

**UNITED STATES DEPARTMENT OF LABOR
NATIVE AMERICAN EMPLOYMENT AND TRAINING COUNCIL MEETING**

TUESDAY, JUNE 15, 2021

The Federal Advisory Council met via Teleconference, at 12:00 p.m. EST, Darrell Waldron, Chair, presiding.

Present

Darrell Waldron, Region 1 & 2, Chair
Jacob Bernal, Region 6, Vice Chair
Kim Kaniatobe Carroll, Other Disciplines, Secretary
Christine Campbell, Region 5
Lora Ann Chaisson, Region 4
Patricia Hibbeler, Region 6
Joe Hobot, Region 5
Matthew Lamont, Other Disciplines
Candace Lowry, Region 3
Erwin Pahmahmie, Jr., Region 4
Joseph Quintana, Region 6
Gary Rickard, Region 6
Kay Seven, Other Disciplines
Winona Whitman, Region 6-Hawaii

Absent

Chief Anne Richardson, Region 2
Michael Tucker, Region 6-Alaska

Also Present

Athena Brown, Designated Federal Officer and Chief, DINAP
BC EchoHawk, Tribal Tech, LLC
Duane Hall, Division of Indian and Native American Programs
Suzan G. LeVine, Principal Deputy Assistant Secretary, ETA
Bryan Newland, Principal Deputy Assistant Secretary for Indian Affairs, U.S. DOI
Ian Record, PhD, National Congress of American Indians
Kim Vitelli, Administrator, Office of Workforce Investment
Hon. Martin J. Walsh, Secretary of Labor
Libby Washburn, Special Assistant to the President for Native Affairs, White House Domestic Policy Council

Blessing/Call To Order/Roll Call

Walter Celestine, Alabama-Coushatta Tribe, gave the blessing at 12:00 p.m. The Chair called the meeting to order. The Secretary conducted a roll call and determined that there was a quorum.

Approve Minutes and Follow-up of motions and resolutions – November 9-10, 2020 Council Meeting

Councilmember Pahmahmie moved to approve the minutes. Councilmember Seven seconded the motion. The motion passed unanimously.

Councilmember Seven moved to add a summary statement to the agenda from the Department of Labor (DOL) on the written comments submitted. The DFO agreed to forward that request to Wayne Gordon, Director of the Division of Research and Evaluation at the Employment and Training Administration, to include in his upcoming report. Vice Chair Bernal moved to add a discussion of the transition paper to the agenda. Secretary Carroll seconded the motion.

Secretary Carroll moved to approve the agenda. Councilmember Whitman seconded the motion. The motion passed unanimously.

Update from the National Congress of American Indians (NCAI) – Tribal Workforce Development: Innovation, Success Stories and Policy Recommendations

The Chair introduced Dr. Ian Record, NCAI Vice President of Tribal Governance and Special Projects, to update the Council. Over the past three decades of aggressively researching native nation rebuilding, NCAI has determined that tribal self-determination and self-governance is the only policy that has ever worked to improve quality of life in tribal communities. This finding rings true when it comes to tribal workforce development in particular, the success of which depends in large part on what the tribal nations do.

Dr. Record shared a quote from Justin Guillory, President of Northwest Indian College: “We are rebuilding tribal nations by building people.” Tribal nation rebuilding starts at the individual level, with the goal of empowering native people to achieve their fullest potential by removing roadblocks that stand in their paths and enabling them to cultivate their natural talents, skills and aspirations.

According to NCAI’s Policy Research Center, self-governed “tribal investments in higher education and workforce development have multiple and far-reaching benefits that extend beyond individuals – that equip tribes to exercise their sovereignty as governments and to serve both the socioeconomic and cultural interests of their citizens.” Dr. Record emphasized that these

transformational benefits extend far beyond individuals, resulting in an extraordinary return on investment for Indian Country in the long run.

NCAI takes a broad, comprehensive approach to answering the question of how tribal nations can rebuild their workforce. They developed a Tribal Workforce Development Decision Framing Toolkit that is designed to inform strategic decision-making by tribal policymakers at a foundational level. The toolkit aims to capture the extraordinary efforts that tribal nations are undertaking to spell out best practices that have been observed across Indian Country and share those with other tribes. It features 15 key strategic considerations in crafting a self-governed approach to workforce development: tribal governance, strategic vision, integration, institutions, culture, leadership, funding, citizen engagement, assessment, targeted solutions, removing obstacles, closing the loop, advancement, partnerships and sustainability.

NCAI recently launched a pilot project working with two tribes, the Meskwaki Nation in Iowa and the Bois Forte Band of Chippewa in Minnesota, to develop and implement a two-year strategic plan for workforce development using the toolkit as a guide. While the COVID-19 pandemic has thrown a wrench in the gears, both tribes are now moving forward with developing and implementing 477 plans. Meskwaki Nation is embarking on a Career Pathways Initiative that is being developed in close consultation with the Gila River Indian Community, the first tribe in the country to receive a DOL Career Pathways grant.

