

U.S. Office of Personnel Management Tribal Consultation Transcript

April 16, 2021

Good afternoon everyone, my name is Jim Cho, and I am serving as the Deputy Director, Congressional, Legislative, and Intergovernmental Affairs at OPM. It is my pleasure to officially welcome you to the U.S. Office of Personnel Management Tribal Consultation.

Jim Cho: OPM recognizes the sovereignty of Tribal Nations, the importance of nation-to-nation Consultation, and OPM's charge and opportunity to strengthen our relationships with Tribal Nations. OPM wishes we could be holding this Consultation in person, and we thank you for your flexibility and taking the time to join us today remotely.

Jim Cho: We plan to include a transcript of today's Consultation in the follow up materials, so I wanted to notify everyone that we will begin recording the Zoom session – and in just a moment, you will see that the recording has started.

Jim Cho: Additionally, I wanted to announce that this is a government to government Tribal Consultation and as such, this session is closed to press. If there is any press on the zoom or on the phone, please sign off at this time.

Jim Cho: I'd also like to recognize the Tribal leaders and elected officials, we have in the Zoom and on the phone. And if we missed anyone after I'm done, we ask that you please raise your hand by clicking raise hand button in zoom or if you're on the phone, dial star nine so we can acknowledge you.

Jim Cho: Chairman Rodney Cawston, Governor Mark Mitchell, Vice Chairwoman Andrea Candelaria, Chairman and CEO W Ron Allen, Tribal Administrator Agnes Denny, Vice-Chairwoman Rosa Long. Superintendent Patricia Sandoval, Chairperson Aaron Payment, Governor Brian Vallo, and Council Member Shirley Allman.

Jim Cho: I would also like to recognize the head of OPM Acting Director Kathy McGettigan who is present and will be providing welcoming remarks, and the OPM leadership team members, who are also representing the Director.

Jim Cho: Thank you to the Tribal leaders who submitted written comments on behalf of their Nations. We have read your submissions and I wanted to share a brief summary of some of those comments.

Jim Cho: One, federal agencies should consult with Tribal Nations to obtain free and informed consent prior to the approval of any project affecting their lands, territories, or resources.

Jim Cho: Two, recommend OPM recognize a uniform definition of Tribal Consultation, have a Consultation policy, and adopt a uniform consultation framework that includes the dispute resolution mechanism.

Jim Cho: Three agencies must enter into the process with the goal and spirit of consultation and cooperation with Tribal Nations to reach agreement on the issue at hand.

Jim Cho: Four, OPM policies should clearly establish that the goal of consultation is to achieve consensus or consent, and finally, five, Consultations should be culturally appropriate and agencies should build internal capacity and education for staff.

Jim Cho: In addition to these submissions, we are looking forward to hearing today from Tribal leaders and their proxies on the ways we can partner with Tribal governments and provide services to Tribal members and employees.

Jim Cho: Before we move to the Consultation topics, I wanted to share a few logistical instructions. First, we welcome open dialogue throughout this Consultation, but we would like to honor the government to government session, and so we ask that we hear from Tribal leaders first.

Jim Cho: Please state your name, Tribal affiliation, and if you're an elected Tribal leader or proxy, so it can be accurately reflected in the transcript.

Jim Cho: Second, OPM offered some topics and questions in the framing paper to help guide discussion. However, we welcome input on any aspect of our current practices. Finally, if you're joining us on Zoom, please click on raise hand to signal you would like to share remarks. For Tribal leaders who have joined over the phone, please type in star nine to raise your hand and star six to unmute to share remarks, then we'll open it up to others who might also want to speak.

Jim Cho: Now, it is my honor to recognize Governor Mitchell, who has offered to open this Consultation with a prayer.

Mark Mitchell: Good Morning. Good morning, everyone. Can you hear me?

Mark Mitchell: With all due respect, [prayer].

Mark Mitchell: Good morning. Again, my name is Mark Mitchell, I just wanted to let you all know how the prayer went a little bit. Asking the spirits and those that have gone before us to come back and assist us in this meeting. Let us share honestly and truthfully, our intentions and hopefully we find a remedy, a happy medium. Now we can go forward. And what the intent of this meeting is and therefore, that's pretty much how this, the core of this prayer went. Thank you very much.

Kathleen McGettigan: Thank you, Governor Mitchell for offering that prayer. My name is Kathy McGettigan and I'm the Acting Director of the Office of Personnel Management, better known as OPM.

Kathleen McGettigan: And it is my great honor to be with all of you here today for this government to government Tribal Consultation. OPM is here to listen and we are committed to honoring Tribal sovereignty and strengthening nation to nation relationships with Tribal Nations.

Kathleen McGettigan: In signing the Presidential Memorandum on January 26, 2021, President Biden made it in Administration priority to respect Tribal sovereignty and self governance. To commit to fulfilling federal trust and treaty responsibilities to Tribal Nations. And to engage in regular, meaningful, and robust consultations with Tribal Nations.

Kathleen McGettigan: These actions will serve as cornerstones of federal Indian policy.

Kathleen McGettigan: OPM is equally committed to honoring these principles and ensuring that we make our best effort to engage in Tribal Consultations as part of policy deliberations that involve Tribal communities, as well as finding opportunities to work with Tribes, even when formal consultation is not in order.

Kathleen McGettigan: While this may be our first official nation to nation Tribal Consultation in recent history, OPM has recently worked with Tribal Nations in a couple of areas, and we look forward to strengthening our understanding of how your Tribal Nations would like to be engaged in Consultation going forward.

Kathleen McGettigan: Briefly, I'd like to offer some more information about OPM and what our key functions are as an agency. OPM serves as the Chief Human Resources Agency and personnel policy manager for the federal government. We provide human resources leadership and support to federal agencies and help the federal workforce achieve their missions as they serve the American people.

Kathleen McGettigan: OPM directs human resources and employee management services, administers retirement benefits, manages healthcare and insurance programs, overseas merit based and inclusive hiring into the civil service, and provides a secure employment process.

Kathleen McGettigan: In recent years, OPM has worked with Tribes to enroll Tribal employees in the Federal Employees Health Benefits Program, or the FEHB. Certain Indian Tribes, Tribal

organizations and urban Indian organizations are entitled to purchase FEHB coverage, rights and benefits for their employees. And tribally controlled schools are now eligible to purchase coverage for their employees under the FEHB program as a result of the Fiscal Year 2021 Consolidated Appropriations Act.

Kathleen McGettigan: OPM also has worked with Tribes to recruit native language speakers to serve as Federal observers in the Voting Rights Program. OPM deploys Federal observers to election polling sites at the request of the U.S. Attorney General to help ensure voters are not intimidated or harassed when they go to cast their votes.

Kathleen McGettigan: Additionally, OPM is committed to attracting and retaining a workforce from all segments of society, including American Indians and Alaskan Natives. One way that OPM intends to fulfill this commitment is through maintaining and expanding relationships with Tribal Colleges and Universities, and colleges and universities with a high representation of American Indian, and Alaska Native students.

Kathleen McGettigan: Now I would like to invite Tribal leaders to introduce yourselves and share whatever you may wish about your Tribal Nation. And Governor Mitchell, if we could start with you. I'll turn it back to you.

Mark Mitchell: Good morning again, my name is Mark Mitchell. I am the Governor for the Pueblo of Tesuque in the state of New Mexico, one of the 19 Pueblo Tribes. We're located in north central New Mexico and you all know, New Mexico. We're just outside of Santa Fe, New Mexico, just north of there.

Mark Mitchell: Our population base is about 565 enrolled Tesuque members and we're asked to be a part of this Consultation, to learn a little bit more about the Office of Personnel Management, because we want to gather some information as far as how we can assist our people here within the Pueblo and a system.

Mark Mitchell: Also working along with you all there in the Washington area and how things are unfolding when it comes to policies and procedures. One of the other things is that our Pueblo is a traditional Pueblo, which means that we, I didn't run for office, merely I was appointed by our elders. It is a one year term.

Mark Mitchell: And because it's a one year term, my other job duty is the Tribal Historic Preservation Officer for the Pueblo, and in that arena and in this arena, I believe, Consultation is what we've been talking about. And we wanted to make sure that it was meaningful Consultation, when we say meaningful Consultation, we mean that at any point where any project is ready to start the Tribe should be at the table, not six or seven steps down the road.

Mark Mitchell: We should be right up front, the moment that somebody starts talking about a project. And because the Pueblos or the Tribal governments are probably pulled in about six or seven steps down the road, and you know, when that happens, we have to frown on the Consultation bit because you're not taking us seriously. And also one of the things we've been pushing is when we do Consultation, I don't know if it means that we should see what the

Tribes recommended, what the Tribes and Tribal governments also discuss in the Consultation that it should show up somewhere in the policies and procedures so that it is not left to the side, or the words we like to use, our words and discussions fell on deaf ears. So, which means that we want to make sure we see what the Tribes recommended on the policies, so that it is a true government to government Consultation.

Mark Mitchell: And on that note, I just wanted us to make sure that we're on record saying that, and also thank you for holding this Consultation. Hopefully we will bear fruit for all of us down the road. Thank you very much.

Jim Cho: Thank you, Governor Mitchell for those thoughtful comments. Next, we will turn to Governor Vallo, and I apologize in advance if I mispronounced any of the names, feel free to correct me, please. Governor Vallo you're up next.

Brian Vallo: [shares in Native language]

Brian Vallo: Good morning everyone. I am Brian Vallo, and I am the Governor here at the Pueblo of Acoma. The Pueblo of Acoma is located in New Mexico. We are approximately one hour's drive west of Albuquerque in central New Mexico. Acoma is considered one of the oldest, continuously inhabited settlements in North America.

Brian Vallo: Our Tribe is comprised of just over 5000 Tribal members, with about 3200 of those Tribal members who live on the Reservation. Our land base expands to about 1 million acres of land. This cultural landscape sustains our community, is very important to our community. We do all that we can to protect our resources, land, water, air, and the people.

Brian Vallo: As Governor Mitchell from Tesuque indicated, I too am an appointed Tribal member. I am appointed by the hierarchy of our planned system, and I'm currently serving a third consecutive term as Governor. I served as Lieutenant Governor 30 years ago.

Brian Vallo: And also served three consecutive years back then. And one of the things that I have been communicating to federal agencies, even prior to COVID and prior to, of course, this most recent mandate by President Biden, is that coming into Tribal leadership again, then 27 years later, was how - shocked and I guess disappointed I was to see that Consultation, and within some agencies, had not advanced to the level that I had hoped.

Brian Vallo: And that the same questions were still being asked for the sake of just asking the question without any real outcome or consideration of input provided by our Tribe, and other Tribes on issues, policy that are important to all of us.

Brian Vallo: And you know I have - I work, my background is in cultural resource management, work with museums throughout the country and internationally. And one of the things that is, you know, really frustrating is the fact that, again, the outcomes of Consultation don't necessarily reflect the recommendations offered by Tribes. Oftentimes, there is no follow up.

Brian Vallo: And many times we end up with policy and/or decisions that don't reflect the needs of Native America and often times the needs of Native America are not considered when we think about the impacts to budget. And equity.

Brian Vallo: So, you know, it's really important that we work together to get this right, and I applaud President Biden for initiating the Memorandum, and for mandating these Consultations - and there have been many. And I think, you know, if I have another Consultation meeting next week, I might just go a little crazy. But, you know, this is an opportunity for agencies also and this is what I've been encouraging in some of the other Consultation sessions is to ensure that there is interagency collaboration and communication to understand the outcomes of these Consultations and also to work together at an interagency level to help and work towards meeting the needs.

