

Capital Reporting Company
Tribal Consultation Meeting 05-17-2012

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TRIBAL CONSULTATION MEETING
UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
OFFICE OF THE ASSISTANT SECRETARY
BUREAU OF INDIAN AFFAIRS

DATE: May 17, 2012

TIME: 8:36 a.m.

LOCATION: THUNDER VALLEY CASINO RESORT
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Lincoln, California

REPORTED BY: James F. Peters
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A P P E A R A N C E S

DEPARTMENT OF THE INTERIOR:

Michael S. Black, Director, Bureau of Indian Affairs

Brian Drapeaux, Chief of Staff, Bureau of Indian Education

Weldon "Bruce" Loudermilk, Deputy Assistant Acting
Secretary

Bryan Rice, Deputy Bureau Director, Bureau of Indian
Affairs

Bart Stevens, Associate Deputy Director West, Bureau of
Indian Education

Anthony Walters, Counselor to the Deputy Assistant
Secretary of Indian Affairs

ALSO PRESENT:

Beth McGarry, Bronner Group, LLC.

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1 PROCEEDINGS

2 MR. WALTERS: Okay. Well, I think we can get
3 started. Thanks for bearing with us as we get started a
4 little bit late. We're letting people kind of trickle in
5 for a few minutes before we got started here.

6 But my name's Tony Walters. I'm a counselor in
7 the Assistant Secretary's Office for Indian Affairs in
8 Washington DC. I'm a member of the Cherokee Nation from
9 Tonkawa, Oklahoma.

10 I've been with the Department for about a year
11 and a half -- almost a year and a half now. I've been
12 working on numerous issues. Mostly I work on renewable
13 energy type issues, economic development. But here I am
14 for this consultation working just mainly on the
15 streamlining effort and kind of the -- and the Bronner
16 report recommendations that we're going to discuss here
17 today.

18 Before I go any further I wanted to turn it over
19 to Ms. Lois Risling from Hoopa Valley for our opening
20 prayer.

21 (Opening prayer.)

22 MR. WALTERS: Thank you.

23 Well, I'll be fairly brief before turning it over
24 to Beth McGarry to go more in depth on the actual report
25 and the recommendations that have been turned to Indian

1 Affairs.

2 I did want to say that the consultation today is
3 kind of broke out into three separate sections:

4 The first will be the Bronner report and the
5 recommendations that it put forth;

6 The second we're going to have a section on the
7 BIA streamlining effort; and then follow that up with a

8 BIE streamlining, the Bureau of Indian Education.

9 So I know a lot of them are interrelated. But if
10 we can keep the comments on those specific topics for
11 those relevant -- at the relevant times. Because I know
12 some of the employees or the federal folks here, they'll
13 be in and out depending on which section we're going over
14 at that time. So if you have education-related comments,
15 please reserve that for the education time. Otherwise
16 people might miss stuff.

17 We do have a court reporter here that will be
18 writing down everything. So any time you do speak, please
19 start with your name and your tribe as well or who you're
20 with. And we'll take that back -- I think -- all of these
21 are being published on the web as they get finalized in an
22 effort to be transparent.

23 And obviously there's a written comment request
24 out. And those comments are supposed to be due by June
25 1st, which is a Friday.

1 So with that, I just want to talk a little bit
2 about the recommendations, kind of a quick summary and an
3 overview. I know about six years ago, Indian Affairs
4 reorganized some of its support functions within the
5 Department. And that was based on an assessment done in
6 1999, I believe.

7 And just briefly, that reorganization in 2005 or
8 so wasn't done with much consultation, and there's been
9 some effects of that that haven't always been helpful or
10 kept to the processes that we use the most efficient. And
11 we noticed that over the five or six years since then,
12 we've taken the effort to address those issues and
13 recognize those issues. We did hire the third-party
14 consultant to go look at that and provide an assessment to
15 us. And that was done through outreach with tribes as
16 well as the employees within the Department.

17 So with those recommendations that they provided
18 to us, we're here now doing consultation with the tribes.
19 Obviously six or so years ago that wasn't done.

20 And the idea of the functions that we're here to
21 discuss today, you know, as with any organization, there's
22 a layer of the organization that deals directly with the
23 services that it's meant to provide, and then within that
24 there's a layer of support functions that really enable
25 that other layer to do its work timely and more

1 efficiently. And that's the layer we're really here to
2 discuss.

3 So I don't know that that -- those particular
4 functions deal directly with tribes much. But we do want
5 your input, we value your input, as you can see the
6 effects of how those support functions let us do our work
7 and let us go out into indian country and provide services
8 to the tribes and individuals.

9 So that's what we're here for. Thanks again for
10 coming today and thanks for bearing with us while we get
11 started.

12 We look forward to hearing your comments today.

13 We're going to do introductions now. I'll have
14 the panel introduce themselves. And then I'm going to
15 turn it over to Beth McGarry. And then I think we're
16 going to have a -- go through the room here and have
17 everyone introduce Themselves. And that will help the
18 court reporter out as well, just for him to get a
19 familiarity with some of the names as we go throughout the
20 day.

21 Mike, you want to start us off?

22 MR. BLACK: Good morning, everybody. I'm Mike
23 Black, Director, Bureau of Indian Affairs from Washington
24 DC.

25 MR. LOUDERMILK: Good morning. My name is Bruce

1 Loudermilk. I'm the acting deputy assistant secretary for
2 management out of Washington D.C.

3 MS. MCGARRY: Good morning. My name is Beth
4 McGarry, and I'm the Director of Federal Services for the
5 Bronner Group, and also the project manager on this
6 particular assessment.

7 MR. RICE: Good morning. My name's Bryan Rice.
8 I'm the Deputy Bureau Director for Trust Services out of
9 the Washington DC office.

10 MR. WALTERS: Well, thank you.

11 Why don't we go ahead and just pass the
12 microphone around the room.

13 And then, Beth, you can get up and get started
14 after that.

15 MR. KING: (Spoke in native language.) I sit in
16 Assiniboine, and my name is Holy White Horse. My white
17 man name is Tracy King. I serve as the president of the
18 Gros Ventre and Assiniboine nations in Fort Belknap,
19 Montana.

20 MS. FINK: Good morning. My name's Elaine Fink.
21 I'm Tribal Chairwoman for North Fork Rancheria.

22 MR. PUNKIN: My name's Avis Punkin from North
23 Fork Rancheria.

24 MS. HOAGLEN-CARD: Good morning. My name is
25 Zerlinda Hoaglen-Card. I'm from Round Valley Tribal

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1 Council, secretary.

2 MS. POPE: Good morning. My name is Rhonda Pope,
3 Chairwoman for the Buena Vista Rancheria of Me-Wuk
4 Indians.

5 MR. DIXON: Good morning. My name is Aaron
6 Dixon. I'm the Secretary-Treasurer of the Susanville
7 Indian Rancheria.

8 MR. GARCIA: Good morning. My name is Bob
9 Garcia. I'm Chairman of the Confederated Tribes of Coos,
10 Lower Umpqua, and Siuslaw Indians from Coos Bay, Oregon.

11 MS. BAILEY: I'm Gloriana Bailey. I'm the Tribal
12 Administrator for the Big Pine Paiute Tribe.

13 MR. MOOSE: Good morning. My name's Dave Moose.
14 I'm the Chairman for the Big Pine Paiute Tribe,
15 California.

16 MR. ARCHULETA: Good morning. My name is Gary
17 Archuleta. I'm the Travel Chairman for Mooretown
18 Rancheria.

19 MS. ROMERO: I'm Teresa Romero, Tribal
20 Administrator for Stewarts Point Rancheria.

21 MS. HEATHER HOSTLER: I'm Heather Hostler. I'm a
22 Hoopa tribal member.

23 MS. JACQUE HOSTLER: Jacque Hostler, CEO,
24 Trinidad Rancheria.

25 MS. ANTONE: Audra Antone, Gila River Indian

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1 Community in Arizona, Blackwater Community School Board.

2 MR. BENGOCCHIA: Good morning. My name is Shawn
3 Bengochia, Bishop Paiute Tribe. It's good to be here
4 today.

5 MS. GARCIA: Good morning. My name is Martha
6 Garcia. I'm from the Ramah Navajo -- Band of Navajos.
7 And I'm from Ramah, New Mexico.

8 MS. MARTINE-ALONZO: Good morning. I'm Nancy
9 Martine Alonzo, President of the Ramah Navajo School
10 Board, a member of the Ramah Band of Navajo Tribe.

11 MR. STEVENS: Good morning. My name's Bart
12 Stevens. I'm the Associate Deputy Director West for the
13 Bureau of Indian Education.

14 MS. WORK: Good morning. I'm Deanna Work and I'm
15 here from the Office of Special Trustee.

16 MS. HALL: Good morning. I'm Lenora Hall, Tribal
17 Council, Smith River Rancheria.

18 MS. HANSON: Good morning. I'm Elizabeth Hanson
19 from River Valley Rancheria.

20 MR. MILLER: Tom Miller, Tribal Council, Sault
21 Ste. Marie Tribe of Chippewa Indians.

22 MR. BORDEAUX: Roger Bordeaux, (Spoke in native
23 language) from the Association of Community Tribal
24 Schools, Rocklin California.

25 MS. RISLING: Lois Risling from the Hoopa Tribe,

1 California.

2 MS. DUTSCHKE: Good morning. I'm Amy Dutschke,
3 the Regional Director for the Bureau of Indian Affairs,
4 Pacific Region.

5 MR. BEARQUIVER: Good morning. Kevin Bearquiver,
6 Deputy Regional Director, Trust Services, Pacific Region.

7 MR. WALTERS: All right. Well, thanks, everyone,
8 for joining us again.

9 I'm going to turn it over to Beth McGarry and she
10 can go over all the details of the Bronner report and the
11 recommendations they made.

12 MS. MCGARRY: Thanks, Tony. I'm going to go on
13 this, so I have to turn this one off, I was instructed.

14 MR. WALTERS: We'll figure it out.

15 There's only two buttons. You'd think it
16 wouldn't take so long, but I had the same trouble.

17 MS. MCGARRY: Okay. And I think I'm hooked up.

18 Good morning, everyone. I like to roam around,
19 so I'm going to talk and walk.

20 It's an honor for me to be here today and to talk
21 to you and, most importantly, get your feedback and input
22 about our recommendations.

23 I'm also very happy to be back in California. I
24 used to work down the road apiece in San Francisco. I was
25 an assistant U.S. Attorney there and worked for many years

1 for the Department of Justice.

2 Recently retired as the Deputy Assistant Attorney
3 General in the Office of Justice programs. And in that
4 role I was very involved in the DOJ grants to tribal
5 communities and, most especially, the Recovery Act grants
6 that funded a lot of tribal detention centers.

7 So I was very happy that we were able to win this
8 contract and work with Indian Affairs on this assessment.

9 (Thereupon an overhead presentation was
10 Presented as follows.)

11 MS. MCGARRY: So today of course our most
12 important purpose is to get your feedback on our report.

13 You were given today a CD. And that has our
14 entire 200-plus page report and also an executive summary
15 and I think a full set of slides.

16 The presentation today is an abbreviated set of
17 slides. So they might be a little out of order from your
18 packet. Your packet has a few more slides than I'm going
19 to discuss today.

20 --oOo--

21 MS. MCGARRY: So as Tony mentioned, in 2004, the
22 support service function for Indian Affairs was
23 reorganized.

24 Prior to that, the support service functions --
25 and in that we're talking about budget, finance,

1 contracting, acquisitions, property, facilities
2 management, HR, all that structure that its goal is to
3 help the programs do their mission more effectively.

4 In the early 2000s, late 1990s, the financial
5 statements that were done by Indian Affairs were evaluated
6 by an independent accounting company. So somebody like
7 Price Waterhouse or KPMG started looking at all the
8 government, not just Indian Affairs but all the
9 government's financial statements. And they were really
10 put under a lot of scrutiny to be done the same way
11 that that -- the same way that a -- technical difficulties
12 abound, don't they.

13 I can use the hand-held mike.

14 All right. We'll try again.

15 Okay. Financial statements. Indian Affairs, and
16 most of the government agencies, were not doing well when
17 they were reviewed by these independent auditors. So,
18 Tony talked about the National Association of Public
19 Administrators came in and did an assessment of Indian
20 Affairs support functions in 1999. They made some
21 recommendations to centralize some functions, most of the
22 functions being around finance.

23 But in the 2000s the last administration went
24 back to that 1999 study and used it to leapfrog to say,
25 "All the support functions should be managed centrally by

1 Indian Affairs in Washington."

2 Previously, BIA was managing the support service
3 functions for both BIA and BIE. So here we have -- it's a
4 little hard to see sitting in the back. But I think it is
5 in your handout.

6 They created the Deputy Assistant Secretary for
7 Management, Office of the Chief Financial Officer, with
8 budget, acquisition and property management, financial
9 management, and audit and evaluations.

10 This last group is the internal audit function.
11 They're looking to make sure there's no waste, fraud, and
12 abuse within Indian Affairs when they're handling all the
13 monetary functions and also program management.

14 Planning and policy analysis, HR facilities,
15 environmental, cultural, and then IT with all its multiple
16 divisions.

17 I think I'm just going to switch to the hand
18 held. This is cutting in and out too much.

19 Thank you, Bryan.

20 So here we have this centralized function in the
21 of support services. However, some of the employees
22 working in budget, finance, acquisition and management
23 stayed in the field, but their supervisors were in
24 Washington.

25 So if you were a BIA regional director, in your

1 office building would be people working on budget and
2 finance and facilities. And if a regional manager -- if
3 you got a complaint or a question from a tribal leader
4 about any of those topics and you went down the hall and
5 said, you know, "Joe" or Mary, "can you deal with this?
6 The tribal leaders are concerned about a certain issue.
7 Their contract actions are slow. Their budgets are not
8 being funded quickly." That regional manager did not have
9 supervisory control over that employee. That employee
10 reported to someone in Washington.

11 So needless to say, that causes a lot of problems
12 with efficiency and effectiveness.

13 --o0o--

14 MS. MCGARRY: So when we were hired last year to
15 take a look at the organization, we just looked to see if
16 that same structure from 2004, the approved organizational
17 structure, was still in existence. And it had morphed,
18 like most organizations do over a series of years.

19 So the new -- the organization as it exists today
20 was still the Deputy Assistant Secretary Management; IT
21 with even more divisions; the CFO, with budget,
22 acquisition and property finance - and finance is the
23 accounting function. Planning and policy had become
24 planning and performance management. And this section, if
25 any of you are familiar with GPRA or any of the programs

1 that are -- like in a grant when you have to have what
2 your program goals are, and they're measured. That
3 measurement of performance, it's a program effectiveness,
4 is examined by this performance management group.

5 The internal evaluation and assessment group,
6 that internal audit check, had been moved out of the OCFO
7 office into its own independent office. HR, facilities
8 and environment; and then this new office appeared -
9 Office of Homeland Security and Emergency Services.

10 --o0o--

11 MS. MCGARRY: So our findings and
12 recommendations. I'm going to start with the end of the
13 story first just to cut to the chase. The original
14 organization that I discussed that was managed totally by
15 BIA had issues with internal controls. It was so
16 decentralized that there was not a good handle on the
17 internal controls dealing with finances.

18 And there, was as reported to us, disparate
19 services to BIA and BIE. People at Bureau of Indian
20 Education felt that their support functions were put on a
21 second tier because they were not managed by themselves
22 but were managed by BIA employees.

23 So when we went to the total centralized
24 organization, more problems. There was perceived program
25 disconnect. So when employees were not working directly

1 for BIA or BIE, there was a disconnect from the mission
2 and the programs. People were so concerned about their
3 bureaucratic needs and -- you know, finance, budget,
4 acquisition, that they distanced themselves from the
5 programs and, thus, from the tribes. And that's a
6 problem.

7 And there was no real organizational identity.
8 The employees working in this DAS-M -- and of course
9 everything in the federal government has to have an
10 acronym. So the Deputy Assistant Secretary - Management
11 is DAS-M. Folks in that organization really didn't know
12 who they were. When we surveyed employees about the
13 services of DAS-M as part of our assessment and we asked
14 the DAS-M employees who they worked for - and they had
15 three -- you know, who was their employing organization,
16 DAS-M, BIA or BIE? Most of the DAS-M employees said they
17 worked at BIA. So they didn't even know really -- they
18 never functioned as a group.

19 So we're recommending a balanced approach. We
20 think there needs to be a shared responsibility for
21 support services between a central function and a regional
22 function.