On the policy side, NCAI continues to be very active. In early 2020 NCAI released version 2.0 of its comprehensive brief on workforce development. This brief features leading policy recommendations for both Congress and the Administration on how the federal government can empower workforce development on tribal terms. Tribal innovation is key to workforce development success; the federal government's job is to support that innovation. Other recommendations from the brief included increasing annual appropriations for tribal workforce development, specifically with regard to the WIOA Section 166 program, as well as producing an accurate American Indian Labor Force Report through sustained consultation with tribal nations.

In terms of funding, NCAI conducts an annual Indian Country Budget Request in consultation with a variety of partners across Indian Country, native organizations and the DOL. The FY '22 edition, entitled "Restoring Promises," was released earlier this year and can be found on NCAI's website. President Biden's proposed budget requests an increase to \$58 million for DINAP, which is less than what the NCAI asked for. They plan to push hard on that number in hopes of getting at least \$60.5 million for the FY '22 budget. For Youth Build, on the other hand, NCAI asked for \$107 million and President Biden's request is for \$145 million, which the NCAI is obviously quite happy about.

NCAI advocated for amending NAETC's governing charter to ensure full council membership at all times. During the previous administration, members were terming out and they were not being immediately replaced, which allowed inactivity to take hold as there were not enough members currently seated at any given time. They also recommended elevating the NAETC within the DOL.

Dr. Record concluded his presentation by touching on the 477 Inter-Agency MOA, which he asserts has been a “poison pill” ever since it was implemented back in December 2018. He quoted a DOL representative who attended a meeting between the 477 tribal work group and the federal agencies in September 2019: “We wanted to follow the law, but the MOA prevented us from doing so.” In light of the MOA being unlawful, NCAI has submitted comments and applied pressure on the Department of the Interior (DOI) to come to the table with Indian Country and fix it. The biggest issue is that the MOA provides the ability for other agencies to essentially exercise veto authority over programs that are covered under the law that tribes should be allowed to include in their 477 plan.

Councilmember Quintana asked what type of challenges American Indian communities were facing at the height of the pandemic, particularly with regard to unemployment rates, and how the shortage of available data on that topic could be addressed in the future. Dr. Record suggested contacting the Policy Research Center with any data questions.

Update from the Employment and Training Administration (ETA)

The Chair introduced Suzan G. LeVine, Principal Deputy Assistant Secretary of the Employment and Training Administration (ETA). Ms. LeVine contends that there has not been enough happening at the state level with regards to employment because there is a separate consideration within WIOA for the tribes versus the general population. She saw a lot of workforce development boards doing great work on this front in partnership with the tribes, but there remains so much more to do as the state workforce agencies themselves do not have enough engagement. Through this experience, Ms. LeVine has come to recognize that the only approach to success is to allow the native communities to decide what works best for them.

Many tribes have been disproportionately affected by the pandemic. Certain tribal communities across the nation were completely shut down. Reservation-based communities also faced a higher risk of complications, and they are now facing challenges in rebuilding tribal economies. Ms. LeVine lauded the tribal communities who have quickly embraced vaccination. She wants to hear more about how the ETA can help rebuild native communities and get people back to work.

A core goal underlying WIOA is to ensure that underrepresented communities can access livable pay and high quality jobs. Every dollar invested in the workforce makes a marked difference in the gains and returns to a community. While many Americans are doing well, American Indians and Alaska Natives still lag behind in many areas such as education, employment and health. The U.S. Census cites that only 15 percent of American Indians and Alaska Natives ages 25 and older have a bachelor’s degree, compared to 32.1 percent for the overall U.S. population.

Ms. LeVine expressed excitement at the upcoming conversation on apprenticeships, and she called out false narratives that solely emphasize academic attainment and matriculation to college. There are many paths to success, and these need to be highlighted. Metrics should be introduced that do not rely exclusively on a bachelor's degree to measure success, with emphasis on post-secondary education and credentials. To improve these statistics requires a concentrated effort to enhance education and employment opportunities, and to create pathways to jobs and careers with advancement opportunities.

During her time in Switzerland, Ms. LeVine worked in close partnership with Ambassador Keith Harper, the U.S. Representative to the Human Rights Council. Switzerland is ranked second on the list of countries by GDP per capita. Approximately 70 percent of Swiss young people pursue an apprenticeship in lieu of attending high school. College is not a requirement for success. Nowadays, if one were to survey a room of CEOs, half of them began their careers serving as apprentices.

While making college more affordable to all students is a priority for the Biden Administration, so is making apprenticeships accessible and more viable. The President's FY '22 budget proposes significant investments in community colleges, including tribal colleges, as well as \$100 million for apprenticeships. The budget also calls for a \$58 million increase for Native American programs, which is a \$2.5 million increase over the current year.

