# DOI
# SELF-GOVERNANCE ADVISORY COMMITTEE (SGAC) MEETING
# OCTOBER 1-2, 2018

Embassy Suites DC Convention Center

900 10th Street Northwest

Washington, DC 20001

Phone: (202) 739-2001

Tab: 4a

Tab: 4

Tab: 3

Tab: 2b

Tab: 2a

Tab: 1d

Tab: 1b

Tab 1c

TAB: 1a

Tab : TABLE OF CONTENTS

Tab 5a

Tab 5b

**DOI Self-Governance Advisory Committee and Technical Workgroup**
**Quarterly Meeting**
Monday, October 1, 2018 (8:30 am to 5:00 pm)
Tuesday, October 2, 2018 (8:30am to 5:00 pm)

**Embassy Suites**
900 -10th Street, NW
Washington, DC 20001
Phone: (202) 739-2001
Fax: (202) 739-2099

# Table of Contents

---


1. **SGAC Information**
    a. SGAC Agenda
    b. 2019 SGCE Calendar
    c. SGAC Membership Matrix
    d. SGAC Workgroup Assignment Matrix

2. **SGAC Committee Business**
    a. Approval of Meeting Minutes (July 17-18, 2018)
    b. Midwest Region Nomination Primary/Alternate

3. **GSA Presentation**

4. **Office of Indian Services Presentation**
    a. Certificate Degree of Indian Blood Proposed Changes

5. **Telecommunications in Indian Country**
    a. Highlights of GAO Review of Broadband Data
    b. Highlights of GAO Review of Broadband Partnerships

# 2019 SGCE Calendar

| Date | Event | Location |
|---|---|---|
| January 22-25<br>**(Begins on Tuesday Ends on Friday)** | 2nd TSGAC/SGAC Meeting | Washington, DC<br>Embassy Suites DC<br>Convention Center |
| March 31-April 4 | Tribal Self-Governance Annual Consultation Conference | Traverse City, Michigan<br>Grand Traverse Resort and Spa |
| July 15-18 | 3rd TSGAC/SGAC Meeting | Washington, DC<br>Embassy Suites DC<br>Convention Center |
| September 10-12 | Tribal Self-Governance Strategy Session | TBD |
| September 30-October 3 | 1st TSGAC/SGAC Meeting '20 | Washington, DC-<br>Embassy Suites DC<br>Convention Center |

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

**c/o Self-Governance Communication and Education**
**P.O. Box 1734, McAlester, OK 74501**
**Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: www.tribalselfgov.org**


**DOI Self-Governance Advisory Committee and Technical Workgroup**
**Quarterly Meeting**
Monday, October 1, 2018 (8:30 am to 5:00 pm)
Tuesday, October 2, 2018 (8:30am to 5:00 pm)

**Embassy Suites**
900 -10th Street, NW
Washington, DC 20001
Phone: (202) 739-2001
Fax: (202) 739-2099

## AGENDA

**Monday October 1, 2018 (8:30am to 5:00pm)**
**Meeting of the SGAC and Technical Workgroup Members**

**8:30 am** **SGAC Tribal Technical Workgroup and Coordinators Meeting**
**Welcome & Introductions**

**8:45 am** **Opening Remarks and Purpose of Technical Workgroup and Coordinators Meeting**
*Jennifer A. McLaughlin, SGAC Tribal Technical Co-Chair*

**9:00 am** **Technical Workgroup Housekeeping**
1. Review Technical Workgroup Membership
2. Identify Vacancies; New Openings
3. Discuss Letter, Guidelines and Acknowledgement Form
4. Need Buy-In by Technical Workgroup Members on issue areas, offices within BIA they will assume priority reporting/monitoring

**9:45 am** **Break**

**10:00 am** **Update from Strategic Planning Session**

**10:15 am** **Discuss prior action items, workgroup actions completed, and responses from DOI and/or other federal agencies**

1. Provide input on Budget Line Item Consolidation
2. DOI Strategic Plan – BIA Strategic Plan
3. DOI Workforce Planning and Development
4. Funding Matrix
5. SG Budget Priorities
6. Implementation of 477
7. CDIB
8. Non-BIA Bureaus

**10:45 am** **Additional and/or next steps from the workgroup to advance prior action items**

**11:15 am** **Report out to Large Group on Next Steps and Discuss – Talking Points for Leadership**

**12:00pm** **Lunch**

**1:00 pm** **Tribal Caucus**

1. Discuss holding a post-election meeting of Self-Governance Tribes
2. Race v Political Classification

*Facilitated by W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe and Chairman, Department of the Interior (DOI) Self-Governance Advisory Committee (SGAC)*
*Devin Delrow, Director of Policy, National Indian Health Board (NIHB)*

**FULL SGAC & FEDERAL PARTNERS MEETING**

**2:00 pm** **Invocation**
**Roll Call**
**Introductions – (All Participants and Invited Guests)**

**2:15 pm** **Opening Remarks**
*W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe and Chairman, Self-Governance Advisory Committee (SGAC)*

**SGAC Committee Business**

- Approval of Meeting Minutes (July 17-18, 2018)

**2:30 pm** **Office of Self-Governance Update**

- OSG Update

*Sharee Freeman, Director, Office of Self-Governance, DOI*

**3:00 pm** **Legislative Update**
*Lisa M. Meissner, Associate Attorney, Hobbs, Straus, Dean and Walker, LLP*
*Phil Baker-Shenk, Partner, Holland & Knight LLP*
*Mary Pavel, Partner, Sonosky, Chambers, Sachse, Miller and Monkman, LLP*

**4:00 pm** **GSA**

- Continued discussion from July 2018 meeting
- Access to Motor Pools for Schools
- Separate Contracts v. Rolled Up Contracts and Reporting

*Daniel Reichmann, GSA*

**4:30 pm** **Preparation of Issues to Discuss with Tara Mac Lean Sweeney, *Assistant Secretary – Indian Affairs*, *DOI***

**5:00 pm** **Adjourn Meeting**

**Tuesday, October 2, 2018 (9:00 am to 5:00 pm)**

**Meeting of the SGAC & Technical Workgroup with Tara Mac Lean Sweeney, Assistant Secretary – Indian Affairs**

**(Only Members of the SGAC and Proxies to be seated at the table)**

**9:00 am** **SGAC and Director Office of Self-Governance Discussion – FY2019 Tribal Strategic Plan**

**10:15 am** **Break**

**10:30 am** **Welcome & Introductions**

*W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe and Chairman, Self-Governance Advisory Committee (SGAC)*
*John Tahsuda III, Principal Deputy Assistant Secretary – Indian Affairs*

**11:30 am** **SGAC Committee Members Executive Session with Principal Deputy Assistant Secretary – Indian Affairs**

**1:00 pm** **Budget Update**

- FY2017/FY2018 Appropriations Distribution (late distribution status update)
- FY2019 Appropriations Status
- FY2020 Budget Update
- FY2021 Budget Formulation
- TIBC Update

*Dave Conner, Director, Natural Resources, Red Lake Band of Chippewa Indians*
*Amber Ebarb, Budget/Policy Analyst, National Congress of American Indians*
*Jeannine Brooks, Deputy Director, Office of Budget and Performance Management, DOI*

**2:00 pm** **Administration for Native Americans (ANA)**

*Jeannie Hovland, Deputy Assistant Secretary, Native American Affairs, Commissioner, Administration for Native Americans and Chair, Intradepartmental Council on Native American Affairs, U.S. Department of Health and Human Services*

**2:30 pm** **Break**

**2:45 pm** **Office of Indian Services Update**

- P.L. 115-93, Indian Employment, Training and Related Services Consolidation Act of 2017 - Reauthorization (Interagency Agreement Update)
- Welfare Assistance National Distribution Welfare Distribution Methodology
- Base Transfers of Funding
- Certificate Degree of Indian Blood Proposed Changes

Debbie McBride, Acting Bureau Director, Office of Indian Services, BIA, DOI
Laurel Iron Cloud, Office of Indian Services, BIA, DOI

**3:15 pm** **National Indian Education Association (NIEA)**

- Update on Indian Education
- Student Safety and Gun Violence
- Opportunities for Engagement

Ahniwake Rose, Executive Director, National Indian Education Association

**3:30 pm** **Office of Special Trustee (OST)/AVSO**

- Tribal MOUs
- Self-Governance Tribal Appraisals Requiring Secretarial Approval
- Other Matters

*John White, Deputy Special Trustee for American Indians - Trust Evaluations, OST*
*Jason Bruno, Director, Historical Trust Accounting - OST*

**4:00 pm** **Telecommunications in Indian Country**

- Use and Ownership of Spectrum
- GAO Reports

Sally Moino, Assistant Director, Government Accountability Office (GAO)
Crystal Huggins, Senior Analyst, Government Accountability Office (GAO)

**4:30 pm** **Technical Workgroup Work Session**

- Review Follow-up Topics
- Topics for January 2019 Quarterly Meeting

*Jennifer McLaughlin, SGAC, Tribal Technical Co-Chair, Self-Governance Legislative Associate, Jamestown S'Klallam Tribe*
*Ken Reinfeld, SGAC, Federal Technical Co-Chair, OSG Senior Policy Analyst*

**.5:00 pm** **Adjourn the SGAC Meeting**

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication & Education
PO BOX 1734 ~ McAlester, OK 74502
Telephone (918) 302-0252 – Facsimile (918) 423-7639 – Website: www.tribalselfgov.org