23 There has to be to have good internal controls
24 central policy oversight. There has to be one policy, one
25 procedure, so that there's fairness and equity when any --

1 if a contract lets in one region, it should be the same in
2 every region. They should follow the same rules. But
3 they should be responsible to the supervision, the
4 managers in that region, or in BIA, BIE. And so that
5 there's connection to the programs that service the tribes
6 in that region.

7 We think that there's a good chance now for
8 Indian Affairs to revise their policies and procedures,
9 streamline them, get some efficiencies, and have better
10 communication.

11 So we want -- we're recommending, and this is up
12 for your, you know, discussion and comment, that the
13 employees that are physically in the field doing support
14 or office functions report to management in the field. So
15 that the DAS-M structure shrinks and that the BIA and BIE
16 employees are strengthened because they'll be closer to
17 the mission. And that there be a new focus on BIE needs,
18 that the BIE have support staff that work for them.

19 --o0o--

20 MS. MCGARRY: So this is what we're recommending
21 as a new organization. That the Office of the Chief
22 Financial Officer, Financial Management and Accounting,
23 split the contract function from the property function.
24 They were together, and they really have two different
25 focuses and missions.

1 MS. RISLING: Are you taking questions now do we
2 wait till the end?

3 MS. MCGARRY: Both. So if you would like to ask
4 a question now, let me get you a mike.

5 Yeah, when you're asking questions, it helps the
6 court reporter greatly if you state your name and your
7 tribal affiliation.

8 MS. RISLING: My name is Lois Risling and I'm
9 here for the Hoopa Tribe.

10 I needed a point of clarification on your
11 statement about regions being treated the same. Is there
12 any room in that or was there any work done on regional
13 differences? Because regions may have -- if you like only
14 have one tribe reporting to your region as opposed to 525
15 tribes, you may have different questions, different
16 issues, and different implementation strategies.

17 So was that considered in this recommendation for
18 having the regions implement everything the same?

19 MS. MCGARRY: A very good question.

20 MS. RISLING: I only ask good questions.

21 (Laughter.)

22 MS. MCGARRY: Of course.

23 That issue has come up in other consultations,
24 and it's an excellent point.

25 We have not launched any of these implementation

1 teams yet. That is waiting for the results of the
2 consultation. And I think as we do so, differences
3 between regions and needs will be a critical factor in the
4 implementation.

5 I'm talking more I think about, you know, the
6 nitty-gritty of finance policy; if you are executing a
7 contract, you do it in a certain way. Not necessarily
8 dealing with program implementation; more the, you know,
9 kind of regulatory federal financial management structure
10 being the same way.

11 MS. RISLING: I don't think I phrased -- what I
12 was asking is, when you did your research, when you looked
13 and developed the questions, did you take into
14 consideration asking for data on that issue -- on those
15 issues of diversity within the regional areas? Because it
16 would seem to me that if what you're doing is looking at
17 it and not looking at any data or any information
18 regarding that issue, then we may be making
19 recommendations in a vacuum for everybody doing it the
20 same, and we have nothing to look at. That's what I was
21 asking, did you look at that?

22 MS. MCGARRY: We did ask for performance metrics
23 especially around contracts being let in each of the
24 regions. And, unfortunately, the performance metrics are
25 not in any kind of system that gives us very clear

1 reports. So we do not have the best data - same with
2 HR - that we would like. And we're hoping that when we do
3 the implementation teams, that we can try to get more
4 accurate data, or at least make recommendations about
5 performance metrics that should be collected; and then as
6 time goes on, be able for Indian Affairs to make
7 additional decisions based on those metrics.

8 But we did ask for them. They're not in super
9 shape.

10 MS. RISLING: You didn't get them?

11 MS. MCGARRY: We got data, but it was not -- it
12 was collected differently in each region, so we couldn't
13 make across-the-board assumptions.

14 Yes.

15 MS. BAILEY: Yes, I'm Gloriana Bailey, Big Pine
16 Paiute Tribe, Big Pine, California.

17 My question is - and it's somewhat what you
18 alluded to as getting to the bottom line or, you know, cut
19 to the chase - do you feel that with your recommendations,
20 if they are taken into account or place, do you feel that
21 those changes would be seamless to the tribes?

22 MS. MCGARRY: I think that the tribes will see
23 improved responsiveness if the changes are implemented.
24 So seamless? I'm hoping better. Seamless, to me, is, you
25 know, no change. I'd like to see improvement.

1 MS. BAILEY: Well, when I say -- what I mean
2 is -- when I use that word "seamless" is in the sense
3 that, will we really see any differences with those
4 changes that, you know, we would be going directly to
5 those individuals or, you know -- I think we're more used
6 to going from one department to another and, you know,
7 here and there. So is it going to be easier then for the
8 tribes?

9 MS. MCGARRY: I'm hoping that it is easier, that
10 you'll be able to not have to hop around to all the
11 different departments and that things will be in your --
12 the contact people will all be in your region.

13 MS. BAILEY: Thank you.

14 MR. LOUDERMILK: Beth, can I jump in here?

15 My name is Bruce Loudermilk again. I'm currently
16 the acting DAS-M. And my other job -- my permanent job,
17 I'm the regional director out of the Great Plains Region.

18 One of the things that might bring some clarity
19 to this is that, as a regional director, I have no
20 authority over facilities, budget, contracting, those
21 admin programs. So if there's something going on in
22 Facilities, you know - I'm just talking straight up
23 here - I couldn't get Facilities to attend any of my
24 branch chief meetings.

25 So if a tribe called and had a facilities

1 question, a budget question, any of those types of
2 questions, the way we're structured right now, we have no
3 direct line authority over the folks that work within our
4 regions but report to separate people up in DC.

5 So hopefully -- well, I know it will happen.
6 Once we go to this structure and we restructure, the
7 services should increase. You'll have better
8 accountability. You'll have a one-point stop. If you
9 have a question, you can go the regional director, who
10 will then have the authority over those programs to be
11 able to get the answers that are needed to answer whatever
12 questions the tribes may have.

13 So that's part of the focus here is to how they
14 improve services to the tribes.

15 MS. MCGARRY: Yes, sir. Area

16 MR. MILLER: Tom Miller, Sault Ste. Marie Tribe
17 of Chippewa Indians.

18 My question is -- listening to you, it sounds
19 like you've already got something in mind that's going to
20 be implemented. And I'd like to know the purpose of the
21 consultation today if it's in fact going on -- as I've
22 heard you in the last few minutes, it sounds like there's
23 already some format that's accepted and ready to go. What
24 are we doing here today then? I guess is my question.

25 MR. LOUDERMILK: Well, there hasn't been any

1 final decision on anything. But I just want to preface
2 this, that the tribes have been asking for this for a long
3 time. The Great Plains Tribal Chairmen's Association, a
4 number of the tribal chairmen's associations around the
5 United States and the different regions, the TIBC members,
6 have requested that something be done with administration.

7 So is there any definite plan as to how this is
8 going to happen? No. There's a general theory and a
9 general consensus as to what needs to be done. But that's
10 why we're out here looking for comment.

11 MR. MILLER: Okay. And a follow-up question to
12 it then is: We give our information at this level. And I
13 have a real thing with the level of exchange here between
14 sovereign tribes and bureaucrats - no offense meant, but
15 that's the level we're at - is that, who makes the
16 decision on recommendations that come from the tribal
17 level, the council levels, who makes the decision at your
18 level as to what is a recommendation to be taken into
19 consideration and what is not?

20 MR. LOUDERMILK: What'll happen is once we go
21 through and we get all the comments -- and of course all
22 the comments are being posted out on the Internet, on the
23 webpage too. But what we'll do is we'll get together and
24 we'll start going through all of the comments and all of
25 the recommendations. And I mean at that point in time it

1 will be worked through the Assistant Secretary's office
2 and actually through members of the Department also.

3 MS. MCGARRY: We've made, you know, a series of
4 recommendations. But there have been no implementation
5 teams created. There's been no prioritization, if they do
6 go forward, what goes first. All that is pending your
7 input on the recommendations.

8 I mean we felt we needed to throw out there a
9 structure that we thought was responsive to the feedback
10 we got from tribal leaders. But maybe that needs to be
11 tweaked, done a different way. But nothing has been done
12 to get it started, except for internally. And I'll
13 mention two items.

14 --o0o--

15 MS. MCGARRY: So here's one. Internally, Indian
16 Affairs decided that the property group and the
17 acquisition and contract group should be split in two.
18 They're still within the Washington DC supervisory
19 organization, but they've split those teams in two.

20 --o0o--

21 MS. MCGARRY: And the other one was moving the
22 Homeland Security and Emergency Services to BIA. That
23 really is -- Homeland Security and Emergency Services is
24 programmatic, it's not a support or admin function. And
25 so they've started moving that.

1 Albuquerque for the Bureau of Indian Education, but they
2 are not managed by that team. And we recommend that there
3 management change over to BIE.

4 Bureau of Indian Education is running a school
5 system. And in a federal bureaucracy, that is very -- you
6 know, it doesn't follow any of the federal schedules. The
7 fiscal year for the federal government is October 1 to
8 September 30. The Bureau of Indian Education needs to
9 hire teachers starting in August or September. Their
10 hiring is completely different. No one other than the
11 Department of Defense hires teachers.

12 So the support function that services the Bureau
13 of Indian Education has to be specialized and unique to
14 them. School books have to be purchased through contracts
15 prior to the school year beginning. That's been a real
16 problem, that school books are arriving late. It's just
17 not acceptable.

18 So a lot of our recommendations again having
19 these specialized services for BIE is to improve the
20 services to children that are attending BIE schools.

21 --o0o--

22 MS. MCGARRY: So we talked about these quick
23 changes that have already happened.

24 --o0o--

25 MS. MCGARRY: We did - and if you look at our

1 full report - make recommendations about the IT function.
2 But the Department of Interior started a department-wide
3 IT transformation initiative. So most of -- any of the IT
4 changes that are happening in the Department of Interior
5 are happening department-wide.

6 So our recommendations that were included in the
7 report have been provided to this IT transformation team,
8 and they'll be handled that way.

9 --o0o--

10 MS. MCGARRY: So budget. We found that the
11 Indian Affairs budget formulation process is reactive. So
12 the budget formulation, a budget office in the federal
13 government works on three budgets at one time. So in the
14 appendix to our report, you can see the recommendations we
15 made for the budget offices, how they work on those three
16 budgets.

17 So right now it's fiscal year '12, and the budget
18 folks are executing that fiscal year.

19 MS. RISLING: Can I throw that into the IT
20 changes?

21 MS. MCGARRY: Sure.

22 MS. RISLING: Are we going to -- Oh, my name is
23 Lois Risling, Hoopa Tribe.

24 Are we going to -- are these already done? Are
25 these quick changes?

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1 MS. MCGARRY: The IT transformation is in process
2 through the Department's initiative. The other two quick
3 changes have been done.

4 MR. BLACK: If I can respond real quick on that.

5 MS. MCGARRY: Yes.

6 MR. BLACK: There was a "Dear Tribal Leader"
7 letter came out last Friday announcing consultations by
8 the Department on the IT transformation. And as soon as I
9 can find a copy of it here, I'll line the dates and places
10 with that for you.

11 MS. RISLING: So there have been no changes to
12 date made in IT transformation?

13 MR. BLACK: Not personnel-wise. Yet they have
14 begun --

15 MS. RISLING: No, that wasn't my question.
16 No changes to IT transformation, not just in
17 personnel, but --

18 MR. BLACK: No, there have been some internal
19 changes as to how they're operating some of the data
20 centers, the mainframe servers and those type of
21 activities, how they're working with our email systems
22 internal. So a lot of internal things to the Bureau and
23 the other departmental agencies.

24 MS. RISLING: So quick changes only apply to
25 personnel issues; they don't apply to structural issues?

1 MS. MCGARRY: I'm sorry if I was confusing. The
2 IT transformation is not part of the quick changes. It
3 was a separate topic.

4 There's only been two quick changes: Homeland
5 and Emergency Services going to BIA; and this splitting of
6 acquisitions and property.

7 So this is really a separate topic which Mike was
8 referring to they're going to do a separate consultation
9 on; correct, Mike?

10 MR. BLACK: Yep.

11 MS. MCGARRY: Yes, ma'am.

12 MS. POPE: You kind of jumped ahead before I
13 could get my comment in.

14 Oh, I'm sorry. My name is Rhonda Pope, Buena
15 Vista Rancheria.

16 Back to the organizational structure. My comment
17 is just that -- I'm not sure if any new policies have been
18 implemented. But you can -- you know, you can move the
19 boxes around all you want. But if you're not developing
20 policies for, you know, the employees to follow and the
21 supervisors to follow, none of this is going to matter.

22 So I just highly recommend that, while doing this
23 process, that also in the same time frame there needs to
24 be a look at the policies and procedures that are in
25 place. Because if they're outdated, this is going to

1 fail.

2 So that's my 2 cents.

3 MR. LOUDERMILK: Beth, let me.

4 And you're exactly right. What we have noticed
5 is, when we went to the structure that we're under
6 currently, is that there hasn't been a whole lot of
7 policies or procedures coming out of the central office,
8 which there should be. The central office is more
9 involved in the daily, day-to-day processing, if you will,
10 instead of the policy and the forward thinking that they
11 need to be involved in.

12 So that's a very good point and that's exactly
13 what we're trying to accomplish here too.

14 MS. MCGARRY: Exactly. We would like the DAS-M
15 that remains to be that policy procedure central office,
16 and that they publicize it on the Internet and the
17 internal portals, that they streamline; that they're out
18 of the day-to-day work and they're more into the policies
19 and procedures and, you know, internal controls. So I
20 agree with you absolutely.

21 In fact, back to the question of, you know, did
22 we get good data? There's not even current policies on
23 the intranet for people to follow. A lot, especially in
24 the budget and finance world, it's done by email, a phone
25 call. But what somebody in Sacramento hears might not be

1 something that somebody in Billings hears. And that's a
2 real problem.

3 And so I absolutely agree. Not only do they need
4 to be consistent, but they need to be streamlined and
5 published across the country. Because there's a lot of
6 times we see that there's too many signatory authorities
7 required that slows the system down. And if you really
8 look at, do you need five signatures for a \$25,000
9 purchase, probably not.

10 So take this opportunity to make some of those
11 streamline efforts and have consistent policies and
12 procedures.

13 --o0o--

14 MS. MCGARRY: Okay. Let's see. Budget.

15 So right now, Indian Affairs is executing the
16 fiscal year, FY 12 budget.

17 FY 13 budget is on the hill waiting to be
18 approved. So there's a lot of questions that comes from
19 Congress about the FY 13 President's budget.

20 And then they're formulating right now the FY 14
21 budget.

22 So you're working in the Budget Office at three
23 budgets at a time.

24 What we found is that Indian Affairs doesn't look
25 forward very well. So what they're formulating right now,

1 the FY 14 budget, it is -- if it's done like it has been
2 in the past, it's very last minute and really not being
3 thoughtful about hearing from tribal leaders what are the
4 needs in the community, and formulating or creating that
5 budget based on that feedback. And that has to be done in
6 a structured way.

7 --o0o--

8 MS. MCGARRY: So our recommendation to improve
9 that is to make three teams in the Office of Budget.
10 Right now everyone in the Office of Budget, execution and
11 formulation, they're generalists. So if you call with a
12 question about the FY 14 budget from a particular program,
13 let's say Justice Services, you're not getting a
14 specialist who knows that Justice Services program.
15 You're getting pretty much whoever answers the phone.

16 So we think that the budget team should be -- the
17 formulation team should be very familiar with the programs
18 that they are helping to create the budget for.

19 And the execution team, the same way. The ones
20 that are executing the current year budget, make sure
21 there's enough funding.

22 On the organizational chart, that office that was
23 a policy performance management that is dealing with how
24 effective the programs are, we recommend that that office
25 be merged into the Office of Budget. Because when you are

1 way the process is implemented - and that's within the
2 Housing Improvement Program. We don't get our budget
3 until almost at the end of the year. And then we're
4 penalized for that. We don't get indirect costs on those.
5 We don't -- whatever we're planning, it's supposed to have
6 started in January, and here it is in September before we
7 finally get our budget.

8 So I think that it has to be consistent across
9 the board in order for the tribes that have 638 programs
10 to implement these. Otherwise we can never be on task as
11 we would like to be. We're ready to be on task. But it's
12 very hard because we have to wait for the HIP program to
13 come down. And I'm sure there are other programs that are
14 facing these same situations

15 MS. MCGARRY: Thank you.

16 I mean that's partly why I think if we have
17 specialists that, you know, work in execution with 638
18 tribes to improve that -- the funding reaching your
19 accounts.

