the congressional directive to develop needs-based formula for determining overall TCU operation needs. This is a complex undertaking.

BIE should contact with a third or contract with a third-party to conduct the work, one that understands higher education institution and operations that will work closely with the TCUs. And then finally hire a third-party to conduct comprehensive assessment of TCU facility needs as directed by the Congress and several appropriation bills including the 2021 bill.

So I appreciate the time that you have given tribal colleges, universities as well as tribal leaders in this endeavor. And again I want to also highly wish if we have a wish list, that this be appropriated for construction as it is stated for

construction. So with that being said, I thank again for your time and I'm done with my comments. Thank you.

Michael Wischnewski: Yes thank you President Azure for those thoughtful comments -- really appreciate that.

Coordinator: Our next comment comes from Carrie Billy.

Carrie Billy: Yes thank you for allowing me to speak for just a minute. I wanted to first mention again say thank you for holding this consultation and also that several tribal college presidents had hoped to attend and send their regrets. But as you know this is graduation season and several tribal colleges are having their graduations this afternoon so kind of exciting time.

We agree with I think, all the statements so far. We believe that the interpretation of that - of the section in the explanatory statement is incorrect. And in particular, I'll just point out that the - I don't think this part is on your slide but where the \$15 million is mentioned it is in the section in a paragraph headed, education construction.

And the \$15 million for tribal colleges doesn't say operation and maintenance. It says \$15 million for TCU facilities requirements. So in our view and we think Congress' view the facilities requirements mean just that, not operation and - not maintaining existing facilities but the requirements, what is required for TCU facilities, so that's why we think it's construction.

And as many people have said a down payment on what we know is a tremendous and unmet need of between \$500 million and \$850 million. This is a modest start.

And just FYI about the comment that President Azure mentioned about the - referring to the comment about not this not being much money, it isn't much money but something is better than nothing I guess. But we actually do have a very, very tiny construction program for public facilities at tribal colleges in USDA research and development.

This funding can't be used for laboratories or classrooms. It's for facilities that the public would generally use. And that's funded at only I think \$4 million to \$5 million a year. And that funding is distributed to the tribal colleges. And, you know, they appreciate that funding so there is a precedent for small programs.

My only other comment is about the language. We really believe that if you carefully read that -- and I know the person who read it out loud thank you for doing that for the people who couldn't access it on their Web sites or on the Web site -- it actually didn't say O&M. It says operating and maintenance and then later it says a methodology regarding TCU operating and facility's needs.

So we think there's a difference between operating and O&M operating being operating funding the tribal colleges receive and that Congress is really looking for that formula that others have talked about, a needs-based formula for determining overall TCU operating needs.

And that we know from work that had been done by the Century Foundation on community colleges in general is a very lengthy process and really involves experts in higher education along with the tribal college presidents and others in the tribal college community, stakeholders to get a real sense of that. And we'd be happy to work with you on that and also provide other examples for entities that have done large scale higher education facilities construction projects.

So again thank you very much and we appreciate all that you do and that you have done for the tribal colleges over the past year especially during this very tremendous and trying time for us. Thank you.

Man1: Thanks...

Michael Wischnewski: Thank (unintelligible).

Man1: ...for those comments. If I could ask just one follow-up question if you can stay on, and we appreciate this sort of balance between O&M and construction needs. But you've brought up the sort of needs-based methodology. Any thoughts on the best way for us to approach that? That's something that we're struggling with too.

So just the - any input folks have on that would be very helpful like what's the best way to approach that kind of needs-based approach especially now trying to balance and knowing the construction or sometimes O&M projects can be lumpy in cost trying to find a needs-based but also build in some form of equity.

Carrie Billy: Yes. I think we would have to take that back to the tribal college, the tribal colleges, our tribal college presidents because there is such a range among the tribal colleges, you know, in terms of size. Some have dorms. I think 16 tribal colleges have dorms, others don't have dorms, some have cafeterias others don't have cafeterias. And so I think that's what makes it very difficult to quickly try to find some kind of formula that's going to work.

