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# **GAO's Past and Ongoing Tribal Transportation and Consultation Work**

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**National Transportation in Indian Country  
Conference**

**August 29, 2024**

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## Overview

- About GAO
- GAO Key Issues
- GAO Reports
  - Tribal Transportation (GAO-17-423)
  - Tribal Consultation (GAO-19-22)
  - Tribal Funding (GAO-22-104602)
- Ongoing GAO review on Accessible Transit Services for Rural and Tribal Communities

## GAO's Role

### [Link](#)



GAO is an independent, nonpartisan agency within the legislative branch. GAO advises Congress about how to make the federal government more efficient and effective.



GAO conducts reviews of federal agencies and programs, including those that serve Tribes, their citizens, and descendants. GAO does not audit or evaluate tribal governments and respects tribal sovereignty.

## GAO's Role



These reviews result in publicly available reports that make recommendations to federal agencies on how they can improve program delivery.



GAO reports, their recommendations, and agency actions to respond to GAO recommendations can be found at [www.gao.gov](http://www.gao.gov).

## High Risk List

Identifies federal programs and operations that are ‘high risk’ due to their vulnerabilities to fraud, waste, abuse, and mismanagement, or that need transformation

- Our 2023 high risk list identified over 30 areas across the federal government
- [GAO-23-106203](#)



## **GAO High Risk Area – Improving Federal Management of Programs that Serve Tribes and Their Members**

### **High Risk Issue Since 2017**

- Our work has shown that federal agencies have ineffectively administered tribal education and health care programs. In addition, agencies have managed the development of tribal energy resources inefficiently.
- We have seen improvement in some areas, but further attention is still needed in others



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## **GAO Reviews Have Covered a Range of Tribal and Native American Topics**

- Human trafficking of Native Americans
  - Tribal justice programs
  - Indian education
  - Indian health care
  - Telecommunications on tribal lands
  - Roads on tribal lands
- Indian housing programs
  - Federal disaster assistance for Tribes
  - Indian energy development
  - Native American cultural resources
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# Tribal Transportation (GAO-17-423)



United States Government Accountability Office

Report to the Ranking Member,  
Committee on Transportation and  
Infrastructure, House of Representatives

May 2017

## TRIBAL TRANSPORTATION

Better Data Could  
Improve Road  
Management and  
Inform Indian Student  
Attendance Strategies

GAO-17-423



## Objectives Examined

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(1) the extent to which the National Tribal Transportation Facility Inventory (NTTFI) and Deferred Maintenance Reporting (DMR) systems provide useful data about road conditions on tribal lands

(2) any challenges to improving and maintaining these roads

(3) what is known about the connection between road condition and school attendance as well as other aspects of school transportation

## Scope and Methodology

- Analyzed NTTFI data as of Sept. 2015 and the quarterly DMR system inventory and road-condition data for fiscal years 2009 - 2015
- Reviewed agency guidance, policies, and system documentation; conducted electronic data testing, attended a training workshop on NTTFI data entry; and interviewed FHWA, BIA, and tribal officials about each system
- Analyzed national attendance data collected by the Dept. of Education
- Conducted site visits to 10 selected schools and school districts and 7 transportation offices within 3 Tribal Nations.
  - Met with tribal, school, and transportation officials
  - Observed road conditions first-hand, including riding on school buses along their delivery routes
  - As part of one site visit, conducted facilitated group discussion with 10 Tribes from the BIA Great Plains and Rocky Mountain Regions

## Summary of Findings

- Inaccuracies Limit the Usefulness of Some BIA Data on the Condition of Roads on Tribal Lands
- Stakeholders Face Various Challenges to Improving Roads on Tribal Lands, Although Partnerships Have Helped to Mitigate
- Indian Students Have Higher Absence Rates, and Road Conditions Can Be a Barrier to School Attendance on Tribal Lands, Although Data Are Limited

# Inaccuracies Limit the Usefulness of Some BIA Data on the Condition of Roads on Tribal Lands

- Several factors have affected NTTFI data quality and usefulness
  - Changes in how data are used for funding decisions
  - Lack of clarity in BIA guidance for reporting data
  - Limited data-monitoring activities

## GAO Recommended:

- Reexamine need for data currently collected in the NTTFI and eliminate fields that do not serve an identified purpose – **Closed as implemented**
- For data determined to have continued relevance take steps to ensure that data are consistently reported – **Open**
- Establish a process to monitor data to facilitate timely and targeted corrections to missing or erroneous data – **Open**

# NTTFI Summary

**Road Miles and Surface Type for Existing Roads in the National Tribal Facility Inventory (NTTFI) by Owner, as of October 31, 2015**

Owner	Existing road miles	Road surface type (in percentage of owner miles)				Total
		Paved	Gravel	Earth	Primitive <sup>a</sup>	
BIA	29,456	24	16	54	6	100
Tribes	17,029	6	8	62	24	100
Local <sup>b</sup>	69,257	41	41	16	2	100
State	23,031	94	4	2	0	100
Other federal agencies	5,215	2	33	47	18	100
Other <sup>c</sup>	3,293	1	7	62	30	100
<b>All owners</b>	<b>147,281</b>	<b>39</b>	<b>25</b>	<b>29</b>	<b>6</b>	<b>100</b>

Source: GAO analysis of BIA data. | GAO-17-423

Note: Includes roads, paths, trails, and walkways in the NTTFI. Does not include facilities identified as bridges, parking facilities, ferry boat terminals, transit terminals, airstrips, or overlapping routes. Interstate highways are typically owned by the state. Percentages may not add due to rounding.