20 Yes.

21 MS. RISLING: I have a question about the
22 specialization, making these three areas having
23 specialists. What kinds of criteria did you envision for
24 those specialties? And is one of those criteria knowledge
25 base is having knowledge about how tribes work

1 budgeting-wise? Because I -- I would -- one of my
2 recommendations is to really consider that. Because if
3 you just put people in these specialty areas and make them
4 more specialized, and they'd never seen a tribe, looked at
5 a tribe or know how it functions, that needs to be a
6 more -- it needs to be an integral part of those
7 specialties. So I'm hoping that was considered.

8 MS. MCGARRY: Yes. And we got a lot of feedback
9 about employees needing to know all the different types of
10 tribal organization and governance, and that that is an
11 area of improvement for the DAS-M employees.

12 MS. RISLING: Well, these areas will -- that will
13 be a criteria for these areas?

14 MS. MCGARRY: Well, It'll be part of the training
15 if the employees have a gap in that area.

16 I think we have another question here.

17 MR. KING: I'm Tracy "Ching" King, Fort Belknap
18 Tribes.

19 As far as the budget formulation process in the
20 Rocky Mountain Region, I do know that being a delegate for
21 Montana and Wyoming tribes. And to me, the -- a lot of
22 people don't -- I'll say the distance factor and the
23 weather factor is not factored in our budget formulation.
24 And so when you have 40 below weather and folks have to
25 make a round trip anywhere from 3 to 500 miles for

1 appointments as far as dialysis or heart patients, you
2 know, taking cancer treatments, all that, those really
3 aren't factored into the whole process. Because when
4 someone has to go to dialysis for three times a week, we
5 can't shut down, you know, because they have to make that
6 appointment.

7 And so those types of factors are real.

8 And so when us tribes look at the oil boom that's
9 coming to Montana and we sit amongst one another as the
10 Montana-Wyoming tribal leaders, and we look at our
11 priority lists, they're all different. And Rocky Boy is a
12 self-governance tribe 60 miles a away. And Fort Peck is
13 east of us. And their budget formulation -- their TPAs
14 are different.

15 And so to me, I feel like, you know, in this
16 whole process, us tribal leaders -- you know, I looked in
17 all these documents about teamwork. And it seems like
18 maybe the folks in the BIA or -- you know, the regional
19 office or even within the BIA itself on a local level --
20 you know, we talk teamwork, but to me it's kind of like
21 maybe the system fails us because it's not really team
22 work, it's kind of like ball hog. And so the BIA is the
23 one that hogs the ball and then us tribal leaders are
24 benched. So we don't even -- we get to dress up and
25 shower, but we never get any play time.

1 (Laughter.)

2 MR. KING: And so we lose the game.

3 So, you know, those types of frustrations on a
4 local level, because us tribal leaders, we hear people
5 when they come in to our offices, stop us and say,
6 "Hey" -- you know, they're having a hard time going back
7 and forth to be -- you know, transfer their loved ones to
8 their appointments. And when you have someone that comes
9 in and they're looking at -- they just lost their folks or
10 they don't have anybody, there's drugs, and so some of us
11 have to step up to help them.

12 And so we on a local grass-roots level see all
13 the problems of crime, suicide, people that are down and
14 out that are trying to make it, you know. But, you know,
15 the budget formulation -- somewhere along the line OST
16 needs to be in that, you know, because I don't think we
17 had anybody consistent in that office. First guy they
18 hired in 2004 was a white supremacist. And so he was
19 passing propaganda and white supremacy all around our
20 reservation. Somebody found out, so they got rid of him.
21 So ever since then we've been having trouble.

22 So I mean that's kind of a slap in the face to
23 the OST.

24 But I believe that, you know, sitting on the
25 budget formulation and looking at all the problems we have

1 with some of the services that are stopped in the regional
2 office, you know -- and you talk about five signature.
3 Hell, I could be horseback all the way to Billings, 200
4 miles, and be faster than what it is today. So I'm
5 training some horses to be the Pony Express.

6 (Laughter.)

7 MR. KING: Tribal Pony Express, so you get
8 signature a little faster.

9 Thank you.

10 MS. MCGARRY: Thank you.

11 MS. RISLING: I wanted to ask, is this budget
12 area going to report to the Deputy Assistant Secretary of
13 Management?

14 MS. MCGARRY: Our recommendation is that it be
15 pulled out of the office of the CFO and be a direct report
16 to the DAS-M Director -- Deputy Assistant Secretary.
17 Because it's so important, we think -- our recommendation
18 is that it be a direct report.

19 MS. RISLING: It's my understanding that the
20 Deputy Assistant's office doesn't have to have indian
21 preference. So does this mean then indian preference
22 won't be applied there?

23 MS. MCGARRY: I'm going to defer to --

24 MR. BLACK: I was just going to say, we just
25 recently filled the Budget Office -- or I should say Mr.

1 Loudermilk did. And indian preference was applied to that
2 position.

3 MS. RISLING: So now indian preference is being
4 applied through the Deputy Secretary's office?

5 MR. BLACK: Currently, yes, it is. Each position
6 goes under a certain amount of evaluation. But I think
7 pretty consistently, especially since Mr. Loudermilk's
8 been there, indian preference has been applied within the
9 Deputy Assistant Secretary of Management's office.

10 MS. RISLING: So that's done on a case-by-case
11 basis then, depending on who's in the management? It's
12 not like a policy or a procedure or a law or -- it's like
13 at the discretion of the individual?

14 MR. LOUDERMILK: Right. And, you know, one of
15 the things too is that the Deputy Assistant Secretary for
16 Management position has been advertised also, and that was
17 advertised with indian preference too. And that's what's
18 being applied now.

19 --o0o--

20 MS. MCGARRY: So following up on this improved
21 cycle. The appendix goes into great detail about what can
22 be done when to make the budget formulation process less
23 reactive. And one of those things -- one of those
24 recommendations is to consult with TIBC earlier and to get
25 the tribal input and have templates and guidance. Often,

1 are currently in the field, we would change their
2 supervision to BIA or BIE supervision, which because of a
3 change of supervision means that they go back to being BIA
4 or BIE employees. They would no longer be DAS-M
5 employees.

6 --o0o--

7 MS. MCGARRY: Financial management also would
8 benefit from more local control.

9 --o0o--

10 MS. MCGARRY: Now, here's our recommendation
11 about a centralized function. It's very important within
12 the federal government that departments have what's called
13 clean audits. So when the KPMG or the Price-Waterhouse
14 auditors come in, if a department's budget has a series of
15 material weaknesses, it's a very bad mark on the
16 Department.

17 And at the Department of Justice - I know this
18 well, because when I joined the Office of Justice
19 programs, they had multiple material weaknesses - and we
20 were called in to the Attorney General's office on
21 multiple occasions to get that audit corrected.

22 So Indian Affairs had those problems in the
23 nineties and early 2000s. They've done a fantastic job of
24 correcting them. They've had no material weaknesses on
25 their financial statement review in the last several

1 years. So it's very important to Indian Affairs and to
2 the Department that that good standing on the financial
3 statements remain.

4 So that our recommendation is that that central
5 office, what remains of DAS-M in OCFO, that anything
6 that's relating to the financial statements remain a
7 central function so that there is that control over the
8 financial health of Indian Affairs.

9 --o0o--

10 MS. MCGARRY: But there are 41 field employees
11 doing operations accounting, and we recommend that they --
12 their supervision be changed to BIA regional staff or BIE;
13 and that they then become BIA or BIE employees and no
14 longer DAS-M employees. So by doing this change, we're
15 shrinking the size of DAS-M -- our recommendation is to
16 shrink the size of DAS-M and increase the size of BIA and
17 BIE.

18 --o0o--

19 MS. MCGARRY: The feedback we received on the
20 acquisitions in contract management is that they were
21 viewed as very slow and not customer focused. Hence, the
22 need for the Pony Express to get these contract actions
23 done more quickly.

24 --o0o--

25 MS. MCGARRY: So there are acquisition staff

1 throughout the country. This is an area that I mentioned
2 we were not able to get solid data and metrics about what
3 contract actions are done in each region. There's
4 different kinds of contracts, different ways that -- and
5 that different types of contracts have different intensity
6 of work involved. And so we weren't able to really get
7 good data. We do think that those acquisition staff
8 should be realigned. But if you agree and we create these
9 implementation teams, this will need a lot of work to get
10 the right balance of employees for each region.

11 --o0o--

12 MS. MCGARRY: Property. Property management.
13 For example, a BIA regional director has no authority over
14 the local property management. And that just doesn't make
15 any sense.

16 --o0o--

17 MS. MCGARRY: So we're recommending that the 36
18 field property management employees report locally to BIA
19 and BIE supervisors.

20 --o0o--

21 MS. MCGARRY: Facilities management was already
22 mentioned by Bruce. A big problem. You know, if
23 something goes wrong in a facility, it needs to be
24 addressed right away. And with these layers of
25 supervision being distant from the facility, it's just not

1 good management, in our belief.

2 --o0o--

3 MS. MCGARRY: So we think that these 36 regional
4 facility managers need to be realigned and report to local
5 management. So when you call a BIA director and say,
6 "Look, there's this real problem with this facility," that
7 BIA director has the authority to correct the problem.

8 --o0o--

9 MS. MCGARRY: There's also a problem with funding
10 on facilities maintenance, which is a problem across the
11 Department of Interior. In fact the Inspector General
12 testified before Congress that there's a long list of
13 outstanding facilities throughout Interior, not just
14 Indian Affairs, but Parks Service, Fish and Wildlife who
15 have outstanding maintenance that needs to be done. And
16 there's just not been sufficient budgetary authority to
17 correct all these problems.

18 But that the -- we believe that the way that the
19 funding is allocated within Indian Affairs -- I mean it's
20 a limited pool of money, but we think there can be some
21 improvements of how that funding is allocated. And that's
22 a recommendation, that we suggest that Indian Affairs look
23 at that allocation so to help improve the correction of
24 these safety issues and facilities.

25 --o0o--

1 MS. MCGARRY: Human resources. So we also got a
2 lot of feedback that the human resources system is not
3 functioning well. It takes too long to hire new employees
4 when their's vacancies, and that there's not a good
5 employee development, employee training program in place
6 for current employees.

7 --o0o--

8 MS. MCGARRY: Every year the Department of
9 Personnel Management gives an employee viewpoint survey to
10 all federal employees in every agency. And the employees
11 rank their organization on multiple topics. And
12 unfortunately Indian Affairs does not rank well by their
13 employees on these different topics. And we think that
14 that's something that really needs to be addressed.

15 Last year, out of 228 agencies surveyed, Indian
16 Affairs overall ranking was 189. And of particular
17 concern was the low ranking in teamwork and a low ranking
18 in training and development; and also the concern about
19 effective leadership.

20 So I think one of the fallouts of the DAS-M
21 creation in 2004, it was very top down. It was directive:
22 "Here's what we're doing. We're doing this. We're
23 implementing it." It wasn't that you all -- the tribal
24 leaders weren't consulted, but neither were the employees.
25 So that gives a lot of employee dissatisfaction because

1 they feel that they are not valued in the organization.

2 --o0o--

3 MS. MCGARRY: So we have a lot of different
4 recommendations on HR. I don't know if any of you have
5 looked at the Indian Affairs job page. So this is on the
6 Internet and it's the job page. And you click on it. It
7 is so boring. Boring, boring, boring. There are great
8 jobs at BIA and BIE, but you wouldn't know it from this
9 job page.

10 And there can be simple corrections: A day in
11 the life. Meet an employee. Talk about our mission.

12 Back to that employee survey. Indian Affairs
13 employees rank very high, very good rankings on connection
14 to the mission. But that needs to be marketed on the job
15 page so that new employees coming in are excited about
16 joining the organization.

17 Another is to force partnerships to improve
18 recruitment and hiring, and to have a proactive vision for
19 employee recruitment and retention. So one of the
20 comments when we did discussions with tribal leaders
21 during our assessment phase reach the -- dealt with the
22 fact that new employees are not well versed in the
23 different types of tribal governments. And so we
24 recommend that there be a webinar that's done for new
25 employees, that talks about the history of Indian Affairs,

1 of Interior Supervisor Skill Leadership Program. We
2 recommend that Indian Affairs nominate and support Indian
3 Affairs employees in that program. I talked about the
4 web-based orientation program, and that there are DO --
5 Department of Interior development courses that are on
6 line that employees can do at their desktop. And we
7 recommend that there be more emphasis placed on that so
8 that there is more employee development implemented in
9 Indian Affairs.

10 --o0o--

11 MS. MCGARRY: So we very much would have liked to
12 recommend that HR specialists in the field report to local
13 management. But there's just not enough of them. The
14 ratio that's recommended in the federal government is that
15 you have one personnel specialist for every 100 employees.
16 And there's just not enough personnel specialists right
17 now to do that.

18 I'll have Bruce give you a specific example.

19 MR. LOUDERMILK: Well, I mean right now we have
20 probably 1 HR person to every 100 employees -- about 110.
21 So that kind of breaks out with the employee relation
22 specialists and those folks.

23 A couple of things we have going on in Rocky
24 Mountain -- Rocky Mountain Region we have about six
25 employees out there that report to different supervisors

1 MS. MCGARRY: The equal employment opportunity
2 function was in BIA. And unfortunately it got behind in
3 investigating complaints, processing them. And in 2009, I
4 believe, the Department's Office of Civil Rights took over
5 the EEO function for Indian Affairs. So it is in what's
6 called receivership and managed by the Department's Office
7 of Civil Rights.

8 --o0o--

9 MS. MCGARRY: So we recommend that Indian Affairs
10 develop a strategic plan, so that they manage their own
11 antidiscrimination obligations and have a plan to get this
12 EEO function out of receivership and back under their own
13 control.

14 MS. RISLING: What's the lowest -- what's the
15 total number of complaints that this office -- I mean,
16 what's the total number of complaints the office has for
17 discrimination problems within the Bureau that we have to
18 do? And about how many come out per year?

19 MS. MCGARRY: I do not know that number off the
20 top of my head. It is posted on the Internet under -- is
21 it the fair -- I can get it for you. How about that? I
22 mean I just don't know it off the top of my head.

23 MS. RISLING: Well, my concern is, if it's 5
24 complaints, why are we going to put a bunch of money and
25 resources in this? Other than it may be a mandate from

1 the federal government.

2 And if it's 5,000 complaints, what's going on in
3 the Bureau? And who are these complaints coming from?
4 Are they coming from indian people? Are they coming from
5 women? Are they coming from white people? What is it?

6 MS. MCGARRY: We did not go deep into this area,
7 because of it being in receivership. All that data is
8 published every year by Indian Affairs. There are a lot
9 of complaints though.

10 MR. BLACK: You know, I would -- just to address
11 it real quick. I mean, number one, you mentioned it is
12 mandated. We're required to provide those EEO services to
13 all federal employees. So that's something we have to
14 have.

15 And then, you know, as far as the number of
16 complaints and type of complaints, we can -- those numbers
17 are out there and they are provided. They're not -- I
18 wouldn't say that they're way up here or they're way down
19 here. I mean it's probably along the lines what you'd
20 find in almost any other government agency or any other
21 organization, for that matter.

22 MS. RISLING: How long has it been in
23 receivership?

24 MR. BLACK: I want to say about three years.

25 MS. RISLING: So having to have it means -- we've

1 had it in receivership. And we could still continue to
2 have it in receivership?

3 MR. BLACK: No. It's in process of being moved
4 back within our organization. Right now the EEO staff
5 does report to me, although they are within the
6 Department, more or less, but on -- as a reporting
7 structure, they do report to the Bureau director. So
8 we're working on the process of getting that moved back
9 under.

10 MR. LOUDERMILK: Right now they're managed under
11 the Office of Civil Rights within the Department of
12 Interior.

13 MS. MCGARRY: And the Department has a list of
14 accomplishments that have to be achieved before getting
15 out of receivership. And that's what Mike is alluding to
16 that they're working on to do.

17 --o0o--

18 MS. MCGARRY: Safety is another issue that we
19 think there needs to be -- I mean, you know, we know
20 there's insufficient resources across the board, but the
21 safety program has -- is underfunded.

22 A subset in safety is that workers' compensation
23 claims are managed by the safety officer. And the safety
24 officers are so overloaded, that they're not really
25 managing closely the worker compensation claims, getting

1 employees -- make sure they're having the right medical
2 care and then getting back to work when they're better.
3 So that is another finding that we made.