So I think the comment that President Russell made about we have construction needs, we know what those are so that actually might be the

easier way to go because tribal colleges, you know, we've done surveys, tribal colleges have surveys and master plans of what their construction needs are.

But in terms of operation - operating, operation O&M, that's newer and it really does take a longer and more thoughtful look but it needs to be done. And I think that it's difficult to just answer those questions without...

Man1: (Unintelligible).

((Crosstalk))

Carrie Billy: ...I guess a more rigorous process. I don't know if that helps or not but...

Man 1: No, no that does. And trust me, we understand it is hard because we're, you know, we're starting from the standpoint of Congress gives us a flat, you know, some amount that's obviously not the universe of the need. And so we're trying to figure out how to whether it's O&M or construction, you know, back that into an equitable way to address those needs recognizing like you said the facilities are in the TCU's themselves are so different.

So that - and that's something that obviously I think we're still accepting, you know, obviously written comments for a bit. And so that is something if there still would be more time to get input from you all on that approach whether it be kind of O&M or construction purposes so...

Carrie Billy: Right. And we, yes. We would be happy to take your slide that has the different scenarios which really isn't getting to need for this and, you know, pull the tribal college presidents and their tribes on, you know, which - what they prefer if that would be helpful.

Man 1: It would be interesting especially for us because I think to get into this broader assessment whether it's, you know, construction costs aren't easy to assess either actually typically. So I think having good data for us to be able to make decisions is important.

So us was trying to figure out the way to address those, so any further thoughts you all have would be very helpful because this is complex. I think what Congress asked for us to do is a complex undertaking.

Carrie Billy: Yes we agree.

Michael Wischnewski: And this is (Mike)...

Carrie Billy: Yes (unintelligible).

((Crosstalk))

Michael Wischnewski: Yes just as a follow-on question President Azure had mentioned that BIA should contract a third party to do an assessment. That's one of the things we thought about, but would the tribes support using some of this \$15 million to do that?

Carrie Billy: Oh, I don't think they would support. I mean I would say no. I think they would support using administrative funds or you know, maybe the - and I don't know if it could be used for this but the 10% set aside from the ARP or CARES or (SERSA) bills to look at those issues maybe infrastructure.

But we know just based on the kind of work that other organizations have done in terms of facilities, assessments and even surveys and determining costs needs, the actual needs that it is - some entities have spent two or three

years doing this, and, you know, formed committees and it does get quite expensive to do a really good job.

Man 1: Yes. Yes that's why we're struggling with it too, how to figure out how to do that across so many campuses.

Carrie Billy: Well...

Man 1: Got you. Okay. But yes any input you all have would be helpful on especially that methodology page. And if you want to separate it O&M versus construction that would be fine. That would be very helpful I think to have that breakout.

Carrie Billy: Okay.

Coordinator: The next person is Haven. You may go ahead.

Haven Gourneau: I - actually kind of everything was discussed in the interim. But, you know, back to Lane, you know, I appreciate what he said.

And, you know, taking it back to the CTUs and letting them kind of work out the process, you know, we all work well together and kind of have an idea of each other's needs so yes, that's what I was going to then about so thank you.

Michael Wischnewski: Okay, thank you President Gourneau.

Coordinator: At this time there are no additional questions however as a reminder to ask a question please press Star 1, unmute your phone and record your name as a reminder if you'd like to ask a question. There are no further questions at this time or comments.

One moment please. We just had - received another one. Our next person is Patrese Atine. You may go ahead.

Patrese Atine: Hi. This is Patrese from AIHEC. Again thank you for hosting this consultation session. As different people have made comments about potentially doing an assessment of the tribal colleges and how that could potentially be funded one area that we've seen (CIE) received extra funding especially this year aside from all the COVID relief packages was the Great American Outdoors Act funding.