## SGAC MEMBERSHIP LIST

(September 28, 2018)

| AREA | MEMBER (Name/Title/Organization) | STATUS | CONTACT INFORMATION |
|---|---|---|---|
| **Alaska** | **Robert Keith, President**<br>Native Village of Elim | **Primary** | PO Box 948<br>Nome, AK 99762<br>P: (907) 890-3737<br>F: (907) 890-3738<br>E: tc.eli@kawerak.org |
| | **William Micklin, 1st Vice President**<br>Central Council Tlingit and Haida Indian Tribes of Alaska | Alternate | 320 W Willoughby Avenue, Suite 300<br>Juneau, AK 99801<br>C: (619) 368-4382<br>E: wmicklin@ccthita.org |
| **Eastern** | **Cheryl Andrews-Maltais, Chairwoman**<br>Wampanoag Tribe of Gay Head (Aquinnah) | **Primary** | 20 Black Brook Road<br>Aquinnah, MA 02535-1546<br>P: (508) 645-9265<br>E: chairwoman@wampanoagtribe.net |
| | **Kitcki Carroll, Development Director**<br>United South and Eastern Tribes, Inc. | Alternate | 711 Stewarts Ferry Pike<br>Nashville, TN 37214<br>E: kcarroll@usetinc.org |
| **Eastern Oklahoma** | **Bill John Baker, Principal Chief**<br>**Karen Ketcher, Proxy**<br>Cherokee Nation | **Primary** | PO Box 948<br>Tahlequah, OK 74465<br>P: (918) 772-4130<br>E: karen-ketcher@cherokee.org |
| | **James R. Floyd**<br>Principal Chief<br>Muscogee (Creek) Nation | Alternate | PO Box 580<br>Okmulgee, OK 74447<br>P: (918) 732-7600 |
| **Midwest** | **Annette Johnson, Treasurer**<br>Red Lake Band of Chippewa Indians | **Primary** | PO BOX 550<br>Red Lake, MN 56671<br>P: (218) 679-3341<br>E: annette.johnson@redlakenation.org |
| | **Jane Rohl, Tribal Council Secretary**<br>Grand Traverse Band of Ottawa & Chippewa Indians | Alternate | 2605 N West Bay Shore Drive<br>Peshawbestown, MI 49682-9275<br>P: (231) 534-7494<br>E: jane.rohl@gtbindians.com |
| **Northwest** | **W. Ron Allen, Tribal Chairman/CEO**<br>Jamestown S'Klallam Tribe<br>**SGAC Chairman** | **Primary** | 1033 Old Blyn Highway<br>Sequim, WA 98382<br>P: (360) 681-4621<br>F: (360) 681-4643<br>E: rallen@jamestowntribe.org |
| | **Tyson Johnston, Vice President**<br>Quinault Indian Nation | Alternate | P.O. Box 189 (1214 Aalis Drive)<br>Taholah, WA 98382<br>P: (360) 276-8211<br>F: (360) 276-4191<br>E: tjohnston@quinault.org |
| **Pacific** | **Ryan Jackson, Chairman**<br>Hoopa Valley Tribe | **Primary** | PO Box 1348<br>Hoopa, CA 95546<br>E: cbfdistrict@gmail.com |
| | **Denise Richards-Padgette, Chairperson**<br>Tolowa Dee-ni' Nation | Alternate | 140 Rowdy Creek Road<br>Smith River, CA 95567<br>P: (707) 487-9255 ext. 1224<br>E: |

**SGAC & Technical Work Group Membership List**
(July 27, 2017)

| | | | |
|---|---|---|---|
| **Rocky Mountain** | **Beau Mitchell, Council Member**<br>Chippewa Cree Tribe | **Primary** | PO Box 544<br>Box Elder, MT 59521<br>P: (406) 395-5705 ext. 205<br>E: beau@cct.rockyboy.org |
| | **VACANT** | Alternate | |
| **Southern Plains** | **John Barrett, Jr., Chairman**<br>**Rhonda Butcher, Director**<br>Citizen Potawatomi Nation | **Primary**<br>**Proxy** | 1601 S. Gordon Cooper Dr.<br>Shawnee, OK 74801<br>P: (405) 275-3121 ext. 1157<br>F: (405) 275-4658<br>E: rbutcher@potawatomi.org |
| | **Kay Rhoads, Principal Chief**<br>Sac and Fox Nation | Alternate | 920883 S Hwy 99, Building A<br>Stroud, OK 74079<br>P: (918) 968-3526 ext. 1004<br>F: (918) 968-1142<br>E: chief@sacandfoxnation-nsn.gov |
| **Southwest** | **Ruben A. Romero, Governor**<br>Taos Pueblo<br>**Shawn Duran**<br>**SGAC, Vice Chairwoman** | **Primary** | P.O. Box 1846<br>Taos, NM 87571<br>P: (575) 758-8626 ext. 115<br>F: (575) 758-8831<br>E: SDuran@taospueblo.com |
| | **Carlos Hisa, Governor**<br>Ysleta del Sur Pueblo | Alternate | 119 S. Old Pueblo Road<br>El Paso, TX 79907<br>P: (915) 859-8053<br>E: cgomez@ydsp-nsn.gov |
| **Western** | **Delia M. Carlyle, Council Member**<br>Ak-Chin Indian Community | **Primary** | 42507 W. Peters & Nall Road<br>Maricopa, AZ 85138<br>P: (520) 568-1019<br>F: (520) 568-1001<br>E: dcarlyle@ak-chin.nsn.us |
| | **VACANT** | Alternate | |

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication & Education
PO BOX 1734 ~ McAlester, OK 74502
Telephone (918) 302-0252 – Facsimile (918) 423-7639 – Website: www.tribalselfgov.org


## SGAC TECHNICAL WORKGROUP
## TRIBAL TECHS

| AREA | MEMBER (Name/Title/Organization) | STATUS | CONTACT INFORMATION |
|---|---|---|---|
| **Alaska** | Bruce Baltar<br>Bristol Bay Native Association | Tech Rep | PO Box 130<br>Dillingham, AK 99576<br>P: (907) 842-5257<br>F: (907) 842-5932<br>E: bbaltar@bbna.com |
| | Martha Whitman-Kassock<br>Association of Village Council Presidents | Tech Rep | P.O. Box 219 (101 Main Street)<br>Bethel, AK 99559<br>P: (907) 543-7371<br>F: (907) 543-7379<br>E: mwhitman@avcp.org |
| | John Bioff<br>Kawerak, Inc. | Tech Rep | PO Box 948<br>Nome, Alaska 99762<br>P: (907) 443-4336<br>E: jbioff@kawerak.org |
| **Eastern** | Dee Sabattus<br>United South and Eastern Tribes | Tech Rep | 711 Stewarts Pike Ferry, Suite 100<br>Nashville, TN 37214<br>E: dsabattus@usetinc.org |
| | Elizabeth Malerba<br>United South and Eastern Tribes | Tech Rep | 400 North Capitol Street, NW<br>Suite 585 Washington, DC 20001<br>E: lmalerba@usetinc.org |
| **Eastern Oklahoma** | Melanie Fourkiller<br>Choctaw Nation of Oklahoma | Tech Rep | PO Box 17<br>Cookson, OK 74427<br>P: (918) 457-5763<br>F: (918) 458-6157<br>E: mfourkiller@choctawnation.com |
| | Rhonda Farrimond<br>Choctaw Nation of Oklahoma | Tech Rep | P.O. Drawer 1210<br>Durant, OK 74702-1210<br>P: (580) 924-8280 ext. 2322<br>F: (580) 920-3138<br>E: rfarrimond@choctawnation.com |
| | Terra Branson<br>Muscogee (Creek) Nation | Tech Rep | PO Box 580<br>Okmulgee, OK 74447<br>P: (918) 549-2408<br>Email: tbranson@mcn-nsn.gov |
| **Midwest** | John Mojica<br>Mille Lacs Band of Ojibwe | Tech Rep | 43408 Oodena Drive<br>Onamia, MN 56359<br>P: (320) 532-7479<br>F: (320) 532-7505<br>E: john.mojica@millelacsband.com |
| | Dave Conner<br>Red Lake Band of Chippewa Indians | Tech Rep | 24200 Council Street<br>Red Lake, MN 56671<br>E: REDLAKEWAE@aol.com |
| | Jay Sam<br>Little River Band of Ottawa Indians | Tech Rep | 375 River Street<br>Manistee, MI 49660<br>E: jsam@lrboi-nsn.gov |

**SGAC & Technical Work Group Membership List**
(July 27, 2017)

| AREA | MEMBER (Name/Title/Organization) | STATUS | CONTACT INFORMATION |
|---|---|---|---|
| | Candice Skenandore<br>Oneida Tribe of Indians of Wisconsin | Tech Rep | PO Box 365<br>Oneida, WI 54155<br>P: (920) 660-2335<br>F: (920) 869-4040<br>E: cskena10@oneidanation.org |
| **Northwest** | Jennifer McLaughlin<br>Jamestown S'Klallam Tribe<br>**Tribal Technical Workgroup Co-Chair** | Tech Rep | 1033 Old Blyn Highway<br>Sequim, WA 98382<br>P: (360) 912-2241<br>E: jmclaughlin@jamestowntribe.org |
| | Eugena R Hobucket<br>Quinault Indian Nation | Tech Rep | PO BOX 189<br>Taholah, WA 98587<br>P: (360) 276-8211<br>F: (360) 276-8201<br>E: ehobucket@quinault.org |
| **Pacific** | Danny Jordan<br>Hoopa Valley Tribe | Tech Rep | PO Box 1348<br>Hoopa, California 95546<br>E: de_jordan@earthlink.net |
| | Briannon Fraley<br>Tolowa Dee-ni' Nation | Tech Rep | 140 Rowdy Creek Road<br>Smith River, CA 95567<br>E: Briannon.fraley@tolowa.com |
| **Rocky Mountain** | Ruth Swaney<br>Confederated Salish & Kootenai Tribes | Tech Rep | PO Box 278<br>Pablo, MT 59855<br>P: (406) 275-2741<br>F: (406) 275-2806<br>E: ruths@cskt.org |
| **Southern Plains** | Kasie Nichols<br>Citizen Band of Potawatomi Indians | Tech Rep | 1601 S. Gordon Cooper Dr.<br>Shawnee, OK 74801<br>P: (405) 275-3121 ext. 1285<br>F: (405) 275-0198<br>E: kasie.nichols@potawatomi.org |
| **Southwest** | vacant<br>Taos Pueblo | Tech Rep | P.O. Box 1846<br>Taos, N.M. 87571<br>P:<br>E: |
| | Linda Austin<br>Ysleta del Sur Pueblo | Tech Rep | 119 S. Old Pueblo Rd.<br>El Paso, TX 79907<br>P: (915) 859-7913 ext. 7725<br>E: laustin@ydsp-nsn.gov |
| **Washington DC** | C. Juliet Pittman<br>SENSE Incorporated | Tech Rep | Upshaw Place<br>1130 -20th Street, NW; Suite 220<br>Washington, DC 20036<br>P: (202) 628-1151<br>F: (202) 638-4502<br>E: pitt@senseinc.com |
| | Cyndi Ferguson<br>SENSE Incorporated | Tech Rep | Upshaw Place<br>1130 -20th Street, NW; Suite 220<br>Washington, DC 20036<br>P: (202) 628-1151<br>F: (603) 754-7625<br>C: (202) 638-4502<br>E: cyndif@senseinc.com |
| **Western** | Robert Scabby<br>Salt River Pima Maricopa Indian Community | Tech Rep | 1005 East Osborn Road<br>Scottsdale, AZ 85256<br>E: Robert.Scabby@SRPMIC-nsn.gov |

| AREA | MEMBER (Name/Title/Organization) | STATUS | CONTACT INFORMATION |
|---|---|---|---|
| | Karen Fierro<br>Ak-Chin Indian Community | Tech Rep | 42507 W. Peters & Nall Road<br>Maricopa, AZ 85138<br>P: (520) 568-1036<br>E: kfierro@ak-chin.nsn.us |

