September 2022 Federal Register Update

AIPI tracked the following Federal Register notices affecting Indian Country for the month of September 2022. This list includes notices published between August 26, 2022 and September 23, 2022.

1. **Annual Meeting of Federal Partners and Tribal 477 Workgroup Under Indian Employment, Training and Related Services Act of 2017**
   - Published August 26, 2022.
   - The U.S. Department of the Interior, Bureau of Indian Affairs (BIA), announces the annual meeting of Federal agencies and Tribes that participate in the Indian Employment, Training, and Related Services Act of 2017 also known as the “Public Law 477 Work Group.”
   - The meeting will be held on Monday, September 12, 2022, from 2:00 p.m. to 4 p.m. Eastern Daylight Time (EDT). The meeting will be conducted virtually via MS Teams and by telephone.
   - Submit comments with “Public Law 477 Work Group” in the subject line of your email on or before October 25, 2022 to Johnna Blackhair, Acting Deputy Bureau Director, Indian Services, Bureau of Indian Affairs, at Johnna.Blackhair@bia.gov.
   - To join and participate in the virtual meeting, please use the following connection information:
     - Link: https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWQ0Njc0YzAtNjk3NS00NGI3LTIjZTQtNzgxMDc2ZDM4ZTAz%40thread.v2/0?context=%7b%22Tid%22%3a%220693b5ba-4b18-4d7b-9341-f32f400a5494%22%22Oid%22%3a%228c3cb591-9152-407a-a266-1d4d82c42be6%22%7d
     - Meeting ID: 266 231 890 013
     - Passcode: aiNWGU
   - For further information, contact Johnna Blackhair, Acting Deputy Bureau Director, Indian Services, Bureau of Indian Affairs, Johnna.Blackhair@bia.gov (202) 513-7640.

2. **Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Infrastructure Investment and Jobs Act-Application for Broadband Grant Programs**
   - Published August 26, 2022.
The U.S. Department of Commerce, National Telecommunications and Information Administration invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden.

NTIA will use the information collected from each applicant to effectively review the proposed applications and budgets from U.S. Territories and Possessions, Indian Tribes, Alaska Native Entities, and Native Hawaiian organizations for the State Digital Equity Program, and from States, political subdivisions of States, Tribal governments, technology companies, electric utilities, utility cooperatives, public utility districts, telecommunications companies, telecommunications cooperatives, non-profit foundations, and other eligible entities for the Middle Mile Grant Program.

Submit written comments on or before October 25, 2022 with reference to “Digital Equity & Middle Mile Application Forms Comment” in the subject line of your comments by mail to Teri Caswell, Broadband Program Specialist, Grants Management and Compliance, Office of internet Connectivity and Growth, National Telecommunication and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4826, Washington, DC 20230, or by email to broadbandusa@ntia.gov.

The application package and detailed instructions for this announcement are available at https://www.Grants.gov.

For further information, contact Teri Caswell, Broadband Program Specialist, Grants Management and Compliance, Office of internet Connectivity and Growth, National Telecommunication and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4826, Washington, DC 20230, or via email at tcaswell@ntia.gov; broadbandusa@ntia.gov; or via telephone at (202) 482-2048.

3. Tribal Consultation for Ownership and Control and Contractual Assistance; Requirements for the 8(a) Business Development (BD) Program and other Planned 8(a) BD Program Regulatory Proposals

- Published August 26, 2022.
- The Small Business Administration (SBA or Agency) announces that it is holding Tribal consultation meetings in Anchorage, Alaska, Albuquerque, New Mexico, Oklahoma City, Oklahoma and Washington, DC, as well as a Listening Session in Honolulu, Hawaii, concerning forthcoming proposed revisions to the 8(a) Business Development (BD) program regulations.
- Among other things, the proposed rule would require an entity, as part of its entity-owned business concern’s 8(a) application, to establish a Community Benefits Plan laying out its commitments to give back to the Native community in several specific identified ways.
- SBA requests comments and input on how best to propose several program policies the Agency is contemplating that would impact Alaska Native
Corporations (ANC), Tribes, Native Hawaiian Organizations (NHO) (collectively, “entities”), and 8(a) Participants owned by such entities.