<sup>a</sup>Roads where people have driven enough times to form a road, but the ground has never been graded.

<sup>b</sup>Includes counties, townships, and municipalities.

<sup>c</sup>Includes petroleum and mining, utility company, or any other agencies, groups, or enterprises not included in one of the other owner categories.

## Inaccuracies Limit the Usefulness of Some BIA Data on the Condition of Roads on Tribal Lands (cont.)

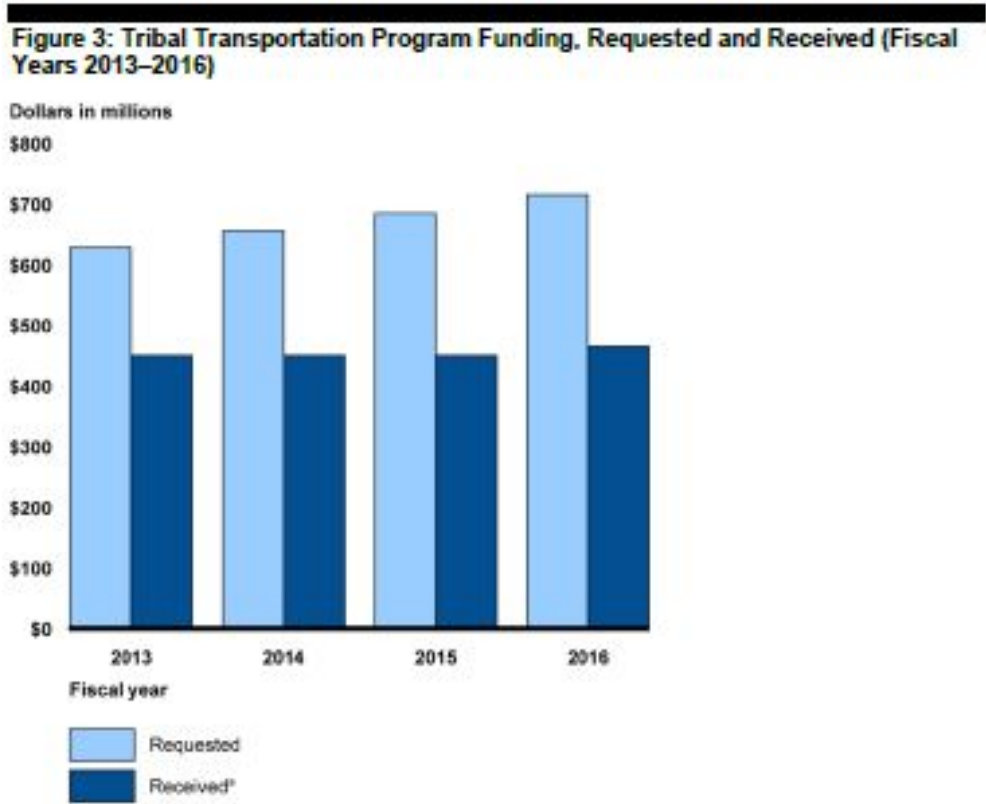
- Some data in BIA's DMR system may be inaccurate
- These deficiencies preclude a clear understanding of BIA road conditions and impair decisions about priorities and funding

### GAO Recommended:

- Document when level of service for road sections were last evaluated – **Open**
- Document unit costs of maintenance – **Open**
- More accurate reporting of funds expended on maintenance – **Open**