Brian Vallo: And addressing the concerns of Native America. So, I will add comments here, I will add more specific recommendations when we get to that opportunity later the session. Thank you very much. [shares in Native language]

Jim Cho: Thank you very much, Governor, for those very thoughtful comments. Next up, I would like to introduce Chairperson Aaron Payment.

Jim Cho: Chairperson Aaron Payment, would you like to introduce yourself now? If so, just unmute yourself. I believe you're still on mute, Chairperson Payment. Ok, I will circle back to you. Let's introduce Chairman and CEO W Ron Allen. You can unmute yourself and introduce.

W. Ron Allen: Yeah. Thank you, Mr. Cho, and a good morning or afternoon everybody. We definitely appreciate the opportunity for this Consultation session with Office Personnel. Yes, indeed. We've never done this before. We've crossed many bridges in the past through Clinton and Obama particularly and the relationship between the Tribes and the federal agencies, it continues to grow. And I just want to express my deep appreciation to President Biden, Vice President Harris for taking this to the next level.

W. Ron Allen: My name is Ron Allen, I am the Chair, CEO for the Jamestown S'Klallam Tribe. Just for your information, my Tribe is a small Tribe and located west of Seattle. We're on the other side of the of the world here from Washington, DC. But, like my colleagues on the line here and throughout Indian Country, we spend a lot of time in Washington, DC.

W. Ron Allen: So we've had these meetings, I share the comments by the previous Governors. I've worked with the Pueblo Governors for many, many years. I've been involved with DC politics, if you will, for a long time. I started back in 1975 and have been the Chair ever since, have gone through a lot Administration's. Office of Personnel, OMB and the some of the other key agencies of the White House are hard agencies of the federal government to penetrate. It's hard for us to reach out to you. And so one of the things that I would encourage is for you to consider a desk that helps you deal with Indian Affairs. 574 Indian Nations, we're a complicated set of Tribal governments and communities in America.

W. Ron Allen: The President wanting to be more inclusive of all America and without a doubt, been pulling Indian Country into the fold is something we raise our hands and say thank you and deeply appreciate that outreach and to make this thing work, and typically, over my experiences with all the different departments and agencies. The question always - just how does this work, how are we going to deal with this government to government relationship with so many Tribes, large and small, and spread out from Alaska to Florida?

W. Ron Allen: It's complicated, it's not easy and you probably had the same problem when you deal with cities and county governments and townships and so forth. And so, so we get that but, but we want to be included too and we have many issues under the umbrella, so Ms. McGettigan, I'm not sure if I'm pronouncing your name correctly, Kathleen.

W. Ron Allen: But my point is that whether it's an appointment and vetting processes or whether it's your point about helping Tribes getting into the healthcare system within the federal government, all those different areas that are under the purview of OPM, can be on the challenging side. And how do you deal with us? How do we - how do we get your attention, who do we talk to, you know, with regard to each of these areas and it can be rather challenging.

W. Ron Allen: I will footnote Aaron Payment, who will get on in a bit. Aaron is the Vice President of the National Congress of American Indians. That is the premier organization that all of our 574 Indian Nations engage with and deal with in Washington, DC, because they're always there.

W. Ron Allen: That is when we're not having COVID problems, but we count on them to be our nexus with regard to issues we have with OPM and I just wanted to share some of my challenges that I've experienced. I am a White House appointee for the US-Canada Pacific Salmon Commission.

W. Ron Allen: And so I'm a Commissioner representing the 24 northwest Tribes in that international forum. And so that program, those appointees have to be vetted by your office. So we go through. I remember the first time I did this way back in the 90s and the Clinton Administration and quite frankly, I was kind of amazed that they look back and found an incident for me, back when I was 16 years old.

W. Ron Allen: I have to admit you guys, I kind of went – what – you're really gonna vet me that seriously. This is when I was in high school. But nevertheless, I got through that process. And I was appointed by President Clinton back in the day.

W. Ron Allen: I have been on that Commission since then. That is the last official time I was actually confirmed by the President. So the interim process in this international forum, State Department takes responsibility and they appoint me as an interim. So going through the Clinton Administration, the Obama Administration, the Trump Administration. Now we're in the Administration and I'm still a Commissioner, I'm still Acting.

W. Ron Allen: So I find this kind of process, a bit perplexing for those of us who want to get formal process confirmed. We know you have to deal with it. I know you had to do it with Deb Haaland, and as a Cabinet member, and we're very appreciative of that - the first Indian Cabinet member, and that's a big deal to us in Indian Country. So we appreciate that. But when it comes to these vetting processes and going to your office, when we're waiting for these things to happen, we really need somebody to talk to you. We need somebody to get to you, you're busy, we get it. And we know you have a lot on your plate.

W. Ron Allen: But then, for us, you know, we can only knock on the door so many times until somebody answers right? And so that's one of the big issues for us that we want to be able to engage with you. So we asked, we asked the same kinds of questions with OMB.

W. Ron Allen: And regard to budget matters and regulatory approval matters and policy approval matters, and so forth, and so it would be very helpful, if you recruit or you identify this is the person you can talk to you, so that, whether it's our national organization or regional organizations, or we as Tribal citizens, or excuse me, Tribal leaders can reach out to you and say what's going on with this process. And where are you in the vetting process or where are you in the assistance of Tribes getting engaged with regard to accessing federal program opportunities, that kind of stuff. And so it can be quite challenging.

W. Ron Allen: So I will, I will stop there. I know my colleagues on the line also want to chime in. I have lots of other thoughts, but I don't want to over, I don't want to over extend my stay. But I look forward to be able to come back. I'm one of the Tribal leaders over my tenure. I've been here for 45 years, I've been in DC more times than I want to think about, but it's what we have to do because you guys affect the policy that affects us.

W. Ron Allen: You in Washington, DC - the Administration and the Congress. So, that's where we have to do our business to protect our sovereignty, our treaty rights, and the interests of our Indian communities. So thank you for this opportunity and we look forward to continuing this engagement. I would also, one more thing, if you're still - if you're wondering about next steps, one of the things I would encourage you to consider is, you could form a small work group of Tribal leaders who would be willing to engage with you on what would be next steps that would be feasible and reasonable for OPM to consider. And I know Aaron Payment could probably assist you on that as a representative in the National Congress American Indians. We all work through them with regard to these ventures. So thank you again.

Jim Cho: Thank you so much for those helpful suggestions. Next up for introductions, Vice-Chairwoman Rosa Long, can you unmute yourself and introduce yourself?

Rosa Long: Good morning everyone. I want to thank you for this opportunity. This is a very special moment for me, that you've taken this route in meeting with Tribal leaders and taking our thoughts into consideration on how you will go forward in the future of President Biden's term in office. And this is a great start.

Rosa Long: I am from the Cocopah Indian Reservation. We're located by Yuma, Arizona in the small town of Somerton, Arizona and we are on approximately 6500 acres, we're right at the tail end of the Colorado River.

Rosa Long: And we are a border town. So we have a lot of issues right now with the citizens crossing over from Mexico. But we have a great working relationship with border patrol that we have established over the years. So that is something that we really have taken into account how important it is to communicate with each other. And so, but they do keep a liaison. I've heard everything that the previous Tribal leaders have discussed with you on their suggestions to you on how to move forward, and I have to concur with everything that has been said. Usually we are the last to know, you have to remember that, for this Tribe, we're five Council Members and we all wear many hats, and so by the time - if somebody wants to set up a Consultation, which is, say for example [audio cut out] they will send us a notice maybe a week prior.

Rosa Long: And so we have all these things set up already. And then to get them squeezed in, you know, there's a process just like your office has. And so that makes it extremely difficult to sit all together and have a consensus of what, and how, to move forward on any project that they may have. And so I do agree with having a work group that you might consider in dealing with Tribal governments..

Rosa Long: For Arizona, we do have an Intertribal Association of Arizona that the 22 Tribes deal with. The Executive Director is Maria Dadgar, and she works with all of us here in Arizona. So, I did hear that they were talking about NCAI, and so these organizations really assist Tribal Nations in dealing with all the matters at hand that might impact our area. And so I think it is important to have liaisons that we can reach out to, via email and you know, get some sort of quick response where we're not waiting and you also can get a response from us.

Rosa Long: As you can tell, I'm the only one for my Tribe right now sitting on this Consultation, because everybody else's - they work, they have jobs here. And the Chairwoman is currently dealing with other matters. So we all wear many hats within our Tribes, and it makes it difficult to all get together and have a consensus of where to move forward. But I think this is a great thing that you're doing here and in taking consideration on what our needs are, and what and how to move forward.

Rosa Long: I think when I asked some of our elders that served on Tribal Council in the past and I tell them what we're doing now in our interactions with the government agencies, they say that not much has changed. And so this is something that I get to discuss with them and they'll certainly be happy to know that you've reached out and have made that commitment as President Biden has said with this Memorandum to take our Tribal sovereignty very serious and to consider the First Nations of this country to be heard, and I just want to say hello to everyone and I'm trying to get my camera here to work, but it's great to see all the faces and thank you once again from the Cocopah Indian Tribe.

Jim Cho: Thank you so much. Now, moving along. Superintendent Patricia Sandoval, if you want to unmute yourself so you can provide an introduction. Superintendent Patricia Sandoval, if you'd like to introduce yourself, please unmute your line and welcome to say a few words.

Patricia Sandoval: Good morning.

Patricia Sandoval: This is a Superintendent, excuse me - I am on multiple calls right now, so I apologize. I understand that our Board President, Mr. Malcolm Pedro is also on the line. So I don't know if he's able to unmute himself, he would have been speaking on my behalf. I am the Superintendent of the Laguna Department of Education in Pueblo of Laguna, New Mexico and just right adjacent to Governor Vallo - little closer to Albuquerque than he is. I thank you for allowing me to be a panelist on this call. I have no idea how I was recognized to be a panelist.

Patricia Sandoval: But I will have an opportunity like everyone else to speak later on. We're – we, as a Tribally controlled school, the Laguna Pueblo has two Tribally controlled schools.

Patricia Sandoval: And for very a very long time, we have been requested and lobbying and advocating to be part of the FEHB, so we're extremely pleased that we're finally have that opportunity to join as tribally controlled schools. I have provided my comments to President, Board President Pedro, and to Governor Vallo, wwill present our concerns as Tribal Leaders a little bit further down in this session. Thank you for letting me and allow me to be on this call. Thank you.

Jim Cho: Thank you so much, Superintendent. Before we go to the people we have listed for proxies, I just want to circle back and give Chairperson Aaron Payment a chance to introduce himself.

Jim Cho: We are having technical difficulties earlier so Chairperson Payment, if you'd like, please unmute yourself for an introduction. Okay, hopefully we can get Chairperson Payment back again.

Jim Cho: So why don't we move on to introductions for the three designated proxies, we have, first off, Sorhna Li, CFO Scotts Valley Band of Pomo Indians, will you please unmute yourself and provide an introduction?

Sorhna Li: Good morning. Thank you for the opportunity to speak this morning, I am formerly Chief Financial Officer for Scotts Valley Band of Pomo Indians. We are a very small Tribe. In Northern California in a County called Lake County, which has the largest warm body lake in the United States, as I understand it.