- The Tribal Consultation meeting dates are as follows, please see the full federal register notice for exact meeting locations.
  - Wednesday, September 14, 2022, 9:00 a.m. to 2:30 p.m. (AKDT), Anchorage, Alaska. Pre-registration for this Tribal Consultation meeting is requested by September 9, 2022.
  - Tuesday, September 20, 2022, 10:00 a.m. to 3:00 p.m. (MDT), Albuquerque, New Mexico. Pre-registration for this Tribal Consultation meeting is requested by September 16, 2022.
  - Thursday, September 22, 2022, 10:00 a.m. to 3:00 p.m. (CDT), Oklahoma City, Oklahoma. Pre-registration for this Tribal Consultation meeting is requested by September 19, 2022.
  - Wednesday, October 5, 2022, 10:00 a.m. to 3:00 p.m. (EDT), Washington, DC. Pre-registration for this Tribal Consultation meeting is requested by September 30, 2022.
  - The Listening Session will be held on Wednesday, September 28, 2022, 10:00 a.m. to 3:00 p.m. (HST), Honolulu, Hawaii. Pre-registration for this Listening Session is requested by September 23, 2022.

- Pre-registration: Send pre-registration requests to attend and/or testify to Chequita Carter of SBA’s Office of Native American Affairs, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416; Chequita.Carter@sba.gov; or Facsimile to (202) 481-2177.

- For further information, contact Chequita Carter, Program Assistant for SBA’s Office of Native American Affairs, at Chequita.Carter@sba.gov or (202) 205-6680 or by facsimile to (202) 481-2177.

4. **Advisory Board of Exceptional Children**

- Published August 26, 2022
- The U.S. Department of the Interior, Bureau of Indian Affairs (BIA) announces that the Advisory Board for Exceptional Children will hold a two-day in-person and virtual meeting. The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities.
- The BIE Advisory Board meeting will be held Thursday, September 15, 2022 from 8:00 a.m. to 4:45 p.m., Eastern Daylight Time (EDT); and Friday, September 16, 2022 from 8:00 a.m. to 4:30 p.m., Eastern Daylight Time (EDT).
- Public comments can be emailed to the DFO at Jennifer.davis@bie.edu; or faxed to (602) 265-0293 Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N Central Ave., 12th floor, Suite 2500, Phoenix, AZ 85004.
- For further information, contact Jennifer Davis, Designated Federal Officer, Bureau of Indian Education, 2600 N Central Ave., 12th floor, Suite 250, Phoenix, AZ 85004, Jennifer.davis@bie.edu, or (202) 860-7845.
5. **Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2022-23 Season**
   - Published August 31, 2022.
   - The U.S. Department of the Interior, Fish and Wildlife Service issues a rule prescribes special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands. This rule responds to Tribal requests for U.S. Fish and Wildlife Service recognition of their authority to regulate hunting under established guidelines. This rule allows the establishment of season bag limits and, thus, harvest at levels compatible with populations and habitat conditions.
   - You may inspect comments received on the migratory bird hunting regulations at https://www.regulations.gov.
   - You may obtain copies of referenced reports from the Division of Migratory Bird Management's website at https://www.fws.gov/program/migratory-birds.
   - For further information, contact Jerome Ford, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358-2606.