And, you know, we saw all the press releases about that great work that's going to happen with the K-12 schools. Unfortunately we didn't see any funding projects provided for tribal college deferred maintenance/cost construction. So that could potentially be an area that the BIE could consider either funding TCU related projects or even this assessment that we need done. It looks like the 5% could be anywhere from 80 plus million dollars each year for the BIE so, you know, that's another area that could be utilized.

Michael Wischnewski: Okay. Thank you for that input Patrese.

Coordinator: Once again there are no additional comments to be - in the queue at this time. As a reminder if you'd like to make one, please press Star 1, unmute your phone and record your name and while we see if any additional comments come in.

There are no comments at this time. There are no - one moment please.

At this time we have Andy Werk Jr. You may go ahead sir. Sir you may go ahead.

Andy Werk Jr.: Hello? Hello? Can you hear me? Hello? Can you hear me?

Michael Wischnewski: Yes go ahead.

Andy Werk Jr.: Yes hey is it all right if I - I just jumped on the call. I actually have, you know, I just got the notice this morning. Or - is - I thought I'm just trying to look at it real quick. I wanted to see if I can ask real quick. It looked like it was scheduled for two hours. It's the a call wrapping up or did I miss the majority of it?

Michael Wischnewski: Yes the call is for two hours it started an hour ago but I think that we are probably getting to the end of the call but if you have a question please go ahead.

Andy Werk Jr.: Well I don't have a question but I have a comment if I could.

Michael Wischnewski: Okay.

Andy Werk Jr.: Yes I just think - you know, and I'll be honest here I'm trying to get caught up here. I've been on quite a few consultation calls over the last year especially with COVID. But again my name is Andy Werk Junior. I am the President for the Fort Belknap Indian Community on Fort Belknap Indian Reservation in Montana for the A'aniih Nakoda Tribes. And just wanted to acknowledge I think President Chandler, our President for our tribal college in for (Anniih) and Nakoda College is on this call. He actually asked me to jump on.

So like I said, trying to play catch up here but just reading into this real quick it sounds like there's some confusion I guess as far as an intent for funding that's been appropriated by Congress, you know, whether that's for O&M or

construction. And I'm sure I probably missed the majority of the conversation today but, you know, what it looks like I'm reading so far is the tribal colleges and AIHEC has an intent here, and I'm sure I don't have to tell anybody on the call the need that tribal colleges have to construct facilities, you know, to provide, you know, good education for students.

You know, I know it's certainly it's something we need out Fort Belknap being so rural especially in the last year with COVID. I just wanted to say that, you know, I - like I said I jumped on the call and I got to hear some of the folks giving input and I just want to echo that also, you know, and support our own local tribal college.

But, you know, one of the things that I'm always going to refer -- and I don't know if that's part of the basis for this call today -- I just want to acknowledge AIHEC. AIHEC does a really good job. And I don't have to tell you folks that, you know, advocating for tribal colleges or the tribal folks.

But one of the things I always look back to that, you know, I'm very happy about is, you know, the President's memo that he put out on January 26 reaffirming Executive Order 13175. And that's something I really look to because I take it very seriously, you know, as I do think, you know, the President and the administration there's been a lot of consultation and I'm very thankful for that even coming out of Interior.

I was on the - one of the initial consultations we had with interior DOI about a month or so ago and, you know, we submitted comments to that. And, you know, I - you folks know that Executive Order has been around for a long time, about 20 years since I think the Clinton administration.

And I was really happy to see President Biden reaffirming that. It's just so important. You know, and that Executive Order is a good order, you know, because, you know, what does it talk about in there? It talks about meaningful consultation and negotiated rulemaking. Those are key terms in there.

You know, and there's other key terms when you first start reading the order itself about working together to try to break down barriers for erroneous rules even when you're dealing with unfunded mandates or not enough resources, you know, which we all are aware of. So I just can't stress that enough if it sounds like there's some confusion on the intent here of Congress.