4 --o0o--

5 MS. MCGARRY: So, you know, how to reinvigorate a
6 safety program in very lean budget times. Should Indian
7 Affairs consider sharing safety resources with other
8 agencies if the indian health service is located closely
9 by? Or even Fish and Wildlife, and they have safety
10 officers, should Indian Affairs look to team with them and
11 have their safety functions partially overseen by other
12 federal safety officers?

13 You know, develop a strategic plan how -- you
14 don't want to take money away from programs, but you've
15 got to ensure the safety of the employees and the tribal
16 members that are coming to facilities. So really take a
17 hard look at the safety program.

18 --o0o--

19 MS. MCGARRY: Internal controls. This is that
20 internal function that I talked about, that is, the -- you
21 know, making sure there's not waste, fraud, and abuse in
22 programs.

23 So we think that it should remain where it is, as
24 a direct report to the DAS-M director. One of the
25 findings that we discovered -- or we made was that many of

1 you have single audits that are done on your programs, on
2 your federal funded programs, and you get single audit
3 reports and they might have questioned costs or disallowed
4 costs. Those reports go to the program managers at BIA or
5 BIE. And they have to make decisions on whether -- you
6 know, the auditor's questioned a cost but the program
7 manager says it was an allowed cost. Then they make
8 decision, then it's an allowed cost.

9 But they may agree that it was disallowed and
10 that money should come back to the federal government to
11 be put to better use.

12 Those decisions have to be made within a year.
13 And in 2010 there were -- decisions were not made timely,
14 so that \$10 million in potentially disallowed costs
15 were -- Indian Affairs was barred from collecting it. So
16 we think that the performance needs to improve in this
17 area - better metrics, better following it - so that
18 there's decisions. And that helps you. You're dealing
19 with an audit report that's questioning cost. You should
20 have a decision quickly so that it can be dealt with.

21 Yes.

22 MS. POPE: Rhonda Pope, Buena Vista Rancheria.

23 This goes back to my policy emphasis. Because
24 our tribe spent about six months trying to figure out if
25 we were supposed to have an audit or not, because there

1 was no clear line of communication between BIA employees.
2 We had one program, you know, a person said, "Yes, we need
3 one." Then we, you know, get prepared to do it and then
4 we're told, "Oh, why are you doing this? You don't need
5 that."

6 So there is -- it creates a huge problem for our
7 tribes when -- you know, we're trying to do what we need
8 to do. But there's so much miscommunication between the
9 employees, that they don't know -- even within their own
10 departments. And that's scary, that within their own
11 departments in the same building that you have two
12 different interpretations going on.

13 And so we spent about six months trying to figure
14 out, we did, we didn't. I argued. I said, "We don't need
15 it." You know, we sat down, made them come to our office,
16 and finally it was cleared up. But it took about six
17 months for that to happen.

18 So I just -- I really want to emphasize on the
19 whole, you know, having clear, direct communications
20 within the departments and having updated, current
21 policies for these employees to follow, because you get
22 different interpretations from different people. You get
23 a new person come in, you have a whole new interpretation
24 on how this works and how this program's supposed to be
25 run. And it's really frustrating. And that's, you know,

1 what puts us in a bind, and it makes us look bad. We're
2 trying to do our job. We can't because you get a new
3 program director in and, you know, you're dealing with a
4 whole another set of rules or their interpretations of
5 them.

6 So it's a big problem and it really -- I can't
7 emphasize enough that that needs to be -- something that
8 needs to be really worked on.

9 Thank you.

10 MS. MCGARRY: Thank you.

11 MR. DIXON: Just to fall back on -- good
12 question -- is that, you know, when tribes are mandated to
13 do audits and you come up with a question in that audit
14 and it goes without a year and that information is still
15 disclosed for whoever can see it and wants to see it, and
16 it causes tarnishment on the tribe. So that's why it's
17 important that -- it's important that we get these
18 questions clarified quickly, not just wait since 2010 to
19 say, okay, this is disallowed cost. Because the tribes
20 are going in different directions, and that can tarnish
21 them and got not that particular contract or whatever the
22 case may be. So it's important that we do get a decision
23 or someone to act in it quickly.

24 MS. MCGARRY: Thank you. And if you could just
25 identify --

1 MR. DIXON: Oh, and my name is Aaron Dixon,
2 Susanville Indian Rancheria. Sorry

3 MS. MCGARRY: Thank you.

4 --o0o--

5 MS. MCGARRY: Following up on those
6 recommendations. We agree with you. And that's why
7 we're -- one of our recommendations is that the Assistant
8 Secretary issue a national policy memorandum concerning
9 management accountability, and so that everyone is on the
10 same page about what is required; that there be
11 implemented meaningful performance metrics, so that
12 management and BIA and BIE know where these questioned
13 costs, the single audit reports are, and so can get
14 decisions made timely.

15 And then ultimately internal controls, you want
16 to have it be employee run. So I don't think right now
17 that the Indian Affairs is ready to have a peer review
18 process. It still needs to be worked out centrally. But
19 ultimately our recommendation is that then employees,
20 let's say, in the Central Region would come look at the
21 Western Region and vice versa to check their internal
22 controls and have a true peer review process. But that
23 takes time, and I think there's some fundamental building
24 blocks have to happen first.

25 --o0o--

1 MS. MCGARRY: Just what you were saying, we found
2 that communication concerning support offices, policies,
3 and decisions are fractured. We heard feedback during our
4 assessment, certainly during the consultations, that
5 support offices, policies, and procedures are -- the
6 communication around them is inconsistent and that you're
7 getting mixed messages.

8 --o0o--

9 MS. MCGARRY: So a couple of suggestions.
10 Going back to the rankings in the federal
11 viewpoint survey, we recommend that Indian Affairs
12 establish an employee work life committee of employees
13 throughout the country and listen to the feedback of what
14 is causing this employee dissatisfaction and make some
15 changes to deal with those issues.

16 Former Assistant Secretary Larry Echo Hawk had a
17 practice of sending messages out to employees fairly
18 regularly on the intranet. This was a very well received
19 practice. So we're recommending that that continue.

20 And then to address these inconsistent policies.
21 That once these policies and procedures are updated
22 through the implementation teams, that they be published
23 at a minimum on the Internet and then be updated
24 regularly.

25 --o0o--

1 MS. MCGARRY: What we're recommending is that in
2 the next 12 months, that if you all agree, that Indian
3 Affairs develop implementation teams that are employee
4 run, that is not top-down driven, that there's
5 representatives -- so let take budget. That there's
6 representative employees from the Budget Office and in the
7 field that form the implementation teams that are going to
8 implement the changes. They'll look at the supervisory
9 chain of command, who is going to be the new reporting
10 alignment? Definitely look at policies and procedures.
11 Make those changes that need to be made, and take the
12 opportunity to streamline and get some efficiencies so
13 customer service improves.

14 There would be reallocating budgets. Like I
15 mentioned, these employees in the field will be moving to
16 the BIA or BIE organization, so that that budget -- the
17 funding that goes for each full-time equivalent has to
18 move with them.

19 And then, finally, a training program for staff
20 and supervisors so everyone is on board. This is a big
21 change management initiative, takes a lot of work. But we
22 really believe that an employee-run process will be
23 effective.

24 --o0o--

25 MS. MCGARRY: So that's some information about

1 our team, where you could reach me if you want.

2 --o0o--

3 MS. MCGARRY: And any further questions?

4 Yes, ma'am.

5 Wait. The microphone is coming your way,

6 MS. RISLING: Lois Risling, Hoopa Tribe.

7 I have a couple of questions. One's on the next
8 12 months implementation, and talking about the internal
9 restructure within BIA, BIE and the Undersecretary's
10 office.

11 Was there any discussion about better
12 communication with the tribes? Because this is better
13 communication within the bureaucratic structure. But it
14 would seem to me that there needs to be -- and that would
15 be a recommendation -- about what's the process to better
16 communicate with tribes. So that, for example, somebody
17 could ask the tribe here, "Could you send someone over to
18 do an opening prayer?" I mean wherever you are. That
19 might be a nice gesture. But it shows this communication
20 process.

21 So while there is a need -- a well established
22 need from both the '99 report and the Bronner report for
23 internal structure, I think a communication system for
24 tribes, attention needs to be paid to that in the same way
25 that it was paid for this internal mechanism. Because you

1 guys can talk to yourself; but if you can't reach out to
2 us, you're still going to have those problems.

3 So that's one thing.

4 And then my second question is -- there's an
5 awful lot of recommendations for strategic planning and
6 succession planning and developing programs such as the
7 orientation program and stuff. What's the source of
8 funding for this? Is this going to come out of existing
9 Bureau resources? Is it going to be done by Bureau of
10 Indian Affairs employees? Or is it going to be separate
11 contracts like the Bronner contract that was done and will
12 tribes have to pay for all those things by having those
13 resources taken?

14 So those are my two areas.

15 MS. MCGARRY: To address your first question
16 about communication, I mean our focus was internal. We
17 did hear feedback throughout the assessment from tribal
18 leaders about communication, one being that many tribal
19 leaders told me they don't -- they're still getting faxes,
20 and that that's not an effective means of communication.
21 They want to get a PDF in an email. But that's
22 something -- we've provided that feedback to Indian
23 Affairs.

24 Your second question about the strategic
25 planning. I mean in our discussions, that has all been

1 focused on it being internal employees with no, you
2 know -- with current resources.

3 Bruce, if you want to -- Mike.

4 MR. BLACK: Let me just expand a little bit real
5 quick.

6 The communication side of it, we all understand
7 how important that is. Going back to some of the comments
8 that were made earlier on the internal policies and
9 procedures, communication plans. You know, that's pretty
10 essential for us to be able to streamline and deliver a
11 better service to the tribes. And along with that, the
12 communication with the tribes should be a direct
13 by-product of that.

14 But it isn't to say that we won't be looking at
15 better ways to communicate as we go through this process.

16 The tribal consultation policy is probably a
17 pretty good example of that within the Department. That
18 identifies for us all of our sister agencies how we are to
19 conduct tribal consultations, how we are to get out there
20 and get the word out on things that are going on.

21 So some of that is already in play right now.
22 But as we move forward I think, you know, a lot of the
23 recommendations here -- or a lot of you that have been
24 around, you know, went through this reorganization with us
25 back in '04 and '05, '06 time frame there, you saw how I

1 think our communication kind of dissipated to a certain
2 degree. Because as a tribe, you don't have that one point
3 of contact, you don't have that one official to hold
4 accountable, which would be in many cases the regional
5 director. If there was a problem with budget and getting
6 funding out to the tribes for 638 programs, if there was a
7 problem getting contracts out there, you don't -- you're
8 not able to go to the regional director and hold him or
9 her accountable to get those things done, because right
10 now everybody's reporting up a different chain.

11 So hopefully all of this is going to lead to
12 better communication, better delivery of services and the
13 whole nine yards as we move forward with this.

14 And then going just real quick on the succession
15 planning and those other activities. Those are some
16 things that are ongoing. You know, there's presidential
17 initiatives out there and a number of different activities
18 identifying workforce planning, succession planning. And
19 right now those are being handle internally, using the
20 funds and the personnel that we have available to us right
21 now.

22 MR. KING: Tracy "Ching" King, Fort Belknap
23 Tribal Council President.

24 As far as communications, I do realize that you
25 know, when -- sometimes when regional staff comes to Fort

1 Belknap, I really have a problem when -- and I let them
2 know about it -- when they come down and talk down to me.
3 You know, I was elected by the people of the Assiniboine
4 and Gros Ventre people. And I wasn't elected to shut up.

5 (Laughter.)

6 MR. KING: And so I really have a hard time when
7 someone -- we have suggestions, whatnot, and the
8 bureaucrats from Rocky Mountain Region talk down. I hate
9 it, and so I start cussing. And I don't like to cuss, but
10 it seems like it gets the message across kind of strongly
11 that I'm not a stupid person. I believe that -- with our
12 tribal leaders, they might not say much. But I believe
13 that indian country tribal leaders are very intelligent
14 and know what they're talking about. Most of this that I
15 see go through -- I mean it's a lot of paperwork. But,
16 you know, if folks would just come down and talk to us and
17 listen to us, I believe I -- I wouldn't be pissed all the
18 time, you know. And I wouldn't be frustrated.

19 So, you know, my other question or concern that I
20 have is there's talk that there's going to be buyouts on a
21 local level. And if you remember, there was buyouts I
22 believe in somewhere around '95.

23 MR. BLACK: '96.

24 MR. KING: '96. Well, they started in '95,
25 because I think in November of 1995, I was the vice

1 president of our tribe, and there was a 33 percent cut on
2 a local level. So I had our lawyer figure it out. And
3 some of them were 66 percent, some of them were 70. Some
4 were 33 percent, but overall it was 45 percent average.

5 So we sent the resolution opposing those cuts. I
6 believe we had 14 people that were going to be cut. And
7 so once we challenged the BIA, I believe we only lost two
8 positions.

9 But to me, I'm concerned about, if there is
10 buyouts, and one of them I believe -- or a few of them,
11 what I heard, are going to be cut. But does that money
12 stay local or does it go up the ladder to what they've
13 done a few years ago, just to make sure that that money
14 went to the regional office rather than local services?

15 I figure somewhere around 40 to 60 percent of our
16 budget is -- I mean it's a shortfall of that. And so my
17 concern is these cuts, because some of them we want to
18 contract or look at them.

19 So those are the kind of problems I have is -- we
20 IPA'd a position last August and our regional director
21 hasn't approved it. So, you know, he needs to tell me,
22 yes, no, or hell no, you know, I mean rather than just
23 string me along. I believe that -- those kind of
24 communications just frustrate me more and more. And so,
25 you know, communications to me is -- the bureaucrats and

1 the regional office have their definition of
2 communications compared to us.

3 So those kind of things really frustrate me about
4 opening dialogue, you know. And so I just end up getting
5 mad all the time.

6 Thank you.

7 MR. BLACK: Well, just real quick, Tracy. I
8 appreciate the comments.

9 I think a lot of your questions regarding the
10 buyouts and the potential streamlining stuff will be
11 answered in the next topic that we're discussing here this
12 morning as well.

13 MS. MCGARRY:

14 MR. DIXON: I have one more question.

15 Aaron Dixon, Susanville Indian Rancheria.

16 This recommendation here is fine and dandy, the
17 steps of implementation of chain of command, policy
18 procedures, and so forth. But sometimes it's kind of
19 frustrating on the tribe's side, especially when you're
20 asking something from the Bureau and it -- we pass -- and
21 we send our information to the Bureau and it sits on
22 someone's desk, and that person goes on vacation. No one
23 else picks up that slack until that person either comes
24 back from vacation -- that's if they come back from
25 vacation -- or sometimes they retire.

1 But the Bureau needs to understand that they need
2 to cross-train staff to do someone else's job. Because
3 that's the frustrating part.

4 One is the TSRs, trust status reports. We've
5 been submitting reports to the Bureau of Indian Affairs
6 for eight, nine years and not getting any resolution
7 whatsoever. They say, "We're working it."

8 And unfortunately another issues is the roads.
9 Last year we had a million dollar project. It sat on
10 someone's desk. We missed our cutoff date. And so we had
11 to wait and wait. And now we have other roads that need
12 to be -- have other priorities.

13 So we're always in a situation where we submit
14 our paperwork on time, but at that same time that person
15 goes on vacation and no one else picks up the slack in the
16 Bureau. That's the frustrating part. And it's just going
17 from, well, so-and-so was supposed to do that; but at the
18 same time, the other person's down around the corner
19 there. There is no communication, you're right. I agree
20 with you. That's the frustrating part.

21 And we can sit here and sit here and talk all we
22 want. A year from now, hopefully it changes, I hope.
23 Because when people get into a working atmosphere, either
24 they want to work or they say, "Well, I'm going on
25 vacation. It can sit on my desk for another month." And

1 that's the wrong attitude to take. Because who's going to
2 lose? Tribes.

3 MR. BLACK: Well, first off, thank you. That's
4 an excellent recommendation. And I think as we go through
5 this, hopefully -- there again going back to some of the
6 policies and procedures that get set in place.

7 And then moving down to the training and stuff.
8 I think cross-training is going to be critical to the
9 future of the Bureau of Indian Affairs being able to
10 provide services. Because we're in a climate right now
11 with budgets being the way they are, we need to -- I hate
12 to use this term because I get tired of it -- but do more
13 with less.

14 So we have to find better ways to do things, and
15 cross-training is one of those things that we have to do.
16 We can't let things sit on people's desks like that. And
17 if that's happening, then those are things that we need to
18 address through this process here, and other things just
19 internally within -- and there again, once -- I keep going
20 back. It's been one of my frustrations, being a regional
21 director and Bureau director, is that accountability and
22 responsibility that -- right now, under the current
23 organization we have, it's too easy to let something sit
24 on a desk, it's too easy for everybody to be going like
25 this, that it's somebody else's fault, because we don't

1 have that one person we can hold accountable or that one
2 office we can hold accountable.