6. **Analyses, Research, and Studies To Assess the Impact of Centers for Medicare & Medicaid Services Programs on American Indians/Alaska Natives and the Indian Health Care System Serving American Indians/Alaska Natives Beneficiaries**
   - Published September 2, 2022.
   - The U.S. Department of Health and Human Services, Center for Medicare & Medicaid Services (CMS) announces a single source award through a Notice of Funding Opportunity, “Analyses, Research, and Studies to Assess the Impact of Centers for Medicare & Medicaid Services (CMS) Programs on American Indians/Alaska Natives (AI/ANs) and the Indian Health Care System Serving AI/AN Beneficiaries,” The funding CMS anticipates awarding under this single source cooperative agreement will support research to assess the impact of CMS programs that affect AI/ANs and the Indian Health Care System.
   - The NIHB’s application is due on September 1, 2022, and if the application is approved, CMS anticipates awarding a single source cooperative agreement by September 28, 2022.
   - The anticipated period of performance for the cooperative agreement would be from September 29, 2022, through September 28, 2027, subject to the availability of funds and satisfactory performance.
   - For further information, contact Rhonda Martinez-McFarland, Project Officer (206) 615-2267.

7. **Notice of Availability of the Final Programmatic Environmental Impact Statement for the Navajo Nation Integrated Weed Management Plan; Arizona, New Mexico, and Utah**
   - Published September 2, 2022.
The U.S. Department of the Interior, Bureau of Indian Affairs, announces a notice of availability of a Final Programmatic Environmental Impact Statement (FPEIS) for the proposed Navajo Nation Integrated Weed Management Plan (NNIWMP).

The proposed action is the implementation of the NNIWMP. The BIA Navajo Regional Office prepared the NNIWMP to determine the most effective and appropriate methods to treat noxious and invasive weeds.

The FPEIS and associated documents are available for review online at https://www.bia.gov/regional-offices/navajo/navajo-nation-integrated-weed-management-plan and by request at the Bureau of Indian Affairs, Navajo Regional Office, 301 West Hill Street, Gallup, NM 87301.

For further information, contact Leonard Notah, NEPA Coordinator, Bureau of Indian Affairs, Navajo Regional Office, Branch of Environmental Quality Compliance and Review, P.O. Box 1060, Gallup, New Mexico 87301, leonard.notah@bia.gov, (505) 863-8256.

8. Affordable Connectivity Program Outreach Grant Program
- Published September 6, 2022.
- The Federal Communications Commission (Commission) establishes the Affordable Connectivity Outreach Grant Program (Outreach Grant Program), which will provide eligible partners grant funds to conduct outreach in support of the Affordable Connectivity Program (ACP).
- The Infrastructure Investment and Jobs Act (Infrastructure Act) appropriated $14.2 billion for the Affordable Connectivity Program, which provides qualifying low-income households discounts on broadband service and connected devices, and expressly authorizes the Commission to conduct outreach for the Affordable Connectivity Program, including providing grants to outreach partners. The record, in particular, supports ACP outreach to diverse populations, including Tribal areas.
- The Outreach Grant Program, which will provide eligible partners grant funds to conduct outreach in support of the Affordable Connectivity Program.
- For more information, contact Jessica Campbell, Telecommunications Access Policy Division, Wireline Competition Bureau, at Jessica.Campbell@fcc.gov or 202-418-7400, or Rashann Duvall, Telecommunications Access Policy Division, Wireline Competition Bureau, at Rashann.Duvall@fcc.gov or 202-418-1438.

9. Affordable Connectivity Program Pilot Program, “Your Home, Your internet”
- Published September 6, 2022.
- The Federal Communications Commission (Commission) establishes a pilot program, titled “Your Home, Your internet,” designed to increase awareness of and encourage participation in the Affordable Connectivity Program for households receiving Federal housing assistance.
- Tribal communities are eligible and encouraged to apply.
- The program is established as of September 6, 2022.
10. **Notice of the Establishment of the Tribal Homeland Security Advisory Council: Solicitation of Inaugural Members**