Sorhna Li: Just wanted to appreciate OPM's time in discussing issues today and recognize that there were already information provided that I don't believe was well known within the Indian community, such as the ability for Indian Tribe who meet criteria to participate in the Federal health care system. That's the kind of information that would be great if that could be pushed out.

Sorhna Li: So that those Tribes who were unaware of that information could look into whether or not they could participate and what that criterion is and what any other Federal program that is eligible to Indian Tribes that might not be self evident to us.

Sorhna Li: And that's pretty much, at the moment, the extent of my comment, and I appreciate the opportunity to thank you.

Jim Cho: Thank you so much. Next up for our proxy list, Martina Beaulieu, Executive Director, Red Lake Band of Chippewa Indians. Please unmute yourself and provide an introduction. Okay, then moving on to our last proxy is Melinda Danforth, Director of Intergovernmental Affairs, Oneida Nation. Please unmute yourself.

Melinda Danforth: Good afternoon, everybody. I'm Melinda Danforth, Director of Intergovernmental Affairs for the Oneida Nation. I apologize, I'm having some technical difficulties with my video this morning.

Melinda Danforth: I'm very appreciative of the invitation to participate in OPM's Consultation and think the Tribal leadership on - really the interactions with OPM is that the Nation did conduct an analysis of the ability to participate in the FEHB Program and whether or not we wanted to remain self funded.

Melinda Danforth: And unfortunately, the FEHB program wasn't flexible enough for the Nation to participate. So we ended up going with the self funded program. However, we agree with Chairman Allen and others that the creation of a small Tribal advisory group would be advisable to figure out how to move forward with OPM.

Melinda Danforth: One of the specific examples that we wanted to share with OPM was our work with the United States Environmental Protection Agency and the regional travel operations committee, so, the National Tribal Operations Committee is comprised of two representatives from each of the EPA Regions, and then each of the regions also have, like a regional Tribal Operations Committee, which basically serves that region's Tribes.

Melinda Danforth: And from that, there are liaisons that are hired by the Environmental Protection Agency to work with Tribes in that region. So for instance, the state of Wisconsin would have a liaison, the state of Minnesota would have a liaison, the state of Michigan would have a liaison. And there was a time when Wisconsin's liaison was open and one of the hugest issues for Tribes is we want somebody who knows us.

Melinda Danforth: Somebody who can be on the ground, somebody who's willing to come that understands Tribal sovereignty and jurisdiction. And so we asked to be a part of that process. And unfortunately, due to rules and regulations, you know, EPA had indicated that they checked with OPM and other agencies, including legal, and unfortunately Tribes were not able to be a part of even helping to determine who would represent us at the EPA.

Melinda Danforth: And I think that's a huge issue. And I guess the other consideration is how to move forward with Tribes, such as you know - Oneida offers a huge scholarship opportunity for

our Tribal membership and, you know, being able to invest in human capital for the future is really unique and, you know, we want to be able to make sure that we're filling our positions at the Nation for the future, but we also want to give our Tribal members the opportunity to work outside the Nation, of course, and I think it would be a great opportunity for them to have experience, and I think that collaborating with OPM and being able to move forward in that manner would be absolutely great if we could collaborate in that endeavor.

Melinda Danforth: But other than that, again, I don't want to go over some of the issues that other Tribal leaders have already brought up, and I appreciate the opportunity to be able to speak and have a good weekend, everybody.

Jim Cho: Thank you, thank you so much, Melinda. I believe we missed Kimberly Teehee. Would you like to unmute yourself for an introduction?

Kimberly Teehee: Yes. Thank you. My name is Kimberly Teehee and I'm Cherokee Nation's Delegate to Congress, and also serve as Director of Government Relations for the Tribe and I'm an Obama alumna. I was the first ever Senior Policy Advisor on Native American Affairs in the White House, Domestic Policy Council better known, and in this Biden Administration - I was the former Libby Rodke Washburn.

Kimberly Teehee: And so, as I've had a number of conversations with Libby, she and I worked on the Hill together many, many years ago. And I also authored the 2009 Presidential Memorandum on Tribal Consultation, so I feel for you as you consult on Consultation and try to figure out what the heck to put in your agency plan on Consultation and such. And I'm guess I'm to blame for it as well.

Kimberly Teehee: I think just drawing off of what some of the leaders said in this discussion, I think internal collaboration is necessary. There are a number of agencies within the federal family that do not have familiarity with working with Tribal Governments or what it means.

Kimberly Teehee: And engaging with 101 sessions, I believe, Libby has done that, too, has already started doing that, but you have some wonderful resources within the federal family, particularly at Department of Interior, as well as Department of Justice, to get to understand a little bit more about Tribal governments.

Kimberly Teehee: This comes into play with OPM sometimes - I can give an example of the Affordable Care Act discussions, when we were having those with OPM, where they were brought in as a stakeholder in determining whether or not employees of Indian casinos, for example, how any of the insurance mandates would apply to them, or if FEHB could apply to them, for example. So these are important questions.

Kimberly Teehee: And this draws upon somebody's knowledge of Tribal governments, because you will quickly understand that Tribally owned businesses like casinos are essentially - the revenue derived from them are what helps supplement the services that Tribes are able to provide to their citizens, because that's the only way to address the shortfall of federal dollars that flow into them.

Kimberly Teehee: So, appreciating the complexities and uniqueness of Tribes and the Tribally owned businesses, I think is key to some of this, as well as some of the uniqueness and other areas too.

Kimberly Teehee: I think multi-agency collaboration is critical. I think that you heard from a prior speaker about Consultation fatigue. And that can happen quickly. It's happening now, as the various agencies, not only consult on Consultation, or there's also Consultation on the American Rescue Plan, as well. And so getting all of these straight is key.

Kimberly Teehee: And so where the agencies can collaborate on areas such as Consultation, frankly, they probably should be able to do so, because I'm guessing that a lot of our remarks can be equally applied across the federal family. I also think it might be a good idea to develop a portal, because for those agencies that have so many different siloed areas, especially, who - it would be helpful for them to have a portal that they could go into, within your agency, to review comments, review areas that pertained to their subject matter, to even to share best practice and just to share information I think would be critical.

Kimberly Teehee: We made this recommendation to the Department of State recently because we don't know how siloed they are, and they actually got back to us and said they're going to do a portal - they thought it would be helpful for their folks too.

Kimberly Teehee: You mentioned, somebody mentioned from OPM a Voter Program. And this is a huge area for Indian Country and so many Tribes, including my own, oversee voter registration programs. And so getting connected into OPM, in your translation program, we have a lot of Cherokee speakers, for example, and to know that we could have a relationship where translators could be readily available.

Kimberly Teehee: We would be happy to work with OPM and making sure that that was something that our citizens had access to, because we have over 390,000 Tribal citizens now and in every state in the country. And so we could certainly make sure that wherever our citizens are, especially our speakers - that we could certainly be available for them. The other thing I would suggest too is - having overseen the federal family Consultations before and having also been exposed to the Tribal perspective, I know the Indian Country likes to

Kimberly Teehee: engage in a dialogue with federal officials. And so to the extent that you can dialogue with officials so that the conversation is a two way street. And it's not just a listening session because I can assure you, over time, you'll see frustrated Tribal leaders, especially if they are not getting sort of a feedback and an exchange of information. And if the session is only listening, then it feels like a one way conversation, sometimes.

Kimberly Teehee: And then I would suggest too that if you're not already looped into that, that there are diverse venues, so that you can piggyback off of conferences that are going on - National Congress of American Indians - there are issue-specific organizations also and such. And so if there are ways for you to engage with them using their conferences that might help

you be out there more. I can't remember his name, but there was somebody at OPM, who was a political appointee when I was in the Obama Administration.

Kimberly Teehee: Who was senior enough to take it upon himself to - he wanted to know where I was going, if I was speaking somewhere - he wanted to go just to expose himself to more of our issues and to the Tribal leaders and that became helpful, especially as we started talking about implementation of the Affordable Care Act, at that time, and that factored into it, in my opinion, but those are my brief comments. Thank you.

Jim Cho: Thank you so much, Kimberly for those comments. If we've missed any Tribal leaders, elected leaders or proxies, we ask that you please raise your hand by clicking raise hand in Zoom, or if you're on the phone, dial star nine, so we could acknowledge you.

Jim Cho: So thank you, Tribal leaders and proxies for sharing your introductions and ideas with us. We're excited to dig it even more. And before we move to OPM introductions. I wanted to share some themes we've already heard from you.

Jim Cho: One, consider assigning a point of contact or staff member that works directly with Tribal leaders. Two, consider forming a working group with Tribal leaders to discuss what is possible and feasible.

Jim Cho: Three, share more information around our FEHB Program and other services more widely, ensuring Tribal Nations located across the country are aware. And finally, four, more collaboration, including interagency government collaboration. So thank you for those comments already. Now I would like to introduce the Chief of Staff for OPM, Chris Canning.

Chris Canning: Thanks, Jim. And thanks to all of you, Tribal leaders for introducing yourselves, for the guidance and recommendations that you've already offered and will continue to offer throughout the course of the session, for the information you shared about your Tribes in your communities, it's truly an honor to be with you and we appreciate your time today.

Chris Canning: As Jim said, my name is Chris Canning, I'm the Chief of Staff to the Director at OPM. I wanted to take just a couple of minutes to introduce members of the OPM leadership team, who are here with us today, have been asked to participate by Acting Director McGettigan and who very glad to have the opportunity to be with you. These are subject matter experts on the topics that we've teed up for discussion today. And so I just, again, would like to introduce them.

Chris Canning: I'll start with Rob Shriver who is the Associate Director for the program office, Employees Services. As the leader of Employees Services, Rob manages oversight for programs and benefits regarding federal employees, including recruitment and hiring programs, pay and leave, and workforce relations.

Chris Canning: Kimberly Holden is the Deputy Associate Director for Employee Services and recently served as the Acting Associate Director. Kim leads recruitment and hiring at OPM, she manages the design, development and promotion of the tools, policies, and programs that

federal agencies use to recruit, examine and hire high quality employees from diverse backgrounds.

Chris Canning: Reggie Brown is the Principal Deputy Associate Director for the Human Resources Solutions program office at OPM. Human Resources Solution (HRS) provides human resources products and services across the federal government. Reggie also recently served as the Acting Associate Director of HRS.

Chris Canning: Laurie Bodenheimer is the Associate Director for the Healthcare and Insurance program office which oversees government-wide administration of the insurance and benefits program for federal employees, retirees, and their families.

Chris Canning: Kenneth Zawodny is the Associate Director for Retirement Services. Retirement Services is responsible for the government wide administration of retirement benefits and services for federal employees, retirees and families.

Chris Canning: Lori Amos is the Deputy Associate Director for Retirement Services and she has oversight of the program development and support office, which means that she leads the team of experts focused on delivering innovative, technical solutions shaping legislation and regulatory guidance, developing business intelligence, and data analytics solutions, and supporting health benefits and care options programs.

Chris Canning: Allison Wise is the Acting Deputy Associate Director for Outreach, Diversity and Inclusion, an office that offers technical assistance and guidance to the federal agencies in the workforce on these matters.

Chris Canning: Mark Lambert is the Associate Director of Merit System Accountability and Compliance. This office ensures that federal agency human capital resource programs are effective and meet merit system principles and related civil service requirements. The office also oversees the Voting Rights Program, which under the Voting Rights Act of 1965, allows OPM to provide federal observers to monitor the election process in areas designated by the Attorney General. Observers report what they see and hear both orally and in writing. These reports that are generated support the US Department of Justice's mission to ensure that no citizen's right to vote is abridged or denied due to race, color, or membership in a minority language group.

