

**SAMPLE LETTER TO SECRETARY FOXX RE: PRESIDENT TO APPOINT THE  
FIRST DEPUTY ASSISTANT SECRETARY FOR TRIBAL GOVERNMENT AFFAIRS  
(USDOT)**

March \_\_, 2016

The Honorable Anthony R. Foxx  
Secretary  
U.S. Department of Transportation  
West Building  
1200 New Jersey Avenue, SE, 9<sup>th</sup> Fl.  
Washington, D.C. 20590-9898

Dear Secretary Foxx:

On behalf of the \_\_\_\_\_ Tribe, we ask that you support President Obama appointing a qualified individual to serve as the *first* Deputy Assistant Secretary (DAS) for Tribal Government Affairs within the Department of Transportation and urge him to make this important appointment for Indian tribes. This position was established more than a decade ago under SAFETEA-LU, Pub. L. 109-59. Among SAFETEA-LU's provisions is a requirement for the Department of Transportation to have, within the office of the Secretary, a Deputy Assistant Secretary for Tribal Government Affairs appointed by the President of the United States.

The appointment will exemplify President Obama's deep and abiding personal commitment to Indian tribes and our members. It will place a senior executive level official within the Office of the Secretary to advance the transportation needs of Indian tribes and help streamline the Department's policies to improve infrastructure development, highway safety and economic development opportunities on Indian reservations and tribal communities.

The DAS for Tribal Government Affairs is responsible to plan, coordinate, and implement the Department of Transportation policy and programs serving Indian tribes and tribal organizations, to coordinate tribal transportation programs and activities in *all* offices and administrations of the Department, and to participate in any negotiated rulemaking having an impact on programs associated with the tribal transportation program. *See* 49 U.S.C. § 102(f)(1). Your predecessor, Ray LaHood, had promised tribes that President Obama would fill this important position. It is a matter of respect that Federal laws concerning Indian tribes be honored by the United States. The time has come for President Obama to fill this position.

Included in the recently enacted "Fixing America's Surface Transportation Act" (FAST Act), is a provision which directs you to establish a new "Tribal Transportation Self-Governance" program within the Department of Transportation. The program is modeled after the successful Indian Health Service Tribal Self-Governance Program (Title V of Pub. L. 93-638). The Program requires implementing regulations and the FAST Act directs that the regulations be drafted by a joint Tribal-Federal Negotiated Rulemaking Committee, which must be established very soon. The DAS for Tribal Government Affairs should actively participate in

The Honorable Anthony R. Foxx

March \_\_, 2016

Page 2

the negotiated rulemaking process. This will permit him or her to have a meaningful exchange with tribal representatives to the Rulemaking Committee regarding the Self-Governance Program and permit the DAS to explain and defend the work product of the rulemaking process within the Department and at OMB during the vetting process after the rulemaking is complete.

President Obama's appointment will come at a critical time. According to the Centers for Disease Control (CDC), motor vehicle crashes are the leading cause of death among Native Americans aged 1-44 and Native American infants are *eight times* more likely to be killed in a motor vehicle crash than other groups. Together, we can reverse these terrible statistics and save our most precious resource; our families.

Indian country roads remain among the most dangerous roads in our Nation's transportation network. Transportation barriers continue to exist which separate tribal communities from our neighbors, places of work, health centers, schools and commercial centers. Long-term sustainable economic development in Indian country begins with essential community infrastructure, including all-season transportation facilities.

We strongly believe that it is important for the Obama Administration to establish the *precedent* of appointing a DAS for Tribal Government Affairs at the Department of Transportation so that this important position may continue in *future* administrations.

The transportation and highway safety needs of Indian tribes also require that this be a *full-time* position and not assigned as the "collateral duty" of another Department official burdened with other agency responsibilities. The position will elevate tribal transportation needs within the Department.

We ask that you support our request and speak with President Obama so that he may promptly appoint the first Deputy Assistant Secretary for Tribal Government Affairs within the Department.

Thank you for your consideration of our request.

Sincerely,