- Published September 9, 2022.
- The U.S. Department of Homeland Security (DHS), Office of Partnership and Engagement (OPE) issues a notice of the establishment of a Tribal Homeland Security Advisory Council (THSAC) and solicitation of inaugural members.
- The goal of the THSAC is to provide recommendations on policies, programs, and initiatives that the Department is undertaking that have implications for Tribes and Tribal Nations.
- Applications to join the THSAC will be accepted until 11:59 p.m., Eastern Daylight Time, on October 10, 2022.
- Nominations may be submitted via first class mail to Colleen Silva, Office of Partnership and Engagement, MS 0385, Department of Homeland Security, 2707 Martin Luther King Jr Ave. SE, Washington, DC 20528-0385 or via email to TribalHSAC@hq.dhs.gov.
- For more information, contact Colleen Silva, Associate Director, Office of Intergovernmental Affairs, Office of Partnership and Engagement, telephone 202-282-9930, email TribalHSAC@hq.dhs.gov.

11. **Notice of Intent To Prepare Legislative Environmental Impact Statement Regarding Proposed Public Land Withdrawal in Vicinity of Arizona State Route 95, Yuma Proving Ground, Arizona**

- Published September 9, 2022.
- The U.S. Department of Defense, Department of the Army, issues notice of intent to prepare a legislative environmental impact statement (LEIS) regarding the withdrawal and reservation for military purposes of approximately 22,000 acres of public land now managed by the Bureau of Land Management (BLM).
- This withdrawal and reservation would add to the existing withdrawal and reservation for the Army's Yuma Proving Ground (YPG), Arizona.
- The LEIS will also identify mitigation measures that would reduce or eliminate any adverse impacts resulting from the transfer of this land to the Army's administrative control. The environmental analysis will include coordination with area Native American Tribes.
- To be considered during the LEIS process, comments must be received by December 8, 2022.
- Please mail written comments to: Mr. Daniel Steward, Environmental Sciences Division, U.S. Army Garrison—Yuma Proving Ground, 301 C St., Bldg. 307, Yuma, AZ 85365. Please email written comments to usarmy.ypg.imcom.mbx.nepa@army.mil.
12. **Request for Public Comment: 30-Day Information Collection: Urban Indian Organization On-Site Review**

- **Published September 9, 2022.**
- The U.S. Department of Health and Human Services (HHS), Indian Health Service (IHS) issues a notice and request for comment and approval on a new information collection titled, “Urban Indian Organization On-Site Review.” IHS is requesting the Office of Management and Budget (OMB) to approve this new collection.
- The purpose of this notice is to announce the IHS’ intent to submit this collection to OMB and to allow 30 days for public comment to be submitted directly to OMB.
- The Secretary, through the Service, shall conduct an annual on-site evaluation of each Urban Indian Organization (UIO) which has entered into a contract or received a grant under Section 1653 of this title for purposes of determining the compliance of such organization with, and evaluating the performance of such organization under, such contract or the terms of such grant.
- To meet statutory compliance, the IHS will conduct annual on-site reviews of UIOs funded under the Indian Health Care Improvement Act to ensure grant and contract compliance and the delivery of safe and high-quality health care.
- Consideration will be given to all comments received by October 11, 2022.
- Send your comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time to: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for IHS.
- For further information, contact To request additional information, please contact Evonne Bennett, Information Collection Clearance Officer at: Evonne.Bennett@ihs.gov or 301-443-4750.

13. **Proposed Information Collection Activity; Formative Evaluation of the Demonstration Grants To Strengthen the Response to Victims of Human Trafficking in Native Communities Program (New Collection)**

- **Published September 14, 2022.**
- The overarching goals of the formative evaluation are to understand the context in which the VHT-NC projects are implemented, the projects’ goals, and the paths they take to achieve their goals. The proposed data collection will include
semi-structured interviews with project staff, project participants, and key partners.