Chris Canning: Ana Mazzi is the Principal Deputy Acting Director in the Merit System Accountability and Compliance program office. Finally, I would just like to acknowledge that there are several other members of the OPM staff who are on the call. These are folks who support the Associate Directors, Deputy Associate Directors and Senior Advisors, who you have on the call with you today.

Chris Canning: So I think with that, I'll turn it back over to Jim to restate some of the logistical instructions before we move into the Consultation topics. Thanks.

Jim Cho: Thank you, Chris. Before I do, I just wanted to recognize a couple people who had their hand raised. And I inadvertently missed - the first off, Patricia Sandoval you had your hand raised. Would you like to unmute yourself?

Malcolm Pedro: Can you hear me?

Malcolm Pedro: Okay, good. I'm sorry, living in a very rural area, and near mountains and stuff. I was trying to get on when Patricia Sandoval was on, and she did mention my name. My name is Malcolm Pedro from the Pueblo of Laguna. I'm the Chairperson for the Department of Education, I'm the President. So just wanted to make sure I did get, you know, let you know that I am on the call with her too. So thank you.

Jim Cho: Thank you so much. I'm glad we have the opportunity to acknowledge you and next up, Mr. Leonard Forsman, would you like to unmute yourself and introduce?

Leonard Forsman: [shares in Native language] Leonard Forsman, I'm Chairman of the Suquamish Tribe out here by Seattle, and I'm also President of the Affiliated Tribes of Northwest Indians.

Jim Cho: Thank you so much. Once again, we welcome an open dialogue throughout this Consultation and we welcome - like to honor the government-to-government session. So, if you - I will give this logistical reminder, again, if you're joining us on Zoom, please click on raise hand to signal you'd like to share remarks.

Jim Cho: For Tribal leaders who have joined Zoom over the phone, please type in star nine to raise your hand, and star six to unmute and share your remarks, then we will open up to others. Let's move into the first Consultation topic around federal recruiting, hiring and employment. I'd like to introduce Rob Shriver, Associate Director of Employee Services to kick it off.

Robert Shriver: Thank you very much, Jim. And thanks to all of you. It is an honor for me to be here, participating in this Tribal Consultation session. As Jim mentioned, my name is Rob Shriver, I'm the Associate Director for Employee Services. Employee Services is the office within OPM that is responsible for setting human capital policy for the federal government.

Robert Shriver: My team focuses on a broad array of policy areas, including recruiting and hiring, pay and leave, performance management, telework, the Senior Executive Service, veteran services, labor and employee relations, and human capital planning and strategy.

Robert Shriver t: I am joined for this session by Kim Holden, who is my Deputy in charge of talent acquisition and workforce shaping, and also Reggie Brown, who is the Principal Deputy Associate Director of HR Solutions team - that team provides key implementation assistance to agencies across the government.

Robert Shriver: One of our foundational principles is that OPM is committed to recruiting, hiring and developing talent from all segments of society. We are very honored to have this opportunity to talk with you today, as representatives of the United States government. Kim and

Reggie are each going to say a few words about our past engagement with Tribes and Tribal leaders and also identify some areas where we've already thought about what would be very valuable to have an ongoing collaboration with you all. So I'll turn it over to Kim first, Kim?

Kimberly Holden: Good afternoon, as Rob said, my name is Kim Holden, I am the Deputy Associate Director for talent acquisition and workforce shaping and it is definitely an honor and a pleasure to be with you this afternoon. And welcome you all to this Consultation session with the Office of Personnel Management.

Kimberly Holden: As Rob said, my office actually leads the development and delivery of those forward leaning-policies that allow agencies to hire and shape our 21st century workforce. We work on policies related to classification, how positions are classified, how applicants are qualified, as well as how they are assessed for any of the occupations that the government hires.

Kimberly Holden: We've honored to have previously worked with Tribal leaders and organizations in the area of outreach and recruitment. We have enjoyed our collaborations with SAIGE, in participating in the annual conferences and serving as keynote speakers to help your junior level professionals, as they have a chance to advance in their careers. We've also had the pleasure of training your community with regard to understanding how to apply for positions in the Senior Executive Service and understanding those Senior Executive core competencies that are needed.

Kimberly Holden: Advising students, veterans, federal employees who are looking forward to possibly changing their positions or developing or understanding their career paths. We have connected - we have conducted outreach with a number of Tribal Colleges and Universities, as we have recruited for the Presidential Management Fellows Program.

Kimberly Holden: In the area of STEM, as well as participate in annual career fairs, particularly with Haskell Indian Nations University, over the last six or seven years.

Holden, Kimberly: We also have provided guidance to the Department of Health and Human Services, Indian Health Services, as well as the Department of Interior - their Bureau of Indian Affairs, with regard to various employment preferences for applicants and persons that are American Indian and Alaska Native applicants. Again, as I stated earlier, we do look forward to building a partnership and collaboration in Consultation with the Tribal leaders and look forward to understanding how we can further partner and consult on areas to increase the representation of American Indian and Native American and Alaska Natives with regard to employment in the federal government. So at this point, I am pleased to turn this program over to Reggie Brown.

Reginald Brown: Thank you. Kim. Good afternoon, it is indeed an honor and a privilege to be with you this afternoon for this Consultation. My name is Reggie Brown and I am the Principal Deputy Associate Director for Human Resources Solutions.

Reginald Brown: Human Resources Solution is the office at OPM that provides fee-based products and services to individual citizens, federal employees, federal agencies, local, state and international governments. Human Resource Solutions provides leadership and development training of employees and organizations through our Center For Leadership Development division.

Reginald Brown: And this division in the past, this has included, providing courses and supervisory development, the dynamics on public policy and other topics to the Bureau of Indian Affairs, the National Indian Gaming Commission, and the Indian Health Service.

Reginald Brown: Human Resources Solutions also provides contractor solutions as well, through our Human Capital Industry Solutions Division and organizations and workforce analysis and design strategies, skills assessments, survey analysis, and design performance management developmental services, as well as job classification services through our Human Resources Strategy and Evaluation Solutions division – we affectionally call HRSES.

Reginald Brown: We are currently working with the Bureau of Indian Affairs and within the Bureau of Indian Affairs, we're working specifically with the Office of Trust Services, Office of Justice Services and the Bureau of Land Management, on a variety of services through our HRSES division.

Reginald Brown: Finally, through our Federal Staffing Center, Human Resources Solutions can create current staffing practices to identify best practices and recommendations for improvement within staffing and recruitment; design and implement recruitment strategies to help acquire talent; and customized recruitment and branding plans to help increase the foot traffic awareness, and interest in available jobs in the federal government-wide Job Bulletin Board, known as USAJobs. HR Solutions has developed a Native American hiring path that specifically identifies job opportunity announcements that include Indian Preference for Employment.

Reginald Brown: USAJobs also includes a wide variety of help content to help those along the hiring path. So, at any time, people can have access to information to help them to both identify and become successful candidates for placements within these jobs. Thank you so much for this brief opportunity to dialogue with you. And this time I'll turn it back to you, Rob.

Robert Shriver: Thank you very much, Kim and Reggie. We are we are looking forward to building upon a partnership with you on these matters that we've discussed and any others that you'd like to raise with us. And we now invite you to share ways we can best partner with Tribal governments to serve their communities and employees in these areas.

Robert Shriver: As Jim mentioned, if you'd like to share now, please click on raise hand in, Zoom, or if you're on the phone, dial star nine to raise your hand and then star six to unmute.

Chris Canning: Rob, I understand that Chairman Allen has his hand raised. So maybe we could start with Chairman Allen.

W. Ron Allen: Thank you. So first of all, I want to ask you to forgive me. I'm in my COVID casual here. I've been this way for last year, I think so, I'm not all dressed up like some of you guys are. You're still in your professional attire here.

W. Ron Allen: But, um, I guess I - forgive me, because I didn't download the agenda, so I'm may be getting out of sync here, because I was getting feedback on the chat on the Voter Rights stuff, which is coming up, I guess. On this topic, I'm not sure exactly how to ask this question. So, you know when you're dealing with the typical Indian programs, IHS, BIA, etc., there's the Indian Preference. So we have this Indian Preference and we push that years ago to basically force the opportunity to get Indians in these key federal positions. And so it's been a good thing.

W. Ron Allen: But it's also been a problem, because if we can't recruit the right talent, we have vacancies in key positions that help make a difference for the BIA, IHS, HUD, and any other programs that serve Indians specifically, and so we need to talk through that. We want Indian Preference, but we also want the departments to be able to recruit and get people into key positions.

W. Ron Allen: I always call them, people with Indian hearts. They care about us, they care about our people, they care about our community, and we just can't let these departments and agencies, not have key people so they can't do their job because of the Indian Preference criteria. So it's a good thing and a bad thing at the same time.

W. Ron Allen: And I've been witnessing it here for the last few years. So I just want to put that on the table for discussion. I think we as a Tribes need to also vet it in all fairness, you know, because someone would say no, you're taking away Indian jobs.

W. Ron Allen: And my main concern is, I don't want people in a job that they're not qualified for. That's one of the worst things that can happen for it. The other thing I want to ask you, whether or not this happens or not, how well we do going after, quote unquote, the non-typical Indian positions. So when you're talking about an Indian advisor for a Secretary or an Assistant Secretary or a Director, etc., that's one thing, because that - you're there targeted at serving the Indian community.

W. Ron Allen: But the question is, how well are we doing getting Indians in other key positions, you know, and I don't know if you guys have a way to monitor that. I mean all ethnic groups have that same problem: African Americans, Asian Americans, etc., Latinos and Hispanics. So we all care about fair opportunities right - and I don't know how well we're doing and I don't know where I would go to measure are we doing okay or not okay?

W. Ron Allen: And like I mentioned earlier on, my comments - we are - Deb Haaland as a member of the Cabinet, first ever, so we're thrilled with that. We know that President Biden has made a commitment for diversity and that's a good thing. It's the face of America, but in this area, I'm curious about that. And then next, other relevant, I guess, related question would be your office, as I understand it, have divisions in every one of the departments.

W. Ron Allen: Correct me if I'm wrong, there's a nexus between what you do for the White House versus what Personnel does in each of these departments and agencies because they have their own personnel people. And so how does that work? Do they vet and then you vet? They're better than you're vetting? I'm curious. I have no idea how that works.

W. Ron Allen: And I think most of my colleagues have no idea how that works. When we're getting into positions, and I do - I appreciated the comment, I lost track of who's made that comment - when you're in, there is training for people who want to have career advancement, you know, moving up the chain. And there's criteria that's necessary in order for you to be eligible to move up the chain for the career folks in the system.

W. Ron Allen: So, and then last thing I forgive me. I'm kind of channeling Aaron Payment, because I know he'd be saying some of this stuff. Is - one of the things you could do, maybe, working with NCI, or possibly even our regional organizations that was referenced - or Leonard Forsman on where he's the President of Affiliated Tribes Northwest Indians - that you have training sessions.

W. Ron Allen: Because more often than not, our young career people probably would like to have some experience in the federal system, whether it's in DC or whether it's in the region, etc. And they don't know. So that comment about how do you apply? I bet most of my younger generation citizens don't have a clue. You know, I gotta go online and try to figure out - am I filling out these applications correctly or am I putting my best foot forward, as a legitimate candidate? So those are just some observation from my perspective.

