

DATA SHARING FOR ECONOMIC DEVELOPMENT AND RESILIENCY IN INDIAN COUNTRY: TAKEAWAYS FROM TRIBAL LEADERS

March 2023

Introduction

In November 2022, tribal leaders, federal officials, researchers and members of the private sector from across the U.S. met in Washington, D.C. to discuss the role of tribal data in promoting economic opportunities in Indian Country. The half-day convening was hosted by Wells Fargo and the Aspen Institute Financial Security Program. The Center for Indian Country Development (CICD) at the Federal Reserve Bank of Minneapolis contributed research and expertise to support the discussion.

The notion of sharing tribal data with non-Indian stakeholders is a sensitive subject in Indian Country, and the event organizers were unsure how the convening would unfold. Would the attendees feel free to speak honestly? Would they want to work through the tension that might emerge when tribal citizens and non-Indian stakeholders discuss ways to foster economic growth in Indian Country? Could meeting attendees both acknowledge abuse of tribal citizens by non-Indian people and find common ground upon which to build constructive conversations?

To lay the groundwork for these potentially challenging discussions, meeting organizers opened the convening with brief presentations on how the private sector and federal government use various types of data. The first presenter described the data investors look for when they consider investing in a business. The second spoke of the lack of accurate data on tribal citizens in many major government data sets, including the Survey of Consumer Finances and the U.S. Census, and the ways such data gaps render tribal people effectively “invisible” to elected officials, government agencies, and other key stakeholders. A third presenter, representing the National Indian Gaming Commission, spoke about how his agency approaches data collection: by aggregating revenue information from all tribal casinos, the commission respects the confidentiality of each tribal casino’s financial performance while demonstrating investment opportunities. Meeting attendees listened, asked questions, and provided occasional commentary, seemingly taking the temperature of the room to determine how serious their fellow attendees were about having an honest conversation.

Tribal communities are frequently economically invisible, due in part to a lack of publicly available business and economic data stands out. For example, in 2020 Federal officials were unable to determine the total debt of tribally-owned enterprises. This greatly complicated the officials’ efforts to ensure that the lending facilities they were creating to support businesses grappling with the economic fallout of the COVID-19 pandemic would be large enough to accommodate tribal enterprises, which suffered dramatic losses during the pandemic.

Elected tribal leaders then took to the stage to participate in a panel on their tribes' respective experiences with data. Early in the panel discussion, a panelist stood up and said, "Our number one mission is to defend tribal sovereignty on all levels ... including data sovereignty." He continued,

The last two censuses have been a real issue for my tribe when looking at what the truest count is for our people, looking at our own enrollment data and knowing how important it is for continued and full [federal] funding. The census comes back very different than what our own enrollment is with our stringent criteria. We know exactly who a tribal citizen is and from a sovereignty standpoint, that's our prerogative, just like any other tribe. So, you want to know how many citizens there are? We will tell you.

At that moment, the tone of the room shifted. Whatever hesitation attendees may have felt seemed to dissipate as that unique sort of enthusiasm that comes from the hard work of honest conversations took hold. The room began to feel more alive with a growing recognition that the convening was a safe space, that the meeting was not designed as lip service but rather as an authentic attempt to spark honest dialogue and facilitate a greater understanding of the challenges and opportunities associated with collecting and sharing select tribal data. And before the tribal leader could sit down, other attendees were asking for the mic and a chance to respond. The proverbial ice had been broken, and what had begun as a tentative conversation about leveraging tribal data to attract private investment quickly evolved into a deeper, richer and more heartfelt discussion about the ways tribal data can be weaponized by non-Indian stakeholders—or leveraged by tribal citizens to strengthen tribal operations and showcase tribal economic power.

Throughout the afternoon, it became clear that though attendees may disagree on some of the specifics of how, when, why and where to share tribal data, they were mostly united around the need for conversations about collecting and sharing select tribal data. Participants largely agreed that Indian Country offers tremendous business opportunities for both tribes and outside investors, that some tribes share a burgeoning interest in more fully diversifying beyond gaming, that Native people need to become more visible to investors—to be more fully understood, recognized and listened to—and that data has the potential to help with all of it.

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By the end of the convening, participants appeared to have largely converged around four key takeaways:

- 1. Tribal sovereignty is imperative;**
- 2. Establishing trust is a critical prerequisite to sharing data;**
- 3. "Tribal data" can mean different things to different people and therefore clarity is needed; and**
- 4. When done right, sharing select tribal data can benefit tribal governments and citizens significantly.**

This report considers each takeaway in more detail and closes with a discussion of the next steps meeting participants identified. In producing this report, we hope to help further conversations about when and how to appropriately collect and share select tribal data to promote economic development and resiliency in Indian Country.

