

National Endowment for the Arts
October 26, 2022 Tribal Consultation Session
Summary
December 23, 2022

I. BACKGROUND ON THE TRIBAL CONSULTATION SESSION

On October 26, 2022, the National Endowment for the Arts (NEA) held its first ever in-person Tribal Consultation session at the International Conference of Indigenous Archives, Libraries, and Museums, at the Pechanga Resort & Hotel, on the tribal lands of the Pechanga Band of Indians, in Temecula, California. This also was the agency’s first consultation session since implementing its Tribal Consultation Policy in October, 2021. The purpose of this session was to gather input from tribal leaders about the needs and concerns of tribal communities as related to NEA resources and grants, to provide an update on NEA’s engagement with Native cultural leaders and tribal-serving organizations, and to inform our work related to the [Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#). Additionally, the NEA solicited recommendations on how the agency may best support Tribal communities across the U.S. Specifically, the agenda included three items:

- 1) Input on NEA Resources
- 2) Tribal Engagement Through NEA Grants
- 3) Partnerships with Tribal Organizations

Tribal nations were provided sixty (60) days notice of the consultation session via email and public postings (online and on social media), and included in the notice were links to the [framing document and agenda](#) for the Consultation Session for Tribal representatives to review in advance of the session. The consultation session had approximately 50 attendees for the event, of which six were elected tribal officials or their officially designated proxies. NEA also received written remarks from one federally recognized tribal official.

The consultation session opened with a prayer from Chairman Jordan Dresser, Northern Arapaho Tribe Business Council, and was followed by welcome remarks from Dr. Maria Rosario Jackson, Chair of the NEA. Clifford Murphy, Director of Folk & Traditional Arts, facilitated the consultation session in accordance with the NEA Tribal Consultation Policy developed in consultation with tribal leaders in 2021. Dr. Murphy acknowledged the virtual and in-person attendance of NEA staff, outlined the roles of the onsite NEA staff during the consultation session and provided an overview of the agenda. Working through the agenda, the following framing questions were provided to help guide the conversation and solicit input:

1. Would tribes support an NEA legislative proposal that gives tribes the ability to subgrant NEA funds?
2. What would tribes want to be able to successfully implement the requirements of a subgranting program?
3. How can the NEA expand on this engagement with tribes?
4. How can we increase awareness of NEA Folk & Traditional Arts grants that encourage project types “whose primary focus is the reanimation, fortification, and continuation of

traditional lifeways for tribal communities,” as well as projects focused on repairing and sustaining endangered languages?

5. Has the NEA’s newly launched National Folklife Network initiative impacted your community? If so, do you have any feedback on how we might further develop this program to better serve federally recognized tribes?
6. What role would you like to see the NEA play (if any) in efforts to pilot, nurture, or support tribal arts councils?

Elected and appointed tribal officials and their proxies were invited to provide their input and additional comments in response to these prompts.

II. SUMMARY OF COMMENTS AND NEA RESPONSES

During the Tribal Consultation session, several tribal officials and representatives provided comments. In addition to the oral comments, one tribe submitted written comments after the session¹. The following comments and recommendations were presented during the session. Below, some comments are attributed to tribal leaders and other comments have been collected and summarized to better communicate how the NEA understood the information received from multiple tribal members.

Where applicable, the NEA response to the comment or series of comments is written in *italics*. The NEA has read, reviewed, and considered all comments – the lack of a written response indicates that the comment did not necessitate a direct response or the comment was addressed in a response elsewhere in this report.

- *NEA Resources:*
 - Tribal leaders in attendance provided feedback on possible administrative components of a potential tribal subgranting program. The following reflect comments made by individual Tribal leaders:
 - Because tribal leadership shifts with each election cycle, it would be helpful to designate a tribal employee as the manager of a subgranting program to ensure continuity and efficiency. *As a part of the application process, applicants – including tribes – can designate “authorizing officials” as well as “project directors.” Tribes would be able to designate any such official into an appropriate role, even on a grant where subgranting was permitted.*
 - With regard to indirect cost rates on federal grants, one tribal leader said “I think there would be an expectation from the tribe that a certain percentage of that money would go to support facilitating the grants.” *Current subgranting programs administered by the NEA allow the prime recipient to use a portion of the NEA award for costs associated with the administration of the subgrant program, including but not limited to salary support, costs for contractual personnel, facilities costs, and costs*

¹ As posted on the announcement (and in the letter to tribal leaders), the deadline to provide comments was November 16, 2022. Tribal nations were advised to send all testimony and comments to nativearts@arts.gov.

associated with marketing, promotion, and applicant/grantee technical assistance.