Robert Shriver.: Thank you very much. Chairman Allen, I captured four specific items there. One about the Indian Preference and whether, as I heard you speak, whether there are challenges recruiting people using that preference into some of these key jobs, where you need somebody that at least has the Indian heart. I heard you talk about diversity and whether we have statistics on how we're doing with recruiting American Indians and Alaskan Natives generally across government. I heard you ask about the vetting process with the White House and agencies, and then training sessions.

Robert Shriver: I can speak a few minutes on each of those. I think your commentary on the Indian Preference is interesting and is something that we should look at - what, first of all, whether we're doing the best that we can across government, recruiting people that have that preference available to them, but also hear your point that we want to make sure we're getting people with the right skill set into these jobs. It reminds me of an analogous situation with Veterans Preference for example.

Robert Shriver: Really important public policy to honor Veterans Service, but we need to make sure that folks are getting in jobs that they're set up for success in. And so I think that's a good topic for us to discuss further.

Robert Shriver: The Biden Administration, as you know, it is very committed to improving the diversity, equity, inclusion, and accessibility in the federal government. We are working on improving the data that we have available. I think we can take this back and we may be able to

get you some information on how things are going government-wide for American Indians and Alaskan Natives, so you can have some statistics. I believe that's something we can produce, but I need take that back.

Robert Shriver: I wanted to talk a little bit, just because this is - this can be bureaucratically challenging. So, our role at the Office of Personnel Management is focused on policies for the career civil service. There is an office within the White House called Presidential Personnel that focuses on political appointees and does the vetting of political appointees.

Robert Shriver: And certainly they have White House Liaisons in each agency across government, which I think is what you might have been referring to. OPM works very closely with that office and with the White House on personnel issues, but our statutory responsibilities are focused on the career civil service.

Robert Shriver: And then lastly, with respect to training sessions. This is definitely an area that we'd like to talk with you further about. We think that we can improve on some of the relationships that we've had historically, to be able to get more information out into your communities.

Robert Shriver: About what federal jobs are available, what options are available, how to apply for those jobs and we're looking overall at the federal hiring process to demystify that for folks and make it an easier process for everybody. And that I think would benefit all communities that are interested in federal jobs. So thank you for your comment.

W. Ron Allen: Very helpful. Thank you.

Jim Cho: Let me just jump in and say, if anyone would like to comment on this subject, please click the raise hand button or dial star nine. If any Tribal leaders want to share more information on this topic, federal recruiting, hiring and employment, again click the raise hand or dial star nine.

Jim Cho: I see Mr. Leonard Forsman's hand is raised, would you like to speak and unmute yourself.

Leonard Forsman: I had a question and I don't know if this is the - maybe you can tell me when this will be addressed - about political appointees, and I understand there are political appointees that go through OPM, and I don't know when you're going to cover that process.

Robert Shriver: So, I can jump in there again and Chris if there's anything that you'd have to add on this, feel free. Thank you for your question. So the office that is the leader on political appointees and the federal government is called Presidential Personnel. It's an office within the White House. This is where the federal bureaucracy can be so difficult and annoying sometimes because we have these similar names and it's hard to ascertain who's doing what.

Robert Shriver: OPM is responsible, as I mentioned previously, for the career civil service, not the political appointees. We have political appointees, I am one of OPM's political appointees,

but in order to secure these positions - that process went through the Office of Presidential Personnel.

Robert Shriver: We consult and work with the Office of Presidential Personnel and if there are issues that you would like us to take to them today, we're happy to capture those and do that and come back to you with a follow up. Chris, did I capture that appropriately?

Chris Canning: You did, Rob. I would just add that OPM does have an administrative function in approving the hiring action for political appointees - so that may be something you had heard about. But the determination about the appointments, the selection of candidates for politically appointed positions, those decisions do reside with the Office of Presidential Personnel as Rob described.

Leonard Forsman: Yeah, it seems to sometimes be, you know, I think we look for people with, like Ron had said, have a understanding and connection and supportive of Indian country and a willingness to work with Indian country, but you know process seems to be fairly challenging and inside baseball so - and that's just like you said, the nature of the bureaucracy, but as we know the Biden Administration is trending more transparent and there's some key positions that, of course, there are elevated that we get involved in. But there's others that may not be as high profile but are important to Indian Country. So, like to make sure that we get our voice heard on making sure we have appropriate candidates for those positions.

Chris Canning: Yeah. Thank you. Thank you again for your comments. I think one of the roles that we would be happy to play is helping to navigate the bureaucracy. So even in matters that may not fall within our purview, helping to navigate - putting you in touch with the right folks - is something we're more than happy to do so. Thank you for raising the issue.

Jim Cho: Chris, if I could just jump in. We have been joined by Vice Chairman Travis Brickie. Vice Chairman, would you like to unmute yourself and provide an introduction?

Travis Brockie: Good morning everybody - [audio cut out] back home on the west coast. I'm Vice Chairman for the Lummi Nation - and you got my name wrong, it's b-r-o-c-k-i-e. I'm the Vice Chairman for the Lummi Nation, and I'm just here listening in and catching up. Thank you.

Jim Cho: My apologies for getting your name wrong, Mr. Vice Chairman. If anyone else would like to comment on this subject, please click the star or the raise hand button or if you're on the phone, click star nine.

Robert Shriver: Jim, while you're looking for the next person. I can just add that my staff has advised me in response to Chairman Allen's question - that we do have a government-wide report. We'll send the link out to you afterwards that tracks federal hiring and would provide statistics on how the federal government is doing with American Indians and Alaskan Natives. So we can be sure to send that report out.

Jim Cho: Ok, did everyone who wished to speak on this Consultation topic, have the opportunity to do so? Oh, it looks like we have a raised hand. J Munkres, apologies if that was an incorrect pronunciation. You may unmute yourself.

J Munkres: Oh, I believe I have. Can you hear me?

Cho, Jim J: Yes, we can hear you.

J Munkres: Oh, excellent, excellent. I will - thank you very much and great respect to the Tribal leadership in attendance, Management of the Office of Personnel. I am not Tribal leadership. I've been asked to participate in today's session.

J Munkres: I am an archaeologist, I worked for the Osage Nation Historic Preservation Office, out of Pawhuska Osage Reservation, Oklahoma. Thank you very much for holding the virtual session. It is very much appreciated - the dialogue that has occurred so far as a respectable - very highly respectable. Thank you very much. We have been buried by our responsibilities, our responses to the other departments - well to the departments, within the federal government and it's been quite difficult to provide our considered deliberative comments.

J Munkres: We have one matter that we'd like to voice today and we will in written comments. I know that they were due on April 9th, but we did not - we were not aware of the solicitation until April 13. And so we would very much appreciate your consideration of our comments submitted Monday, the 19th, or would that be acceptable?

Canning, Chris: Yes, sir. We're glad to accept your comments.

J Munkres: Thank you very much, that is very much appreciated. So, to get down to it, so the mission of the Osage Nation Historic Preservation Office is to preserve the culture and history of the people of the Osage Nation and share that knowledge with its people, as well as others of course. One of the ways in which we accomplish our mission is working with federal, state, and local agencies on federal undertakings pursuant to the National Historic Preservation Act, and it's implementing regulations, which require Tribal Consultation.

J Munkres: We have to – or must – rely on the work that is conducted by federal agency personnel and contractors. We have to trust that they are appropriately qualified, both in terms of their education and their experience.

J Munkres: In addition to that, we understand that many of them are unfamiliar with Osage history, specifically, and we strive to address that gap. There are two series of National Historic Preservation Act Section 112A – requires [audio cut out] or contractors who [audio cut out] that satisfy professional standards under regulations, developed by the Secretary of the Interior, in consultation with the Advisory Council.

J Munkres: The second part of Section 112, states that agency personnel or contractors responsible for historic resources shall meet qualification standards established by the OPM in

consultation with the Secretary of the Interior, and appropriate professional societies of the disciplines involved.

J Munkres: According to the Advisory Council, the OPM has not to date consulted with the SOI in establishing these standards - we'd argue, too, though it's not statutorily required that that the OPM consult with Tribes and establishing professional qualification standards for individuals who conduct work pursuant to Section 106 specifically but also of course section 110.

J Munkres: Again, these folks, they're responsible for identifying [audio cut out] archaeological sites and historic properties that in many cases are of significance to federally recognized Tribes and of course, Osage Nation. We have to rely on these people and the OPM standards, specifically were referencing, in this case, the archaeology series – 0193 – are antiquated and endanger significant sites and the graves of Osage ancestors and we urge the OPM to conduct meaningful consultation with the SOI, Park Service, federally recognized Tribes, and professional societies in establishing - pardon me - in establishing appropriate contemporary standards for individuals who conduct work pursuant to 106 and 110.

J Munkres: Welcome any questions today and you will be seeing our comments as soon as we can provide them. Thank you.

Robert Shriver.: Thank you very much, Sir, for raising that issue and yes, we look forward to receiving your written comments, as that was very well thought out and detailed and it will be helpful for us to see that in writing. This is why these Consultation sessions are such a great thing because they're learning opportunities for all of us. This is not an issue that I was specifically aware of and this is certainly an issue that would fall within the purview of what Employee Services works on, so I really appreciate that you raised it so that we can now look into it and begin that Consultation process.

Robert Shriver.: We agree that it's really important that the qualification standards are up to date. And because they're so central to who is being hired into these positions. So we need to make sure that the qualification standards are working, so that the best people are getting into these jobs. So once again, thank you very much, Sir, for raising the issue so we could look at.

J Munkres: Okay, thank you.

Jim Cho: Chairman Forsman, I think your hand is raised, did you want to comment?

Leonard Forsman: Yeah. Sorry, I had to step off for a minute. I did catch the end of the conversation. I think it's regarding qualifications of cultural resource professionals. Was that - that was regarding? I'm sorry.

Robert Shriver.: It had to do with the archaeology series of jobs.

Leonard Forsman: Okay. Well, I'm the former Vice Chairman of the Advisory Council on Historic Preservation, was an Obama appointee, and this agency's very important to Tribal

issues such as this, and others regarding Consultation. So we want to really make sure that that new position at the ACHP is now – is a political appointee that needs confirmation.

Leonard Forsman: Reaching out to the tribes on how that process goes. I know that's probably the White House that does that. But anyway, we could be engaged in helping with getting a person qualified and capable of conducting the work that needs to be done. It's relatively new position, used to be unpaid political appointee, now it needs Senate confirmation under recent legislation.

Leonard Forsman: We've had one under the Trump Administration and now I imagine another position will be need - that position will be new to the field too. So I just want to make sure that it's a very important position because that kind of overseas 106 implementation and working with federal agency on implementing 106. So timely comment and I appreciate the previous with Tribal leaders' comments. Thank you.

Robert Shriver.: Chairman Forsman, can I ask you to repeat the name of the position so I make sure I get it accurate.

Leonard Forsman: Right, it's the Chairman of the Advisory Council on Historic Preservation.

Robert Shriver: Thank you. Jim, I do see a question in the chat from Chairman Allen.

Jim Cho: Yes, I see that. The question is from Chairman Allen, quote, if I heard you correctly, someone said you reach out to Indian schools such as Haskell and Chemawa in Oregon,. Do you reach out to any of the Indian Colleges?

Robert Shriver: Kim, would you mind taking that question from Chairman Allen?

