



Office of Congressional and Intergovernmental Affairs

January 19, 2021

Mr. W. Ron Allen
Chairman
Department of the Interior Self-Governance Advisory Committee
314 W. 14th Place
Tulsa, OK 74119

Dear Chairman Allen:

Thank you again for your August 19, 2020, letter addressed to Federal Acquisition Service Commissioner, Julie Dunne, regarding concerns about the U.S. General Services Administration's (GSA) policies for property transfer to Native American tribes. I previously wrote to you on September 22, 2020, to provide an interim update on the status of GSA's response to your inquiry. I am pleased to now inform you that a Memorandum of Agreement (MOA) between GSA and the Department of the Interior (DOI) has been finalized that will simplify and streamline the process for authorizing Tribal organizations to obtain GSA Fleet services. Under the agreement, DOI will provide data to GSA on a semi-annual basis identifying the Tribal organizations eligible to receive GSA Fleet vehicles and related services pursuant to the Indian Self-Determination and Education Assistance Act and Tribally Controlled Schools Act for compacts, contracts, grants and cooperative agreements (currently, those issued by the Bureau of Indian Affairs (BIA) and Bureau of Indian Education).

As background, GSA is only authorized to provide leasing services in accordance with applicable law. To this end, GSA must obtain and verify documentation which substantiates a Tribal organization's eligibility to access such services. Unlike other GSA Fleet leasing customers, such as executive agencies, that have standing or permanent authority to access GSA Fleet services, the validation process for Tribal organizations is unique and must be undertaken on an ongoing basis to ensure that it is granted in accordance with applicable law.

The data provided by DOI under the MOA will significantly reduce the burden placed on the Tribes to provide documentation establishing eligibility to use GSA Fleet leasing services. Specifically, GSA will rely on the information provided by DOI to provide access to fleet services instead of requiring the Tribal organizations to submit the documentation themselves. While the MOA does not address all of DOI, it does address a majority of the vehicles leased to Tribal organizations, and is a critically important step that lays the foundation for similar agreements with other DOI

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organizations. Now, Tribal organizations will only have to provide documentation to substantiate their eligibility if their data is not provided by DOI.

Finally, your initial correspondence referenced concern over GSA validating if Tribal organizations can lease "specialty vehicles". For clarification, a specialty vehicle is often thought to mean a law enforcement vehicle. In reality, "specialty vehicle" means any vehicle that is not readily transferable to another leasing customer such as buses, ambulances, dump trucks, tractor trailers, fueling trucks, and other special purpose assets. GSA's fleet leasing business model depends upon the ability to easily transfer leased vehicle assets among its customer base. Since specialty vehicles by their nature cannot be easily reassigned, it is common practice for GSA Fleet to validate the need for specialty vehicles prior to acquiring the assets to lease. In this regard, the Tribal organizations are not being treated differently than other leasing customers.

As we move forward under the MOA, Tribal organizations will continue to determine and decide which vehicles are needed to meet their mission requirements, not GSA. GSA Fleet will validate the request for specialty law enforcement vehicles with the Tribal Leader by requiring authorization in writing for such vehicles to ensure the given Tribal organization is authorized to lease this vehicle class. If the documentation is not available, or if GSA has any questions or concerns with the authorization, BIA will assist with the validation.

Should you have any additional questions or concerns, please contact my office at 202-501-0563.

Sincerely,



Jeffrey A. Post
Associate Administrator
Office of Congressional and Intergovernmental Affairs