**SGAC & Technical Work Group Membership List**
(July 27, 2017)

## Federal Partners

| NAME | CONTACT INFORMATION |
|---|---|
| Sharee M. Freeman<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Room 355<br>Washington, D.C. 20240<br>P: (202) 219-0244<br>F: (202) 219-4246<br>E: sharee.freeman@bia.gov |
| Ken Reinfeld<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Washington, D.C. 20240<br>P: (202) 219-0244<br>F: (202) 219-1404<br>E: kenneth.reinfeld@bia.gov |
| Danny Santiago<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Washington, D.C. 20240<br>P: (202) 219-0244<br>E: danny.santiago@bia.gov |
| Emma Phillips<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Washington, D.C. 20240<br>E: emma.phillips@bia.gov |
| Rufina Villicana<br>DOI Office of Self-Governance | 1951 Constitution Avenue NW<br>Washington, D.C. 20240<br>E: Rufina.Villicana@bia.gov |
| Matthew Kallappa<br>DOI Office of Self-Governance<br>Northwest Regional Office | Northwest Regional Office<br>911 Northeast 11th Avenue<br>Portland, Oregon 97232<br>E: Matthew.Kallappa@bia.gov |
| Gordon Smith<br>DOI Office of Self-Governance<br>Northwest Regional Office | Northwest Regional Office<br>911 Northeast 11th Avenue<br>Portland, Oregon 97232<br>E: Gordon.Smith@bia.gov |

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication & Education
PO BOX 1734 ~ McAlester, OK 74502
Telephone (918) 302-0252 – Facsimile (918) 423-7639 – Website: www.tribalselfgov.org


## Additional Technical Resources

| NAME | CONTACT INFORMATION |
|---|---|
| Phil Baker-Shenk<br>Holland & Knight, LLP | 2099 Pennsylvania Ave. N.W.<br>Washington D.C., 20006<br>P: (202) 955-3000<br>F: (202) 955-5564<br>E: pbaker@hklaw.com |
| Geoff Strommer<br>Hobbs, Straus, Dean & Walker, LLP | 806 S.W. Broadway, Ste. 900<br>Portland, OR 97205<br>P: (503) 242-1745<br>F: (503) 242-1072<br>E: gstrommer@hsdwor.com |
| Lloyd Miller<br>Sonosky Chambers, Sachse, Miller & Munson, LLP | 900 West Fifth Avenue, Ste. 700<br>Anchorage, Alaska 99501<br>P: (907) 258-6377<br>F: (907) 272-8332<br>E: Lloyd@sonosky.net |
| Matthew Jaffe<br>Sonosky, Chambers, Sachse, Miller & Munson | E: mjaffe@sonosky.com |
| Jim Glaze<br>Sonosky, Chambers, Sachse, Miller & Munson | E: jglaze@sonosky.com |
| Steve Osborne<br>Hobbs, Straus, Dean & Walker, LLP | 2120 L St. NW, Ste. 700<br>Washington, DC 20037<br>P: (202) 822-8282<br>F: (202) 296-8834<br>E: tosborne@hsdwdc.com |
| Brian Upton<br>Confederated Salish & Kootenai Tribes | PO Box 278<br>Pablo, MT 59855<br>P: (406) 675-2700<br>F: (406) 675-4665<br>E: brianu@cskt.org |
| Terri Gonzales<br>Salt River Pima Maricopa Indian Community | E: Terri.gonzales@srpmic-nsn.gov |
| Crystal Banuelos<br>Salt River Pima Maricopa Indian Community | E: Crystal.banuelos@srpmic-nsn.gov |
| Tammy Wingo<br>Kaw Nation | PO Box 50<br>Kaw City, OK 74641<br>P: (580) 269-2552<br>F: (580) 269-2294<br>E: twingo@kawnation.com |
| Sonja Diggs<br>Choctaw Nation of Oklahoma | PO Drawer 1210<br>Durant, OK 74701<br>P: (580) 924-8280 ext. 2351<br>F: (580) 924-3854<br>E: sdiggs@choctawnation.com |
| Leonard Fineday, Legal Director<br>Leech Lake | E: Leonard.Fineday@llojibwe.org |
| Caroline Mayhew<br>Hobbs Straus | E: cmayhew@hobbsstraus.com |
| Joni Costello, Accountant<br>Taos Pueblo Tribal Government Operations | E: apwc@taospueblo.com |

**SGAC Mailing Address:**

c/o Self-Governance Communication and Education
PO BOX 1734 ~ McAlester, OK 74502
Telephone (918) 302-0252 – Facsimile (918) 423-7639 – Website: www.tribalselfgov.org

# DOI SELF-GOVERNANCE ADVISORY COMMITTEE

**c/o Self-Governance Communication & Education Tribal Consortium**
**PO BOX 1734 ~ McAlester, OK 74502**
**Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: www.tribalselfgov.org**


## *SGAC TECHNICAL WORKGROUP ASSIGNMENT MATRIX*
## *Quarterly Meeting*
## *July 2018*

***Technical Workgroup Co-Chairs:***
***Jennifer McLaughlin, Tribal Co-Chair***
***Kenneth Reinfeld, Federal Co-Chair***

| | **Assignment** | **Person(s) Responsible** | **Date Task Originated** | **Status** |
|---|---|---|---|---|
| 1. | Develop a Self-Governance Educational tool for new members of the Administration | SGCE | July 18, 2018 | |
| 2. | Draft recommendations for improving the budget distribution process/Greenbook | Budget Workgroup | October 25, 2016 | On hold pending TIBC Budget Subcommittee Budget Process Workgroup Recommendations; need Sharee to identify her concerns with Green Book not accurately representing Self-Governance Tribes |
| 3. | Host call to discuss follow up on /BIA Strategic Plan (these changes will support the DOI Strategic Plan) | Jennifer McLaughlin<br>Pitt<br>Clyde<br>Terra | March 30, 2017 | On hold – pending DOI initiation of consultation. |
| 4. | Develop a Self-Governance Legislative Package for Tribes to download. Insert a "Congressional Update" Link on SGCE Website | SENSE & SGCE | July 18, 2018 | |
| 5. | Letter to Secretary DOI Strategic Plan (refer to talking points) | Melanie and Jenn | July 18, 2018 | Completed. |
| 6. | Letter to SCIA – request for a hearing on the DOI Strategic Plan | SENSE | July 18, 2018 | Completed. |
| 7. | Support the Alaska Tribes position on Section 16 of the IRA and "M" Opinion on Land into Trust | Bruce<br>John | July 18, 2018 | Completed. |
| 8. | Letter to Secretary and AS-IA on the Departments failure to develop a workforce development plan to include the need for a Deputy Director and resources to | SGCE - Jay | July 18, 2018 | Completed |

| | | | | |
|---|---|---|---|---|
| | support staff in OSG | | | |
| 9. | Email Amber Budget Workgroup Recommendations TIBC | Jenn | July 18, 2018 | Completed |
| 10. | Email Sharee a copy of the Tribal proposal for DOT negotiated rulemaking and the Departments proposal | SENSE | July 18, 2018 | Completed |
| 11. | Workgroup to develop budget category recommendations for Jeannine Brooks (SG / TIBC coordination) | Melanie Fourkiller<br>Vickie Hanvie<br>Shawn Duran<br>Karen Fierro<br>Jennifer McLaughlin<br>Dave Conner<br>SENSE | July 18, 2018 | On hold |
| 12. | OMB Talking Points – Tribes oppose the use of competitive grants and raise the issue on the Department holding the Tribes feet to the fire on deliverables despite the underfunding of programs and services (coordinate with NCAI and TIBC co-chairs) | Jenn | July 18, 2018 | Completed |
| 13 | Draft letter to GSA – LEA issue | Melanie<br>Terra Branson<br>Karen Fierro<br>Karen Ketcher | July 18, 2018 | Completed |
| 14 | Letter to ANA Commissioner request that they host a Summit to share information on the work of ANA and the different Tribal projects funded; invite the ANA Commissioner to attend the SG Annual Conference; Provide a copy of the HHS Title VI Reports; Provide a copy of Summary of the History of Self-Governance (Geoff Strommer's article); Provide a copy of the Proud Nations Booklet | SENSE<br>SGCE - Jay | July 18, 2018 | Completed |
| 15 | Follow up letter to John Tahsuda III, Principal Deputy – Indian Affairs, Exercising the Authority of the Assistant Secretary – Indian Affairs | Jennifer | July 18, 2018 | Completed. |
| 16. | Workgroup on how we conduct committee business –<br>Follow up call to discuss future action items | Jennifer<br>Melanie<br>Pitt<br>Cyndi<br>Karen<br>Linda | July 18, 2018 | Ongoing |

| | | | | |
|---|---|---|---|---|
| | | Tami | | |
| 17. | Send out New Meeting Calendar for FY2018/2019 | SGCE | July 18, 2018 | |

# SGAC Committee Business

Date: July 17, 2018

Time: 9:45 am

## Key Points

- Chairman Allen opened the meeting and asked for approval of the meeting minutes. Shawn Duran noted that the TIBC acronym and SCIA acronym need corrections. The Advisory Council voted to approve the minutes as amended by the corrections.