3 So hopefully this process is going to improve
4 that as we move forward.

5 MS. MCGARRY: I agree. And our recommendation
6 and implementation is that there will be a backup for
7 everything. So if you're out, you have a designated
8 backup; and that these teams identify that, so that
9 there's never a gap in customer service.

10 I think we have a question over here.

11 MR. MOOSE: Yeah, my name's Dave Moose, Chairman
12 for the Big Pine Paiute Tribe here in California.

13 And it was good to see -- well, probably not good
14 for BIA to see. But the human resource part in this
15 handout where it was talking about where BIA was ranking
16 on this list out of the 228. And, you know, the central
17 and regional -- the central and regional office here in
18 California and where they would rank, you know, because
19 various issues I think -- I believe within our California
20 area office that I have concerns. And, you know, to see
21 that is kind of disconcerting.

22 And, you know, coming from central California, it
23 took us six hours to get here going south. And, you know,
24 our administrator was trying to get ahold of the central
25 office because we wanted to schedule a meeting while we

1 were up here. You know, we sent emails, we left messages.
2 No response, you know. And so that is really concerning
3 that we know that there's a problem, there's a mandate,
4 it's always been there, on the BIA offices of the
5 performance part of the employees.

6 To me, I think this is a movement -- I would like
7 to rather see something in reorganization of the offices
8 of streamlining -- in streamlining. And I know one of the
9 organizational charts, you had mentioned that you created
10 a new position in the Office of Homeland Security
11 Emergency. You know, and I know that's a big thing,
12 because what's going on with the tribes is that they are
13 becoming more self-sufficient in what they're doing within
14 their own tribe, and they know what the needs are.

15 And so streamlining, you know, funding that is
16 allocated to create new positions for that department.
17 They should be streamlined through the -- directly through
18 the tribes for them to implement.

19 Another issue I had was, you know, the -- once
20 this is put in place, to evaluate and assess how it's
21 working within a period of time after it's implemented, to
22 see how it's working, that would be my concern on that.

23 MS. MCGARRY: Great point.

24 MR. BLACK: Just a quick point of clarification.

25 There wasn't a new position created within the

1 Office of Homeland Security. It was basically a
2 realignment of that function which reported directly to
3 the Deputy Assistant -- or to the Assistant Secretary. It
4 was taken and moved up under our law enforcement
5 officer -- or our law enforcement program in order to
6 better utilize some of those services and do exactly that
7 where we can capitalize on all of that.

8 MR. MOOSE: Yeah. And I think that, you know,
9 moving down the line with the employees is to make sure,
10 giving them more responsibility and work, is that, you
11 know, we don't want to set them up for failure. So
12 definitely, you know, to be watching out for that.

13 And let's see what else I had here.

14 Again, making sure that those departments and
15 those employees have the tools, you know, communication --
16 better communication, and what's needed for them to make
17 it easier and a simpler process of working with the
18 tribes.

19 MS. MCGARRY: Thank you very much.

20 Anyone else?

21 MS. GARCIA: Martha Garcia from Ramah Band of
22 Navajo.

23 When it comes to communication, we're talking
24 about communication between BIA employees, what they need
25 to do and how to get their work and everything in order so

1 they could be effective.

2 But when it comes down to working with the
3 tribes, you're working with the tribes, and we're talking
4 about a government-to-government relationship. And we
5 would like to sit across the table with one person and
6 tell them that, you know, these are the issues that we
7 have. And the person across the table should have the
8 full authority to say, "Okay. This is what I'm going to
9 do and this is how I'm going to help you," without having
10 to -- as it is right now in the area of budget and many
11 other areas, they don't have that full authority.

12 Somewhere that full authority needs to be assigned so that
13 the person that sits across the table from us can make a
14 decision and tell us what they need to do.

15 The first point of contact for many of the tribes
16 would be to go to the local agency. That's our first
17 point of contact. And we would pass on the information
18 whatever needs to be done.

19 But as it goes up the line, things begin to
20 change. They just sit there or nobody pays attention. I
21 feel like the annual budget formulation process is not
22 meaningful at all, because we don't know, it just -- we
23 just do the paperwork and it goes up. And then about nine
24 months later we're informed, "You never submitted your
25 budget and we don't have it in process." And here we may

1 have submitted about a month right into the process. And
2 I don't know what goes on.

3 So there's a lot of communication problems when
4 it comes to that.

5 The other thing that we run into is
6 interpretation of policy. It's not consistent. It's very
7 inconsistent from program to program, depending on who
8 does the interpretation. And that has created a lot of
9 problems for us in many ways, especially when it comes to
10 contracting and using the Public Law 93-638 to do this.
11 Everybody has there own interpretation. And we always
12 have to come back and says this is what the intent of the
13 law is. And depending on who's sitting there with us, it
14 varies all the time. And that has been a big frustration
15 on our part, because that law is supposed to work and
16 streamline everything for us, and it has not. And that's
17 another problem that we've run into.

18 And then the other portion of this is, over the
19 years as things change and whatever - and this is another
20 process - people put in new standards. "These are the
21 standards we want you to comply with and this is where you
22 should be. And what we originally intended, this is how
23 we want to run our programs." And everything was fine and
24 dandy.

25 But as we went through the process over the many

1 years that we have been contracting, there has been
2 standards that have been put in place, and we're told,
3 "You have to meet these standards," whether it was in
4 education -- the "No Child Left Behind" was one of those
5 where the standards were put in place without our input
6 and how we were supposed to do it. We're just barely
7 playing catch up as it is right now.

8 The same way with law enforcement. There's a new
9 standard that has come up. They have separated the
10 programs. So we go to different programs or different
11 offices within the federal program just to see what is
12 going on. And when these new standards are implemented,
13 they expect us to fund that with whatever we had
14 originally contracted for. And that's one of the things
15 that, if there's new standard that comes into play, then
16 the federal government should come with start-up costs to
17 implement those new standards. So that's what we're
18 running into. So these standards are being pushed upon us
19 without additional fundings to implement them.

20 The other thing is the procedures that we go
21 through, this is how you're supposed to do things,
22 especially when it came to realty and we had to comply
23 with many new changes within how we do realty, probate,
24 right-of-ways, anything. And the procedures as we're
25 going through is being developed, refined and everything.

1 So every quarter it was different.

2 And by the end of the year, we were always out of
3 compliance and we were not meeting the standards, just
4 because somebody says, "No, you forgot to implement this,
5 you didn't do this right."

6 And as an example, I also -- we also found that
7 if you initiate this on the BIA side and as it goes
8 through the process, especially in probate when it goes
9 over to OST, they do -- they do things differently over
10 there.

11 So we're duplicating a lot of things. We do the
12 field work. We do the basic work with the people here.
13 And we submit all our documents with package and all that.
14 By the time it gets to the probate, half of those
15 documents are missing, and it comes back to us. And as a
16 tribe they're telling us, "You did not submit these
17 documents." But we had submitted them, and somewhere
18 along the way those documents have been misplaced. And
19 OST and BIA and whoever are not talking to each other and
20 saying, "This is what we want."

21 So when we have a field visit from BIA or OST or
22 whoever, they give us different processes and procedures,
23 and so we don't know who to follow. And those are some of
24 the concerns and frustrations that we feel out there.

25 And when we talk about communication, the

1 communication should be so that it's streamlined so that
2 it's going to be providing services to the tribes. The
3 communication is for their best interests. How do you
4 best provide communications so you provide the best
5 service you can and be more efficient and in a timely
6 manner?

7 We don't have to wait for our contracts to be
8 sitting there until July before we get something. In the
9 meantime we're using our carry forward trying to operate.
10 And that should not be something that we have to deal with
11 at all. We should be having a contract, when we say it's
12 going to be implemented January 1st, that's the day we get
13 our funding and that's the day we sign our contract.

14 So those are some of the problems and obstacles
15 and challenges that we are faced as a tribe, that things
16 are not done within a timely manner because the right and
17 left don't talk to each other.

18 MS. MCGARRY: Thank you very much.

19 Yes, sir.

20 Microphone's coming your way.

21 MR. REID: My name is Morris Reid. I'm the
22 Chairman of the Chukchansi Picayune Rancheria. And what
23 I'd like to do is -- I know that we've got -- through
24 talking, I probably have a borderline statement that I'd
25 like to make here. And I don't want to take up your time

1 with everybody here.

2 But what I've come forward here, and it seems to
3 deal with the budgeting and who the Interior, BIA is
4 working with in implementing these programs, and to
5 streamline it. And to know that if you're working with a
6 tribal council, that it is the tribal council that has
7 been voted in in all the tribe.

8 Right now, Picayune is going through -- is
9 embroiled in an intra-tribal dispute over governance of
10 tribal specifically over the majority of the tribe's
11 governing body, the seven tribal member council.

12 The dispute stems from a tribal council election
13 held in December 3 pursuant to tribal law and a rogue
14 tribal faction holdover council refusing to honor the
15 undisputed results of the tribal election.

16 And what comes of that is that nothing was
17 questioned on the election. Nothing was ever brought up
18 about the election, about it being not certified. In
19 fact, it was certified. And the thing about it is that
20 what we come today and what we've gone to is the Interior
21 and looking at this and looking to see that these
22 elections are abided by for the tribe and then making its
23 decision on who they want to run this tribe. Because the
24 fact that the people that -- board members that were on
25 beforehand used disenrollment methods as a tool to win the

1 election. They thought they had disenrolled enough people
2 to win the election. Well, they were surprised. The
3 tribe rose up and said no.

4 But the fact is is that we came to Interior
5 because of the fact that the Interior has an obligation
6 and trust responsibilities to the tribe and indians to
7 make sure that everything is right and not taken away as
8 far as civil rights and their laws of their tribe. This
9 is an obligation.

10 Now, the fact is is that Interior now backs away,
11 at least the local regional. But the fact is is that we
12 don't have a judicial system as other tribes. And when
13 you allow a rogue tribal council to exist, even though
14 they lost that election, you're taking away the rights of
15 indian people. And that should be the consideration that
16 the Interior should step in and look at and make a
17 decision -- not a decision -- excuse me, not make a
18 decision -- but to recognize that an election that took
19 place and that was certified. These are the things that
20 Interior can do, because of the fact they want a process.
21 That process in our -- look at it as far as other tribes,
22 elections by the people, by the tribe are the highest
23 supreme process that you can go through.

24 Although we went through that and it was done,
25 that process seems not to make a difference as far as

1 looking at and recognizing it by BIA. This is what we're
2 asking and this is what we're bringing forward, because of
3 the fact that -- we know that you're busy. We know that
4 you have other things. But, you know, obligations have to
5 be looked at by the Interior so that tribes can be
6 protected, especially the right to vote and the election
7 be upheld when the people speak in a way that they did in
8 ours.

9 And we can't let this continue.

10 MR. BLACK: Sir, thank you very much. I
11 appreciate that.

12 MR. REID: Yeah, thank you.

13 MR. BLACK: If at all possible, I'd like to kind
14 of stay on topic with the consultation sessions today.

15 I'd be happy - and myself and Mr. Walters - be
16 more than happy to meet with you today here. We'll make
17 time to discuss your issue. I'd be more than happy to do
18 that.

19 MR. REID: Very good. Thank you very much.

20 MR. BLACK: If we can do that on the side, I'd
21 appreciate that.

22 Thank you.

23 MR. REID: Thank you.

24 MR. MILLER: Yeah, I just wanted to make a couple
25 comments on -- what we have here is an inherent problem.

1 And the problem is -- the BIA is the problem. But we have
2 to take our recommendations to the problem and expect the
3 problem to recognize those things and change them. So we
4 have a problem right from the start. This is a process
5 that's probably flawed to a bit.

6 The thing for streamlining and decentralizing
7 functions is there now. The tribes have the 638
8 contracting process, which threatens some job security,
9 but it's there right now. The tribes could take this,
10 bring this out to the field, make it more local, more
11 effective to the tribes. And this has been suggested.
12 I've been at this 32 years now, and this has been brought
13 up a number of times.

14 But the problem fails to recognize or to say that
15 that is a legitimate recommendation, and we haven't done
16 much with it right now.

17 So I would say that these recommendations that
18 are coming in today have probably been done a number of
19 times. Maybe we'll get some change this time. But when
20 Mr. Black's father was still in it - and I knew him - we
21 went through this several times. And I hope this time
22 that there is some positive changes that take place and
23 they listen to the recommendations from the tribes.

24 Thank you.

25 MR. BLACK: And I've got to just comment. It's

1 interesting that you bring that up, because I can
2 remember -- this was back in the -- I've seen this thing
3 happen over the number of years. And I can remember I was
4 a kid back in the early eighties, and my dad was involved
5 in a process almost exactly like this, long before
6 PowerPoints, and I remember sitting down with colored
7 pencils and coloring slides and stuff that they could do
8 presentations with for this.

9 Oh, what was your name again, sir?

10 MR. MILLER: Oh, mine?

11 MR. BLACK: Yeah.

12 MR. MILLER: Tom Miller.

13 MS. BAILEY: Gloriana Bailey, Big Pine Paiute
14 Tribe.

15 I just have one question, is what type of
16 follow-up is going to be provided as to whether or not
17 the -- hopefully we'll be able to see some of the changes
18 or recommendations that you're making. And I see that,
19 you know, you have on there the next 12 months on the
20 steps to the implementation. But, you know, you've
21 mentioned that these are only recommendations. So when do
22 you feel that it might be, you know, when these
23 implementation recommendations might be actually taking
24 place?

25 MR. BLACK: Basically, you know, we're going

1 to -- this is the second to the last consultation here.
2 There'll be one next week up in Alaska. And with the
3 comments being due on June 1st, as soon as the comment
4 period ends, we'll have a team of people that'll be taking
5 all of the recommendations from all of the different
6 consultations, and then in addition to any written
7 recommendations that come in, be looking at all of that,
8 evaluating it. Those ones that -- you know, there'll be
9 decisions made, you know, what recommendations can and
10 should be applied, what recommendations won't. And then
11 we'll be creating basically a document that'll be
12 available to everybody as to how the evaluations came out.

13 MS. BAILEY: So that would be like -- when you're
14 saying evaluations, are those evaluations based on your
15 evaluations and then --

16 MR. BLACK: Well, I should say -- "evaluation"
17 may be the wrong term. But it'll be looking at all of the
18 recommendations that come in and how they would be able to
19 be implemented. You know, some of them may or may not be
20 able to. You know, it'd be based on whatever reasons,
21 statutory, regulatory, or anything else, or just, you
22 know, feasibly wouldn't be able to work within a budget
23 process. But we'll do that. We'll assess them, is
24 probably a better term, and apply anything possible that
25 will work for us.

1 MS. BAILEY: Yeah. And probably, like hopefully,
2 the easier ones first?

3 MR. BLACK: Hopefully.

4 MS. BAILEY: The other question is -- I know that
5 you guys have done quite a few sessions throughout the
6 country here. Are you going to compile a lot of, you
7 know, similar or some -- a summary of all of the
8 information and provide that also to the tribes?

9 MS. MCGARRY: I think the court -- that's why the
10 court reporter's here, to accumulate all the comments.
11 And then they will be analyzed right by the staff and then
12 posted on the web.

13 And part of our contract is to look at all of
14 your comments and recommendations -- you know, feedback,
15 work with Indian Affairs, and then do an addendum to our
16 report, which is on the web, that deals with, okay, this
17 is the feedback we got from the consultations by topic.
18 So if we have budget, this is what tribal leaders said
19 about budget, about HR. And then where is the path going
20 forward? That's part of our contract is to do that
21 addendum that will be published on the web.

22 MR. LOUDERMILK: And actually too the transcript
23 from the court reporter will be posted on the website too.
24 So you can see what the other regions, what their comments
25 and observations were too.

1 MS. RISLING: So what I'm hearing you say is that
2 there's going to be, what I call, the Bronner report, that
3 that's the addendum. This is your -- this is the tribes'
4 response to that. But there won't be actual changes made
5 to the existing document or report. It'll just be an
6 assessment that's going to be attached.

7 So that needs to my question, is how much of the
8 Bronner report was used to come up with the streamlining
9 plan that the Bureau of Indian Affairs is presenting to us
10 today?