# Stakeholders Face Various Challenges to Improving Roads on Tribal Lands

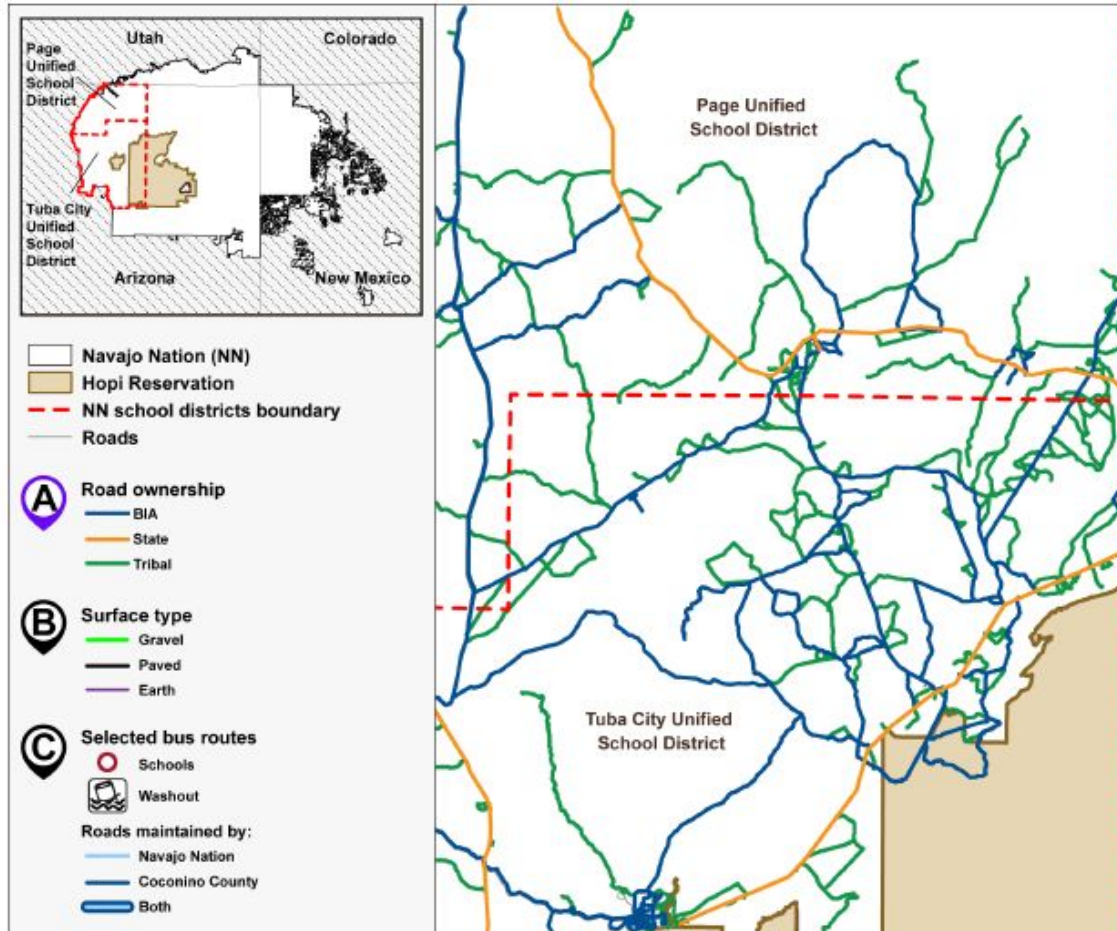
- Funding Constraints
  - Less frequent maintenance
  - Greater future reconstruction costs
- Overlapping Jurisdictions
  - Checkerboard pattern of ownership
  - Differences in priorities among road owners
- Adverse Weather
  - Geographic dispersion and land topography variation
  - Greater impacts on larger reservations having more earth and gravel roads



Source: GAO Analysis of Federal Highway Administration data. | GAO-17-423

\*For simplicity in this report, we use the terms appropriated and received interchangeably.

# Figure: Road Ownership, Surface Type, and School Bus Route Maintenance Responsibility in Page and Tuba City Unified School Districts on the Navajo Nation in Arizona



Source: GAO analysis of Navajo Nation Division of Transportation and Coconino County (Arizona) data and MapInfo (Map). | GAO-17-423



# Partnerships Have Helped to Overcome Some Road Maintenance Challenges



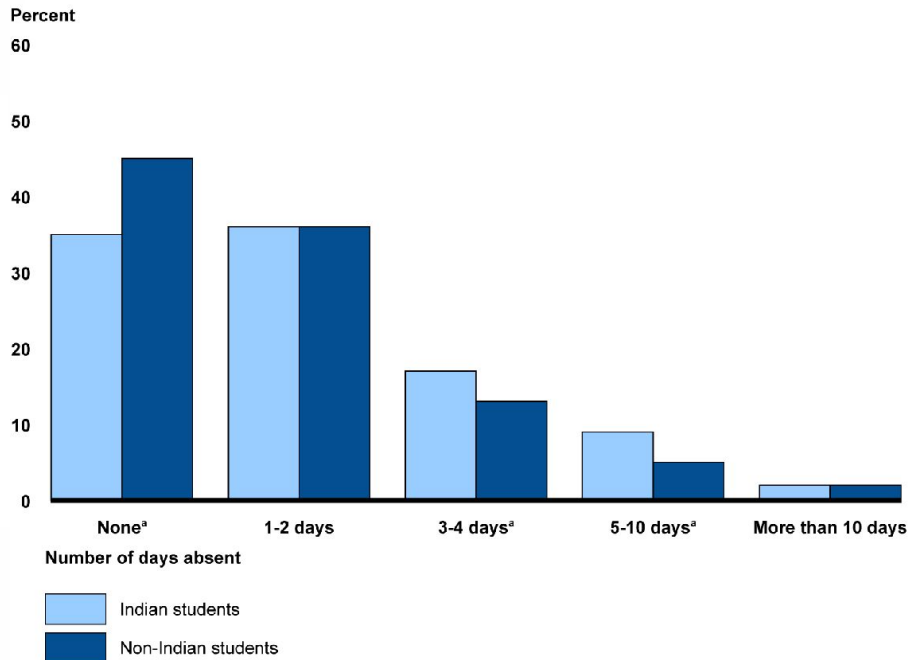
Sources: GAO analysis of Arizona Department of Transportation data and Map Resources (Map). | GAO-17-423