- Jennifer McLaughlin asked for updates to the Advisory Council and Technical Workgroup membership lists. Ms. McLaughlin asked members to confirm their interest in still serving on the workgroup by signing a letter of intent to remain involved.

- Ms. McLaughlin noted that we need an alternate for Eastern Region and questioned whether Mohegan should be added to the list. The Rocky Mountain Region needs an alternate as well and Chairman Allen asked for Ed to identify an alternate. Chairman Allen also asked Delia Carlyle to reach out to Nevada to identify if there is anyone interested in participating on the workgroup.

- A nomination was submitted from the Tolowa Dee-ni' Nation to nominate Chairperson Denise Richards-Padgette to represent the BIA Pacific Region as the Alternate representative to the SGAC. A motion was made to approve the nomination by Wil Micklin, seconded by Delia Carlyle, and approved by the Committee.

- SGCE report on 2018 conference. Tami Snow reported that we had 900 participants at the conference—the largest conference held to date. The Department of Education did a consultation session. Overall, the sessions were all full and we might need to consider additional sessions for future conferences to meet the needs associated with increased participation.

## Office of Self-Governance Update

### Sharee Freeman, Director, Office of Self-Governance, DOI

Date: July 17, 2018
Time: 10:00 am

### Key Points

- Sharee provided a presentation to discuss updates and asked for input on whether the PowerPoint is an effective means for providing the updates, rather than a narrative or strictly a discussion. Chairman Allen stated that he likes the brevity of the presentation format.
- Tara Sweeney is expected to be on board as the AS-IA at the end of July.
- To date, OSG has received and obligated approximately $365,828,797 in FY 2018 funding for distribution. Additional funds, primarily grants and money from regions, still need to be obligated and transferred to Tribes.
- Ms. Freeman stated that if you look at the books for FY17, it shows OSG did not obligate $33,000. Since then, the money has been obligated to tribes.
- Ms. Freeman noted that there are still some Tribes that have not completed the Road Maintenance survey and encourages participation for self-governance tribes. Some surveys have money associated with the results, so be sure to participate so that self-governance tribes are not left out of any funding opportunities.
- Ms. Freeman provided a number of announcements regarding grant opportunities and webinars. The information was also disseminated to SGAC through email.
- Ms. Freeman noted there is a new Regional Director in Alaska but there has not been a formal announcement. Sharee noted that Hankie Ortiz is leaving headquarters for a transfer to Navajo Region.
- Chairman Allen stated that he is very concerned about senior level officials being moved into new positions. The Chairman noted that it feels as if the DOI is already undergoing a transformation before the official reorganization even starts. The Chairman stated that moving officials around is harmful to Tribes because it reduces the effectiveness of programs that serve Tribes as new individuals have to get up to speed and don't always understand the programs they are moved into.
- Ms. Freeman mentioned that she is going to try again to implement the recommendations from the Program Formula Matrix workgroup report. Vickie Hanvey is going to take the lead for getting it updated and to push for implementation of recommendations within DOI.
- Chairman Allen stated that there needs to be changes to process for transferring funds (non-base funds) from BIA to Tribes.

- Terra Branson raised concerns about the timeliness of DOI funds being transferred to Tribes. Ms. Branson mentioned that Tribes have to float federal programs when the money does not arrive on time.

**Questions & Responses**

(Q1) Can you update the group on whether DOT has reached out to OSG?

(A1) Ms. Freeman stated that DOT has been in contact and there have been a few discussions. DOT is primarily asking questions about how OSG came to be and to understand certain provisions of ISDEAA.

(Q2) How many Tribes are trying to enter into Self-Governance?

(A2) Sharee stated that approximately 32 Tribes are trying to enter self-governance but several are having trouble meeting with audit requirements. She stated she will include updates in future updates.

(Q3) Any updates to CCDF payments?

(A3) It is usually in September but there is not a specific date that Ms. Freeman can identify. Some funds are starting to come in but they are being held as we check the disbursement amounts.

(Q4) Who is the backup for Director at OSG if you get transferred?

(A4) There is not a single person that is designated as a backup but Ken, Vickie, and Matt can make sure operations keep going. Ms. Freeman has asked for a Deputy but it has not been approved.

**Follow-up Items**

- Shawn Duran requested an organizational chart with the names of officials that are currently sitting in key positions within Indian Affairs. Sharee noted that it is constantly changing but she will try to get a document put together.
- Chairman Allen stated that SGAC needs to send a letter to DOI requesting a Deputy Director for OSG.

## Office of Indian Services Update

**Spike Bighorn, Associate Deputy Director, Office of Indian Services, BIA**

Date: July 17, 2018

Time: 10:30 am

**Key Points**

- Hankie sends her apologies for not attending but she is preparing for her transfer to Bureau of Indian Education.
- Keeping Our Children Safe Update: We have training sessions underway and are developing policy and guidance on the Native American Children's Safety Act.
- 477 Program updates: The law requires all the federal agencies to develop a MOA to explain how we are going to implement the program. We drafted the MOA in April and have been working with agencies over the last few months to make needed revisions and edits from the other agencies. The Domestic Policy Group at the White House is helping to keep the efforts on track and get this across the finish line. We hope to have a final draft in place in the next few weeks.
- Based on current appropriations, we are funding about 73 percent of need under the Welfare Assistance program.
- Chairman Allen stated that the 477 program brings to light the concern that some federal agencies do not understand the intent of self-governance. In addition, Chairman Allen stated that Self-Governance 2.0 need to get to a place where we are consolidating all federal programs and funds into a single Self-Governance compact.

**Questions and Responses**

(Q1) How can Tribes have input into the development of the 477 MOA?

(A1) There is a 477 Tribal Advisory Committee that was convened in February to provide input and talk about 477 implementation. There are a number of self-governance Tribes that are part of the 477 Tribal Advisory Committee.

(Q2) Will there be another Tribal Advisory Committee meeting before completion of the 477 MOA?

(A2) I am not sure about the follow-up meeting of the Tribal Advisory Committee but will check and get back to you. However, Tribes will not have a chance to review or provide input into the completed 477 MOA. This is an internal memo among federal agencies to help clarify the process of transferring funds between agencies.

## Legislative Update

**Geoff Strommer, Partner, Hobbs, Strauss, Dean and Walker, LLP**

**Lloyd Miller, Partner, Sonosky, Chambers, Sachse, Miller and Monkman, LLP**

Date: July 17, 2018

Time: 11:00 am

**Key Points**

- Tribal Labor Sovereignty Act: The bill failed passage but it had strong support. However, not enough support to reach a super majority of 60 supporters. The problem is that big Labor is pushing back because some Tribes include Casinos in the Tribal government operations.
- Tribal Law and Order Act: Chairman Hoeven and Vice-Chairman Udall have tried to make improvements, especially for Tribes with checkerboarded land.
- The Farm Bill: The bill is at Conference and conferees will be appointed very soon. The Farm Bill Coalition made significant contributions to the legislation. There are many pro-Indian country provisions in the Senate Bill so we need to push for those to be retained during conference.
- The Senate Version of the Farm bill included many positive provisions for Tribes including:
    - Adjusting the match requirements and funding limitations for the Food Distribution Program on Indian Reservations (FDPIR) so that economically disadvantaged tribes may reach more households in need of assistance;
    - Authorizing a new $5 million demonstration project to allow some tribes to purchase some FDPIR food under self-determination ("638") contracts;
    - Creating a Tribal Advisory Committee at the Department of Agriculture, similar to the Secretary's Tribal Advisory Committee at the Department of Health and Human Services
- Title IV Amendments: PROGRESS Act has passed SCIA and will be moved to full Senate. On the House side, we continue to face challenges getting support. Our strategy now is to try and get LaMalfa to sponsor the bill but have not heard back yet. Don Young has also expressed he will sponsor the bill.

## Budget Update

**Amber Ebarb, Budget/Policy Analyst, NCAI**

**Jeannine Brooks, Deputy Director, Office of Budget and Performance Management, DOI**

Date: July 17, 2018

Time: 1:30 pm

**Key Points**

- Ms. Ebarb noted that DOI top line levels in both the House and Senate are similar to last year levels which should make it easier to pass. Overall, there is a 1.3% increase in House version for DOI.

- Ms. Ebarb provided an update on the efforts of TIBC to implement recommendations associated with budget development with Indian Affairs. Specifically, an assessment was already completed that identified the challenges and areas in need of reform. That information is now being used to identify recommendations for improvement. The final report that identifies the recommendations and opportunities for implementation will be sent out in the next few weeks. One recommendation was to create a "STAC-like" advisory group for DOI.
- Ms. Brooks discussed the proposed House and Senate budget numbers. Ms. Brooks noted that DOI reported at TIBC that Tribes will have the option as to whether BIA will opt-in or opt-out of the DOI Reorganization.
- Ms. Brooks noted that the budget office is reviewing budget categories and is seeking input on what the budget categories should look like in the future. This is also being considered at TIBC.
- Several SGAC members noted that the lack of transparency in how the President's budget aligns with TIBC priorities is an area of concern and should be considered when reorganization budget categories.
- It was noted that there needs to be more education at OMB on self-governance tenets and how it works for Tribes.
- Chairwoman Andrews-Maltias: A goal should be for funding streams to go directly from the budget office to the Tribe and no funds should have to go through the BIA Regions. Ms. Brooks noted that most funds do go directly to Tribes though some funds might go through the Region on accident.
- Ms. Brooks understands the concern of Tribes in regards to grant monies but noted that it is usually a decision made outside of DOI and it is often a stipulation of us receiving the funds. If DOI says they don't want it to be a grant, the funding might be directed to another agency.
- There is concern that fiscal year 2019 proposal would cut key budget staff needed to transfer funds. There is hope that Congress will not cut the budget.
- Kasie Nichols asked for an update on unfunded obligations survey. Ms. Brooks noted that the Administration has put an end to the unfunded obligations survey. Ms. Brooks stated this could be completed by Tribes and her office is happy to share any information that has already been collected.