As the U.S. is recovering from the pandemic, we should be focusing our force training efforts, including in the Native American community, on high quality, sustainable, family wage jobs. In closing, Ms. LeVine emphasized that the ETA fully supports the concept for tribes to continue building on the integration of employment and training related services into a single comprehensive plan to streamline and provide more effective services to communities.

Update from the White House Council on Native American Affairs

The Chair introduced Anthony Morgan Rodman, Executive Director of the White House Council on Native American Affairs. Mr. Rodman's goal is to be of service to the NAETC in pushing for positive changes.

President Obama formed the White House Council in June of 2013 under Executive Order 13647 to improve coordination of federal programs and the use of resources available to tribal communities. The White House Council strives to promote prosperity and resiliency for tribal communities through improved federal engagement with tribes, stronger inter-agency coordination, and policy recommendations. The Biden Administration's leadership is seeking to promote an understanding of tribal nations across the government, and to embed a wide-ranging understanding of the trust and treaty responsibilities beyond just a few agencies.

The Council Chair and the Council Members set the priorities of the White House Council based on tribal leader input from consultations, tribal consortia events, individual tribal meetings and written tribal communications. The Council then organizes into smaller sub-groups known as committees, which serve as a primary vehicle for tribal engagement with the Council, and can serve as an opportunity for tribes to weigh in and support the development of initiatives. Committees are formed when a cabinet member volunteers his or her agency to lead or co-lead in a given area. The committees of the Biden-Harris Administration include the Committee on Climate Change and Tribal Homelands and Treaties, led by DOI, EPA and USDA.

The Health Committee, which is co-led by HHS, Veterans Affairs and USDA, will support initiatives that deliver on the trust and treaty responsibility of healthcare to tribes and individual Native Americans. The Council also has the Education Committee, which is co-led by DOI and Department of Education. Similar to Health, the federal government has trust and treaty obligations to tribes for education. This committee will assist tribes with a broad range of federal resources to promote education for all tribal citizens, and help tribal communities overcome the educational detriments caused by COVID-19.

The Economic Development, Energy and Infrastructure Committee is co-led by SBA, Department of Commerce, Department of Transportation and Department of Energy. Tribes have the ability to be leading economic drivers in their regions and nationally, and some are doing just that. Some tribes contribute billions of dollars each year to their states' economies. The Public Safety and Justice Committee, co-led by the Department of Justice and DOI, seeks to address the serious and systemic crisis of violence against indigenous peoples. This committee will leverage every federal resource to be a force multiplier in preventing violence and ensuring accountability for crimes. It will work on initiatives for protecting tribal people and tribal lands.

The International Indigenous Issues Committee will focus on matters such as the repatriation of human remains and sacred items to tribes. It will also include dealing with the inter-connected effects of climate change on international indigenous populations, and border issues involving U.S. tribes.

Pursuant to President Biden's memorandum on tribal consultation, these committees will be scheduling times to engage tribes on their proposed work products and priorities so that tribes can offer guidance, share their expertise, and help drive progress. As far as next steps for the White House Council, the committees will be engaging tribes on the committee work streams and start establishing solid relationships with tribes for collaboration. There will be another cabinet-level meeting of the White House Council in late summer, where updates on the committees' work will be provided, and planning will be underway for the White House Tribal Nations Summit later this year.

Update from the United States Department of the Interior

The DFO introduced Bryan Newland, Principal Deputy Assistant Secretary for Indian Affairs at the DOI. Previously Mr. Newland worked under the Obama Administration as a policy advisor in the Office of the Assistant Secretary at the DOI. Prior to the pandemic, Mr. Newland served as tribal chairperson.

One of the challenges in Indian Country is that any type of generation of wealth from Indian communities and Indian resources tends to ultimately be taken out of tribal communities. That is something Mr. Newland wants to make sure the DOI is focusing on, so that people can use their skills to lead fulfilling lives in their tribal communities.

Mr. Newland emphasized the Biden Administration's investments in Indian Country through the Jobs Plan and the Rescue Plan. The Jobs Plan has key components for infrastructure in Indian Country, including investment in broadband development. During the pandemic, tribal communities that did not have access to broadband or e-commerce markets suffered even more than the rest of Indian Country.

The Rescue Plan infused more than \$31 billion of capital into Indian Country. At the DOI, the President has requested more than \$4 billion in the FY '22 budget for Indian Affairs, which is a more than 20 percent increase. Much of that is being allocated towards land consolidation and the support of tribal governments.

Mr. Newland also discussed the Buy Indian Act regulations. The DOI wants to make sure that the billions of dollars that are being invested actually translate to opportunity for the people of Indian Country. They want to see that money invested in Indian-owned firms and small businesses that will do the work of building this infrastructure. The goal is to wrap up consultations and reach a proposed rule on the Buy Indian Act by the end of the year.

The Council recessed at 2:20 PM and reconvened at 2:30 PM.