## Example:

- FHWA, BIA, Arizona DOT, and Navajo Nation partnered on a \$35 million emergency project
- Project paved 27 miles of BIA Route 20 in 3 months following landslide damage to U.S. Hwy 89

# Indian Students Have Higher Absence Rates

**Figure: Number of Days Grade 8 Students Reported They Were Absent in the Last Month, 2015**



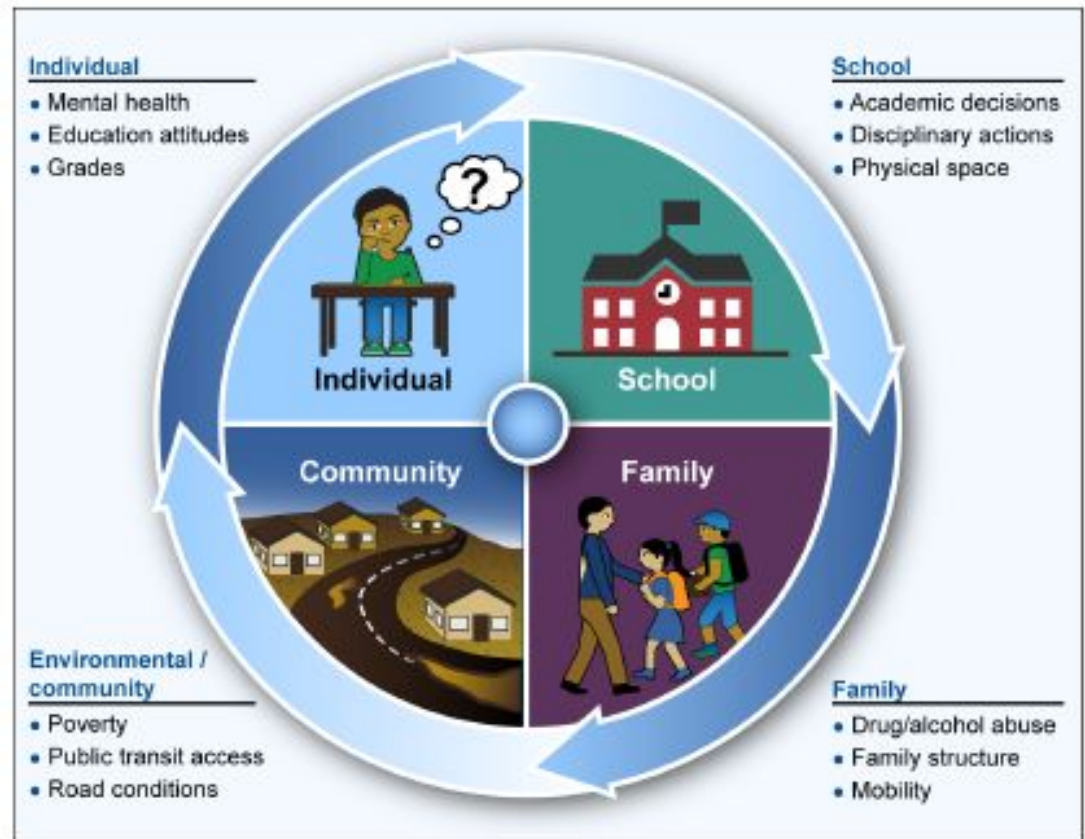
Source: GAO analysis of Department of Education data. | GAO-17-423

Note: The margin of error was no more than plus or minus four percentage points (at the 95 percent level). Estimates may not total 100 percent due to rounding.

<sup>a</sup>Difference in percentages is significant at the 95 percent level.

# Road Conditions Can Be a Barrier to School Attendance

- Student attendance affected by individual, school, family, and environmental/community factors
- Studies of developing countries indicate poor road conditions can decrease school attendance and road improvements can increase attendance