## Keeping Our Children Safe in School

**Charles Addington, Deputy Bureau Director, Office of Justice Services, BIA**

**Matthew Lysakowski, Senior Advisor for Tribal Affairs, COPS Office, DOJ**

**Clint Bowers, Bureau of Indian Education**

**Travis Clark, Bureau of Indian Education**

Date: July 17, 2018

Time: 2:30 pm

**Key Points**

- The School Resource Officer program has very limited resources and the office has been working with Tribes, BIE, and DOJ to identify resources to support additional School Resource Officers. Mr. Addington hopes BIE will be able to help fund additional SROs for Indian Country.
- Mr. Addington stated that BIA provides technical assistance to Tribes to make sure the Tribes have the proper plans in place to ensure safety in schools. Having plans in place saves lives. BIA police academy lieutenants are available to come to your communities and schools to help with the development of plans and to perform drills. The training is very extensive, expensive, and needs to incorporate all potential parties that may be involved in an emergency—tribe, federal, state, county, and others.
- Mr. Addington also recommended that each school put together a crisis box and can provide technical assistance with what information needs to be included in the crisis box.
- Mr. Addington stated that he does not see any potential for his office to receive additional funding in the near future but will continue to seek additional resources.
- Mr. Lysakowski provided information about the COPS office that can be found on the TribalSelfGov.org website. The information covers the technical and financial assistance available through the COPS office.
- Mr. Lysakowski noted that the match requirement can be either in-kind or cash. It was brought to Mr. Lysakowski's attention that the application for the COPS program specifically states the match must be a "cash match." Mr. Lysakowski stated that he will follow-up internally to resolve that discrepancy.
- Mr. Bowers stated that BIE has been very focused on accountability over the last year and how to ensure that students at all schools—both BIE and Tribally operated—are safe. BIE has been really focused on facility safety and inspections to make sure that all schools are safe. Mr. Bowers stated the agency has been working hard to address GAO concerns related to safety and the agency can now report that they have 100 percent of schools inspected annually. BIE is also really focused on making sure the results of the inspection are addressed.
- Mr. Clark mentioned that another key initiative in BIE is to create a Strategic Plan. BIE held numerous consultations in putting together this plan. Through consultation, we learned that safety is a huge priority for Tribes.
- Mr. Clark also noted that his office is looking to partner with IHS as part of the overall strategy also includes a mental health aspect.

- Mr. Clark stated that the BIE has typically been a reactive agency and through strategic planning, hopes to be more proactive. BIE is also looking to identify what data is available to track and measure progress.

**Questions and Responses**

(Q1) Is there a backlog of hiring officers at BIA because of the background check?

(A1) There are more than 700,000 background checks in the queue but the amount of time for completion is based on the individual. BIA pays for expedited background checks but that doesn't mean much sometimes. There is some talk within DOI as to whether we can do our own background checks but the problem is that DOI doesn't have the resources to complete the background checks. However, if there is more funding for DOI to hire the resources needed to conduct background checks, we are confident we could do it better.

## Office of Special Trustee/ AVSO

**John White, Deputy Special Trustee for American Indians- Trust Evaluations, OST**

**John Ross, Appraisal and Valuation Services, DOI**

**Johnna Blackhair, Acting Director of Trust Services, BIA**

Date: July 17, 2018

Time: 3:00 pm

**Key Points**

- Mr. White provided an update on the Trust Evaluation Process. His key points are outlined in a PowerPoint presentation he used during the meeting and can be found on the TribalSelfGov.Org website.
- Mr. Ross provided an update and overview of the Appraisal and Valuation Services Office. Mr. Ross also outlined his points in a PowerPoint presentation.

**Questions and Responses**

(Q1) Is the MOA with OST still moving along?

(A1) The updated MOA for 2018 is in place and can be found in the guidance. The information about AVSO is not yet included but OSG has been working to get OST and AVSO to follow the regulations.

(Q2) Can we include appraisals in our funding agreements instead of an outside agreement as it has been proposed?

(A2) AVSO will work with OSG staff to see if this is an option. Sharee is concerned this might hold up the funding agreements if AVSO or OST has to review it and that is one reason why we moved to using a MOU.

## General Services Administration (GSA) Vehicles and Working with GSA

**Daniel Reichmann, GSA**

Date: July 17, 2018

Time: 4:00 pm

### Key Points

- Mr. Reichmann provided an overview of GSA's Fleet Value Proposition and the benefits of leasing or purchasing through GSA. Mr. Reichman provided a detailed PowerPoint with the information presented to SGAC that can be found on the TribalSelfGov.Org website.

- Mr. Reichman stated that a copy of the funding agreement is not sufficient support for a lease—rather, GSA requires a copy of the compact. Sharee mentioned that this is a problem because the regulations do not require a Tribe to have a compact and can get along with only a funding agreement. The issue of statutory authority is something that needs to be reviewed and considered.

- Leasing entities must submit an annual report. The local GSA lease service representative can provide guidance. In the past, this report was completed by BIA but now that the leases are being transferred away from BIA and directly to the Tribes. As such, each Tribe will now be set up as a customer and will need to do its own reporting.

## Administration for Native Americans (ANA)

**Jeannie Hovland, Commissioner, ANA, Department of Health and Human Services**

Date: July 18, 2018

Time: 8:45 am

## Introduction

Chairman Allen started the meeting, shared opening thoughts about the Administration for Native Americans (ANA), and introduced Jeannie Hovland, the Commissioner for ANA. Commissioner Hovland was accompanied by Michelle Sylve, Intergovernmental Affairs Specialist for ANA.

## About Commissioner Hovland

Commissioner Hovland was born and raised in South Dakota, is Oglala Lakota and Santee Dakota, and is a member of the Flandreau Santee Sioux Tribe. Ms. Hovland was recently confirmed as Commissioner of the Administration for Native Americans by President Trump.

Prior to her position at ANA, Ms, Hovland worked for Senator John Thune for nearly 13 years, establishing the Senator's Native American outreach and tribal affairs department. Commissioner Hovland's role is actually a dual role. She also serves as the Deputy Assistant Secretary for Native American Affairs under the Administration for Children and Family.

## About ANA

The Administration for Native Americans was established under the Native American Programs Act in 1974. The authorities given to the ANA are to focus on three primary program areas and the goal is to provide community self-sufficiency through economic development. The three primary program areas include social development, economic development, and environmental enhancement. In addition, ANA focuses on native languages restoration and revitalization.

As mentioned by Chairman Allen in his opening remarks, there's a lot of flexibility within the ANA, which makes it very unique. Commissioner Hovland noted that, in general, when a program is federally funded there is a lot of red tape that makes it really difficult to have any flexibility. But, ANA allows Tribes to really mold the grant around what the Tribes' specific needs in the community.

One of the initiatives Commissioner Hovland is really proud of is a youth empowerment grant, which allows Native youth to be directly involved in their community projects. ANA plans to have its first Native youth conference next week in Missoula and there are 13 grantees. ANA will celebrate their accomplishments, their vision, and hear how things are going.

## Key Points

• Commissioner Hovland looks forward to meetings like SGAC so she can hear from Tribal leaders on key priorities for Tribal communities. The Commissioner noted that

there are large priorities, such as the opioid crisis, methamphetamine, economic development, and education. But, the Commssioner knows it's important to spend time in the communities with tribal leaders and tribal citizens at the grassroots level.

• Commissioner Hovland's office is located in the Switzer building in DC and the Commissioner invited Tribal leaders to contact her office when they are in town. The Commissioner believes that the more she knows about Tribal priorities and experiences, the more her office can be a successful advocate within HHS.

• The Commissioner stated that she strongly believes that tribal citizens have the solutions and that's where the answers need to come from.

• ANA is currently working on scheduling the ACF tribal consultation and there should be formal notification going out with the details in the coming weeks. They are looking at mid-September in Washington DC. (NOTE: The Tribal Consultation was held in September.)

• Commissioner Hovland said that one of her priorities is to improve collaboration and communication between federal agencies and programs. She understands that there are many silos within federal agencies. Specifically, Commissioner Hovland stated she intends to reestablish an intra-agency counsel within the HHS to meet with the principals of all the programs that service Native Americans. Commissioner Hovland plans to extend the collaboration outside of HHS to agencies such as Veteran's Administration and the Department of Labor.

**Question & Responses**

(Q1) How much funding does ANA get appropriated?

(A1) Last year, funding was $53 million and more than $46 million of those funds went to grants for tribal communities and tribal organizations.

(Q2) In the early 2000s, the Administration completed a report that found it is feasible to expand self-governance within HHS and recommended 13 programs that would be good opportunities for expanding Self-Governance. Will ANA take a leadership role in advocating for the expansion of self-governance in HHS?

(A2) Commissioner Hovland is happy to have a further discussion about efforts to advocate for the expansion of self-governance in HHS. The Commissioner noted that the Native American Programs Act has expired and needs to be reauthorized so it might be a good time to try and seek a legislative option for expanding self-governance.

(Q3) Has ANA ever looked at the number of grant applications is receives but is unable to fund and used this as a basis for determining need?

(A3) Commissioner Hovland notes that between 15- 25 percent of the applications ANA receives are funded. Commissioner Hovland noted that one of the initiatives her office

plans to undertake is to identify underserved and low capacity tribes to make sure ANA is actively engaging with those tribes and assisting them build capacity for grant writing.

(Q4) The ANA grant application process is extremely complex and unduly difficult. Are you looking into ways to streamline the process and make it easier for more Tribes to apply?

(A4) Commissioner Hovland stated she will make it a priority to look into the complexity of the application process.

(Q5) ANA has three core areas that it funds. Is there a methodology that gives priority to one core area over another when screening applications?

(A5) Commissioner Hovland stated that each core area has its own dedicated funding so a Tribe would be applying for a grant under a specific program and would only be evaluated with other applications for that same program.

**Follow-up Items**

• Chairman Allen suggested the annual Self-Governance Conference would be a good option for ANA to educate Tribes about the various programs and funding opportunities they can provide.

• Chairman Allen asked SENSE to provide Commissioner Hovland with various background materials to help understand Self-Governance.

• Chairman Allen asked Commissioner Hovland to advocate for successful implementation of the 477 program.

## Meeting with Eugenia Tyner-Dawson, Senior Policy Advisor, DOI

Date: July 18, 2018

Time: 9:30 am

**Introduction**

Ms. Tyner-Dawson was asked to say a few words on behalf of the Department of the Interior because John Tahsuda, Acting AS-IA, was running late to the meeting. Chairman Allen stated that he was not expecting Ms. Tyner-Dawson to provide answers to all of the questions or comments raised during the conversation but rather for Ms. Tyner-Dawson to listen to the concerns and take them back to DOI in her role as Policy Advisor.