Update from the White House Domestic Policy Council

The Chair introduced Libby Washburn, Special Assistant to the President for Native Affairs on the White House Domestic Policy Council. Ms. Washburn emphasized the Biden Administration's focus on employment under the American Rescue Plan. This effort was a success, resulting in \$32 billion for tribes, the largest financial investment Indian Country has received in a single instance in U.S. history. The American Rescue Plan also features a \$20 billion allocation for tribal governments specifically. These funds are in the process of being distributed now. The first tranche of funding has been distributed by Treasury based on population and self-certified numbers provided to BIA by the tribes. A second tranche of funding will soon start flowing out. These funds are going directly to

tribes so they can decide what is best for the community. There are some COVID-related parameters in place on how the funds can be spent; however, the funds can also be used on critical infrastructure such as broadband and water systems.

On the heels of the American Rescue Plan is the American Jobs Plan, which is currently pending before Congress. This plan aims to help tribes with additional infrastructure needs and jobs. The underlying goal is to get people to work and to begin fixing the aging infrastructure in Indian Country. The Biden Administration hopes to see a wildly robust infrastructure build-out in Indian Country. They intend to go big on critical water infrastructure, broadband, roads, housing and climate change. The Department of Commerce recently released a notice of funding opportunity for \$1 billion for tribal broadband. The ultimate goal is 100 percent broadband coverage for all of Indian Country.

The Biden Administration's FY '22 budget saw a 14 percent increase for tribal affairs overall. Additionally, the Indian Health Service budget went up by approximately 35 percent. The President is suggesting advanced appropriations for healthcare, with the hope of making that change permanent. The White House is also moving towards some mandatory funding at the DOI, particularly related to Indian water rights settlements, 105L, and contract support costs.

Ms. Washburn introduced PaaWee Rivera, Senior Advisor for Intergovernmental Affairs and Director of Tribal Affairs at the White House. Mr. Rivera highlighted the President's directive to emphasize tribal consultation. On Day 6 of his Administration, President Biden signed an executive order mandating that all agencies create a tribal consultation plan after consulting with tribes. This action set the tone for incoming political appointees to really understand the importance of tribal consultation.

Later this year the Biden Administration will be reinstating the annual Tribal Nations Summit, an annual summit where the President and his staff have an opportunity to meet directly with tribal leaders. This is one of the major convening opportunities for the White House Council and tribal leaders to engage with the Administration. Mr. Rivera asked members of the Council to be publicly supportive of the infrastructure plan.

The White House has held over 20 listening sessions with tribal leaders. They would like to set up a listening session based on the work that NAETC is doing. Other offices such as the climate office, the National Economic Council and the National Security Council will be invited to the listening session.

Report out from the Division of Indian and Native American Programs (DINAP)

DINAP Chief Athena Brown, DFO, gave the report. The most important news is that DINAP program is no longer proposed to be eliminated. Accordingly, the FY '22 budget now calls for an increase to the funding of DINAP. There are also a lot of exciting things going on at the DOL and other federal

agencies. DFO Brown praised the work of Libby Washburn, Morgan Rodman, PaaWee Rivera, Bryan Newland, Suzie LeVine and others for the great opportunities for Indian Country that they brought to light at today's NAETC meeting.

Over the past several years, apprenticeship has been a key focal point of both the Trump Administration and the Biden Administration. DFO Brown has seen firsthand how apprenticeship can really make an impact across Indian Country. There are some grantees who offer apprenticeship opportunities currently, and DFO Brown would like to see other grantees tap into that resource.

DINAP is in the process of drafting the next funding opportunity announcement. Next year is the competitive process where everybody is required to submit a four year strategic plan. DINAP hopes to have that issued in early 2022 to allow grantees ample time to prepare the documents. The major thrust of the strategic plan will be bringing folks back to work and building back some of what was lost. One of DINAP's foremost objectives is to work closely with the DOI to make it easier for tribes to apply for the 477 program. This effort, if approved for inclusion in the 2022 request for strategic four-year funding, must be closely coordinated with the BIA and DOI to make it happen.

DINAP is the first national discretionary program to implement the new case management system, which integrates with the Workforce Integrated Performance System (WIPS). DFO Brown is pleased to report that DINAP has officially begun the rollout of the new system. She acknowledged Jennifer Whitmore, Federal Project Officer at the DOL Employment and Training Administration (ETA), who has been instrumental in ensuring the success of this colossal task.

The updated case management system allows DINAP to meet the reporting requirements of the Workforce Innovation and Opportunity Act (WIOA). It now allows grantees to submit their reports directly, and it decreases the overall reporting burden. During the first year, only baseline data will be collected. Currently six sessions have been rolled out. DINAP has also set up virtual office hours so that people can get help at any time. In the past there have been challenges in working across the various time zones in the United States. As such, all of the training sessions have been recorded and posted to DINAP's WorkforceGPS website, along with other resources. The supplemental youth program will continue to use the old BearTracks system for the time being.