Kimberly Holden: Yes, absolutely Chairman Allen, yes, we have over the past several years, we have been attending and participating in the annual career fair for Haskell. In addition to that, we've also done some recruitment and outreach through a number of colleges and universities that unfortunately I don't have the names here with me. Particularly when we were recruiting for Presidential Management Fellows applicants in the area of STEM - science, technology, and math.

Kimberly Holden: So yes, we were, we have been reaching out to various colleges, we have not been able to, of course, do that over the past year because of the pandemic, but we are starting up our process with regard to virtual outreach over the next several months.

W. Ron Allen: Okay, and Leonard might have comments about this. He is very active in our education world for the Tribes. We do have, Kim, a number of Indian schools or colleges - and that's for a lot of our best new career personnel are coming from, quite frankly, even though the traditional colleges, we have a lot of good, strong Indian programs - we do out here, the Northwest, with UW and in Washington state but in Oregon does too, quite frankly.

W. Ron Allen: But, I just want to make sure that that's on your radar of outreach for Indian candidates and Chemawa - it's a school in Oregon. You know Haskell is over there and Kansas. But they're great schools, you know, lots of Indian kids go through those schools and it's a great recruiting territory. Thank you.

Kimberly Holden: Thank you.

Robert Shriver.: Thank you, Chairman Allen and I would say that as we continue our Consultations going forward - hearing from you all on where you think the priorities would be for us to reach out and begin a relationship would be very helpful to us. Thank you.

Travis Brockie: I would like to have a follow up question as well - here in the Northwest, up in Lummi - we have a Tribal College, Northwest Indian College and where are the TCU's. And there's a bunch of Tribal Colleges out there and maybe if we can create some kind of opportunity or recruitment, you know, work with these Tribal Colleges and get them in these key positions because these students, I used to be an instructor at Northwest Indian College - are vital to fixing and addressing their needs and addressing poverty in Indian Country - so they see it firsthand and experienced it.

Travis Brockie: A lot of these students were, you know, they're not going to have an opportunity to reach this type of level of work and there's a lot of talent out there. So I would like to see somewhere where we recruit from Tribal Colleges for a lot of these key positions. Thank you.

Robert Shriver.: Thank you very much for your comment. I would too. And I can reflect back to when I was at OPM during the Obama Administration. It was about 12 years ago now, that we took a fresh look at our internship and recent graduate programs and revised our regulations and as part of launching that, we did some outreach and events with Tribal schools.

Robert Shriver: We are looking at taking a fresh look at those programs. Once again, because it's now been, you know, 11 years and they're dated in some ways. And so it would be exciting to me to be able to kind of refresh those programs and relaunch an aggressive outreach campaign that included the Tribal schools.

Chris Canning: Jim, do we have any other hands raised?

Jim Cho: Chris, I don't see any additional hands have been raised so why don't we move to the next Consultation topic.

Chris Canning: Jim, if I could, allow me to just quickly summarize the topics we covered during that Consultation. Just, briefly, so we touched on Indian Preference and the need to ensure that positions designated for any preference don't go left unfilled for extended periods of time. We talked about statistics on American Indians and Alaska Natives in government, Rob committed to a follow up there. We talked about the possibility of offering trainings to Tribal communities on how to apply for federal jobs. We talked about a distinction - clarifying the distinction between PPO and OPM, and OPM's willingness to help navigate the hiring

landscape within the federal government, more broadly, whether or not the issues come under our purview.

Chris Canning: We talked about the importance of consulting with Tribes on specific qualification standards for certain job categories, specifically the example raised was an archaeological series and for specific positions. Again, the example raised was the Chairman of the Advisory Council on Historic Preservation. And then lastly, we talked a bit about recruitment from Indian schools and colleges and the possibility that we can we can do more in Consultation and collaboration with Tribes, Rob, is there anything I missed?

Robert Shriver: You covered all of my notes, Chris. Thank you.

Jim Cho: Great, thank you for that summary, Chris.

Jim Cho: So, now I'd like to move on to the next Consultation topic. The second topic includes benefits and they are Federal Employee Health Benefits and Retirement Services. So, I will hand it over - I don't know who wants to start – Laurie, Ken, amongst you? But I will hand it over to you.

Kenneth Zawodny: Okay. Good afternoon. I'll go ahead and start and then have Ms. Bodenheimer follow me up. So, good afternoon again, my name is Kenneth Zawodny, and I am the Associate Director for Retirement Services within the Office of Personnel Management. Retirement Services is responsible for developing, administering and providing federal employees, retirees, and their families with benefit programs to help maintain the government's position as a comprehensive competitive employer. These benefits and services offer federal employees the opportunity to plan for their retirement and to know that the retirement system is being effectively managed.

Kenneth Zawodny: The Federal Retirement program was established under Title Five of the United States Code and is composed of the Civil Service Retirement System, commonly referred to as CSRS, and the Federal Employees Retirement System, also known as FERS. We are also responsible for administering CSRS and FERS, we serve 2.7 million Federal retirees and survivors to receive monthly annuity payments.

Kenneth Zawodny: Our retirement program serve employees in executive branch, the legislative branch, and judicial branches of the government, including both department level and independent agencies. These programs also include employees of the United States Postal Service and dozens of independent agencies and organizations.

Kenneth Zawodny: While we've not had the honor to previously work with Tribal leaders or Tribal Nations, we stand ready to do so, and to partner and serve as needed. We look forward to building upon any partnership that we may have with you and now invite you to share ways that we can partner with you into the future. But before we do that, I'd like to turn it over to Laurie Bodenheimer, the Director of our Health and Insurance, to speak a little bit more about her program. Laurie?

Jim Cho: Laurie, before you jump in, I just to remind the panelists to speak into the microphone, some more panelists are on by phone, and so they can actually make the [audio cut out]. It just makes you speak to your microphone, please.

Laurie Bodenheimer: Thank you, Ken, and good afternoon and good morning to all on this call. It's my pleasure and my honor to be with you today. As Ken and others have noted, my name is Laurie Bodenheimer, and I'm the Associate Director for Healthcare and Insurance within the Office of Personnel Management.

Laurie Bodenheimer: This office is responsible for oversight and contract administration for all benefits offered to Federal employees and annuitants, and other eligible groups or persons other than retirement.

Laurie Bodenheimer: We are honored to have previously worked with Tribal Leaders or Tribal Nations in the following ways. We participated in outreach and Consultation back in 2010 and 2011, as we worked to implement the Affordable Care Act provisions that afforded Tribal employers the opportunity to purchase FEHB and FEGLI coverage for their employees.

Laurie Bodenheimer: In that capacity we worked closely with both the Indian Health Service and the Bureau of Indian Affairs to help us with this process to understand the needs of the Tribal communities to help assure effective implementation.

Laurie Bodenheimer: At that time, we also participated in the Tribal and Federal work group that met once a month to both assist with technical and operational details related to FEHB implementation. We continue to work with Tribal Benefit Officers to ensure a smooth and effective administration of their FEHB coverage, for those that have chosen to offer that to their employees.

Laurie Bodenheimer: We look forward to building upon a partnership with you and are eager to hear ways in which we can best partner with Tribal governments to serve both their communities and employees in these areas, and especially now as we are beginning the process of implementing the CAA 2021 provision that has added Tribally Controlled Schools as eligible employers for FEHB coverage.

Laurie Bodenheimer: Jim, did you want me to go through my other talking points in particular about FEHB?

Jim Cho: Yes. Go ahead.

Laurie Bodenheimer: Okay. So under the Affordable Care Act, both Urban Indian Organizations that are carrying out programs under Title Five of the Indian Healthcare Improvement Act, and Indian Tribes or Tribal organizations that are carrying out programs under the Indian Self-Determination and Education Assistance Act are entitled to purchase coverage rights and benefits of the FEHB program for their employees. This provision is specifically for employees of Tribes.

Laurie Bodenheimer: Tribal members who are federal employees or retired federal employees are eligible for Federal Employees Health Benefits coverage as any other federal employee or a new annuitant. And so as I mentioned earlier, we did participate in some fairly extensive outreach about 10 years ago to implement those provisions which began June 1 of 2012.

Laurie Bodenheimer: At this point in time, we have participation by 125 Tribes, Tribal organizations or Urban Indian Organizations, with just over 32,000 subscribers in the FEHB program.

Laurie Bodenheimer: One of the challenges and one of the Tribal leaders mentioned this earlier this morning, is that - most likely through a drafting oversight, the Tribal schools were not included in that Affordable Care Act coverage. So, just recently, the CAA offered Tribal schools, the opportunity to also offer coverage under the FEHB Program, and so we are working directly with the Bureau of Indian Education to help understand all of the schools that are eligible, updating our materials, preparing outreach - and we're actually waiting for this Consultation today to begin a very active outreach program to all of the eligible schools.

Laurie Bodenheimer: The Consolidated Appropriation Act, or the CAA, added the Tribal schools by amending Section 409 of the Indian Healthcare Improvement Act. And so that's what we're working under. As with the eligible Tribal employers, these Tribal grant school employers must contribute the same - at least the same amount of premium payment - as most federal agencies do for their employees, which is an average of 70% of the premium.

Laurie Bodenheimer: As of 2019, according to our information that's been shared with us by the Bureau of Indian Education, there were 128 Tribal grant schools in 23 states across the country. So of course we're most eager to hear whether these numbers agree with your own and where we might be missing anyone, because we want to make sure we offer this opportunity to all eligible Tribal schools. We don't have any current information on the potential take-up rate.

Laurie Bodenheimer: We did hear directly from about 10 schools, within a short period of time after the CAA was passed, and we have reached out to them, as a result, and offered them the application to enroll and they are actively in process on that. And again, as I said, we'll be doing more active reach out after this Consultation to the remaining schools.

Laurie Bodenheimer: Advocates of this legislation have stated that it may improve the recruitment and retention of professional educators in Tribal and rural communities, and would allow the Tribal schools to spend less on healthcare and more on their students. And that's absolutely up to each Tribal school, Tribal organization to evaluate for themselves, you know, what's the best affordable option for themselves, and their employees.

Laurie Bodenheimer: So as I said, will be reaching out to all the principles of eligible Tribal grant schools, as confirmed by the Bureau of Indian Education. There may be an instance where there's - a school is not listed as a grant school. We will certainly be coordinating with the Bureau of Indian Education to see if there's was an oversight or how that school might become eligible, and we already have four schools that are will begin their enrollment. As of May 1,

2021 and there are three that have asked to have an effective date for their FEHB coverage of July 1, and we are happy to do that.

Laurie Bodenheimer: So with that, we look forward to working with you on implementing the Tribal grant schools and hearing more. I was certainly hearing some feedback that not all of the original group of eligible Tribal organizations well understood that they were eligible or how to reach out and have contact with us at OPM. So I welcome your feedback.

Jim Cho: Thank you, Laurie. Now we invite Tribal Leaders and elected officials to share thoughts or questions around the benefits. If you'd like to share now, please click raise hand in Zoom. If you're on the phone, dial star nine to raise your hand and then star six to unmute.

Jim Cho: I see we have a question in the chat from Chairman Allen. His question is: Laurie, can you forward the process and rules on how the Tribes can get their employees on FEHB healthcare program and then an additional follow up: what is the quote take up rate, unquote. And that may be a little bit of jargon. So maybe you know explain that.