Source: GAO analysis of literature. | GAO-17-423

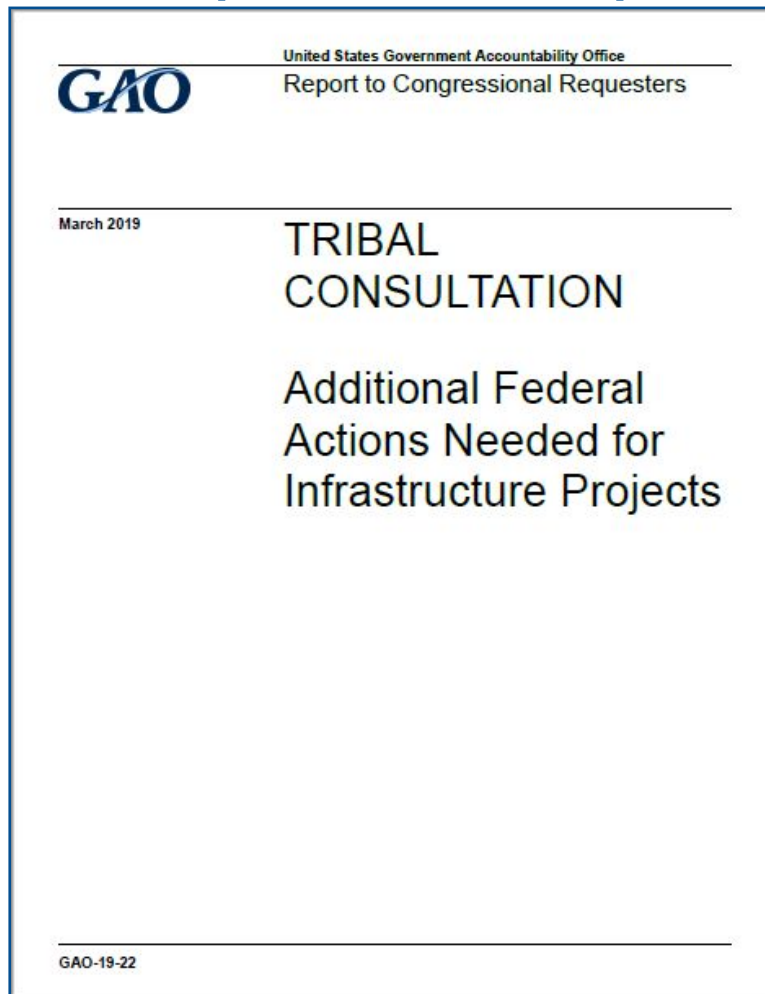
# Schools Have Limited Data on Reasons for Absences

- School officials noted road conditions are among the factors affecting student absences, but schools have limited data on the reasons for absences
- The Bureau of Indian Education (BIE) has not provided instructions or suggestions to the 185 schools it funds to consider including road and weather conditions in their attendance system
- Such information would provide insight into the effect of roads and weather on absences and the ability to target interventions, such as allocating funding for bus maintenance

## GAO Recommended:

- The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to provide guidance to BIE schools to collect data on student absences related to road and weather conditions **(Closed as implemented)**
  - BIE updated guidance—per GAO's recommendation—to the schools it funds to include road and weather conditions in their attendance systems

# Tribal Consultation (GAO-19-22)



## Objectives Examined

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- (1) the extent to which selected federal agencies have policies for consulting with Indian Tribes and Alaska Native corporations (ANC) on infrastructure projects
  - (2) key factors Tribes and selected federal agencies identified that hinder effective consultation on infrastructure projects
  - (3) steps selected federal agencies have taken to facilitate tribal consultation
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# Scope and Methodology

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- Examined policies and interviewed officials from 21 federal agencies:
  - Army Corps of Engineers
  - Bureau of Land Management
  - Bureau of Ocean Energy Management
  - Bureau of Reclamation
  - Coast Guard
  - Department of Energy
  - Department of Housing and Urban Development
  - Environmental Protection Agency
  - Federal Aviation Administration
  - Federal Communications Commission
  - Federal Emergency Management Agency
  
- Summarized oral and written comments submitted by 100 Tribes to federal agencies in 2016
  - Federal Energy Regulatory Commission
  - Federal Highway Administration
  
- Interviewed available officials from 57 Tribes and 8 tribal organizations
  - Federal Railroad Administration
  - Federal Transit Administration
  - Fish and Wildlife Service

## Summary of Selected Findings

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- Selected Federal Agencies Have Tribal Consultation Policies Covering Infrastructure Projects and Related Activities, but Some Agencies Have Not Addressed Consultation with ANCs
- Tribes and Selected Federal Agencies Identified a Number of Key Factors That Hinder Effective Consultation on Infrastructure Projects
- Selected Federal Agencies Have Taken Some Steps to Facilitate Tribal Consultation for Infrastructure Projects, but the Extent to Which Agencies Have Done So Has Varied



## Selected Federal Agencies Have Tribal Consultation Policies Covering Infrastructure Projects and Related Activities, but Some Agencies Have Not Addressed Consultation with ANCs

- All 21 federal agencies reviewed have tribal consultation policies that cover infrastructure projects and related activities
- Content of policies varies across agencies
- 5 agencies did not address required consultation ANCs in their policies or did not have a timeframe for doing so

### GAO Recommended:

- These 5 agencies develop a documented policy or clarify existing policy to consult with ANCs, or establish a timeframe for doing so, as applicable – **Closed as implemented (4/5 agencies); Open (1/5 agencies)**

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## Tribes and Selected Federal Agencies Identified a Number of Key Factors That Hinder Effective Consultation on Infrastructure Projects (Tribal Perspectives)

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1

- Agencies' processes for initiating consultation

2

- Agencies' practices for engaging with Tribes to obtain and use their input

3

- Agencies' respect for Indian law and accountability

4

- Tribal resources for participating in consultation

5

- Agency officials' knowledge or training on tribal consultation

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## Tribes and Selected Federal Agencies Identified a Number of Key Factors That Hinder Effective Consultation on Infrastructure Projects (Agency Perspectives)

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1

- Initiating consultation when there may be tribal implications

2

- Tribal participation in consultation and response to consultation notifications

3

- Agency capacity to conduct tribal consultation




4

- Interagency coordination on tribal consultation

# Selected Federal Agencies Have Taken Some Steps to Facilitate Tribal Consultation for Infrastructure Projects, but the Extent to Which Agencies Have Done So Has Varied

- The 21 selected federal agencies have taken some steps to facilitate tribal consultation for infrastructure projects
  - 3 agencies developed information systems to identify Tribes with whom to consult. These systems include information on Tribes' geographic areas of interest, for example.
  - 18 agencies use multiple sources of information to identify relevant Tribes who may be affected by proposed infrastructure projects.