Another critical objective of DINAP is to work closely with the planning committee for the National Indian and Native American Employment and Training Conference. DINAP supports the training and technical assistance initiatives, and they want to make sure they are offering grantees the right tools and resources they need. While DINAP is slowly but surely bringing personnel back to work in person, many aspects of its operations are still occurring in the virtual environment.

DINAP recently hired Chelsea Fish – who previously worked for the NCAI -- to lead some of its upcoming initiatives and share information across other federal agencies. She is also the point of contact with the Apprenticeship Office.

DFO Brown is currently working on the announcement for the nomination of NAETC members. Councilmember terms expire on October 23, 2021. The goal is to get the announcement out as soon as possible as it needs to go through various departmental level clearances. It also needs to be published in the Federal Register, a process which typically takes three to five months.

DFO Brown introduced Kim Vitelli, Deputy Administrator at the ETA Office of Workforce Investment. Ms. Vitelli clarified that it is true that the DOL did not receive funding for workforce development under the American Rescue Plan. DOL received funding under the American Rescue Plan for health and safety enforcement. ETA also got funding for unemployment insurance. There was also funding appropriated under the American Rescue Plan to bolster the infrastructure that keeps the unemployment system working, including helping states get their UI benefits' IT systems and fraud detection tools in place.

Ms. Vitelli highlighted several upcoming funding opportunities. One is the Work Opportunity for Rural Communities (WORC) initiative. The opportunity announcement opened in April, and applications are being accepted until July 21. These grants specifically serve the Appalachian and Mississippi Delta regions. The WORC initiative was administered jointly with the Appalachian Regional Commission and the Delta Regional Authority. While the geographic boundaries are set in statute, a broad array of organizations are eligible for funding, to include tribes and tribal non-profits.

Councilmember Seven asked what the DOL's solution is for addressing the funding formula. DFO Brown said that DINAP has been working closely with Census, but they have not yet moved forward to obtain numbers from them. Duane Hall, Federal Project Officer at the DOL, is working closely with the Indian programs at Census.

DFO Brown concluded the report by acknowledging the passing of esteemed colleague Terry Parks of the Lenape Tribe. Terry was a major advocate for Indian programs and the Indian Self-Determination Act. DFO Brown also shared that Tina Farrenkopf has resigned from the Council due to a family emergency. Her work on the Council has been greatly appreciated.

Update from the Secretary of Labor

The Chair introduced the Honorable Martin J. Walsh, Secretary of Labor. Federally recognized tribes have a unique and longstanding relationship with the federal government, and Secretary Walsh intends to support and strengthen that bond.

It is no secret that the COVID-19 pandemic has disproportionately impacted native communities. Secretary Walsh expressed his gratitude to the NAETC for the work they have done to support and protect native communities during the pandemic. Some of the steps taken by the NAETC have impacted the employment and training programs. A top priority of the Biden-Harris Administration

is to increase equity and inclusion, ensuring that everyone has access to the opportunity to move forward, especially those who have been shut out and mistreated in the past.

While 2020 was a difficult year for everybody, native communities in particular faced significant challenges, to include limited broadband connectivity, access to transportation, geographic isolation, and a shortage of jobs. The American Jobs Plan includes resources intended to address many of the underlying infrastructure issues across Indian Country. The Jobs Plan seeks to make significant investments in transportation, infrastructure, broadband access, clean drinking water, climate resilience and clean energy. Each area of investment would also prioritize communities in the most need through partnerships with state, local and tribal governments. The President has been very clear that these investments are intended to make it down to the local level.

The American Jobs Plan invests heavily in workforce development, with a strong focus on equity. The community college trading partnership would invest \$9 billion over the next 10 years. Grant recipients would include tribal colleges. The proposal also reserves a portion of funding for underserved communities. The American Jobs Plan proposes investments in apprenticeships, job training, sector partnership grants, and subsidized jobs.

Secretary Walsh asked for NAETC's advice on how to ensure that native businesses can sponsor apprenticeships, and that Native American workers can access apprenticeship programs. He reaffirmed the Biden-Harris Administration's commitment to the WIOA program. In FY '22, the proposed budget features a \$58 million increase in funding. Secretary Walsh also wants the Council's advice on how best to move forward in supporting the WIOA program.

The Biden Administration is also committed to the 477 program, which allows tribes to determine the best way to operate their programs in aligning federal resources the way that works best for all of them. The 477 program is administered by the DOI and BIA. DOL also has a longstanding relationship with the DOI in supporting this program, and Secretary Walsh is looking forward to continuing to build on that relationship.

Congress is currently looking at reauthorizing WIOA. Secretary Walsh wants to see key aspects of the American Jobs Plan included, both in terms of investments and innovations. The workforce system is severely underfunded, especially in Indian and Native American programs. Now is the time to promote equality, create opportunities and close the gaps.

Recap

Secretary Carroll made a motion to consider the transition paper that was previously reviewed by the Council. After a brief discussion, the Committee deferred voting on the proposed letter until the following day's agenda.

The Chair asked for a motion to recess until the following day at noon. Councilmember Hibbeler made the motion. Councilmember Campbell seconded. The NAETC voted unanimously to approve.