- Comments due within 60 days of publication.
- You can obtain copies of the proposed collection of information and submit comments by emailing OPREinfocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

14. **Self-Governance PROGRESS Act Negotiated Rulemaking Committee: Notice of Meeting**

- Published September 15, 2022.
- The U.S. Department of the Interior, Bureau of Indian Affairs (BIA) issues notice of a virtual public meeting to negotiate and advise the Secretary of the Interior (Secretary) on a proposed rule to implement the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 (PROGRESS Act).
- The meeting is open to the public to be held virtually on Monday, October 3, 2022; from 1:00 to 5:00 p.m. Eastern Time.
- The Committee is to negotiate and reach consensus on recommendations for a proposed rule that will replace the existing regulations at 25 CFR part 1000. The Committee will be charged with developing proposed regulations for the Secretary’s implementation of the PROGRESS Act's provisions regarding the Department of the Interior's (DOI) Self-Governance Program.
- Interested persons are invited to submit comments on or before November 4, 2022. Send your comments to comments@bia.gov or by mail to the Designated Federal Officer, Ms. Vickie Hanvey, Office of Self-Governance, Office of the Assistant Secretary—Indian Affairs, 1849 C Street NW, Mail Stop 3624, Washington, DC 20240.
- For further information, contact Vickie Hanvey, Designated Federal Officer, comments@bia.gov, (918) 931-0745.

15. **Solicitation of Nominations for the Appointment to the Advisory Committee on Tribal and Indian Affairs, Indian Health Service, Billing Area Representative**

- Published September 16, 2022.
- The U.S. Department of Veteran Affairs (VA), Office of Public and Intergovernmental Affairs (OPIA), Office of Tribal Government Relations (OTGR) seeks nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Tribal and Indian Affairs (“the Committee”) to represent the Indian Health Service, Billings Area.
- In carrying out the duties set forth, the Committee responsibilities include, but not limited to:
  - Identify for the Department evolving issues of relevance to Indian Tribes, Tribal organizations and Native American Veterans relating to programs and services of the Department;
○ Propose clarifications, recommendations and solutions to address issues raised at Tribal, regional and national levels, especially regarding any Tribal consultation reports;
○ Provide a forum for Indian Tribes, Tribal organizations, urban Indian organizations, Native Hawaiian organizations and the Department to discuss issues and proposals for changes to Department regulations, policies and procedures;
○ Identify priorities and provide advice on appropriate strategies for Tribal consultation and urban Indian organizations conferring on issues at the Tribal, regional, or national levels;
○ Ensure that pertinent issues are brought to the attention of Indian Tribes, Tribal organizations, urban Indian organizations and Native Hawaiian organizations in a timely manner, so that feedback can be obtained;
○ Encourage the Secretary to work with other Federal agencies and Congress so that Native American Veterans are not denied the full benefit of their status as both Native Americans and Veterans;
○ Highlight contributions of Native American Veterans in the Armed Forces;
○ Make recommendations on the consultation policy of the Department on Tribal matters;
○ Support a process to develop an urban Indian organization confer policy to ensure the Secretary confers, to the maximum extent practicable, with urban Indian organizations; and
○ With the Secretary's written approval, conduct other duties as recommended by the Committee.

● Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on October 7, 2022.
● All nomination packages (Application, should be mailed to the Office of Tribal Government Relations, 810 Vermont Ave. NW, Suite 915H (075), Washington, DC 20420 or email us at Tribalgovernmentconsultation@va.gov.
● For more information, contact Ms. Stephanie Birdwell and David “Clay” Ward, Office of Tribal Government Relations, 810 Vermont Ave. NW, Ste 915H (075), Washington, DC 20420, Telephone (202) 461-7400.

16. Notice of Tribal Consultation and Request for Comments on New Agreement Template Draft for VA's Indian Health Services/Tribal Health Program Reimbursement Agreements
● Published September 16, 2022.
● The U.S. Department of Veteran Affairs (VA), Veterans Health Administration issues a notice that Veterans Health Administration (VHA) will facilitate a Tribal consultation session regarding the expansion of VA's Indian Health Services/Tribal Health Program's (IHS/THP) Reimbursement Agreements Program to include Purchase Referred Care (PRC) and Contracted Travel.
● This program provides a means for IHS/THP and Urban Indian Organization health facilities to receive reimbursement from VA for direct care services
provided to eligible American Indian/Alaska Native Veterans. These Tribal consultation sessions are seeking input from Tribal governments regarding a draft agreement that expands the current agreements to include PRC and Contract Travel.