**Figure: Three Agencies' Information Systems for Identifying Tribes for Consultation on Proposed Infrastructure Projects**

Tribal Connections	
	<p><b>Agency:</b> Forest Service  <b>Launch year:</b> 2015  <b>Description:</b> Tribal Connections is an online, interactive mapping tool that shows how lands managed by the Forest Service connect or overlap with current tribal trust lands and lands ceded in treaties. Clicking on the map provides additional current and historical detail for each location.  <b>Purpose:</b></p> <ul style="list-style-type: none"> <li>- Help Forest Service employees and the public better understand treaties</li> <li>- Improve the efficiency of tribal coordination, collaboration, and consultation</li> <li>- Improve Forest Service decision making and honor and strengthen treaty rights and the federal trust responsibility</li> </ul>
Tower Construction Notification System	
	<p><b>Agency:</b> Federal Communications Commission  <b>Launch year:</b> 2004  <b>Description:</b> The Tower Construction Notification System is a website on which tribes can designate geographic areas of interest and notification preferences. Areas of interest are by state or county. When telecommunications companies submit information on proposed tower construction, the system automatically notifies tribes with interest in the geographic area of the proposed tower. Tribes can directly contact companies to express any concerns and coordinate to address them.  <b>Purpose:</b></p> <ul style="list-style-type: none"> <li>- Facilitate early coordination between telecommunications companies and tribes to help the commission meet its tribal consultation responsibilities</li> <li>- Advance the goal of the National Historic Preservation Act to protect historic properties, including tribal religious and cultural sites, in an efficient and convenient manner that promotes the interests of both tribes and the communications industry</li> </ul>
Tribal Directory Assessment Tool	
	<p><b>Agency:</b> Department of Housing and Urban Development  <b>Launch year:</b> 2011  <b>Description:</b> The Tribal Directory Assessment Tool is an online, geographic database that shows tribes' designated geographic areas of interest and contact information, which the department collects from tribes. Areas of interest are by state or county.  <b>Purpose:</b></p> <ul style="list-style-type: none"> <li>- Help agency employees and grant and loan recipients identify tribes that may have an interest in the location of an agency-assisted project</li> <li>- Provide tribal contact information to assist users with initiating tribal consultation</li> </ul>

Source: GAO analysis of agency information. | GAO-19-22

## Selected Federal Agencies Have Taken Some Steps to Facilitate Tribal Consultation for Infrastructure Projects, but the Extent to Which Agencies Have Done So Has Varied (cont.)

- Most agencies have tribal liaisons to facilitate communication with Tribes
- Many agencies regularly meet with Tribes outside consultation, or attend conferences or other tribal events to maintain communication with Tribes
- Many agencies enter into agreements with Tribes that outline agreed upon communication protocols
- Few agencies (5 of 21) have policies that call for communicating how tribal input was considered in agency decision making

### GAO Recommended:

- The 16 agencies without such policies should document in the agency's tribal consultation policy how agency officials are to communicate with Tribes about how tribal input from consultation was considered in agency decisions on infrastructure projects – **Closed as implemented (14/16 agencies); Open (2/16 agencies)**

# Tribal Funding (GAO-22-104602)



United States Government Accountability Office  
Report to the Committee on Indian  
Affairs, U.S. Senate

May 2022

## TRIBAL FUNDING

Actions Needed to  
Improve Information  
on Federal Funds  
That Benefit Native  
Americans