11 MR. BLACK: They're really two separate tracks.

12 MS. RISLING: I understand that. But we spent
13 600,000 -- I'm saying "we" in the royal "we" sense --
14 600,000 plus dollars to do this report. We spent another
15 thousands of dollars to do the 1999 report. And we're
16 making a plan -- a streamlining plan that makes
17 significant changes. This document we just spent two
18 hours -- two and a half hours on is proposing internal
19 management structural changes.

20 I want to know, what did I get for my buck that I
21 could have used to run my realty program in my tribe or
22 they could have used for education? So I'm trying to find
23 out -- I know we're going to transition into streamlining
24 very soon. What impact did this 600,000 plus, plus the
25 1999 report, have on this streamlining report, since this

1 was not released to the tribes until March of this year?
2 So I'm assuming the Bureau had it earlier to incorporate
3 into its planning.

4 These are all -- and, you know, I know about
5 assumptions, what it does to you and me. So can give
6 that --

7 MR. BLACK: Let me say, when I say this is two
8 separate tracks, we have what was looking at the
9 administrative functions within the Bureau -- or within
10 Indian Affairs, which affects Bureau of Indian Education,
11 BIA, and the DAS-M programs, and going back to the
12 reorganization. That was one track here. And that's what
13 this report's done.

14 And hopefully the bang for your buck you're going
15 to see is a more -- I don't want to say -- responsive and
16 accountable organization as we move forward with the
17 recommendations that come out of these consultations as
18 well as the report itself.

19 The streamlining plan, which we're going to
20 discuss here next, hopefully after a short break, that is
21 coming out of the 2013 President's budget, which requires
22 us to identify efficiencies and streamlining opportunities
23 to achieve approximately about a \$14 million savings or
24 budget reductions within the Bureau of Indian Affairs.

25 So this hopefully will work in tangent with that.

1 As we move forward, we've got to become a more efficient
2 organization as a whole in how we're going to deliver
3 services.

4 So this will hopefully help lead into that. But
5 it wasn't part of our streamlining plan per se.

6 MS. MCGARRY: Anyone else?

7 I really appreciate -- this has been really,
8 really helpful, and your comments have been great.

9 Tony.

10 MR. WALTERS: Yeah. Well, thanks, everyone, for
11 those comments. And we'll definitely -- we've documented
12 those. We'll take them all back and we'll keep them
13 within our discussions as well moving forward.

14 Let's take a ten-minute break. When we come
15 back, we'll start with the BIA streamlining. We'll have a
16 short presentation. And then we can discuss that in more
17 detail.

18 But we'll come back in ten minutes. 10:40 AM

19 (Thereupon a recess was taken.)

20 (On record: 11:02 a.m.)

21 MR. WALTERS: Well, I know we're still missing a
22 few people from the break. I'm sure they'll trickle back
23 in over the next few minutes. Why don't we go ahead and
24 try to get restarted again. I know this PowerPoint that
25 Bryan Rice is about to go over with us all is available

1 and you guys should have copies of it. So as people come
2 in, they can probably just look back at the first few
3 pages if they've missed something.

4 We're going to switch over now from -- away from
5 the Bronner and the reorganization topic. If you have any
6 questions or comments, feel free to come up to one of us
7 during the break or if we have time later this afternoon
8 or even before lunch. Go ahead and ask those questions.
9 And, of course, get anything in writing into us by June
10 1st. But we're going to switch over to the BIA
11 streamlining, which as Mike mentioned, is a separate and
12 distinct topic. It's more tied to budget requests coming
13 in from OMB and The White House and the Department of
14 itself.

15 So, Bryan, go ahead and feel free to take over.

16 MR. RICE: Okay.

17 MR. BLACK: Just add a couple quick comments real
18 quick, if I can. If you can give me a mic, I'll go here.

19 But just a couple things to preface it. As I
20 mentioned before, this is driven out of the 2013
21 President's proposal, which calls for the Bureau of Indian
22 Affairs to identify efficiencies and streamlining
23 opportunities to achieve approximately about a \$14.5
24 million savings or debt -- or reduction to the budget.

25 And doing that, Bryan is going to present some of

1 the things that we've looked at and identified, all of our
2 staffing that we have within the Bureau of Indian Affairs.
3 And we really do solicit your input, recommendations,
4 suggestions on some of the things that we're talking about
5 here today. We don't have, you know, a plan on how we're
6 going to move forward on this. That's why we're doing
7 these consultations.

8 One of the things I just wanted to make sure I
9 mentioned and prefaced this by saying is OST is not part
10 of the exercise we're talking about here today. This is
11 come up in pretty much every consultation that we've had.
12 If you are curious or interested in the -- and everybody
13 always refers to it as the sunseting of OST and how that
14 may play into this, there is the Secretary's Trust
15 Commission, which was started here about, oh, two, three
16 months ago.

17 There was a public webinar yesterday. Those are
18 usually posted out in the Federal Register on the notice
19 of those. And there was about 30, 40 participants on the
20 webinar yesterday. It is made up of five members that are
21 identified by the Secretary. I'll see if I can remember
22 them all, Robert Anderson, Stacy Leeds, Peterson Zah, Tex
23 Hall, and Fawn Sharp. Those are the five members of the
24 Secretary's Trust Commission. And they're tasked with
25 looking at the delivery of Trust Services to Indian

1 country from both BIA and OST. And one of the main tasks
2 they have is looking at the termination or sunset clause
3 within the language that created OST.

4 So that's some of the things that they're going
5 to be looking at. And they are soliciting input all the
6 way through this process over the next year to two years
7 here as they move forward on this Trust Commission.

8 There will be a public meeting down in
9 Albuquerque. I want to say it's the week of June 11th.
10 And that will be a meeting of the Trust Commission. It is
11 open to the public. And there again, the very first one
12 was back in March and it was pretty well attended. There
13 again, that gives you an opportunity though regarding the
14 OST organization to offer your input and recommendations
15 to that as well.

16 So with that, I'll --

17 MR. WALTERS: I think a lot of the documents
18 related to that Commission can be found on line. It's
19 doi.gov/cobell. There's a lot of documents there that
20 deal with the land consolidation component of that
21 settlement, but also a lot of the documents related to the
22 Trust Reform Commission can be found there. And I'm sure
23 there's agendas and schedules posted there as well.

24 MR. BLACK: Yep, exactly. With that, I'm going
25 to turn it over to Bryan.

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1 MR. RICE: All right. Thanks. So when I get the
2 microphone set up here, we'll roll into this.

3 (Thereupon an overhead presentation was
4 Presented as follows.)

5 MR. RICE: My name is Bryan Rice. I'm the Deputy
6 Bureau Director for Trust Services. I'm out of the D.C.
7 Office, the Office of Trust Services covers basically all
8 the land management programs, forestry, fire, realty,
9 title, probate. And so I've been in this position since
10 August -- or October of last year. Before that, I came
11 down to D.C. worked in the forestry program. Moved down
12 to D.C. from Alaska. Had been up in Alaska for almost 10
13 years. Before that, I worked in the northwest. I was at
14 the Yakima Agency.

15 So I've been at all the different levels within
16 the organization. And I'm still fairly fresh in D.C. by
17 D.C. terms, you know, three years. Some people say three
18 years is dog years, you know. So it's only three, but it
19 feels like 15, and it's been a wild ride ever since.

20 But I still have a field perspective, and when I
21 go through a lot of these topics that we're talking about
22 when I was listening to the comments. In the early
23 session this morning, I can really relate to everything
24 everyone is talking about, because I've been on the Agency
25 side out in the field, as have, you know, Bruce Loudermilk

1 and Director Black sitting here. You know, all of us have
2 come up through the ranks in one way or another. And so I
3 look forward to the discussion we're going to have on
4 this.

5 So we're going to be talking about the BIA
6 streamlining piece. And just like the morning session,
7 please jump in, raise your hand, speak up if you have
8 comments. There's no reason to wait till the end. The
9 document that we're going to be working off of is the
10 maroon PowerPoint slide. It looks like it has double
11 slides on the front page. Ten pages of slides, followed
12 by seven or eight pages of a narrative, which is just a
13 little more background information on the slides, a little
14 more developed thought. And then the last eight pages
15 there should be maps which shows duty locations throughout
16 the country.

17 And I'll reference that a little bit as we start
18 going through some of this discussion. So we'll get into
19 it. We can see we sort of blew our schedule out of the
20 water already, so we'll -- which is good. I thank you for
21 that. We'll work up until lunch. You know, when I see
22 heads bobbing and falling over or people running to grab
23 food, we'll do a time check and figure out where we need
24 to be.

25

--o0o--

1 MR. RICE: You know, the intent of being here,
2 you're going to hear this talked about several times. I'm
3 going to jump through a couple of the slides that are on
4 here, just knowing that we've covered the intent of what
5 we're doing and what we're looking at. But really, the
6 focus of this, it's tied to the Budget. It's tied to a
7 line item within the President's proposed fiscal '13
8 budget, 2013 budget.

9 So really we're looking at how do we end up
10 realigning programs, realigning services and getting to
11 that end state that addresses these needs that exist out
12 in the field that exist with tribes.

13 Yes, and a question. Lois.

14 MS. RISLING: My name is Lois Risling. I'm from
15 the Hoopa tribe.

16 One of the things that Mr. Black said was that
17 part of the reason that this is being done is the
18 President's proposal to make it more efficient to have
19 more efficiencies in -- within the Bureau of Indian
20 Affairs and BIE and the other area, and to continue with
21 the mission, which is supporting tribal priority.

22 So I have three questions. I thought the Bronner
23 Report was developed to make the Bureau more efficient by
24 restructuring the internal structural mechanisms, so that
25 it would be -- it could better enhance, enrich services to

1 Indian tribes and become a more efficient working base?

2 And so that leads to my other two questions is,
3 why does the budget have to be reduced? I'm assuming it's
4 because the President said, "Thou shalt reduce this
5 budget".

6 And secondly, can't we improve efficiencies
7 without consolidation or without reductions, or is that
8 part of the, "Thou shalt", mandate? Because I think the
9 approach that we're taking, when you read the purpose, the
10 purpose seems to be rhetorical in the sense that it seems
11 to imply that we're doing this for the health and the good
12 of the Bureau, when really what I think the purpose is, is
13 you will cut this money. And I think if we've spent so
14 much money on the Bronner Report and we put such
15 reliability, we say that we need to do this to become more
16 efficient, then if that's going to make us more efficient,
17 when why do we have to cut -- make these draconian cuts?

18 MR. RICE: So there's three topics. There are
19 three questions, like you pointed out. The first thing --
20 and maybe in the very beginning of this, you know, when we
21 started at 8:30, we could have spelled out a little better
22 how these sections are -- even though the boundaries of
23 them are coincident they are actually separate.

24 So the administrative assessment focuses on those
25 admin functions. So if you look within the Bureau -- and

1 let me jump ahead a couple slides here as I'm talking.

2 --oOo--

3 MR. RICE: I'm going to show you some statistics.

4 So if you look at how we're set up. All of Indian
5 Affairs, this is the Bureau of Indian Education, the
6 Bureau of Indian Affairs, all of the staff that are the
7 DAS-M or ASIA, that totals 10,000 employees. So we're
8 only talking about BIA for this piece, what we've started
9 here. So that's the 5,000 employees.

10 There's another group of staff members, which is
11 the DAS-M, which we were talking about earlier. That's
12 750 staff, give or take, you know, what the exact number
13 is. So this morning's discussion was strictly focused on
14 those admin services, and how those functions support what
15 happens with other operations in the Bureau.

16 So as we're talking about the BIA streamlining
17 piece, we're looking at the rest of the Bureau, so we're
18 looking at the Forestry programs, the Indians -- the Trust
19 programs, the Indian Services programs. We're not
20 touching the law enforcement programs. And there was a
21 very deliberate reason for that. And, Mike, you can
22 correct me if I'm off here. But the reason was, you know,
23 law enforcement sits within its own lines of authority.
24 They've had very specific initiatives focused on them, so
25 we've kept them out of this.

1 So this is looking at the rest of the program.

2 So DAS-M, Administrative Assessment, BIA streamlining
3 initiative tied to a budget line item, yes. But it's
4 really focused on the Bureau of Indian Affairs, the Indian
5 Services and the Trust Services programs.

6 So then the other two questions why was it in the
7 budget?

8 I have to defer, because I was not part of that.
9 So if any of my colleagues up here can answer that, I'll
10 let them do it. Otherwise, I'll have to get back to you.

11 MR. BLACK: Well, you know, the basic short
12 answer to that would be, you know, basically looking at
13 the climate we're in, we have the Debt Reduction Act we're
14 facing. We're having the overall reductions to budget
15 across the government, and trying to identify those areas
16 where potentially the Bureau of Indian Affairs would have
17 to make certain cuts without making cuts to the TPA
18 programs or those programs that are directly delivered to
19 the tribe or those funds that are directly delivered to
20 the tribes.

21 And what this is, is it's really a look at -- and
22 when we say efficiencies within -- you know, looking at
23 those opportunities where we have certain programs
24 where -- which may be duplicative between certain regions,
25 we may be looking at agency offices that have one, two,

1 three people in them. We may have staff out there within
2 certain programs and looking at the -- I think somebody
3 raised it this morning, the buyouts, the Bureau of VSIP's
4 authorities looking at those folks.

5 And Bryan is going to touch on all of this as we
6 go through the presentation, so hopefully it will become
7 clearer to you. But we have an aging workforce. And all
8 of this works back into, again, this succession plan,
9 workforce planning activities that we have to hopefully
10 make us more efficient as we move forward.

11 But as Bryan goes through, I'm hoping a lot more
12 of your questions will become a little bit clearer to you.

13 MR. RICE: And so that last point, Lois, you had
14 on can we improve efficiency?

15 You know, the other important point to impress
16 here is that there's no plan that's been made. There's
17 nothing -- there's no draft document that's sitting
18 anywhere that says here's the Agency's, here's the
19 regional offices, here's the programs within D.C., here's
20 the positions. Here's all the things we're going to get
21 rid of. Here's the things we're -- what we have done, if
22 I -- and let me run through some of this information and
23 it will lead right into what -

24 MS. RISLING: Well, I have a point of
25 clarification from what you said, because on my slide it

1 says -- what I heard you just say right now is that this
2 is what the Bureau is proposing to make these efficient
3 improvements -- efficiency improvements. So this is what
4 the Bureau of Indian Affairs is proposing right now. And
5 what they're proposal is, as opposed to coming saying,
6 "Gee, tribes, what do you want to do?" They're saying,
7 "This is what we're putting out for you to say yes".

8 So they're proposing to reach efficiency -
9 because that's your words - opportunities to improve
10 efficiency, BIA staffing reductions, resource sharing,
11 consolidation. Those are the three areas.

12 All I'm saying is -- my question is, was there
13 any other consideration, since we spent so much money on
14 Bronner, to become more efficient, even for the smaller
15 group of people? So efficiency that they're asking us --
16 you're -- not you personally, but the Bureau is asking us
17 to consider, are staffing reductions, resource sharing,
18 and consolidation of programs and/or offices.

19 MR. RICE: So you wrapped a lot of topics all
20 into one statement there. And I really -- it's important
21 to distinguish, to divorce the administrative assessment
22 from the streamlining piece. And in terms of any kind of
23 resources or funding that was applied to do the
24 streamlining initiative, this was all staff, regional
25 directors were involved, superintendents were involved,

1 program staff were involved. So we had involvement from
2 top to bottom in the organization, so we didn't have any
3 additional outlay of resources. So this was done through
4 the organization, through the folks in the field that are
5 involved overall

6 So as I start running through these slides, I'm
7 going to back up a little bit, because I know -- I mean, I
8 can tell you've been reading this, and so you jumped
9 ahead. But what I'm hoping will happen here is we'll
10 develop these thoughts and you'll see where we're going
11 with this.

12 So even though we have these points on these
13 slides that say these are the areas that we're looking at,
14 what we have tried to do is take a -- I'm going to call it
15 a linear approach. We have this foundational thought of
16 what are the different areas that we ultimately need to
17 get to to define or to reach this level of efficiency?

18 Fair enough.

19 When you look at the history of what's happened,
20 there were some references earlier this morning talking
21 about what happens back in '96. Lois, you used the word
22 "draconian", that, you know, maybe we could have thrown
23 that up here. But, you know, those things happen, and
24 just, you know, it was laid out. This is what happened,
25 and there wasn't a whole lot of choice in the matter

1 what's pre-decision?

2 MR. RICE: That means there's no plan.

3 Pre-decisional means there's no plan. It means that we
4 have a handful of topics, a handful of ideas, a handful of
5 different areas that we've explored, whether it's staffing
6 levels, funding levels, program, duty stations. And we
7 need the input, we need the partnership with tribal
8 leadership to find out what is the best way to actually
9 get to that level of efficiency or streamlining, as this
10 initiative is called, but to find that element that is
11 beneficial for everyone.