Laurie Bodenheimer: Yes, we can absolutely forward to you the process and happy to arrange, you know, a separate Zoom call for now, at a later date, to answer specifically those types of questions on how FEHB works and how Tribal employers might get more information on how to apply. The take up rate is a little bit of inside baseball, as someone mentioned earlier.

Laurie Bodenheimer: We don't well enough understand how many employees there are at each Tribal school or each Tribal organization, and how many would want to enroll in FEHB.

W. Ron Allen: Okay, that, excuse me, that helps Laurie. And Jim, I'm assuming I asked earlier about the roster, so we have the right people we can talk to and follow up. I see, Chris, nodding yes. So, that will be helpful. This question - I know some Tribes are moving forward, and as you noted, some schools are too, and it's a cost saving question, you know, because we're always wrestling over our budgets trying to match the best objective here. And so it worked for some, it doesn't work for others.

W. Ron Allen: But we want to, you know [audio cut out], we want to make sure that our Tribal Leadership at both the Tribes and the schools, understand this is an option for them, though some don't still know it's an option out there, and then they'll ask the same question I just asked, because, because I don't do that. But I want them to know, you want to consider this? Here's who you call, and here's how you start the process.

W. Ron Allen: Sometimes, I know we all fall into jargons and acronyms and I'm the denominator here. I'm the least knowledgeable here. Okay, thank you.

Laurie Bodenheimer: If I may, thank you for those comments, Chairman Allen, wouldn't at all think of you as the denominator, what would be very helpful for me to know from those of you on this call is - are we best served to send the letter to the Tribal school principal or should we send it to you know the Tribal Nation, or, both? Who would best served to get that communication?

W. Ron Allen: Well, definitely both - without a doubt you always have to go to the Tribal Chair, President, Governor, etc. And then, with the schools - definitely the principals, could be a Superintendent, but typically it is a principal and they would forward it to the right people in their team.

W. Ron Allen: And sometimes, they if we need to communicate, so your batch list, you may have a couple of people from the same Tribe, because sometimes if it goes to the President or Governor, or Chairman, Chief, etc. - that's the wrong person. It ends up in their file or a stack of correspondence and it doesn't get to the right people within their operation. So, a good question.

Laurie Bodenheimer: Thank you for that feedback that's very helpful. I'd rather too many people get it and not enough. Okay.

Malcolm Pedro: Excuse me, this is Malcolm Pedro, I'm the Board President for the Pueblo of Laguna Department of Education, and I'm glad that we have this chance to do that. And for our information, I like for you to send it to our Superintendent Patricia Sandoval and our Governor also - that way we are able to work with it.

Malcolm Pedro: Again, work closely related with our Superintendent to help us out. And that was what we needed. That was our concerns here at Laguna, when we got information and everything, is something that we said, hey, let's get all what we can to get going. Because living in a rural area, you know, we have to get benefits to employees and stuff to keep them here - at our schools and everything, so this one I think will be very helpful for us, you know, have a significant impact on our programs and stuff here. But it was just the information - that we needed, who do we contact? How do we get it started? How do we enroll?

Malcolm Pedro: You know, so that we can do that and our school year, that we're looking at is, you know, July 1 of this year, and we're hoping to get something going there and everything, because we know the insurance companies that we're working with right now - we know, you know, things are going to go up as far as you know insurance prices and benefits and everything. And so again, you know, just get into contact information will be very helpful to us and thank you for allowing me to share this comment with you. Thank you.

Laurie Bodenheimer: Thank you. I appreciate that.

Chris Canning: There any other questions or comments on the topic of benefits? Jim, I'm hearing none. Do you see any?

Jim Cho: I do not see any hands raised again. If you'd like to make a comment, please click raise hand or click star nine, if you're on the phone.

Chris Canning: In that case, Jim, perhaps I'll just do a quick summary, and we'll move on to our third Consultation topic.

Chris Canning: So the discussion there focused on how Tribes can apply or enroll in FEHB - helpful clarification around who Laurie's team should be communicating with regarding those matters within the Tribes. Clarification of the term take up rate. Laurie, was there anything I missed?

Laurie Bodenheimer: I don't believe so. But if there is any Tribal Leader that, you know, you will get my contact information if you have another question. I'd be delighted to hear from you and help.

Jim Cho: Okay, so let's move on to the next Consultation topic. It is the third and the last of our Consultation topics and includes Federal Voting Rights Observer program, diversity, equity inclusion, and accessibility, and finally OPM consultation practices and general open feedback.

Mark Lambert: All right, I'll start off, Jim. Good afternoon, or good morning, depending on where you're at. My name is Mark Lambert, I'm the Associate Director for Merit System Accountability and Compliance within the Office of Personnel Management.

Mark Lambert: I'm honored to participate in is very important government to government Tribal Consultation. My office is responsible for several areas. The first one is providing oversight to agencies, human resources operations, and human capital management programs and practices. The second one is providing oversight of the Combined Federal Campaign, which is the federal government's workplace charity drive. The third one is serving as the audit liaison and audit resolution function for OPM.

Mark Lambert: And the last area is providing federal observers under the Voting Rights Act of 1965 to monitor the election process in areas designated by the US Attorney General. And it's this last area that I want to expand on with everyone.

Mark Lambert: At the Attorney General's request OPM will send observers to local, state, and federal elections, including primaries, runoff elections, and special elections held at various times throughout the year. We've had the great honor in the past to work with American Indians and Alaskan Natives in Arizona, New Mexico and Alaska, to name just a few of the States - to ensure that Native language speakers were able to freely exercise their right to vote.

Mark Lambert: In our ranks, we currently have 98 federal observers who speak six of the native languages. We would like the opportunity to work with you to build the observers ranks of native language speakers. In particular, we are in need of Yup'ik, Gwich'in and Navajo speakers, but we will do welcome anyone who is interested in serving as a federal observer.

Mark Lambert: Federal observers are not permanent full time employees. They're hired as intermittent or as needed employees under the provisions of the Voting Rights Act. The observers are paid an hourly wage, including for their travel time and they're also reimbursed for their travel expenses. We believe this partnership has and will continue to help strengthen our mutual respect and enhance our understanding of your traditions, heritage and values, while helping to ensure Tribal citizens are knowledgeable about their right to vote and the importance of making their voices heard through the voting process.

Mark Lambert: As one American Indian Federal Observer stated in our Voting Rights Program's 50th anniversary commemorative video - to quote that person - the VR program or Voting Rights Program brings attention to the nation's we represent. When we participate, we're letting our people know they matter and that their vote is important for future generations. Unquote.

Mark Lambert: We look forward to building upon this partnership that we've already established and forming new ones with you. Thank you. That's my remarks for now and I will send it over to Allison Wise, who's going to have our next topic, and then we'll address questions at the end. Thank you.

Allison Wise: Thank you, Mark. And good afternoon or good morning, to some still on the west coast. My name is Allison Wise and I'm the Acting Deputy Associate Director for Outreach, Diversity and Inclusion. And the Diversity & Inclusion program office provides technical assistance and guidance to agencies on diversity, equity, inclusion matters.

Allison Wise: We assist agencies with taking a holistic approach to diversity and inclusion, in order to build program specific capacity. We collect and analyze employment data and trends to prepare government wide reports and leverage agency report submissions and feedback to develop and inform our D&I programs and initiatives - that are included in the government wide D&I strategic plan.

Allison Wise: So we can say that D&I's work is categorized in several different areas which is government wide guidance and expertise, technical assistance, special requests and projects, and development of D&I knowledge and skills, for our diversity and inclusion practitioners across the government.

Allison Wise: So we were honored to have previously worked in our engagement has focused on engaging with Society of American Indian Government Employees (SAIGE). We've provided diversity and inclusion training for senior leaders and resume writing and interview skills for participants attending in their annual conference, and our offices, actually in the past, hosted interns from SAIGE via the Chickasaw Tribal Education Program.

Allison Wise: More recently, we have been focused on equity assessments with regard to the new racial equity executive order, and I've been assisting Mini Timmaraju, our Senior Advisor to the Director, in leading this effort for OPM - so per the racial equity executive order, OPM is taking a hard look at several high impact programs that serve the Federal workforce with an equity lens.

Allison Wise: And what this means is that we will be reviewing and assessing our work with an eye towards how historically underserved communities access our services and are affected by our policies. So we'll be asking, what do we need to update and change? Where do we have significant gaps? So as we continue this process, we'd love to continue to dialogue with all of you about OPM benefits and programs, outreach, and our policy work. So we look forward to building upon our partnership with you. And I'll turn it back over to Mark.

Mark Lambert: All right, thank you, Allison. I think our next topic - Chris, I think you're going to cover that, or do we want to take questions on these two areas first?

Chris Canning: Yeah, let's open it up to questions.

Jim Cho: As a reminder, if you have a question, click the raise hand function or click star nine, if you're on the phone.

Jim Cho: As a reminder, if you'd like to ask a question about the topics that were just discussed, please click the raise hand function or click or press star nine into your phone.

Jim Cho: Okay, I don't see anyone. I don't see any hands raised. At this time, Chris.

Jim Cho: Oh wait, Chairman Forsman, yes?

Leonard Forsman: Sorry, I've been in and out, in and out, here - and I'm going to have to leave here pretty soon as well. I did - I heard about the Federal Campaign and I just had a comment about that and you're probably aware that there's been a lot of studies done on Tribal nonprofits - and Tribes having a deficit in the amount of philanthropy that goes to Indian communities, Indian Tribes and Indian programs.

Leonard Forsman: And there's an organization, I can't quite think of its name right now, regarding travel philanthropy. I'm sure if you Google it, you'll find it. But we're trying to increase that percentage because it was like - well under 1 percent, and we need to, you know, if we get the Federal Campaign to look at some of the travel programs - not saying they haven't in the past, but could put that on their radar, because I know there's a lot of really important programs or education and health and cultural preservation that are could be really beneficial to Indian Country. So just want to put a plug in for that. So thank you.

Mark Lambert: No, thank you for that and yeah, we'll take note of that and look to see if we can provide you more information about the Combined Federal Campaign. And information about our application season, which is typically December 1 through January - the end of January, but we can give you specific information. And if there's any questions, you can follow up with us on it. Thank you.

Leonard Forsman: Thank you for that.

Jim Cho: Okay. Thank you, Chairman.

Jim Cho: Since I see no other hands raised from Tribal Leaders, we welcome comments from the community, and you can also just click the raise hand function.

Chris Canning: I would just - Jim, perhaps, broaden out the scope of the discussion a little bit. Any comments and response to anything that either Mark or Allison shared - or we're also at this stage, welcoming of any comments regarding the Consultation itself, the way that this

session was - notice to you - was promoted, was structured and formatted, ways in which we should consider our engagement in Consultation with you all going forward. Wanted to create an opportunity for that discussion as well before we wrap up today.

Jim Cho: So, Chris, we do have one suggestion. [reading from Zoom chat] In making the government to government relationship work better and closely together, a suggestion for Tribal listening sessions would greatly help and small group meetings, such as this.

Chris Canning: Thank you. Thank you for that suggestion, that resonates, that it makes a lot of sense. And we will absolutely work with you to structure engagements like these going forward in a way that's most productive and also recognizes and appreciates the burden on all of you for having these types of conversations across the government.

Chris Canning: I know that's a significant burden. So I think we'd be very interested in making sure that we structure this relationship in such a way that we're - using your time efficiently. So thank you for that comment.

Jim Cho: Thank you, Vice Chairwoman Rosa Long. I was remiss to announce who had written that, so thank you so much.