- VA seeks Tribal feedback to assist with drafting an updated Reimbursement Agreement template for the lower 48 states. Input requested includes, but is not limited to, the agreement scope of service, payment rates and invoicing or billing submissions.
- VA will hold an in-person consultation on Tuesday, September 27, 2022, between 4:30 p.m. and 6 p.m. (EST) at the Hyatt Regency Washington, 400 New Jersey Ave. NW, Washington, DC 20001, which will be hosted by the National Indian Health Board. Additionally, VA will hold a virtual consultation on September 30, 2022, between 1-2 p.m. (EST). Participants can also access the virtual session by logging into https://vacctraining.adobeconnect.com/r400v3p2dbjq/.
- Written comments must be received on or before September 30, 2022 and may be submitted through email at Tribalgovernmentconsultation@va.gov or by Mail to Department of Veterans Affairs, VHA 16, 810 Vermont Avenue NW, Washington, DC 20420.
- For more information, contact Ms. Kara Hawthorne, Program Manager, VA Office of Integrated Veteran Care, at Tribal.Agreements@va.gov or 303-780-4826.

17. **Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Tribal Enrollment Count**

- Published September 16, 2022.
- The U.S. Department of the Interior, Bureau of Indian Affairs (BIA) issues a notice of information collection and request for comment for a the proposal of reinstating a previously approved information collection of Tribal enrollment data.
- BIA must collect this information to ensure effective, accurate, and timely distribution of assistance to respond to funds specifically appropriated for Indian Country, where applicable. This data may assist Federal agencies in developing distribution formulas for funds under annual appropriations or the Inflation Reduction Act of 2022 and Infrastructure Investment and Jobs Act.
- Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.
- For further information, contact Johnna Blackhair, Acting Deputy Bureau Director, Indian Services, BIA by email at johnna.blackhair@bia.gov or by telephone at (202) 513-7641.

18. **Partition, Disaggregation, and Leasing of Spectrum**

- Published September 20, 2022.
- The Federal Communications Commission (Commission) gives notice of final rule that modifies partitioning, disaggregation, and leasing rules to provide specific incentives for small carriers and Tribal Nations, and entities in rural
areas, to voluntarily participate in the Enhanced Competition Incentive Program (ECIP).

- The ECIP will promote greater competition in the provision of wireless services, facilitate increased availability of advanced wireless services in rural areas, facilitate new opportunities for small carriers and Tribal Nations to increase access to spectrum, and bring more advanced wireless service including 5G to underserved communities.
- This final rule is effective October 20, 2022, except for amendatory instructions 2 (§ 1.929), 4 (§ 1.950), and 8 (§§ 1.60001 through 1.60007), which are delayed. The Commission will publish a document in the Federal Register announcing the effective date for the amendatory instructions.
- For further information, contact Katherine Patsas Nevitt of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0638 or Katherine.Nevitt@fcc.gov.

19. Proposed Information Collection Activity: Tribal Child Support Enforcement Direct Funding Request: 45 CFR 309 (OMB #0970-0218)

- Published September 23, 2022
- The U.S. Department of Health and Human Services, Office of Child Support Enforcement, Administration for Children and Families, requests a 3-year extension of the Tribal Child Support Enforcement Direct Funding Requests (Office of Management and Budget (OMB) #0970-0218, expiration March 31, 2023) with revisions.
- This request to extend approval of this information collection will include a change to the paperwork by providing optional plan pages. The optional plan pages organize the Tribal IV-D plan, identify required attachments, and streamline plan amendment submissions.
- Comments are due within 60 days of publication.
- You can obtain copies of the proposed collection of information and submit comments by emailing ocse.Tribal@acf.hhs.gov. Identify all requests by the title of the information collection.