"We were recently told by one of the rating agencies that no matter what we do, how much good we do, basically we are never going to get the highest rating for ESG because gaming is considered a social ill."

—Tribal Leader



Takeaway 1: Tribal Sovereignty is Imperative.

Participants were clear that any discussion about tribal data should begin with a discussion of tribal sovereignty. Digging into what that means in practice, participants flagged that numerous steps are involved in collecting and analyzing data, and that tribal sovereignty must be prioritized in each of those steps. As one participant explained, sovereignty means tribes would like to consult with investors on “what data will be collected, how it will be collected, how it is reported and how it is used.” Further, the participant suggested that tribes consider establishing data use and sharing agreements that specify who owns the data, address issues related to the publication of any data, and allow tribes to withdraw data if those agreements are not honored, among other terms. The participant also mentioned the need for clear guidelines and agreements on “cultural considerations,” including who decides who is or is not a tribal citizen and who participates in tribal programs: such agreements not only ensure tribal interests but also can help to build trust and confidence in tribes’ relationships with non-Indian stakeholders.

Participants identified several potential tools to help ensure tribal sovereignty. One suggested institutional review boards (IRBs), formal committees that provide ethical and regulatory oversight of research. IRBs are required at universities and other federally funded research institutions and are currently used by some tribes. Acknowledging that not all tribes can afford to have an IRB, the participant suggested creating a consortium, possibly with “a big tribe taking under its wings smaller tribes to operate an IRB.” A second participant cited the Global Indigenous Data Alliance and the United States Indigenous Data Sovereignty Network, resources in the growing movement to identify policy frameworks for collecting and conducting research in Indigenous communities.

Participants also named potential obstacles to tribal sovereignty in data-related activities, including some tribes’ limited broadband access and the complexity of data storage and security. Many meeting attendees commented that it would be easier to guarantee tribal sovereignty if more tribal citizens were involved in data-related activities.

We need more Native people engaging with Native data ... to combat exactly the sort of situation that people are worried about – that an external user is going to use our data and paint us in a certain light ... That’s why we have so many Indian lawyers. There’s a whole bunch of Indian lawyers around here because there were lots of legal attacks against treaty rights and a bunch of other things. But I think data and information is of the new frontier in that sense.

Notably, this idea of needing more tribal members to assume roles traditionally held by non-Native people resurfaced during a discussion about attracting private capital to Indian Country. A participant exclaimed, “One of the things that I see as a glaring problem, and this isn’t data but I think it’s related, is the lack of Native investors in general ... [what are the] pathways for Native people to become the folks that are giving out the capital?”



Takeaway 2: Establishing Trust is a Critical Prerequisite to Sharing Data.

Again and again, participants identified an overwhelming lack of trust as an obstacle to collecting and sharing tribal data. Meeting attendees discussed tribal citizens' distrust of non-Indian stakeholders, including the federal government and the private sector, and cited as its sources the federal government's failure to uphold its trust and treaty obligations, instances of the historic misuse of tribal data, the stripping of tribal assets by non-Indian stakeholders, and disregard for tribal rights and sovereignty. As participants spoke, they converged around the idea that educating non-Indian people is necessary to build trust. Most participants agreed—some with frustration, others with resignation—that tribal citizens must teach non-Indian stakeholders about their tribes. As one participant put it, "To be Native is to be an educator."

The historical misuse of tribal data in other contexts, like the study of tribal health issues, has generated mistrust about sharing tribal data more broadly. When members of the Havasupai Tribe asked an Arizona State University professor to collect blood samples from tribal members to look for a genetic link to diabetes in an attempt by the tribe to learn why rates of diabetes were increasing among tribal members, researchers didn't identify a genetic link. However, they continued using the blood samples to research and publish articles on incest, alcoholism and other subjects that violated informed consent, according to the American Medical Association Journal of Ethics.

That said, participants were quick to point out that non-Indian people must do their part, too. Non-Indian stakeholders must educate themselves that tribal people are not a monolithic race but rather citizens of various sovereign nations. Despite frequently being considered a single demographic – "American Indian/Native Alaskan"—574 tribes and nations with distinct customs and practices are federally recognized. Such diversity must be acknowledged, understood and respected.

Further, non-Indian stakeholders must understand that tribal governments do not necessarily have the same goals and objectives as most investors and business leaders. Whereas most non-tribal businesses exist to make a profit, tribal businesses are there "to serve our people," said one participant. Observed another, "The tribal government is the shareholder and what maximizes their welfare may be a very different set of objectives than an anonymous group of high-frequency algorithmic traders." Understanding tribal goals and how they may or may not differ from those of outside investors is important for social impact investors in forging successful partnerships.