The Council recessed for the day at 4:35 p.m.

WEDNESDAY, JUNE 16, 2021

The Federal Advisory Council met via Teleconference, at 12:00 p.m. EST, Darrell Waldron, Chair, presiding.

Present

Darrell Waldron, Region 1 & 2, Chair
Jacob Bernal, Region 6, Vice Chair
Kim Kaniatobe Carroll, Other Disciplines, Secretary
Christine Campbell, Region 5
Lora Ann Chaisson, Region 4
Patricia Hibbeler, Region 6
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Gary Rickard, Region 6
Kay Seven, Other Disciplines
Winona Whitman, Region 6-Hawaii

Absent

Chief Anne Richardson, Region 2
Michael Tucker, Region 6-Alaska

Also Present

Athena Brown, Designated Federal Officer and Chief, Division of Indian and Native American Programs
BC EchoHawk, Tribal Tech, LLC
Wayne S. Gordon, Director, Department of Labor, Division of Research and Evaluation, Office of Policy, Evaluation and Research
Duane Hall, DINAP
John Ladd, Administrator, DOL/ETA Office of Apprenticeship
Theresa Lujan, Director, INA Employment Rights Program
Cierra Mitchell, Deputy Administrator, DOL/ETA Office of Apprenticeship
Kim Vitelli, Office of Workforce Investment

Call to Order/Blessing/Roll Call

The Chair called the meeting to order. Walter Celestine delivered the blessing. The Secretary conducted a roll call and determined there was a quorum.

Update from the Office of Federal Contract Compliance Program (OFCCP)

The Chair introduced Theresa Lujan, Director of the INA Employment Rights Program at OFCCP. Ms. Lujan is Mescalero Apache and Picuris Pueblo from New Mexico, with 36 years of service in the federal government.

Ms. Lujan felt a sense of reinvigoration and encouragement that an emphasis is back on the needs of Indian Country. Staying close knit will serve Native American communities well as the Biden Administration focuses on American Indian and Alaska Native workforce, job training and communities as a whole. However, with opportunities for gainful employment comes the harsh reality of employment discrimination, harassment, intimidation, retaliation and coercion on the job.

OFCCP is a federal civil rights enforcement agency within the DOL. They protect workers, promote diversity, and enforce the law. OFCCP holds those who do business with the federal government responsible for complying with the legal requirements to take affirmative action and not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability or status as a protected veteran.

The Indian Self-Determination and Education Assistance Act for 638 contracts, on the other hand, do not fall under OFCCP's jurisdiction because these contracts are turned over to the tribes; therefore, the tribes have the authority for administering and controlling those funds. Similarly, the OFCCP generally does not have jurisdiction over tribal casinos unless conglomerates such as MGM, Caesars Entertainment or Harris have a majority ownership, or if the casino contracts directly with a federal agency on a continuous basis.

OFCCP is part of several DOL working groups that are reaching out to communities to listen and learn what they can do to improve equity opportunities for employment. The worker equity group is looking at what happens after a person gets a job and how they are treated, with a focus on leveling the playing field. Another goal of the work group is to bring awareness about apprenticeships to underrepresented populations. The work group hopes to help the Office of Apprenticeship to develop new partnerships.

As part of the proposed American Jobs Plan, there will likely be a provision for contractors to use geographic, economic and other hiring preference, including the law for Indian preference. OFCCP has longstanding relationships with the U.S. Department of Transportation and the Federal Highways Administration. They have been pushing for quite some time to have contractors focus on

Indian preference. OFCCP has a specific regulation for working on or near Indian reservations. It provides Indian preference in all aspects of employment.

Inclusion is an important component of the Indian and Native Employment Rights Program (INAERP). Inclusion means having a seat at the table for tribal leaders. This is the purpose of tribal consultation. Consultation should happen after contracts are awarded, and tribes have a say in the impact it will have on their community. Ms. Lujan developed best practices for creating an inclusive workforce for Native Americans on the INAERP website. She asked for a list of Indian Centers to be shared with her via email to post on the website so that employers can collaborate on recruiting and job training.

Protection is getting tribal members to work and protecting them from discrimination. With all of the government contracts that are currently being reviewed by OFCCP, Ms. Lujan is constantly looking at a list of contractors to see which are working on or near Indian reservations. She reaches out to these contractors to find out what they are doing to recruit from Indian Centers in major metropolitan areas. She also points them in the direction of tribal colleges and universities.

Ms. Lujan said that if anyone knows of someone who works for a federal contractor and they believe they are being discriminated against, they should give her a call or send her an email. If the employer in question is in fact a federal contractor, she can walk that individual through the process of filing a complaint with OFCCP.