That's where that Executive Order comes in. And, you know, I'm sure this call is a part of that process. It's not to be taken lightly to take these comments here today whether it's from myself or AIHEC or the other tribal college presidents of tribal college folks that are talking to you folks over at BIE. You know, the consultation has got to be meaningful and got an issue like this where there's some confusion, you know, we've got to have some good negotiated rulemaking to come up with a solution.

But I think I'm just going to stop there but, you know, we'll definitely follow up. You know, I don't know if there's going to be an opportunity to provide written comments after this call. If there is we'll definitely be submitting written comments even talking to folks within our own Montana delegation office about this if there is some confusion with congress' intent to go back to our own Montana delegation and talk to them about it to see how they can help with that also.

But I'm sure we can get it worked out to come up with a solution. But once again I just can't say enough how important it is to listen to the tribal colleges and AIHEC and get this worked out. And there's definitely a need for

construction. So I'll just stop there and appreciate the call today and I'll follow up whether that's with AIHEC or the other my own tribal college president. Thank you.

Michael Wischnewski: All right thank you President Werk.

Coordinator: Our next comment comes from Robert Martin.

Robert Martin: Good afternoon and thank you for this opportunity to provide a comment. I'm Robert Martin, President of the Institute of American Indian Arts in Santa Fe, New Mexico. And I would just like to support AIHEC's position in that the intent of these funds were for construction.

But whatever is decided in that regard whether construction or O&M, I would hope that AIHEC who represents us very well, Carrie Billy and her staff we got the TCU Presidents that they determine an equitable funding for the dispersion of these funds among the 35 tribal colleges. Thank you.

Michael Wischnewski: Okay thank you President Martin.

Coordinator: And as a reminder if you'd like to make a comment please press Star 1. Our next comment comes from Justina Wilhelm.

Justina Wilhelm: Hi. Thank you. My name is Justina Wilhelm. I'm the President Iḷisaḡvik College in Barrow, Alaska. I wanted to thank our AIHEC team, Carrie Billy and her team and share that as a tribal college we support AIHEC and their support to our tribal colleges and universities and that we would like to make a note regarding the recommendation to distribute the \$15 million for TCU for construction based on their consensus.

So we appreciate that and we would greatly benefit from construction funding at our campus here located in Alaska. So again, thank you for this time and thank you for the AIHEC staff for their support in supporting all tribal colleges (unintelligible). Thank you.

Michael Wischnewski: Thank you President Wilhelm.

Coordinator: As a reminder please press Star 1 if you'd like to make a comment. I'm showing no comments at this time.

Michael Wischnewski: Yes I will say that, you know this is the reason why that we have these consultations. I think this has been a really good discussion. So either way depending on what approach we end up taken whether it's O&M or construction, you know, we are going to require more information to equitably and strategically fund both of these needs. And we really do appreciate your written input with any suggestions or recommendations.

I will say that as a reminder that written comments will be accepted until midnight on May 21 by sending them to consultation@bia.gov that's consultation@bia.gov.

It sounds like we're kind of wrapping up here. I just want to do one last call for comments.

Coordinator: I'm showing no further comments at this time.

Michael Wischnewski: Okay. I do want to thank everyone for your comments, your questions this engagement. And we really appreciate having the opportunity with you today. Jason Freihage, I think you'd just like to make some closing comments?

Jason Freihage: Yes thank you (Mike), I appreciate it. Jason Freihage, Deputy Assistant Secretary for Management Indian Affairs, just wanted to thank everyone for the input today. We will take into account obviously the issues that you've raised today about construction, operation maintenance and, you know, the areas that can for the use of the funds.

And similarly we really do just like we said in the conversation today really look forward to any ideas you all have about how to best equitably distribute the funds for those types of needs given the range of TCUs and the different types of facilities you all have. I think that's going to be very important as we think about how to best distribute it and get back to Congress on their need for the request for a methodology.

So we thank you for that and look forward for the input and further collaboration in this area. Thank you very much.

Coordinator: That concludes today's conference. Thank you for participating. You may disconnect at this time. Speakers please allow a moment of silence and standby for your post conference.

END