GAO-22-104602

## Objectives Examined

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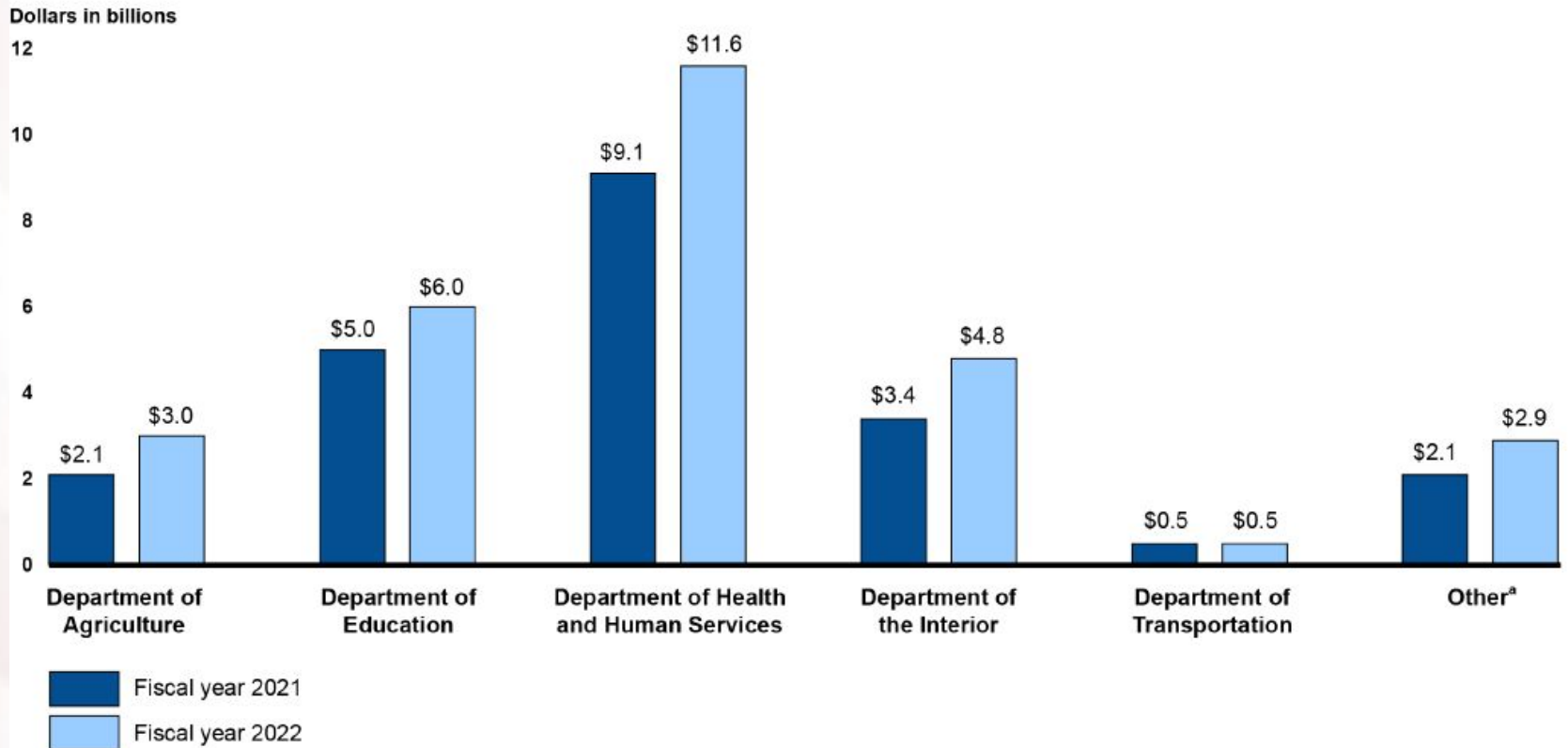
- (1) information the Office of Management and Budget's (OMB) Native American Crosscut provides to intended users, such as tribal stakeholders, and the challenges users face in using the crosscut information
  - (2) the extent to which federal agencies obtain tribal input and reflect tribal needs during budget formulation
-

## Scope and Methodology

- Reviewed relevant policies and procedures at OMB and 5 agencies that represent about 90% of proposed funding amounts reported in the crosscut
- Reviewed OMB's fiscal year 2021 crosscut and its budget data request for collecting information from federal agencies for the fiscal year 2021 crosscut
- Interviewed agency officials and selected tribal stakeholders for their perspectives
- Reviewed agencies' policies and processes to obtain and incorporate tribal input on needs into agency budget requests
- Reviewed documents describing budget and other consultations to identify tribal feedback on agencies' processes for obtaining and incorporating tribal input into their budget requests
- Analyzed relevant GAO reports and other reports describing tribal needs for federal programs

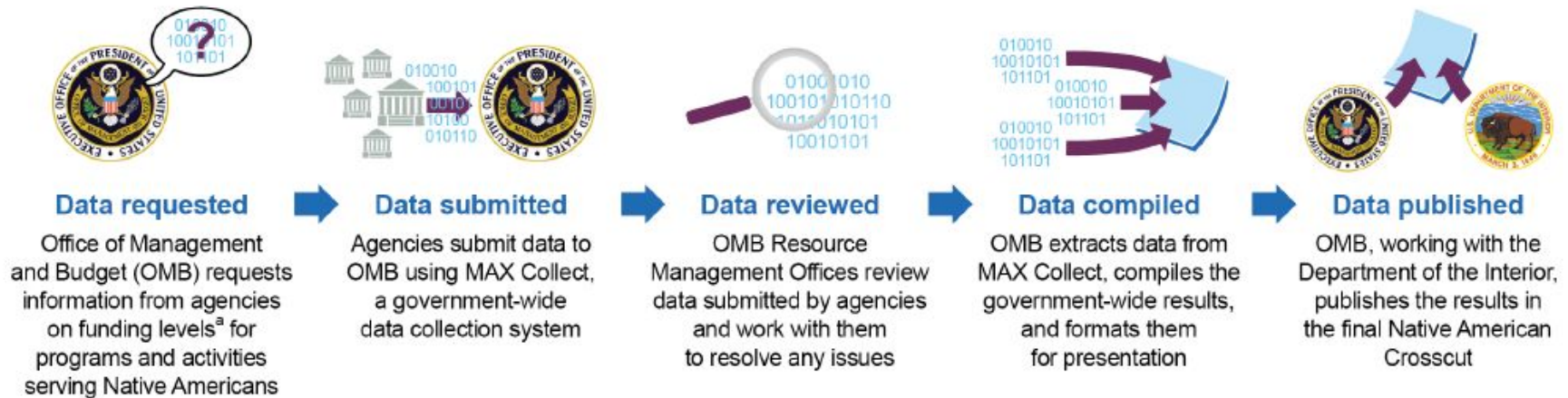


# Amounts of Federal Funding Proposed for Programs That Benefit Native Americans, Fiscal Years 2021 and 2022 President's Budget