<u>Portfolio</u>

Ms. Tyner-Dawson stated that she is primarily involved with three program areas and numerous projects at DOI, including the Office of Self-Governance (OSG) and the 477 program.

**Key Points**

- It is a difficult task to get multiple federal agencies together to agree upon a 477 MOU but the federal agencies, under leadership from the White House, are coming together to have the discussions needed to develop the MOU. Ms. Tyner-Dawson believes that it is advantageous that a signed MOU must be place by December 2018, by law. Ms. Tyner-Dawson stated that the agencies are about half-way there in the development of the MOU.

- The MOU is being developed in cooperation and coordination with a Tribal working group.

- Chairman Allen expressed concerns that OSG is not involved or invited to meetings related to the development of the 477 MOU. Ms. Tyner-Dawson said she was unaware this was a concern and noted the Sherry is very busy but if she would like to participate in the 477 meetings, she needs to raise the issue with John Tahsuda.

- The primary points of contact for implementation of the 477 program within Interior include Spike Bighorn and Terry Parks. Hankie Ortiz has historically been involved with the 477 program but Hankie is transitioning out of her current role to seek other opportunities within DOI.

- Chairman Allen raised a concern related to the lack of timely transfers of funds from DOI to Tribal Nations. Specifically, Chairman Allen mentioned there is a concern that the Budget Office does not have the right resources to make sure money is provided in a timely manner. Ms. Tyner-Dawson acknowledged the concern and suggested the Chairman share the concern with John Tahsuda.

- Chairman Allen stated that there is a need for increased collaboration between BIA's OJS program and the Department of Justice and believes that Ms. Tyner-Dawson's prior role at DOJ could be helpful to achieve this goal. Ms. Tyner-Dawson noted that she is willing to help with efforts to improve collaboration and understands the concern but also said that OJS is not within her portfolio at DOI. In addition, Ms. Tyner-Dawson stated it can be difficult to get the various programs within different agencies and offices to come together and recognize that their programs are related. She stated that more education within the agencies is needed in order for federal officials to recognize how the programs are related.

- A tribal representative raised an additional concern related to the lack of collaboration, which is that Tribes frequently have to rely on funding from several programs to support a tribal program but the agencies have different definitions and requirements. This situation makes it even more of a challenge to apply for funds and to operate programs. One example specifically raised was the federal funds available from multiple agencies to help combat the opioid epidemic.

- Chairman Allen raised a concern that OJS has great latitude to select which Tribes receive one-time funding. This approach does not help build tribal capacity or allow a Tribe to conduct long-term planning or develop a long-term office. Chairman Allen would also like to see more transparency in the process for selecting Tribes that receive funds from OJS.

- Chairman Allen raised a concern that leadership within Indian Affairs is being transferred and it is harmful to Tribes as new individuals are brought in without any knowledge of the program or the Tribes served by the office.

- Chairman Allen stated that he is concerned that the DOI Strategic Plan and the vision for the next 100 years does not align with the vision of Tribal leaders and that it was not developed in consultation with Tribes. He also highlighted that the Plan does not respect Tribal Nations, sovereignty, or the Trust Responsibility.

**Questions & Responses**

(Q1) Are Tribes involved in the development of the 477 MOU?

(A1) Ms. Tyner-Dawson stated that the federal agencies are working closely with a Tribal working group in the development of the MOU.

**Follow-up Items**

- Chairman Allen stated the we need to figure out the various programs available at DOJ and within DOI's Office of Justice Services. He asked SGCE to help with this research and pull together some graphics and materials to help us see what is going on.

- Consider including sessions at the Self-Governance Annual Conference that focus on DOI's Office of Justice Services and DOJ programs.

## SGAC Joint Discussion with Acting Assistant Secretary for Indian Affairs

**John Tahsuda, Acting Assistant Secretary for Indian Affairs**

Date: July 18, 2018

Time: 10:00 am

**Introduction**

John Tahsuda, Acting Assistant Secretary for Indian Affairs, joined SGAC for a discussion of priority items identified by SGAC. Chairman Allen welcomed Mr. Tahsuda and thanked him for participating in the discussion.

**Key Points**

- Workforce Planning.
    - Chairman Allen raised a concern about the lack of succession planning within Indian Affairs and particularly within OSG. Chairman Allen pointed out that if Sharee were to be transferred or decides to retire, that the office does a plan for how to maintain operations. The Chairman specifically stated that he would like to see OSG hire a Deputy Director to ensure continuity of operations if and when Sharee leaves the position. Further, the Chairman expressed concerns about the significant number of transfers among leadership at Indian Affairs. Mr. Tahsuda stated that he understands the concern but said that some of those transfers are not initiated by DOI management but rather by the SES employee. SES employees must meet certain requirements to fulfill obligations of their SES contract and maintain management status. To meet these requirements, SES may need to transfer to a new position. In other cases, some employees make requests to transfer based on personal preference or family needs. Indian Affairs doesn't want to lose good people so we try to work with SES employees to try and accommodate those type of requests.

    - Chief Malerba suggested that DOI may consider including a couple of Tribal leaders when interviewing candidates for key management positions within Indian Affairs—a practice that has proven successful within the Indian Health Service.

    - Tribal leaders noted that succession planning is needed within each BIA and IA office to ensure continuity of operations and for DOI to have a long-term strategy for how to address workforce challenges. It was also noted that having "acting" leadership can be harmful as "acting" leaders are hesitant to make any decisions.

- DOI Strategic Plan & Budget.

- Chairman Allen raised concerns that the Strategic Plan for DOI does not acknowledge Tribal priorities or consider Tribes' vision for the next 100 years. It also does not link with budget priorities and does not provide a plan for how to move forward making sure Indian Affairs can meet its obligations. Chairman Allen noted that greater collaboration is needed when it comes to strategic and budget planning.

- Transfer of Funds.

  - Chairman Allen noted that the process to transfer funds from DOI to Tribes under their annual funding agreement is overly complex and needs to be reviewed. In addition, there are not enough DOI officials to perform those duties and Indian Affairs should consider whether it needs more Awarding Officials in order to make sure money is getting out the door within the required time frames. The Chairman also suggested that Mr. Tahsuda consider opportunities to get OMB and the Congress on board with Indian Affairs when it comes to budget matters, which may also help to streamline the budget process and help to ensure Tribes receive their funds on time.

  - Mr. Tahsuda stated that he understands the concern and noted that the budget and transfer of funds is a tremendous amount of work for BIA employees and that CRs and disagreements between OMB and the Congress can further complicate the process.

- Alaska Land into Trust.

  - Several Tribes expressed concern over the rescission of the Solicitor's Opinion related to putting land into trust in Alaska. Several Tribal leaders noted that they know consultation is currently taking place but requested clarification on the basis for retracting the current practice.

- Self-Governance at DOT.
  - Chairman Allen and Chief Rhoads noted that negotiations at the DOT have gone off track and requested that Mr. Tahsuda advocate from a Federal to Federal position with DOT officials on behalf of Tribes.

- Expansion of Self-Governance.
  - Tribal leaders shared a concern with Mr. Tahsuda that there is a lack of knowledge related to Tribal self-governance within the federal government and asked for his assistance to break down some of the federal silos so that officials from different agencies and programs. Mr.Tahsuda noted that it is very difficult to breakdown those silos and to change minds about self-

governance because many federal officials are scared of self-governance because they see it as taking away their budgets or don't understand it.

- Mr. Tahsuda discussed the ongoing negotiations with federal partners that will be included in the final MOU and stated it has been a challenging experience because the agencies are transferring funds to BIA and they don't really get to see the benefit or impact. It is also challenging for BIA because the agency now has additional accounting burden to manage after receiving funds from multiple agencies.

- Mr. Tahsuda explained he is a supporter of self-governance and believes that any discussion of expanding self-governance should highlight that the money is more impactful when it is managed at the most local level. Tribal leaders are in a better position to identify community needs and transferring to the most local level also helps surrounding communities flourish as well.

- <u>Inclusion of OSG in 477 Discussions and Other Meetings.</u>

  - Tribal leaders raised a concern with Mr. Tahsuda that Sharee and the OSG are not being included in 477 discussions and conversations. This could be a missed opportunity to have OSG educating other federal agencies about self-governance.

  - Tribal leaders also mentioned that they heard OSG was not involved in meetings with Regional Directors to discuss the use of year-end funds that must be obligated. Tribal officials noted that OSG is largely the point of contact for Self-Governance Tribes and when Sharee is not included in DOI discussions, it means OSG can't share information with Tribes.

# WHITE EARTH RESERVATION

**CHAIR** Terrence "Terry" Tibbetts **SECRETARY-TREASURER** Leonard Alan Roy
**DISTRICT I** Raymond Auginaush, Sr. **DISTRICT II** Kathy Goodwin **DISTRICT III** Eugene "Umsy" Tibbetts

September 4, 2018

W. Ron Allen
Chairman
Self-Governance Advisory Committee
c/o Self-Governance Communication & Education
PO BOX 1734
McAlester, OK 74502

RE: Nomination to the Self-Governance Advisory Committee

Dear Chairman Allen,

White Earth Band of Chippewa Indians would like to nomination Leonard Alan Roy to represent the BIA Midwest Region as the primary or alternative representative to the Self-Governance Advisory Committee.

Below is the contact information for Leonard Alan Roy:
Mailing Address: 35500 Eagle View Road, PO Box 418, White Earth, MN 56591
E-mail Address: alan.roy@whiteearth-nsn.gov
Phone Number: 218-983-3285 x 5900

Thank you for your consideration of our request. If you have any questions, please contact Jeremy Cossette at (218)849-8831 or Jeremy.cossette@whiteearth-nsn.gov.