Update on the American Indian Labor Force Report

The Chair introduced Wayne Gordon, Director of the Division of Research and Evaluation within ETA's Office of Policy Development and Research (OPDR). The responsibility for DOL with regard to the Labor Force Report is to produce a report every two years which provides data at the national, state and tribal levels, as well as by BIA service area on individuals who live on or near tribal lands and are eligible for services under BIA, such as members of federally recognized tribes. The requirement to develop the Labor Force Report became the responsibility of DOL in 2017 under PL 115-93, the same law that made the 477 program permanent. Before 2017, reports were the responsibility of DOI and BIA, which had generated similar data for over 31 years.

The data has to cover, but is not limited to: the total service population, the service population under age 16 and over 64, the population available for work including those not considered to be actively seeking work, the employee population including those employed with annual earnings that are below the federal poverty line, and those employed in private and public sector positions.

A tribal consultation was held over two days in March of this year. A request for information was published in the Federal Register notice. OPDR has compiled the responses from those events, and they are using that information as essential in the draft paper they are preparing. They have also

been consulting with DOI and Census on a number of technical issues and to understand the context for the data in the Labor Force Report. Additionally, OPDR has reviewed multiple research reports, including those from NCAI and other federal and independent experts.

Some of the questions OPDR has been exploring have evolved and become more focused over time. They include the following: What were the most important purposes of the report in the past, and what do the tribes see as its use in the future? Are there definitional issues related to tribal membership, service populations, and the geographic meaning of near tribal lands? Are the data elements identified in the law adequate for economic development and service planning? What types of data are needed to develop accurate estimates related to employment and earnings at the tribal level? Should the same data sources be used for all tribes, given the great variations in their size? What might be the role of tribes in collecting reporting data? How might technological advances and statistical technique changes improve the data collection and reporting landscape?

OPDR is committed to only presenting data that the DOL can stand behind as to its accuracy. As such, OPDR had to rethink the first product they are planning to deliver. Consistent with that commitment, OPDR will only be presenting limited data to help advance the discussion and illustrate the challenges. One of the foremost challenges is determining who should be counted. This critical question is still not settled to date. For instance, should all native people who self-identify as such in a geographic area be included, or should only those who are members of federally recognized tribes be counted?

Geographic boundaries also present data challenges. Tribes vary tremendously by size and geographic dispersion. OPDR's exploration of the adequacy of data from the American Community Survey confirmed that sample sizes are not large enough to generate accurate or meaningful data for smaller tribes. A core challenge is how to obtain sufficient data for these tribes, and at what cost.

Mr. Gordon is hoping the preliminary report will capture and document in one place how we got here, bring some fresh perspectives and ideas to the endeavor, and create a common understanding of the challenges and opportunities. OPDR is in the final stages of producing the first draft of the report. They hope to clear the report for release later this summer.

Update on the National Indian and Native American Employment and Training Conference (NINAETC)

The Chair gave the update. More than 238 people are already registered for the conference, which is scheduled for September 20-23. NAETC did not contract as many rooms as was originally planned as it is unclear how many people will travel to the conference, but they are close to exceeding the

number of allotted rooms already. They are currently in the process of narrowing down presenters and determining how some of the virtual elements are going to work.

There are a number of workshops being planned that will focus heavily on financial reporting and financial management with DINAP. There will be approximately five workshops a day. They are looking to have some congressional individuals at the conference. There will be a lot of heavy conversation back and forth with DINAP. DINAP has unofficially agreed to finance the \$200,000 endowment.

There have been questions around COVID-19 vaccination requirements for the conference. NAETC primarily wants individuals who have been vaccinated to attend the conference. Testing will be available in multiple forms on site. NAETC has looked into the possibility of wrist band coloring around vaccination status, and whether or not individuals who are not vaccinated will be allowed to attend wearing a mask.

A tentative list of workshops has gone out to the community. They are not all chosen as of yet; there is still room for a few more workshops. There is a tremendous amount of extra space available in the banquet halls.

NAETC is excited about the 238 registrants for the conference. It has been determined that full registration price will be paid, and free items will be sent to anyone who is registered and in attendance via Zoom. The conference will be more expensive than it has been in the past because rates have gone up, and costs continue to rise.

Transportation options are more limited this year and will be scaled down. There is an overflow hotel available that is approximately six minutes away from the conference venue. It is owned by the main hotel. As soon as the reserved rooms reach 90 percent occupancy, there will be a discussion on how to handle the overflow arrangements.

Councilmember Seven asked if the Committee has considered offering a discount registration fee to grantees who are attending the event virtually. The Chair said that there was a great deal of discussion back and forth around the registration fee, and it was ultimately voted on that the fee would be the same for everyone.

The Council recessed at 1:57 PM and reconvened at 2:04 PM.

Update from the Office of Apprenticeship (OA)

The Chair introduced John Ladd, Administrator of OA. OA has been hosting listening sessions to hear from key stakeholders and experts about how to design and implement a strengthened apprenticeship system that reaches all Americans.