"Our businesses exist for a reason. They're not just there to create individual wealth. They're really there to create communal good and that should always be the baseline for anything that we do as a tribal government. We're fortunate to still exist as tribes even though there was a great effort to extinguish us all, and so we're coming from behind. We are finally living and dealing with the economics of the modern-day world in more sophisticated ways, but that doesn't change what our mission is and so I think we are, if anything, the most mission driven organizations in the United States because it's personal for us."

—Tribal Leader

While the bulk of conversations regarding the need to build trust focused on non-Indian stakeholders, many participants identified a similar need within tribes as well, at least as it relates to collecting and sharing data. As a meeting attendee acknowledged,

I know our tribal citizens don't always want to give [our tribal leaders] information about their personal lives ... and so [tribal leaders] need to demonstrate to them how [leaders] are going to take care of that information and who is going to use it and why ... they won't be able to trust you unless you're being transparent with them as well.



Takeaway 3: “Tribal Data” Can Mean Different Things to Different People. Clarity Is Needed.

Many attendees expressed concern that phrases such as “tribal data” and “tribal business and economic data” are vague, and potentially imply a “catchall” approach to data sharing. This “data dump” model stands in stark contrast to the participants’ desire to proceed with caution when sharing data, to be granular and precise – or “surgical,” as a participant described it – in identifying data needs to ensure tribes share only the necessary information.

To help bring clarity, participants suggested that the first two questions in conversations about sharing tribal data with non-Indian stakeholders must be, What question are we seeking to answer with this data? What is the problem we are trying to solve with this data? By answering those questions, leaders will be able to identify the appropriate data.

Attendees felt strongly that tribes must determine which data is appropriate or inappropriate to share with non-Indian stakeholders and acknowledge that there will not be a universal approach to sharing tribal data. Rather, data-related activities will vary as appropriate for each tribe’s customs, goals, resources and constraints.

As part of the discussion, many meeting attendees shared thoughts on the tribal data they would feel uncomfortable sharing, including data on individual tribal citizens, income data for the purposes of means testing, data on why and how tribes choose to deploy tribal resources, and data that might threaten a tribe’s ability to compete

for government contracts and other business opportunities. Several attendees also voiced concerns with sharing data about individual tribes and suggested as an alternative that data be anonymized and aggregated by common characteristics, such as geographic regions. As one proponent of aggregated data explained, “Sometimes I think it’s good to use aggregate data because then no one tribe feels like all their information is out there.”

While tribal sovereignty remains a precondition of any and all data-related activities, participants felt that guidance from non-tribal entities could sometimes be useful. Specifically, most participants agreed that it would be helpful for investors to specify the exact data needed to evaluate an investment opportunity, regardless of whether any single tribe ultimately chooses to share that data.

Finally, multiple participants suggested that tribes should also consider ways to better utilize existing data, which may be siloed within tribe-specific programs or not available to a tribe’s own leaders. One attendee commented,

I was very surprised at the amount of data that existed within [my] tribe that nobody really knew about outside of that program. There’s tons of data internally that doesn’t get shared across the organization, that we’re not drawing correlations to, that we’re not using to inform other programs in their decision-making processes.



Takeaway 4: When Done Right, Sharing Select Tribal Data Can Benefit Tribal Governments and Citizens Significantly.

Participants agreed that many questions remain unanswered about how tribes can collect and share data in ways that ensure their sovereignty. But they seemingly universally agreed that tribal governments and citizens could benefit significantly, and in a number of ways, from collecting and sharing select tribal data.

Initially, the discussion of the potential benefits centered largely on opportunities for tribes to leverage data to attract private investment to Indian Country. As one participant said,

What is it that our private partners need to know about us and how can we share information in a way that gives them faith that we'll be good business partners as well? I think that that's another piece that we need to think about a little bit. And we need to think differently about that because we know that the federal government is never going to live up to its trust and treaty obligations. So how do we create these other partnerships that are good partnerships and benefit both of us? And I think that's another piece of the conversation that we have yet to have.

Another attendee suggested that disaggregating data on gaming revenues to better understand which income streams do or do not return to tribes could help tribes identify opportunities to "get a bigger piece of that pie moving forward." Echoing that sentiment, multiple participants voiced a desire to identify opportunities for tribes to further diversify their investments.