Chris Canning: Thank you, Vice Chairwoman, appreciate it.

Jim Cho: Chris, we have also, Sorhna Li, you have your hand raised. You can unmute yourself.

Sorhna Li: Yes, thank you. I did also, and I appreciate that OPM is not necessarily the right agency to engage in this, but this - Brian brought up previously - Consultation fatigue has set in for some of us already. And it would be blessed if there could be some sort of attempt at national calendar that would keep some of these Consultations not stacked on top of each other, or in some cases, simultaneous, so that particularly those Tribes with very limited staff and limited Councils can obtain and participate in everything to the fullest extent possible, instead of having to pick and choose.

Sorhna Li: So, I just wanted to put that out there since there's been discussion about multi-agency collaboration in this forum, as well as an idea of some sort of national calendar, or opportunity for such a position that would alleviate some of the Consultation fatigue that has set in for some of us already, and is on the brink of setting in for others. Thank you again.

Chris Canning: Yeah, thank you so much for that suggestion - that is an exceedingly logical suggestion from my perspective, and we'll take it back to the interagency forum that we are a part of to coordinate these issues across the executive branch - to coordinate our Consultations with you all across the executive branch. I suspect there will be a lot of receptivity to that suggestion. So we'll look forward to following up with you on that.

Rosa Long: Hello.

Jim Cho: Yes, hello.

Rosa Long: Sorry, I have to agree with Ms. Li - just this week we've received about 30 Consultation requests, and so it is extremely difficult. Like I was mentioning earlier for us to spread ourselves and stay on for the entire Consultation, and this is one that is very important because, you know, sitting here as a Tribal Leader, I will also share the information that you have shared with me and advocate for your services throughout Indian Country, and with my fellow colleagues that can benefit from your services. So the contact list, the services that you have, you know, having to maneuver the website. I went on your website, you know, maybe some Tribal Leaders find it difficult to do.

Rosa Long: But I have to agree with the calendar, maybe quarterly meetings - we can already set those in place, that this is a day that OPM will have their listening session, or the following week, we will have, you know, comments and we'll go over them or however you would see fit, but having something set already - that we can set in our calendars, this is what we have to do this day and you know Council can all be present.

Rosa Long: But I will share all your information, I am you know - I am taking down some notes here because we don't have a school, but I know other Tribes that do, so we're here next to the Quechan Indian Reservation, which is located in Winter Haven, California, we're right on the border of California and Arizona - so I don't see them on the call. But I will go ahead and forward some of this information to them because this pertains to their Tribe as well and I think having something like that set in place, or utilizing, like I said, those agencies such as NCAI or ITCA for the state of Arizona, would greatly help.

Rosa Long: They've also helped out OPM with listening sessions and making those things available for free and facilitating those for you and getting - sending out the notices to all the leadership, making sure that your subjects get to us. And so I do let Ms. Laurie know that, you know, sending your information to more people is better than none. So it gets, you know, sometimes we have staff that fill in for our reception area or mail area. And so they might not make it to the right inner office box. And so we're in a rural area as well. And so I suggest that you know getting to know the contact of your school persons, letting them know - that did you receive we sent out this letter, or this update?

Rosa Long: There's so many ways that we can do that, now that we've become more open to Zoom and you know emails, and I'm pretty sure all of you get at least 75 emails when you get there to work in the morning. So it is very difficult to keep track and so and if you don't have a secretary, it is really, really difficult. So I serve as a Vice Chairwoman, as a secretary - so I take minutes for my counsel, and I'm also the Treasurer. So, and then all of my other Boards that I sit on. So I, you know, it is important that you understand the dynamics of each Tribe and understand how we function because every Tribe is different.

Rosa Long: And so I asked the question, you know that a lot of agencies have a difficult time with the cultural sensitivity part. And so you know if you have any questions, you know, I will put my email on there. If you have any questions, I'll be more than happy to answer those things for you.

Rosa Long: We have a Fort Yuma, has a BIA office here and they struggle so much with hiring. I think they've been hiring for about four positions and they just cannot get anybody there, and so they serve both Cocopah and Quechan Tribes, and I believe Parker? And so the probate issues are just way – just the list is very long, so they're having some issues there. So there's definitely some outreach that I suggest that you can do, but thank you, thank you for your time.

Chris Canning: Thank you, Vice Chairwoman, really appreciate it. Several really important points embedded in what you just said. And we thank you for your comments and, in particular, I want to say thanks for your willingness to be available to us - to help consult on some of the more sensitive cultural issues that we'll work through as we continue to build this relationship. And that's certainly something we will want to take you up on. So thank you very much.

Rosa Long: You're very welcome. Yes, I do want to make you feel as comfortable, as you know, as you can. Coming to leadership and making sure that you know this is a dialogue that we have to have and this is what President Biden, I believe, his vision is - is that you can have, we can have that open door policy with each other and make this work.

Rosa Long: We get to go up to Washington and we have Congressional week there, and where we go and meet with congressional leaders, Senate, and we're there for a whole week.

Rosa Long: And we have all the 22 tribes from Arizona that go up there. Not everybody can go because they don't have the funding, not every Tribe has a gaming casino. So we have to make sure that we understand what their deficiencies are within their Tribes, and we advocate for them on their behalf. So I love what I do. I love to advocate for others. I understand their need. And, and so this is very important that this relationship work and so you know, I was hoping to see many more leadership on this very important phone call and webinar.

Rosa Long: But I think, you know, like I said you understanding what the dynamic is within Tribal governments, it's very important. So I will put my email on there. My personal email and my phone number, so that you could reach out to me whenever, whenever you like.

Chris Canning: Thank you, Vice Chairwoman. I think we had another hand raised from Perphelia Fowler?

Perphelia Fowler: Hello, can you hear me?

Chris Canning: Yes, we can.

Perphelia Fowler: Okay, good afternoon leadership. Thank you, and it's really good to see faces - putting the human back in human resources. I appreciate all that you do.

Perphelia Fowler: Most importantly, my name is Perphelia Fowler, I'm a Cabinet Member of the Navajo Nation, Navajo Tribe, and we did submit our comments and I just wanted to add that - you're talking about outreach, and I want to see more of our Tribal government, more involved in shaping a lot of the policies, rather than just acting upon them, and really building a more comprehensive relationship with agencies. I want to thank you all for giving me the short

time and our comments have been submitted. I really appreciate it. Thank you. Have a great day.

Chris Canning: Thank you so much thank thanks for your comments just now and for your submitted comments and that feedback is heard. We certainly intend for this relationship to be based on substantive engagements and substantive consultation and appreciate your underscoring that point. So thank you so much.

Perphelia Fowler: Thank you.

Jim Cho: If anyone else would like to comment just click the raise hand function or if you're on the phone, press star nine. And again, we are talking about the previous subjects or the Consultation itself.

Chris Canning: Jim, before we - I think you were going to offer a couple of words to wrap up with. But before we do that, I just, I wanted to offer my thanks one final time, I realized this is a significant time commitment for everybody. And I think I speak for everybody at OPM when I say thank you for your very thoughtful participation and candor.

Chris Canning: Going forward, there were several requests, I think ,that we share contact information for the presenters on this call today, which we will certainly do.

Chris Canning: We also, Jim, as I think you mentioned off the top, is our Deputy Director for the Office of Congressional Legislative and Intergovernmental Affairs, which is the office that has primary responsibility for managing communications and relationships with Tribes. So we will send everyone's contact information around to include Jim's.

Chris Canning: And just wanted to know to offer that note that, to the extent you have any matter that needs to be addressed with OPM, any way in which we can be helpful, that that can always be an entry point and a starting point for that communication. So thank you again for your time and I'm very much looking forward to this being the first of many conversations and Consultations with all of you.

Kathleen McGettigan: And, this is Kathy McGettigan, and I would just like to echo what Chris just said - this has been a wonderful session and wonderful first of many sessions - I hope and very instructive and informative to me. I appreciate all the time that you've spent here and as I said, it's been very helpful to us. I was particularly intrigued by Vice Chairman Long's comments that you come, you have the Congressional week – you come up for a Congressional week – and perhaps we can look forward to seeing you, then, in person, after COVID, and when you're here for that Congressional week. I think that would be a wonderful plan for all of us to get together, if it would fit into your schedule. Again, thank you very much, and I'll leave it to Jim to conclude.

Rosa Long: Thank you, Director, so much for that. I will make sure that I send a word to ITAA, as soon as I get off and letting them know all the things that I've heard today. And, the CEO there, Maria Dadgar, which I mentioned earlier, is the individual who puts the Congressional

week for Tribal Leaders of Arizona together. So our flight was cancelled last year, unfortunately for COVID. I also want to extend my most deepest condolences and if you have anyone that's sick currently with COVID, that they get better.

Rosa Long: We've had significant loss here within Arizona. And so, you know, our prayers and our thoughts are with you, as well. I know that it's been, it's not the same working from home. I see a lot of you at home, and it's really tedious - I unfortunately have to come to the office, but it's been really difficult. I hope everybody's gotten their vaccine. I encourage you to do so. So we can get back to normal.

Rosa Long: But I look forward, I really do look forward to going and seeing you in person and meeting every which one of you, and maybe you can come out and present yourselves - there may have a presentation with Ms. Dadgar - having you in front of all the leadership, that would be great. And that, in that way, you can see everyone at once.

Rosa Long: So I will definitely do that for you. And that, that'll be a good outreach, because we do also when we go there, there's the Intertribal East Coast there as well so I think that would be very helpful to your office.

Jim Cho: Well, thank you, Vice Chairwoman Long. Thank you Acting Director McGettigan. Thank you, Chris.

Jim Cho: And all the presenters from OPM. And certainly, I want to thank everyone who participated in this Tribal Consultation, specifically the Tribal Leaders, the elected leaders, the proxies, and Tribal citizens who have shared today. I'd also like to thank Governor Mitchell for offering the opening prayer.

Jim Cho: As we move into the closing session. I wanted to share the next steps. Following this Tribal Consultation – first, OPM plans to share a transcript of the meeting with all Tribal Leaders, proxies, and other Tribal administrators or citizens.

Jim Cho: Secondly, OPM also plans to make available a summary of the Consultation and any other OPM related responses to all Consultation participants, in accordance with OPM's policy. I also heard the following next steps discussed during the Tribal Consultation. One, that Chris committed to sharing a list of the key staff members and contact info for OPM leaders representing Kathy today.

Jim Cho: Two, we will continue to accept written submissions from Tribal governments through the 19th, but we are open to engaging in continual communication and strengthening relationships with Tribal governments. Three, Chris committed to helping Tribal Nations with questions about the processes between PPO, the White House Office of Presidents Personnel and OPM around political appointees.

Jim Cho Four, Laurie committed to forwarding information on how Tribal governments can enroll federal employees in FEHB, and the process. And lastly, please again, our department, the Congressional Legislative and Intergovernmental Affairs, you should look to us and our

entire staff, including our Director, Alethea Predoux, as your first point of contact for all things related to OPM. It would be our honor to establish this working relationship with the Tribes.

Jim Cho: Finally, are there any comments or questions about what will happen next. I will open it up, if there are? Ok then, once again, thank you very much for your participation in OPM's Tribal Consultation. We look forward to strengthening relationships with Tribal Nations and working with you to engage regularly and meaningful conversations moving forward. Thank you for spending your afternoon or morning with us. and have a great day everyone.

Rosa Long: Thank you so much.