12 MS. RISLING: And on that same slide, when you
13 talk about the 1996 reorganization and the 2004
14 reorganization, were those considered as part of your 2012
15 streamlining proposal?

16 MR. RICE: In what way? What do you mean?

17 MS. RISLING: I don't know. I'm asking you.
18 You've got two bullets there, and I'm asking you were they
19 considered in this or were they not considered or --

20 MR. RICE: They were used as reference. This was
21 used as a reference point. If you go back to the slide,
22 it was used to say that in '96, things -- the -- I don't
23 know if it was an initiative that, you know, the --
24 basically, the big reorganization that happened was just
25 done. It happened again in early 2000s. And so here we

1 are at '12, and we have a lot of chance for dialogue, and
2 discussion, and conversation about these different topics.
3 And so that's the intent of this slide.

4 MS. RISLING: So the 1996 reduction in force
5 action, what was the reduction? I mean, how many -- were
6 they positions? Were they...

7 MR. RICE: Correct, they were positions.

8 MS. RISLING: And did it make a significant
9 difference to the efficiency?

10 MR. RICE: That I couldn't tell you. You know,
11 one of the things that happened -- and, you know, if
12 you -- we can spend a little bit of time on that. The
13 biggest thing that happened -- let me go -- I don't
14 normally do this, but I'm going to jump ahead, because I
15 want to show you something.

16 MS. RISLING: Well, you can go in order. I mean,
17 I --

18 MR. RICE: No, it's okay. This is important. So
19 when you look the -- this is where we get into staffing
20 levels of the organization. And one of the things that
21 happened from that reorganization is that we as -- we as a
22 Bureau, we as an organization created a large gap in terms
23 of our demographic. So you've heard the topic of we have
24 a huge amount of staff that are eligible for retirement or
25 separation. We have a very tenured staff, roughly 30

1 percent are eligible for retirement.

2 A large part of that is due to the reduction in
3 force that happened back in the early nineties, because
4 through a reduction in force, staff that have been on
5 board longer have the ability to bump younger staff. And
6 so you have that gap that's sort of carried through the,
7 you know, last 10 plus years, 15 years almost. So that's
8 where that comes into play.

9 MS. RISLING: Could you back up to the objectives
10 slide?

11 MR. RICE: Sure.

12 MS. RISLING: I just needed some points of
13 clarification. Like, the first bullet says, "Realign
14 services with reduced funding (Non-priority programs)".
15 What does that mean by realign? And what are the
16 non-priority programs?

17 MR. RICE: We're talking about the difference
18 between TPA and non-TPA programs. And so the realignment
19 of programs, the example that I gave quite often is the --
20 in one of the regions the forestry program is run out of
21 another region. So the forestry program that would be in
22 Great Plains Region in Aberdeen is run out of the Rocky
23 Mountain Region, regional office. And so a realignment of
24 a program is something similar to that or could be like
25 that.

1 Does that answer your question?

2 MS. RISLING: It gives me one example. I would
3 categorize that as a geographical realignment.

4 MR. RICE: Okay.

5 MS. RISLING: But from what I'm hearing you say,
6 there could be other reasons for realignment besides
7 geography, right?

8 MR. RICE: There could be.

9 MS. RISLING: Is that a priority?

10 MR. RICE: And the intent of this -- see, now,
11 let's go back to the intent of this presentation. I mean,
12 we're looking at themes and we're looking at topics. And
13 this is meant to build discussion, which is what we're
14 having here, but it's also meant to support after we walk
15 away from here, whether it's two hours or an hour, or, you
16 know, however much time we need to get through this, the
17 expectation is is that there will be written comments
18 submitted or more discussion that's captured through the
19 recorded minutes to use in further discussion on how we
20 move forward.

21 MS. RISLING: Well, I agree. I'm trying to get a
22 grasp of exactly what the written comments should be.
23 That's why I'm asking for some of the information.

24 The other one is it says, "Realign services with
25 increased funding". What's going to -- when you realign

1 these services with increased funding, how does that work?
2 How does the geographical move increase the amount of
3 money that's coming in?

4 MR. RICE: The move would not increase the
5 funding. We're talking if there's budgetary increases in
6 different programs. For example, the forestry program had
7 an increase this year. If there is an increase in a
8 budget line item and that program were realigned, what
9 could it look like, what should it look like, how could it
10 be better worked?

11 MS. RISLING: So the increase has to come from
12 additional allocated dollars from the Legislature?

13 MR. RICE: Sure. I mean, it would be -- they're
14 mutually exclusive. Whether something is realigned --
15 we're talking about program management and we're saying if
16 there's funding increases, how could we realign that
17 program? If there's funding decreases, how could you
18 realign that program? If there -- you could have another
19 bullet in here that says if everything is flatlined, how
20 could you --

21 MS. RISLING: Yeah, because this is kind of
22 misleading, because it says if you realign services,
23 you're going to get increased funding. That leads to are
24 you getting increased funding because you're taking it
25 from some other budget item? Do you have to stay within

1 your total budget?

2 MR. RICE: No.

3 MS. RISLING: Is it going to be an increased
4 outside funding source? And then who makes that priority
5 to do that?

6 So like if I say realign Navajo, and then does it
7 all get sent to California then, because we're doing this
8 or it is additional funding that's coming from someplace
9 else, that's all I'm asking?

10 MR. RICE: Okay. That's not what that says,
11 but...

12 MS. RISLING: Well, tell me what it says.

13 MR. BLACK: Let me take a shot at it, Lois. I
14 think what you're trying to say is, what -- in nutshell,
15 if we were to receive additional funds from Congress in a
16 future budget, we would be looking at how we could
17 possibly, if necessary, realign those services to improve
18 the delivery out to Indian country. We wouldn't be
19 realigning it and taking the money from Navajo and putting
20 it in Pacific or vice versa or anything like that. And it
21 would be within that program that received the budgetary
22 increase, because anytime a budgetary increase comes down,
23 there's appropriations language that restricts our ability
24 to reprogram those funds or to take them from one program
25 and put them into another.

1 MR. RICE: Okay.

2 MS. RISLING: Last question is what are the
3 budgetary constraints in the next bull bullet? It says,
4 "...to streamline BIE to meet budgetary constraints..."
5 What are those constraints? Are those the ones from the
6 tribes, are they from -- internally from the Bureau or are
7 they from the President?

8 MR. BLACK: There again, it goes back to almost
9 just what I was saying a second ago. It comes down to the
10 appropriations language that restricts our ability to do
11 certain things within funds. They come down for a
12 specific purpose or a specific program or, you know,
13 budgetary constraints can also be, you know, if there's
14 budget reduction that we have to operate, that's a
15 constraint within that program or that budget that we're
16 able to operate within.

17 --oOo--

18 MS. RISLING: And lastly, how are you going to
19 empower the tribal programs?

20 MR. RICE: Part of it starts right here. Part of
21 it starts ensuring that tribal leadership is supporting
22 what is happening, making sure that tribal leadership is
23 part of the process.

24 MR. BLACK: And maybe it would help, as we move
25 forth in the discussions here, and make it a little

1 clearer, you know, you used the word "proposal" earlier.
2 Maybe we are using proposals in our thing. These aren't
3 proposals. These are identification of opportunities or
4 ideas that we wanted to be able to put out there for the
5 tribes to have the opportunity to discuss with us or offer
6 us other ideas and input.

7 I mean, we couldn't come out here just with a
8 blank slate. You know, there again, I mean, quite
9 honestly, we'd get the heck beat out of us, rightfully so,
10 if we didn't do our planning coming into this thing to
11 really give -- to stir ideas and give opportunities for,
12 you know, if we are to have to meet a \$14.5 million
13 reduction, how can we do that with the least impact on the
14 tribes and their programs that they operate?

15 So hopefully, as we move forward, that makes it a
16 little clearer. I mean, like I say, these aren't
17 proposals. He used the term pre-decisional. And that's a
18 good term for us to use, because decisions haven't been
19 made.

20 --o0o--

21 MR. RICE: So when we look across the Bureau as
22 an organization -- Oh, sorry.

23 MS. ANTONE: Hi. Audra Antone from Gila River
24 Indian Community, Blackwater Community School.

25 I just had a questions about your realignment and

1 how that was going to go across with the budgets. And
2 there's a prioritizing going on with the Presidential
3 Executive Order on Indian education. And if it were that
4 Congress -- we're going to get an increase in funding,
5 would that be a priority that Indian education would be
6 recognized and BIE schools would be recognized in getting
7 more funding? I'm asking only because we have a lot of
8 facilities issues.

9 MR. RICE: Right. I think that's going to be
10 addressed during the next topic. So today's -- you know,
11 this morning we talked DAS-M. We're doing BIA
12 streamlining. And then when we finish with this, we'll
13 move strictly into education.

14 MS. ANTONE: Right. And I should have asked
15 earlier when you had brought up the financial part of it,
16 you know, with the budget and everything, because again it
17 was thrown across, you know, with the funding who we had
18 to report to, what needed to happen, and your whole
19 organizational chart, because we were jumping all over the
20 place, and we still didn't have an answer, you know, and
21 getting an answer. And we've had many meetings with Mr.
22 Jack Rever with the OFC office, and, you know, trying to
23 get that management and, you, know a clarification on
24 that. So thank you.

25 MR. RICE: Okay. All right. Are we good? Can

1 (Laughter.)

2 MS. RISLING: This is Lois Risling.

3 If you could go back to the last slide, I have
4 just a point of information. You're holding a
5 consultation on the BIA and on BIE. Do we not get to
6 consult on ASIA

7 MR. BLACK: A-S-I-A, or ASIA, was really covered
8 in the first. The DAS-M is part of the ASIA organization.
9 That is probably the largest part of the ASIA organization
10 is DAS-M. I mean, when you talk ASIA, the only other part
11 that really plays out is the direct Assistant Secretary's
12 Office.

13 MS. RISLING: And we don't get to comment on
14 those 2.2 --

15 MR. BLACK: If you want to comment on them, Lois,
16 you're --

17 MS. RISLING: But I'm mean public consultation.

18 MR. BLACK: -- more than welcome to.

19 I mean, there's -- it's not part of this -- the
20 activities we've got going on right now. And it's not to
21 say it won't become something in the future. And if you
22 have comments, please feel free to put those in. Like I
23 say, right now, we're focused on the three ears, BIE, BIA,
24 and DAS-M.

25 MR. GARCIA: Bob Garcia. Can we put the 19.7

1 million streamlining measures in context of what a
2 percentage this is of the overall BIA budget and how these
3 individual pieces we're developed?

4 MR. BLACK: In context of the overall Indian
5 Affairs budget, we get approximately about \$2.1 billion
6 annually through the budget. So without my calculator,
7 you know, what the percentage -- I'll figure it out here
8 on my iPhone in a minute and we can get that to you.

9 But, yeah, so in the big picture, I mean, it's 14
10 million out of 2.1 billion -- or 19 million out of 2.1
11 billion in the overall budget. But I'll figure that out
12 for you.

13 MR. RICE: I think, Tracy, were you going to --
14 did you have something?

15 MR. KING: Not yet.

16 --o0o--

17 MR. RICE: Keeping in mind how the organization
18 is currently deployed staffwise and duty stationwise, and
19 then looking at this line item that's in the budget, we
20 started looking at different areas of -- different areas
21 of the organization. So the first was looking at the
22 personnel and staff levels. So knowing that we had a
23 large amount of staff that were eligible to retire, plenty
24 of staff have been talking about it, some even
25 threatening -- no, just kidding.

1 (Laughter.)

2 MR. RICE: You know, many of them were -- you
3 know, when you look at what's there, we have a large
4 amount of staff that are eligible for retirement. So we
5 started looking at some of the incentives that are in
6 place that could actually facilitate that. If there was a
7 staff member that was interested in retirement and wanted
8 to go, looking at facilitating that.

9 Another area we looked at -- and this is the
10 other thing. You know, everything is on the table here,
11 looking at staff members, looking at office locations, and
12 duty stations, and then finally looking at the agencies
13 and regional oversight levels, which gets back to this
14 program management. You know, can we realign programs
15 across different agencies or different offices?

16 And then the other intent behind this was trying
17 to minimize or not get to the point where we actually had
18 to start exploring any kind of reduction in force. And
19 that's an actual term. We're not talking about not
20 reducing staff, but we're talking about that actual
21 reduction in force.

22 MS. RISLING: I have a question on the second --
23 Lois Risling -- on the second one. It says, "Consolidate
24 offices and/or service delivery(regions and agencies)," as
25 a possible way to look at this streamlining. And will

1 tribes have a primary determination on what the criteria
2 is or will the criteria for these consolidated offices and
3 service delivery be based on the overall approach that's
4 being taken in the streamlining document?

5 MR. RICE: Through the comments that are
6 submitted, through the discussion that's happened in the
7 consultations so far up to date, tribes are involved. And
8 maybe I'm missing your point here.

9 MS. MARTINE-ALONZO: Nancy Martine-Alonzo, the
10 Ramah Band of Navajo Tribe.

11 My comment is if you were to reduce the FTE as
12 part of the solution to reducing the budget deficit, then
13 why -- if we're going to do the program and carrying out
14 the functions with less FTE, why was that not considered
15 prior to this time?

16 You know, if the BIE and BIA could function
17 without these positions, why were these positions in these
18 places for all this time? You know, the justification
19 doesn't seem to bear out, that's one.

20 The other is, have you did an -- have you done an
21 analysis of where the reduction of FTEs are going to
22 occur, and what is the impact of that down to the 12, you
23 know, regional areas? Is it pretty fair and equitable
24 across the Board, or, you know, have you looked at that to
25 see what the actual impact will be to the local regions?

1 And then the third comment is, is one of the
2 viable solutions just to do that cut across the Board on
3 all of the regions, and then each particular area
4 determine where that cut is going to be with tribal
5 consultation? Is that one of the options or does it have
6 to fit into the pigeonhole of what you're presenting right
7 now or can we have a Plan B and a Plan C to look at what
8 we would, as tribal people, consider be more fair and
9 equitable, and that the burden of the cuts be shared
10 equally across the Board rather than to see it become
11 concentrated or impacted and see it penalize certain
12 regions just because they have had employees that were,
13 you know, good employees in those regions and have
14 attained the longevity that they have?

15 So have all of those kinds of other impacts down
16 to the local level been -- have that -- has that been
17 analyzed and has that been considered?

18 MR. RICE: So we're giving Kevin a work out.
19 He's running rack and forth here. Appreciate you running
20 the microphones. And thank you for those questions.
21 Those are all -- they're very good ones.

22 There's things we've been looking at. So the
23 ones that I picked up here. Why have we had these
24 positions in existence, to paraphrase? And if -- to back
25 up a little bit to the President's proposed budget was

1 released on February 7th, maybe the 6th. So it was early
2 February. This document from February 7th to March 6th,
3 which is the day that this document was released was the
4 time that the BIA staff worked on this and we started
5 looking at all of the data, all of the positions, all of
6 the duty stations, all of these statistics. So you can
7 see on the slide that's up there what it looks like, staff
8 that are eligible to retire now, and then the coming
9 eligibilities of what's there.

10 So that's still in progress. Have we been
11 looking at it?

12 Yes.

13 Do we have a complete analysis?

14 Not yet.

15 And that needs to be combined with comments
16 received here in consultation.

17 Cuts across the Board versus having specific
18 approaches. If we were to just, you know, take an equal
19 percentage off the top of everywhere, it ends up adding a
20 level of inequity in terms of performing programs,
21 non-performing programs. I mean, there's so many
22 different variables in here that it does not seem like the
23 appropriate solution, but it's something that, you know,
24 we can look at and we have been looking at as well.

25 MR. BLACK: And just to kind of follow up on what

1 Bryan is saying there, too, is the idea of
2 across-the-board cuts. Of course, that comes up, you
3 know, almost every year with Congress and others, you
4 know, about doing something like that. But what -- one of
5 the things that puts us in a position of doing is we have
6 certain programs out there that maybe at kind of on a
7 borderline of being able to really operate efficiently as
8 it is. And if we just keep chipping away, we're not good
9 at anything.

10 We can't really concentrate on providing a
11 quality service in any one program, because we just
12 continually chip away at it, if we do across-the-board
13 cuts. And to go to your question about the positions, you
14 know, how can we say we don't need them now, and why do we
15 have them in the first place? That's -- unfortunately,
16 that's not what we're saying. What we're saying is we
17 have things that could be forced upon us in budget cuts,
18 so we really have to take a look at our programs.