Secretary Walsh recently announced the establishment of the Advisory Committee on Apprenticeship. This committee had been dormant during the previous administration, but it has recently been reconstituted, and a call for nominations has been issued. OA will once again be serving as a member of the re-established White House Council on Native American Affairs and Education Committee. Mr. Ladd is looking forward to engaging with federal agencies on furthering opportunities for Native Americans under the Biden Administration.

Recently OA facilitated an Apprenticeship 101 for tribes in Region 1. Earlier this month they held a special apprenticeship information session for the DINAP unit within ETA, OFCCP, and the American Indian Higher Education Consortium (AIHEC).

Mr. Ladd turned the discussion over to his colleague, Cierra Mitchell, Deputy Administrator of OA, to discuss Registered Apprenticeships. A Registered Apprenticeship is an industry-driven, high-quality career pathway. It benefits employers by allowing them to develop and prepare their future workforce. Likewise, it helps career-seekers by giving them paid work experience and training that ultimately leads to a nationally recognized credential.

Unlike many other workforce training programs, an apprenticeship is a real job from day one. These opportunities allow workers to earn and learn simultaneously, and it ensures that an employer is involved. Apprenticeships feature on-the-job learning in a work setting, but they also include classroom training. Another key component is mentorship.

Registered Apprenticeships have received a great deal of national attention lately. There has been a 70 percent increase in new apprentices since 2011. Over the past 10 years, over 2 million new apprentices joined the work force. Likewise, over 13,500 new apprenticeship programs have been created within the last five years. OA expects to see even stronger growth over the next decade.

There are currently 37 Native American Registered Apprenticeship programs, with a total of 261 active apprentices. There are seven states that have Native American programs: Montana, Idaho, Washington, Michigan, Arizona, Arkansas and Alaska. These programs cover a broad range of industries, including healthcare, advanced manufacturing, construction, transportation and IT.

Employers have seen a significant return on investment when it comes to apprenticeships. According to one statistic, for every dollar spent there is a \$1.47 return. Some studies have even shown a much higher return. 92 percent of Registered Apprentices are employed within a year of completing their apprenticeship. These apprentices typically earn \$72,000 per year on average upon completion of the program. They traditionally earn \$300,000 more over their lifetime than their peers who do not complete an apprenticeship program.

Public Comment

Art Lujan, Special Assistant to the President at North America's Building Trades Unions (NABTU), underscored that the construction industry has an aging skilled workforce with tremendous demand and opportunities. He emphasized that partnerships are what they are looking for. There is a commitment by NABTU to diversify its workforce on the national level. The industry invests \$1.6 billion a year in training. They have 1,600 training facilities, 20,000 certified instructors, and contracts with over 90,000 employers. In certain parts of the country, NABTU has developed project labor agreements with targeted zip code hiring to ensure that there are opportunities for underserved communities on large construction projects.

Carrie Billy, President and CEO of AIHEC, commented about tribal colleges and universities. There are 35 accredited tribal colleges across the United States, primarily in very rural and remote areas. The tribal colleges that are in urban areas generally do not have significant problems engaging with apprenticeship programs. Those in rural America, on the other hand, face significant challenges. There are very few employers in rural areas, and in Indian Country there are even fewer employers. The few employers that do exist are mostly governmental.

Angela McDaniel, Workforce Development Specialist at DOL, highlighted that the Seafarers International Union (SIU)'s Merchant Marine apprenticeship program needs 25 apprentices each month. Participants have to be willing to stay on a boat for four months at a time, but room and board is included, and the training is available on both the West and East Coast. SIU specifically needs individuals from underrepresented populations to apply for the program.

Lorenda Sanchez, Executive Director of California Indian Manpower Consortium, Inc. (CIMC), emphasized that the Biden Administration presents a true opportunity for Indian and Native American employment and training programs. We all have to work together to make the most of this very short window of opportunity.

The Council recessed at 4:05 PM and reconvened at 4:11 PM.

New Business

The Board has been actively working on a statement of urgency and a transition paper. These types of documents are generally presented whenever a new President is inaugurated. The intended purpose is for NAETC to put forth that document. The goal is to get some changes to the program, including more staff for DINAP and more capacity money for grantees. The Chair requested support from the Committee so that they can be included in this process. Councilmember Rickard made a motion to support the transition paper, with the option of having the Secretary include an attached letter from NAETC. Councilmember Campbell seconded. The motion passed unanimously.

During the meeting, a request was made in the chat to add an extra hour to the next Council meeting agenda to discuss community issues. Councilmembers Hibbeler and Carroll agreed that it would be a great idea to add this discussion to the upcoming agenda.

Finally, the Board discussed the upcoming NINAETC conference proposed to occur in person in Rhode Island. The Chair emphasized that New England is approaching herd immunity from COVID-19 at this point. Councilmember Campbell made a motion to hold the September conference in Rhode Island. Councilmember Carroll seconded. The motion passed unanimously.

Adjourn

Councilmember Hibbeler moved to adjourn the meeting. Councilmember Whitman seconded. The motion passed unanimously, and the Chair adjourned the meeting at 4:31 PM.