

DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education

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Sent electronically karen.link@gsa.gov

August 19, 2020

Julie A. Dunne, Commissioner
Federal Acquisition Service
General Services Administration
Acquisition Gateway
1800 F Street, NW
Washington, DC 20405-0001
ATTN: Karen Link, Chief of Staff

RE: Tribal Governments Access to GSA Fleet Surplus and Property Transfer Program

Dear Commissioner Dunne:

On behalf of the Department of the Interior (DOI) Self-Governance Advisory Committee (SGAC), I am writing to express concerns about the implementation of the General Services Administration (GSA) policy for property transfer to Native American Tribes. Tribal nations are sovereign governments yet, unlike states or local governments, Tribes are often subjected to bureaucratic paternalism in the form of Federal laws and/or policies that impose greater restrictions upon them. This unequal treatment and lack of full recognition of the sovereign status of Tribal governments effectively diminishes Tribal Self-Governance and Self-Determination and negatively impacts the overall economic outcomes for American Indians and Alaska Natives. We, therefore, urge you to reconsider imposing policy decisions upon Tribal governments that abrogate their ability to fully exercise their sovereignty and engage with Tribes through consultation to allow for meaningful Tribal input into the decisions that affect their interests.

The Indian Self-Determination and Education Assistance Act reaffirmed Tribes as self-governing nations and provided the authority for Tribal governments to enter into contracts and compacts with DOI and the Indian Health Service (IHS) that transfer the administration of Federal programs that serve Tribal citizens and communities from the Federal government to the Tribal government. Tribal governments can redesign these programs to implement them based on local needs and priorities. And, it is on those points that we expect to be treated and respected like any other qualified/authorized entity in the Federal partnership.

Tribal governments know best how to address the needs of their community and their decisions about their affairs should be respected. We were told that an isolated action by a Tribal government was the impetus for GSA's policy but do not believe that questionable actions by a few Tribal governments should hinder all Tribal governments from fully participating in all phases of the GSA fleet surplus and property transfer program. In addition, GSA should not scrutinize Tribal governments because of its non-germane unwarranted speculations about a Tribe's eligibility to purchase "specialty vehicles". If Tribes do not currently operate departments for which they seek specialty vehicles, it is incumbent to the Federal partner to have dialogue and determine how it can

accommodate the Tribal government to reach the intended goals and use for the vehicles. GSA, not only the DOI and IHS, should work with the Tribal governments in the design and development of their police department, EMT, Paramedic/First Responder Department and Fire Department to support the establishment and/or expansion of these useful and critically needed services in Tribal communities.

The GSA National Desk Reference for Tribes and Tribal Organizations was last released in September 2019. SGAC seeks additional information on the development of the GSA policy, such as:

- Were Tribal governments involved in GSA's process of updating/revising this recent version the GSA resource tool?
- Did GSA conduct formal consultation on how to improve the GSA – Tribal relationship?
- Did GSA confer with other Federal agencies on ways to improve the Tribal – Federal relationship as it relates to GSA?

The SGAC offers a forum for direct communication between Tribal leaders and Federal officials. **The next SGAC Quarter Meeting will be a virtual call on Monday, September 28, 2020 from 2:00 – 4:00 p.m. eastern time.** We invite you to participate and discuss the GSA – Tribal consultation policy, as well as address our concerns. The agenda is a work in progress, and we hope to have a draft to share by August 24th. Please let us know the status of your availability upon receipt.

In the meantime, if you have questions and would like to discuss this letter in more detail, please contact Jay Spaan, Executive Director, Self-Governance Communication and Education Tribal Consortium (SGCETC) at jays@tribalselfgov.org or at (918) 370-4258.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe and
Chairman of the Department of Interior Self-Governance Advisory Committee

Cc: SGAC Members and Technical Workgroup
Florence Francis, Advisor for Native Nations, FAS, GSA
Sharee Freeman, Director, Office of Self-Governance, DOI
Jay Spaan, Executive Director, SGCETC