Source: GAO analysis of Office of Management and Budget data. | GAO-22-104602

# OMB's Annual Data Collection Process for the Native American Crosscut



Source: GAO analysis of OMB documentation. | GAO-22-104602

<sup>a</sup>OMB directs agencies to report for the upcoming year's crosscut both enacted funding amounts for the prior fiscal year and amounts of funding proposed in the President's Budget for the upcoming fiscal year for these programs.

## Summary of Findings

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- OMB's Native American Crosscut Provides Federal Funding Data, but Lack of Detail Presents Challenges for Certain Crosscut Users
- Few Agencies Have Formal Processes for Incorporating Tribal Input and Reflecting Tribal Needs during Budget Formulation

## OMB's Crosscut Provides Federal Funding Data, but Lack of Detail Presents Challenges for Certain Crosscut Users

- 5 selected agencies interpret OMB's guidance differently when identifying federal funding programs and information to include in the crosscut
  - They also take different approaches to reporting data to OMB for a variety of reasons
- Crosscut lacks detailed information about what the agency-reported data represent
- Tribal stakeholders stated that lack of detail makes it challenging for them to leverage the data for decision-making

### GAO Recommended:

- Issue clear guidance that directs agencies to provide detailed information about how they collected data to report and selected programs to include – **Closed as implemented**
- Publish in the Native American Crosscut a statement of its purpose and detailed information that it receives from agencies in response to its budget data request and inform intended users of the crosscut upon its publication – **Closed as implemented**
- Establish a formal process to regularly solicit and assess feedback about the Native American Crosscut from tribal stakeholders and relevant federal agencies – **Open**

## Few Agencies Have Formal Processes for Incorporating Tribal Input and Reflecting Tribal Needs during Budget Formulation

- 2 agencies have formal budget processes for incorporating tribal input and develop and share information with OMB on tribal needs to varying degrees
- 3 agencies do not have formal processes for incorporating tribal input and do not develop information on tribal needs during budget formulation
- Federal officials, tribal stakeholders, and others have recognized the importance of understanding tribal needs to inform budget decision-making

### GAO Recommended:

- Ensure the development of a formal process to ensure meaningful and timely input from tribal officials when formulating budget requests – **Closed as implemented (2/3 agencies); Open (1/3 agencies)**
- Update OMB’s annual budget guidance to direct federal agencies to assess, in consultation with Tribes, tribal needs for federal programs serving Tribes and their members, and submit this information as part of their publicly available budget documents – **Open (Partially addressed)**

# Ongoing GAO Review on Accessible Transit Services for Rural and Tribal Communities

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- GAO initiated this work after receiving a request from the Chair and other members of the Senate Special Committee on Aging
- Early research objectives will examine:
  - (1) primary federal funding sources for tribal and rural communities to improve the accessibility of transit services for older adults and people with disabilities
  - (2) the challenges tribal and rural communities face in meeting the accessible transit needs of older adults and people with disabilities, and how communities have used federal funding and other strategies to address challenges and needs
  - (3) how selected federal agencies' outreach and coordination efforts have helped selected communities address the challenges they face in using federal programs to improve the accessibility of transit services for older adults and people with disabilities

## Planned Methodology

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- Identify federal programs used for accessible transit services for older adults and people with disabilities in tribal and rural communities.
- Conduct interviews with a mix of tribal and non-tribal rural communities selected for variation in amount of federal funding received, region, and other factors.

From this group of interviewees, conduct case studies of 3 to 5 selected tribal and rural communities. These case studies will include interviewing Tribes and transit officials, reviewing any available data and documentation on accessible transit, and conducting site visits. We are also interested in gaining transit users' views.

- Review federal agencies' outreach and coordination efforts and compare efforts to relevant leading practices for effective communication and collaboration.

## Topics of Interest

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- Accessible transit services used by older adults and people with disabilities in tribal communities
- Any challenges Tribes experience in meeting the accessible transit needs of older adults and people with disabilities
- Federal funding programs that Tribes have used or could use to support improving access to transit services for older adults and people with disabilities
- How, if at all, federal agencies' outreach efforts help Tribes address any challenges with using federal programs to improve the accessibility of transit services for older adults and people with disabilities
- Any suggestions for program improvements or improvements to agencies' outreach efforts that could help Tribes address any challenges with using federal programs to improve the accessibility of transit services for older adults and people with disabilities



# Questions?

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