Sincerely,

Terrence "Terry" Tibbetts
Chairman
White Earth Band of Chippewa Indians

U.S. General Services Administration

# Introduction to GSA Fleet

# GSA Fleet Value Proposition

# Valid Authorities

- Purchasing
  - P.L. 93-638 – Indian Self-Determination and Education Assistance Act (ISDEAA) and amendments (P.L. 103-413)
  - P.L. 110-411 – Native American Housing Assistance and Self-Determination Act (NAHASDA)
  - P.L. 100-297 – Tribally Controlled Schools Act if inclusive of Section 2507 (a)(6)
- Leasing (GSA Fleet)
  - P.L. 93-638 – Indian Self-Determination and Education Assistance Act (ISDEAA) and amendments (P.L. 103-413)
    - Must have SPECIFIC reference to interagency motor pool or GSA Fleet vehicle leasing program

# Valid Authorities

- GSA Order 4800.2I (July 19, 2016)
  - Section 7d(5)(a):
    - (a) The Indian Self-Determination and Education Assistance Act (ISDEAA). As provided in section 102(13) of Pub. L. 103-413 (the Indian Self Determination Act Amendments of 1994) a tribal organization, when carrying out a contract, grant or cooperative agreement under the Indian Self-Determination and Education Assistance Act, is deemed an executive agency for purposes of 40 U.S.C. § 501 (See 25 U.S.C. § 450j(k)). Additionally, each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an executive agency. If the self·determination contract contains a provision authorizing interagency motor pool vehicles and related services, as provided in Section 103 of the Indian Self-Determination Act Amendments of 1994, the tribe or tribal organization is eligible to use GSA Fleet motor vehicles and related services, if available (See 25 U.S.C. § 450L).

# Leasing

- Per GSA Order 4800.2I:
  - ISDEAA is only current valid authority granting access
  - Contract, compact, or grant language MUST have specific reference to interagency motor pool or GSA Fleet leasing
  - Must have valid current and forward looking period of performance (as documented in a funding agreement)

- P.L. 100-297, even with reference to 25 U.S. Code § 2507(a)(6), does NOT grant access to vehicle leasing
  - References section 501 of Title 40 – which is GSA as a source of supply
  - Access to Fleet is governed by section 602(c) of Title 40

# Leasing

- Model Agreement (25 U.S.C. § 450L(c))
  - (1) AUTHORITY.—This agreement, denoted a Self-Determination Contract (referred to in this agreement as the 'Contract'), is entered into by the Secretary of the Interior or the Secretary of Health and Human Services (referred to in this agreement as the 'Secretary'), for and on behalf of the United States pursuant to **Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)** and by the authority of the tribal government or tribal organization (referred to in this agreement as the 'Contractor'). The provisions of title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are incorporated in this agreement.
  - (10) TRANSPORTATION.—**Beginning on the effective date of this Contract, the Secretary shall authorize the Contractor to obtain interagency motor pool vehicles and related services for performance of any activities carried out under this Contract**.

# Vehicle Management Offerings:

*GSA Fleet specializes in motor vehicles*

# Why Purchase from GSA Fleet?

- Online ordering through Auto Choice
- Dedicated customer service staff
- Engineers for non-standard vehicles
- Large selection of vehicles available
- Strong OEM relationships
- FY17 prices averaged 20.6% below the dealer’s invoice
- Mandatory source

# GSA Fleet Cost Saving Efforts

- Savings from discount received below dealer invoice:
  - FY14 - $315M (17.6%)
  - FY15 - $306M (18.9%)
  - FY16 - $364M (19.4%)
  - FY17 - $381M (20.6%)

- Aggregated demand:
  - Outstanding values on vehicles
  - 20% savings on LE Upfits

# Why Lease from GSA Fleet?

- Guaranteed vehicle replacements
  - Replaced every 3-7 years
  - Modern and safe fleet, with newest technology
- Industry Expertise
  - Dedicated FSR
- Automated Information Systems
- Full Service
  - Low Rates
  - No agency capital outlay & low financial risks
  - Reduced overhead and administrative burden
- Flexibility in fleet configuration and size

# Federal Fleet Cost Per Mile Comparison*

| | Agency-Owned | Commercially Leased | GSA Fleet Leased |
|---|---|---|---|
| FY2011 | $0.85 | $1.56 | $0.63 |
| FY2012 | $0.78 | $1.61 | $0.66 |
| FY2013 | $0.91 | $0.86 | $0.65 |
| FY2014 | $0.95 | $0.63 | $0.68 |
| FY2015 | $0.92 | $1.21 | $0.57 |

* FY16 and FY17 Federal Fleet Reports are not yet published; excludes Postal Service

# Fleet Solutions

## *Ancillary services & solutions*

- Short Term Rental (STR) Program
- Standardized Law Enforcement Upfit Packages
- Telematics
- Vehicle Consolidations
- AFV Guide & Tool
- Desktop Workshops
- Emerging Technology Offerings
- Dispatch Reservation Module

Daniel Reichmann - daniel.reichmann@gsa.gov - 703-605-2950
Amanda Fredriksen - amanda.fredriksen@gsa.gov - 703-605-5513

# Office of Indian Services

Presentation to Self-Governance Advisory Committee (SGAC) October 2, 2018

# Indian Employment, Training and Related Services Consolidation Act of 2017

United States Code Annotated
Title 25. Chapter 36. Indian Employment, Training and Related Services

This Act (also referred to as P.L. 115-93) amends P.L. 102-477 to include an additional eight (8) federal agencies as being subject to the law

Congress directed all affected agencies to negotiate and execute a memorandum of agreement (MOA) on federal implementation of Pub. L. No. 115-93 prior to December 18, 2018.
The following Departments are identified in PL. 115-93 as being subject to the amended Act:

- Department of Agriculture
- Department of Commerce
- Department of Education
- Department of Energy
- Department of Health and Human Services
- Department of Homeland Security
- Department of Housing & Urban Development
- Department of the Interior
- Department of Justice
- Department of Labor
- Department of Transportation
- Department of Veterans Affairs

# Target Date for MOA implementation and signatures

- Sec. 3410(3) establishes the date for a completed MOA as December 18, 2018
- The BIA, on behalf of DOI, developed the draft MOA for consideration by the federal partners
- The Domestic Policy Council (DPC) is currently the lead agency on getting the MOA finalized and signed by all affected Federal agencies
- Discussion on the draft MOA is on-going and involves all affected federal partners

# Target Dates implementing Indian Employment, Training and Related Services Consolidated Act

- Some Federal agencies have interpreted Section 3404, (a) (1) (B) of the Act as disallowing all competitive grants from being considered as eligible programs to be included in a tribe's plan
- BIA, on behalf of DOI, argues the Act doesn't disallow competitive grants, and has submitted a Solicitor's opinion to the DPC substantiating that position
- The DPC has submitted all of the agency General Counsel/Solicitor's opinions to the White House General Counsel for a policy decision on this issue on behalf of the Administration
- Once the MOA is signed, the Division of Workforce Development (on behalf of DOI) will become the lead agency in implementing the Act

# Division of Human Services

**Welfare Assistance Funding (FY 2018):**

- Dear Tribal Leader Letter (September 13, 2013)
- Due dates for Tribes and BIA Agencies to submit the 2018 FASSR is:
  - FY Tribes/BIA Agencies: October 31, 2018
  - CY Tribes: January 31, 2019
- Due dates for OSG to submit the FASSR to OIS, DHS - November 30th
- Methodology is located Indian Affairs Manual (1AM) Part 70, Chapter 3 at: **http://www.bia.gov/cs/groups/xraca/documents**

# Division of Human Services

Welfare Assistance (Training & Technical Assistance)

- **Webinar #1: How to Calculate 19'Estimated Need under the Methodology:**
  - Date of Webinar: Thursday, October 4, 2018 from 1:00pm EDT to 2:00pm EDT
  - Link to Register: https://bia-ois-hsevents.webex.com/bia-ois-hsevents/onstage/g.php?MTID=e04efab1fc9eb6e9c61de82c1a6946f25

- **Webinar #2: How to Certify a FASSR:**
  - Date of Webinar: Wednesday, October 24, 2018 from 1:00pm EDT to 2:00pm EDT
  - Link to Register: https://bia-ois-hsevents.webex.com/bia-ois-hsevents/onstage/g.php?MTID=ed8a0418d5264ee48cd832487153ee9eb

# DIVISION OF TRIBAL GOVERNMENT SERVICES Certificate of Degree of Indian Blood (CDIB) Issue

What is a CDIB?

- A certificate that verifies a person's Indian ancestry by confirming a specific degree of Indian blood from a specific federally recognized Tribe(s).
- A CDIB is NOT a Tribal membership document.

Who issues CDIBs?

- For federally recognized Tribes that have blood degree rolls, a great majority of these Tribes issue the CDIBs to their members. There has been a substantial increase over the years in Tribes taking the responsibility from the BIA in maintaining their own blood degree rolls.

- The BIA issues CDIBs in limited instances when Tribes depend on the BIA for this service.

# Certificate of Degree of Indian Blood (CDIB)

What is the CDIB Survey about?

- A CDIB survey was created by BIA to measure how many Tribes are processing CDIBs and the potential impact of the BIA ending the program of processing and issuing CDIBs.
- The survey seeks Tribal input, advice and consultation on this matter.
- Main question: Is the activity of issuing CDIBs one that is best left to the **Tribes** themselves as a Tribe's right to define its own membership and degrees of Indian blood, and as a central aspect of Tribal sovereignty?
- The survey kicked off on September 7, 2018 and responses will be accepted through November 7, 2018.
- Introduced to Tribal leaders via letter from the Regional Directors. Tribal outreach to ensure relevant information and accurate responses are entered into the survey is being conducted by regional and agency BIA Tribal Operations personnel.

# Certificate of Degree of Indian Blood (CDIB)

NOTE:

- **Absolutely nothing** in this survey process will affect a Tribes' ability to run their own CDIB programs and issue their own CDIBs – even in the event the BIA decides to continue issuing CDIBs

# Discussion of Base Transfers

OFFICE OF INDIAN SERVICES
BUREAU OF INDIAN AFFAIRS

1849 C STREET, NW  MAILSTOP 4513
WASHINGTON, DC  20240
(202) 513-7640  PHONE
(202) 208-5113  FAX

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Eastern Oklahoma Region
Eastern Oklahoma Regional Office
P.O. Box 8002
Muskogee, OK 74402-8002

IN REPLY REFER TO:

September 13, 2018

Dear Tribal Leader,

This correspondence is to inform you that the Bureau of Indian Affairs (BIA) is considering whether to end the practice of BIA personnel issuing Certificate(s) of Degree of Indian or Alaska Native Blood (CDIB). To gather this information, a survey has been created. Your input and advice is appreciated in this survey.