Similarly, several attendees suggested that data could be used to help tribes access more federal resources. A participant explained that for years their tribe "lost millions" in Indian Community Development Block Grant funding because the tribe lacked the necessary data to successfully demonstrate the tribe's needs. Others agreed that data could help the win more government contracts. According to one attendee whose tribe both owns a casino and was awarded a joint venture with the Indian Health Service to build and manage a tribal health clinic,

"If you're looking to partner with Indian Country, there is definite room for corporate interests, investors, people looking for profit, and people looking for social impact opportunities to partner with Indian Country in a way that will help us for our interests [and] at the same time satisfy [partner] interests ... We need other partners."

—Tribal Leader

When we looked at the revenue generation from that new clinic ... that money made the casino pales in comparison to the revenue that we would generate from the clinic. And so, when you look at those opportunities, it was real easy to get the money for the casino. It took several years [to get the money for the clinic] ... data would've helped us get there faster.

Eventually, the conversation turned from economic opportunities to ways that data can help strengthen tribal operations. Numerous participants said that data helps their tribal governments make better decisions. One tribe routinely undertakes actuarial studies every five years to more fully understand the tribe's health care and education spending so that, as a participant explained, "when we are making business decisions, we can use that data to be aware of where we are going to invest and what we are going to need." Another participant explained how data has helped their tribe with its budgeting process.

It used to be a nightmare to go through a budget hearing process because we've worked to create a balanced budget and then we have a program come in and say, "I need \$1,500 more in travel." ... [Now] we can actually have a team sitting in the chambers to say, "Well, Council, you could give them \$1,500 more. But last year their total allocation was \$2 million and they only spent one \$1.5 million." And so having access to that data means we can say, "Well, you've got room within your budget, find that \$1,500 somewhere else."

Many participants felt that data can also be used to improve communication within a tribe. As an example, one leader offered a story about helping tribal citizens understand the decision to station a new health clinic in a more central location than the older facility. When the tribal government announced its plans, tribal citizens in the district that houses the established facility objected. As the participant explained,

I had our directors do a pin map and show all of the tribal housing in this region... And so when they put that out there, it showed that less than 1% of our tribal members lived by our current facility... And so when we showed that, it took all the air out of the room and people just really couldn't believe that that was the truth. And so for me, that highlighted the need. If we can show it, and prove it with data, it makes all the difference in the world.

"Indian gaming is not about making one person rich. It's about funding those programs that the federal government is supposed to be funding, but it is not. But the outside world doesn't really know that. They just think we're Mercedes driving Indians everywhere, which I don't think would be a bad thing, but it's not happening."

—Tribal Leader

Finally, many participants suggested ways that data could be used to illustrate tribal economic power to non-Indian stakeholders. One tribe that owns a casino organizes annual meetings with elected officials to explain its many economic benefits for the officials' respective districts. Tribal leaders review employment data and data on the casino's purchases from local vendors, among other data. As the participant explained,

When tribes are successful, the local municipalities and the states are also successful ... If we look at how much federal income and state income tax occurs because of our tribal employees, that's an astounding number. And when you think about how much we contribute in terms of purchasing goods and services, employing people that are not our tribal people, and then those people are paying taxes and those people are expending their discretionary dollars in the local community, that's a big story to tell. And I don't know that we have actually quantified that story anywhere.

Next Steps

Undoubtedly, the convening is only a small part of a much larger conversation that needs to happen—and in some cases already is happening—with many more participants about how to collect and share tribal data while ensuring tribal sovereignty. Nevertheless, to the extent that participants had suggestions for next steps, they readily shared them. Meeting attendees suggested the following next steps:

- 1. Produce a pilot report that uses existing public tribal data to show what tribal economic reporting could look like.**
- 2. Create opportunities at upcoming tribal conferences and events to discuss the role of tribal data in promoting economic development in Indian Country.**
- 3. Identify individual tribal leaders and other key stakeholders who should be included in future conversations about tribal data to ensure that a wide range of perspectives is included and to gain more support for the work.**
- 4. Identify a set of baseline business data most commonly requested by investors, and develop an understanding of how that data is used by investors.**

There were other ideas, too, as participants rode the waves of enthusiasm and brainstorming that come from honest, open conversations. One attendee suggested that tribal councils use data to create a “report card on how well we are taking care of our people.” Another suggested identifying operational barriers to attracting investors and determining whether such procedures are still appropriate and could be streamlined, such as the declination letter process.

Ultimately, participants agreed that there is work to be done to increase tribal citizens’ comfort with data; to increase non-Indian stakeholders’ understanding of tribes, their citizens and their governments; and to increase investment in Indian Country. But they also agreed that there is untapped opportunity.

As one tribal citizen said during closing remarks,

There is money to be made in Indian Country. But it has to start with an interest in knowing us ... We’re not scary. So if you’re willing to invest in other places around the globe, why don’t you have that same domestic interest, to where it’s going to have a direct impact on the American economy? You should want to make that investment here.