- Another tribal leader wrote that the submission of an NEA grant application requires tribes to submit an indirect rate and agreement, but that the application “occurs before we have solidified the following year’s indirect cost rate (which is when we would actually be doing the project). This leads to budget discrepancies because the rate is usually higher than what we budgeted, and the grant applications do not allow us to include contingency costs.” *Applicants for NEA funding are never required to include indirect costs in a project budget nor are they required to have a federally negotiated indirect cost rate. Applicants do have the option to include indirect costs in their project budget, and if offered funding, will then have the opportunity to revise these indirect costs at the offer stage.*
- Several tribal leaders requested a simpler application, including a paper option. *The NEA understands and respects that the challenges inherent in submitting federal grants often serve as a barrier to entry for tribes. Ensuring that any tribal program – whether this subgranting proposal or another proposal that affects tribes – is able to be accessed by tribal constituents is understood to be a critical key to that program’s success. Like many federal agencies, the NEA receives grant applications through grants.gov. This electronic resource is required by the agency to administer grant programs on the scale that NEA requires. As such we are not currently able to offer a paper application. However, we understand that technological limitations (which include the examples mentioned but extend also to broadband access) weigh significantly on tribes’ ability to participate in federal grant opportunities, and are taking this concern seriously as we develop further programs.*
- One tribal representative asked that the NEA staff visit with tribal staff in order to develop an understanding of the realities facing administration of subgranting programs in a tribal context. *The NEA appreciates any opportunity to better understand the realities, and will continue its efforts to have NEA staff engaged with tribal staff to best understand these realities.*
- One tribal leader asked about exploring grants that do not require the 1:1 match and requested that NEA provide clear guidance on what NEA requires for in-kind matches for “tribes that don’t have anything other than federal money.” *Our statute requires a 1:1 match for all grants. See 20 USC 954(e). We have a limited ability to waive the match requirement in some circumstance, but that is subject to the availability of funds. Your tribe may have access to funds that do not require a 1:1 match for federal grants – if you do, please reach out to NativeArts@arts.gov so that we might be able to help guide you. There are a variety of funds that may be available which may not be subject to a match requirement, and we evaluate*

the acceptability of all funds that purport to not require a match on a case-by-case basis.

- Participants recommended the NEA consider conducting tribal consultations at national convenings attended by tribal leaders, such as the National Congress of American Indians.
- Tribes also asked for clarity about what reporting requirements would look like for a potential NEA tribal subgranting program. *This program does not exist yet – we sought feedback on the legislative proposal that would enable such a program to take place. We do not have details about the program itself. However, current NEA programs that permit subgranting all have the same general reporting requirements, which are outlined in detail on the NEA’s website under [Grants for Arts Projects: Local Arts Agencies](#).*
- One tribal leader asked for clarity on reporting requirements for a potential NEA tribal subgranting program and specifically asked what the subgrantees are required to report back to the tribes in order for the tribes to report to the NEA. *Please see the previous response for details on reporting requirements, as well as the [Specific Terms and Conditions for Local Arts Agencies Eligible to Subgrant](#) (especially section K, which addresses subrecipient reporting), available on the NEA’s website.*
- *Tribal Engagement through NEA grants:*
 - One tribal leader asked specifically about whether a tribe could subgrant to a nonprofit. *Currently, the only entities that can subgrant NEA funds to other nonprofits are State Arts Agencies, Regional Arts Organizations, or Local Arts Agencies, which includes federally recognized tribal governments that meet the subgranting eligibility criteria outlined on the NEA’s website under [Grants for Arts Projects: Local Arts Agencies](#). We encourage tribal governments with questions about subgranting eligibility to contact us at NativeArts@arts.gov.*
- *Increasing Awareness of NEA Resources for Tribes:*
 - Tribal leaders and representatives suggested NEA increase its engagement with tribes through better dissemination of grant opportunities and deadlines in the following ways:
 - work with national and regional tribal-serving organizations who have extensive relationships and networks with tribes and tribal leaders so that NEA information is more likely to reach its intended audience.
 - develop a video showcasing grant opportunities and how they might be utilized.
 - be mindful of Native constituents living in diaspora (not only on reservations) and in urban settings in particular.
 - be mindful of limited broadband in many tribal communities.

- One tribal leader expressed a concern about the NEA reaching project participants who “do not have academic or exhibition experience but are nonetheless revered highly in Tribal communities for their knowledge and cultural contributions.” *We welcome this observation, and the opportunity to clarify our eligibility standards. Organizations need to have a 3-year history of arts programming to apply for most NEA grants. Groups that are revered in tribal communities for their knowledge and cultural expertise would be eligible for NEA grants, if that knowledge and cultural expertise translated into public programming of any kind.*
- *Tribal Arts Councils:*
 - One tribal leader said that their local arts board is successful in promoting arts on the reservation but lack the resources to share its art beyond the tribe and to a larger population.

III. NEXT STEPS

1. Review and consider comments received:

The agency has considered and will continue to consider the above-mentioned input while developing policies and grant programs that are within legal and regulatory limits. The NEA will take a collaborative approach to ensure that the agency continues to strengthen its relationship with tribal communities.
2. Develop FAQs specific to tribal applicants engaging with NEA grantmaking.
3. Work with tribal-serving institutions to deliver NEA grants workshop webinars for tribes.

IV. CONCLUSION

The NEA is grateful for the valuable feedback received from Tribal nations during this most recent tribal consultation. The NEA will continue to solicit input from tribes as outlined in the consultation policy and looks forward to strengthening the nation- to-nation relationship through a continued and meaningful dialogue with Tribal nations.