The BIA has issued CDIBs to individual Indians for several decades. We seek data to determine whether we should continue issuing CDIBs. Unfortunately, the absence of regulatory guidance has resulted in the inconsistent issuance of CDIBs by the BIA. Prior to making any final decision on this issue, the Assistant Secretary of Indian Affairs is seeking information on any potential impact that termination of the BIA CDIB program would have on tribes. To this end, the BIA regional and agency personnel will be conducting a survey that addresses CDIB related matters for each tribe that is served within each region and we seek your input and consultation on this effort.

Within the next several weeks, local BIA personnel will be reaching out to your tribal enrollment program point(s) of contact to gather CDIB information. Please note that the survey does not request any type of personally identifiable information. Further, nothing in this process will affect tribes' ability to run their own CDIB programs – we are simply seeking information on whether the BIA should continue to issue CDIBs or if this activity should be best left to the tribes themselves, as a tribe's right to define its own membership and degrees of Indian blood is recognized as a central aspect of tribal sovereignty.

Respectfully,

Carla Norman

Acting Regional Director

September 2018

# TRIBAL BROADBAND

## Few Partnerships Exist and the Rural Utilities Service Needs to Identify and Address Any Funding Barriers Tribes Face

GAO Highlights

Highlights of GAO-18-682, a report to congressional requesters

## Why GAO Did This Study

In 2018, FCC estimated that 35 percent of Americans living on tribal lands lack broadband service compared to 8 percent of Americans overall. Various federal programs support increasing broadband deployment in unserved areas, including tribal lands. Tribes can form partnerships with private sector companies and others to deploy broadband infrastructure on tribal lands. GAO was asked to provide information on these partnerships.

This report discusses (1) examples and outcomes of tribal partnership arrangements, (2) the amount of federal funding provided to tribal entities for broadband deployment, and (3) stakeholder-identified barriers that tribes face in obtaining federal funding and the extent to which federal agencies have addressed those barriers. GAO identified partnerships by reviewing federally funded broadband projects that included a partnership component; analyzed federal funding dedicated to broadband deployment; interviewed agency and tribal government officials, tribal associations, tribally owned broadband providers, and industry stakeholders; and assessed RUS's efforts to address the regulatory funding barriers tribes may face. The information presented is illustrative and is not generalizable to all tribes or all partnerships.

## What GAO Recommends

GAO recommends that RUS identify and address regulatory barriers that impede tribal entities from obtaining RUS funding for broadband deployment. RUS neither agreed nor disagreed with this recommendation.

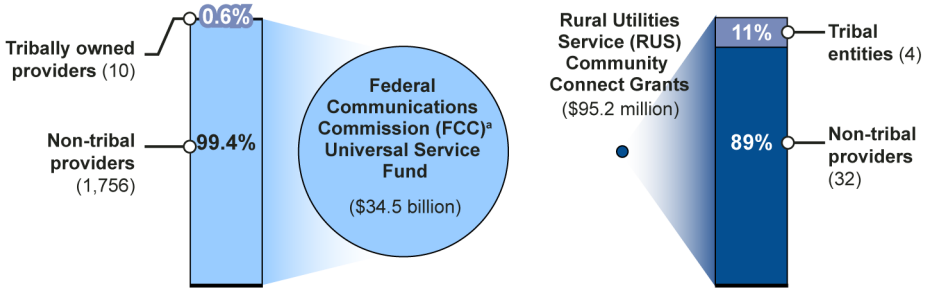
View GAO-18-682. For more information, contact Mark Goldstein at (202) 512-2834 or goldsteinm@gao.gov.

## What GAO Found

GAO identified some partnership arrangements between tribes and other entities to increase broadband access on tribal lands. Among the seven examples GAO identified, tribes partnered with different types of entities including private broadband providers, a community access network provider, an electric cooperative, a regional consortium, and tribally owned broadband providers. According to the tribes participating in the partnerships, almost all of the partnerships improved broadband service on tribal lands.

The Federal Communications Commission (FCC) and the Rural Utilities Service (RUS) are the primary sources of federal funding to deploy broadband infrastructure where the cost of providing service is high, including on tribal lands. GAO reviewed funding for four programs, three in FCC and one grant program in RUS, and found that in total, less than 1 percent has gone directly to tribes or to tribally owned broadband providers to expand broadband service. GAO found that 14 tribal entities received federal funding from FCC and RUS to increase broadband deployment for 2010–2017.

**GAO's Analysis of Federal Funding for Broadband Deployment, 2010-2017**




Sources: GAO analysis of FCC and RUS data. | GAO-18-682

[a]FCC funding includes the Mobility Fund Phase I, Tribal Mobility Fund Phase I, and Connect America Fund.

The tribal officials, tribal associations, and tribally owned broadband providers GAO contacted cited several barriers tribes face in obtaining federal funding to deploy broadband service on tribal lands. For example, they said tribes face regulatory barriers in applying for RUS's grant funding, including (1) preparing existing and proposed network design, (2) demonstrating financial sustainability of the broadband project within 5 years, and (3) obtaining matching funds. An interagency council recently recommended that federal agencies identify and address regulatory barriers that may unduly impede broadband deployment. Although RUS conducts some outreach with tribes, it has not undertaken a formal assessment to identify and address the regulatory barriers that tribes may face in obtaining RUS's funding for broadband deployment. RUS officials told GAO that they do not have the resources to do so. Nevertheless, lacking such an assessment, tribes may continue to face regulatory barriers in obtaining RUS funding for broadband deployment on their lands. By identifying and addressing any regulatory barriers that impede tribal entities' access to RUS funding, RUS could help tribes obtain funding to expand broadband deployment on tribal lands.

GAO Highlights

Highlights of GAO-18-630, a report to congressional requesters

September 2018

# BROADBAND INTERNET

## FCC's Data Overstate Access on Tribal Lands

## Why GAO Did This Study

Broadband furthers economic development, educational attainment, and public health and safety; however, residents of tribal lands have lower levels of broadband access relative to the U.S. population. Congress has prioritized identifying and targeting funds to unserved areas. FCC uses data from broadband providers to develop maps and reports depicting broadband availability in the United States, with specific information on tribal lands. GAO was asked to review FCC's efforts to collect broadband data for tribal lands.

This report examines the extent to which: (1) FCC's approach to collecting broadband data accurately captures broadband access on tribal lands and (2) FCC obtains tribal input on the data. GAO interviewed stakeholders from 25 tribal governments or tribally owned providers, and visited nine tribal lands. The selected tribes varied geographically and in levels of broadband availability, among other characteristics. GAO also reviewed FCC's rulemakings on broadband data and interviewed other tribal stakeholders, FCC officials, and 13 non-tribal broadband providers selected to include a diversity of technologies. Provider and tribal interviews were based on non-generalizable samples.

## What GAO Recommends

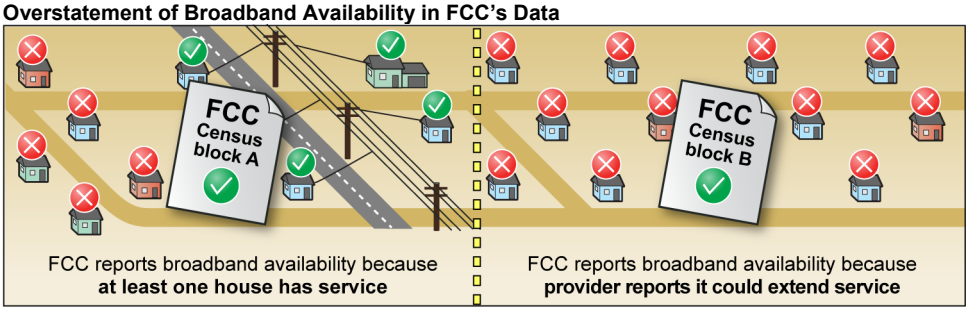
GAO is making three recommendations to FCC, including that it collect and report data that accurately measure tribal broadband access as well as develop a process to obtain tribal input on the accuracy of the data. FCC agreed with the recommendations.

View GAO-18-630. For more information, contact Mark L. Goldstein at (202) 512-2834 or goldsteinm@gao.gov.

## What GAO Found

The Federal Communications Commission (FCC) collects data on broadband availability from providers, but these data do not accurately or completely capture broadband access on tribal lands. Specifically, FCC collects data on broadband availability; these data capture where providers may have broadband infrastructure. However, FCC considers broadband to be "available" for an entire census block if the provider *could* serve *at least one* location in the census block. This leads to overstatements of service for specific locations like tribal lands (see figure). FCC, tribal stakeholders, and providers have noted that this approach leads to overstatements of broadband availability. Because FCC uses these data to measure broadband access, it also overstates broadband access—the ability to obtain service—on tribal lands.

**Overstatement of Broadband Availability in FCC's Data**




Source: GAO analysis of Federal Communications Commission (FCC) documents. | GAO-18-630

Additionally, FCC does not collect information on several factors—such as affordability, quality, and denials of service—that FCC and tribal stakeholders stated can affect the extent to which Americans living on tribal lands can access broadband services. FCC provides broadband funding for unserved areas based on its broadband data. Overstatements of access limit FCC's and tribal stakeholders' abilities to target broadband funding to such areas. For example, some tribal officials stated that inaccurate data have affected their ability to plan their own broadband networks and obtain funding to address broadband gaps on their lands. By developing and implementing methods for collecting and reporting accurate and complete data on broadband access specific to tribal lands, FCC would be better able to target federal broadband funding to tribal areas that need it the most and to more accurately assess FCC's progress toward its goal of increasing all Americans' access to affordable broadband.

FCC does not have a formal process to obtain tribal input on the accuracy of provider-submitted broadband data. In the *National Broadband Plan*, FCC highlighted the need for a targeted approach to improve broadband availability data for tribal lands. As outlined in the plan, such an approach would include working with tribes to ensure that information is accurate and useful. About half of the tribal stakeholders GAO interviewed raised concerns that FCC relies solely on data from providers, and most stated FCC should work with tribes to improve the accuracy of FCC's data. Establishing a formal process to obtain input from tribal governments on the accuracy of provider-submitted broadband data could help improve the accuracy of FCC's broadband data for tribal lands.