19 We have to look at not just the FTEs, but the
20 efficiencies of those programs and go back to my statement
21 I made earlier to, unfortunately in some cases, have to do
22 more with less. I mean, we went through this in '96 and
23 we really haven't recovered from there. We lost a lot of
24 FTEs back then, through buyouts and RIFs. And my goal is
25 hopefully we don't have to get in a situation where we

1 have to RIF positions or employees, but we're able to
2 achieve that through attrition and other activities.

3 But we're going to have to -- as part of this
4 whole process, if we do end up reducing FTEs through this
5 process, we need to look at -- there again going back to
6 the term "efficiencies" within the operations of these
7 programs, making better use of technology to be able to
8 deliver some of these services, you know, cost savings
9 through other areas in travel and production -- or
10 document production, et cetera, that we can hopefully
11 reincorporate and reinvigorate back into the programs.

12 I hope that answers your question a little bit.

13 MS. RISLING: Lois Risling, Hoopa Tribe.

14 I appreciate that you're here to take information
15 on possible consolidation of offices and/or services from
16 the tribes. But just as Mr. Black pointed out that to
17 come out here without some kind of document for us to
18 comment is some kind of bureaucratic suicide, so that's
19 why we have a plan to comment on.

20 So for my point that I would like to make is that
21 if there are going to be consolidation of offices, and
22 there are going to be consolidation of service delivery,
23 that a criteria or a potential criteria be developed, so
24 that tribes have the opportunity to see what the Bureau is
25 planning to implement that.

1 Because right now when I read this document, it
2 says we're looking at the number of people who are near
3 retirement, and then we are going to take those positions.
4 And maybe those positions are all in realty. We don't --
5 we don't -- I mean, you know where they are, but I, as
6 tribal member -- as a tribal person, only know the total
7 numbers. I don't know where they are to be able to make a
8 informed recommendation to this body or panel, because all
9 I have is consolidate offices and/or services, based upon
10 the potential number of retirees.

11 Then that leads me to my question is, when these
12 retirees all leave, we give them an incentive program or
13 some reason, and they all leave, what does efficiency
14 mean? Does efficiency mean that the last man standing
15 gets more duties on top of their existing duties, or does
16 that mean there's a reduction in services provided by the
17 last man or woman standing and something -- some service
18 is not being performed?

19 And my second question is how much money does the
20 Bureau of Indian Affairs carryover annually, and how long
21 have we been doing it and what's happening with it?

22 MR. RICE: So in terms of the -- I can speak to
23 the positions. And maybe I'll -- Mike, you can talk about
24 the carryover, if that works.

25 In terms of the positions, the intent -- if

1 nothing else were done, and in a vacuum we had eligible
2 staff retire, and there was the last person standing, as
3 you're describing, yeah, it would be a drastic or dire
4 situation, like you're talking about. But the intent here
5 is to say that's one piece or that's one element of this.

6 Alongside that, or in parallel, if there's duty
7 stations that can be combined, as you look at those maps,
8 there's some duty stations that have 10 employees and
9 seven are eligible -- or, you know, there's seven
10 eligibles. And if all of them were able to separate,
11 retire, or whatever the case may be, you know, what could
12 we gain or what efficiency could be gained by managing
13 that program or programs out of a nearby agency, another
14 regional office.

15 You know, I mean -- and the other variable that
16 comes into play is you have tenured staff that are high
17 graded. You have tenured staff that are low graded. If a
18 higher staff leaves, that represents one level of salary
19 cost lowered. You know, so we have all these different
20 variables. And with that total, the 1,377 that we have up
21 here, you know, that represents different types of costs,
22 depending on which staff would elect to go or not to go.

23 MR. BLACK: Just a real quick follow up onto what
24 Bryan is saying too. I mean, that just leads to the fact
25 that there's a lot more analysis and review of this whole

1 reach that dollar threshold that we're looking for, but
2 that doesn't answer the real need. That doesn't support
3 what we need to have happen in terms of managing programs
4 or providing the service.

5 So this is the first look at how -- you know,
6 what it could actually look like. And then on top of
7 that, there's going to be -- have to look at the duty
8 stations, need to look at offices, need to look at how the
9 programs are managed. And through that, we might be able
10 to find different ways to find those dollars.

11 Yeah, Lois.

12 MS. RISLING: I need some explanation on what
13 our -- could you give me examples of what are overhead
14 costs? And then secondly, what if no one takes the early
15 out or buyout incentive, what is the alternative plan --
16 or proposed plan or area?

17 And the proposal is about 300 FTE. The plan
18 calls for 225 would not be replaced. That means only 75
19 would be replaced. And what is going to be the impact on
20 direct services to Indian tribes when there's 75 people
21 left out of the 300 to provide those services?

22 MR. RICE: So I'll answer the last part. Say the
23 first part of your question again.

24 MS. RISLING: What are overhead costs?

25 MR. RICE: Oh, the overhead costs. So those

1 are --

2 MS. RISLING: Okay. So the first question is
3 what are overhead costs?

4 Second questions are, what if nobody takes your
5 buyout?

6 And then does that mean it all comes out of
7 overhead costs. That's why I want to know what overhead
8 cost are.

9 And then thirdly, there's 300 FTEs scheduled to
10 be -- who could possibly take this early buyout, whatever
11 it is, and -- but the plan is to replace only 75 of them.
12 So I'm asking what happens to the tribes when they've got
13 all those other folks missing?

14 MR. RICE: So the overhead costs are the space
15 costs. That's what we were referring to as overhead.

16 MS. RISLING: Space costs.

17 MR. RICE: Space in terms of -- yeah, the lease
18 costs for duty stations, space rental, utilities, and most
19 of those are managed through GSA, the General Services
20 Administration.

21 And then what if nobody takes any incentives or
22 what if nobody leaves? That's a question that has a
23 multitude of answers. All of which we don't have yet. I
24 mean, it could be something we start looking at programs,
25 we start looking at -- it could potentially lead to

1 reductions in force. It could lead to a whole plethora of
2 different things, of which, you know, we don't have any
3 laid out in front of us here.

4 MS. RISLING: And the 75 remaining?

5 MR. RICE: So the way that that -- with 185 duty
6 stations, 85 of which are agencies, or field offices,
7 depending on the title, 12 regional offices. Depending on
8 where those staff would be located, those programs could
9 either be managed -- like the forestry example, mostly,
10 you know, from one region that's managed out of another.
11 It could be if there's a close -- an office that's in
12 close proximity, remaining staff could be placed there.

13 I mean the work still needs to be done. We're
14 just -- we have -- we have the opportunity here to look at
15 how we would actually do it in those situations.

16 MS. GARCIA: Martha Garcia from the Ramah Band of
17 Navajos.

18 When you look at the reduction in force that's
19 going to be happening, whether it be -- I'm not sure -- at
20 the central office and it comes on down all the way to the
21 agency, the impact that we feel and we see most is at the
22 agency level. And coming from the Ramah Navajo Band, we
23 have an agency out there.

24 1996 we had a reduction in force. And just to
25 give you an example, we lost 10 staff from the roads

1 department that year, leaving us with only four people to
2 continue to operate. When we lost the 10 positions, they
3 were never filled. They were eliminated. So we just had
4 four staff, and they had to continue to provide service.

5 And what has happened since then is there is a
6 concern for safety, not only for the workers, but also
7 safety for the public, because no longer are they able to
8 provide maintenance and repair service in a timely manner.
9 And the number of -- and for number of -- with the number
10 of roads that we have, we have to have the maintenance and
11 repair done on a daily basis to ensure that the public is
12 provided that safety with -- that travel these roads.

13 We have buses that operate daily that goes out
14 into the community. And then we have law enforcement. We
15 have the EMT services. And we have the regular public
16 that use these roads on a daily basis.

17 Now, they're no longer able to maintain them like
18 they used to, at one point. And they're now -- instead of
19 being proactive, using a schedule of maintenance and
20 repair, they're just reacting to what is there now.
21 They're operating in a crisis situation.

22 To top it off, when you have breakdown in
23 equipment, then it takes time because of the system that
24 you talked about, where property and all that, that's
25 still under the BIA and it takes time just to get things

1 out to our area to get repairs, to get parts, and all
2 that. So there's another delay of another month or so
3 before you get anything done

4 We have huge potholes in our roads that are not
5 being addressed at this time, because we went down from 13
6 staff -- or 14 staff to only four staff, and only one is
7 an administrator. And when you have three heavy equipment
8 operators that are not doing more than just heavy
9 equipment, they're repairing fences, they're doing cattle
10 guard cleanouts and all that, trying to just maintain what
11 is there, they're months -- I mean, probably over a year
12 behind schedule now.

13 So when it comes down to those kind of situations
14 when you begin to talk about reduction in force, then
15 we're faced with the same problem. You're going to
16 eliminate -- the work that's there is going to be
17 eliminated. We're no longer going to be receiving
18 services that has been there, because we've already been
19 cut. And now we're being told to cut in those same areas
20 again.

21 And it just doesn't work out. We were just not
22 getting anywhere. We're no longer efficient. Yes, maybe
23 we're saving money, for the Bureau, but we're eliminating
24 programs to do that at our local level.

25 And then you're putting the lives at risk of many

1 of our -- many of these tribal members at our local areas.
2 So that's what you have to look at. So I'm going to
3 expand and we're going to expand more of how this
4 streamlining impacts us at the local level more than -- I
5 mean, we don't see the impact of how the streamlining
6 happens at the central level and even at the regional
7 level, how that has an impact on us.

8 But when you look at the local impact of the
9 agency and whatever that needs to be done, we severely
10 feel the impact, even before it begins to happen.

11 MR. RICE: So those are all good points talking
12 about property and roads. And, you know, through the
13 facility's piece, which is one element of what you were
14 talking about, in this morning's discussion talking about
15 those lines of authority within the organization and
16 bringing those back into alignment, regardless of what
17 would happen at any duty location, that should be one area
18 that can address it.

19 In terms of roads and federal highways -- in
20 terms of roads and the roads program within BIA, you know,
21 the funding for that comes out of the Federal Highways
22 Administration.

23 MR. BLACK: No. That is at DOI. She's talking
24 road maintenance.

25 Let me just jump in real quick on that, the road

1 maintenance program, and then some of the impacts you're
2 talking about.

3 You know, inevitably if we have to go, there's
4 going to be some kind of impact. What we're trying to
5 really do is how do we -- and asking for your help and
6 input in is how do we really minimize that impact?

7 And you make some really good points. The road
8 maintenance program is a perfect example here of a program
9 that right now is severely underfunded. We probably get
10 40 cents on the dollar what we really need to get out
11 there and meet the needs of the reservations and the
12 tribes out there, when it comes to the road maintenance
13 programs.

14 I mean, I've seen road maintenance programs that
15 run out of money, you know, in March or April. And we
16 really don't get to do maintenance. We're doing ice and
17 snow removal and those kind of activities that are
18 essential in the winter time in certain parts of the
19 country, but we don't have the opportunity to real do
20 that.

21 But as we go through this process and analyzing
22 the positions and what -- where we can make some potential
23 savings, we need to look at those programs. If they're
24 already severely underfunded, severely understaffed, it
25 would be negligent on our part to actually look at

1 reducing staff -- additional staff in those type of
2 programs.

3 So those are things that we have to look at as we
4 move forward, and I appreciate the comments, because those
5 are well thought out, good comments that you're bringing
6 forward.

7 So thank you.

8 MR. KING: Tracy Ching King.

9 As far as, you know, looking at these buyouts,
10 whatnot, I'm hoping that the mistakes aren't made like
11 they did back in '96, because if you look at most of your
12 folks that want to help tribes, they take the buyout
13 because they had enough of it.

14 And so I used to work for the BIA from '84 to
15 '93. And I worked in the range department, and I've seen
16 where a lot of us that were just doing the work, and the
17 people that were in the positions of managing the programs
18 didn't know what they were doing, so some of us that
19 were on the -- that weren't on the top, that were on the
20 bottom were able to do a lot of the leg work.

21 And some of the problems you've seen was some of
22 the folks really didn't know what they were doing. I
23 think it's called brown nosing or something like that,
24 whatever you want to call it.

25 And I've seen that where if somebody was doing

1 that, then they somehow got a promotion. And it made the
2 services -- I'm not accusing any of you of that, but just
3 what I've seen --

4 (Laughter.)

5 MR. KING: And one of the things that I've seen
6 is they put people in these programs that they really,
7 really didn't belong into, because they didn't know what
8 the hell they were doing, but brown nosing was the only
9 way to climb the ladder.

10 So I think in 1984 there was a fire at Rocky Boy
11 and there was a fire in northern Cheyenne. So in there
12 forestry took over. And what happened was the two fire
13 managers screwed up. So they relieved them of their local
14 duties at the reservation level.

15 So back in September during Labor Day of 1988, I
16 took some fire crews -- emergency fire crews to take crew
17 boss because of the big fires and the shortage of crew
18 bosses. So when we got to Billings, I seen those two guys
19 that were screwed up. They were teaching us how to fight
20 fire.

21 I mean, those -- the reason I'm bringing that up
22 is because those things shouldn't be repeated. You'll
23 probably lose a lot of good people. And as you're
24 streamlining, you're going to do like what they did is
25 you'll probably put somebody over here so that they

1 could -- once you streamline, and that -- at the regional
2 offices what will probably happen is you'll get these --
3 someone will be detailed over here for awhile, so they'll
4 get that experience, and then they'll create a different
5 job description for them, so that once they got in these
6 different areas, oh, they'll eligible, and then you have
7 more screw-ups.

8 So with the 1996 RIFs, and finally having enough
9 of BIA politics in '93 -- or '95 I decided to say the hell
10 with it. Rather than fire me, I'll just resign and you
11 don't have to put up with me anymore.

12 So one of the things that I've noticed since then
13 is that there's the wrong people within those jobs in
14 there, you know. And I always tell my tribal leaders --
15 my own tribe don't hire me, because I'm a former tribal
16 leader and I need a job. Don't hire me. Unless you want
17 the screw up, then hire me. I'll screw it up.

18 And that's kind of -- the reason I say that is
19 because in the same way, someone who is not qualified for
20 a position shouldn't be hired, because it makes -- I mean,
21 we have leases that go -- we passed at tribal council.
22 And it's, you know, five years and nothing is being done
23 about it. So where is the breakdown when you complain to
24 the regional director, and they're not getting these
25 leases that -- like I said, Pony Express. You know, I

1 could deliver those and come back and file them in the
2 office.

3 But if they're streamlining, there should be
4 essential programs that are in there. And I'll say back
5 in '96, I went to the BIA Appraisal Office in Billings,
6 and ours was about maybe two inches thick, our appraisals,
7 and the other seven reservations were only like half an
8 inch.

9 But because I was frustrated, and whatnot, and
10 because of the RIF in '96, it had a negative impact on
11 Fort Belknap. And a lot of our people passed away because
12 they wanted to sell their land. They were -- they had a
13 death sentence of cancer or something, and they just
14 wanted to get rid of their land or sell it to the tribe.
15 But since then, they passed on, and the undivided
16 interests divided more so.

17 Those are the kind of problems that you see when
18 you look at is how, through this streamlining, are you
19 going to be more effective in the -- one of the objectives
20 is empower tribal programs.

21 I remember back in 1995 I asked -- I reminded the
22 Acting BIA Superintendent of the mission of the -- BIA's
23 mission. And then she said let me see that, she took it
24 off our tribal chambers, and I haven't seen it since.

25 So, I mean, it's to enhance the quality of life.

1 And when you look at economic opportunities, there's like
2 111,000 acres of farm land on Fort Belknap. And probably
3 out of that 111,000, maybe more than 90,000 are probably
4 farmed by non-Indians.

5 So on the backs of our enrolled members, there's
6 non-Indians that become millionaires in Fort Belknap. And
7 so that's not an economic opportunity when they become
8 rich.

9 And I think a majority of the cattle producers
10 are non-Indians. So something is wrong when they become
11 millionaires, and there's still 70 percent unemployment on
12 Fort Belknap, and you see people that come to the tribe
13 every day that are looking for jobs that are suffering
14 from the economic woes that don't benefit us.

15 MR. RICE: Thanks, Tracy.

16 --o0o--

17 MR. RICE: So as we move from talking about
18 staff -- oh. Every time I look down, Lois.

19 (Laughter.)

20 MS. RISLING: Don't look down.

21 I want to go back to the slide that talks about
22 streamlining options. And there's the bullet that says
23 law enforcement not included. And I realize someone from
24 the panel said that they weren't included due to
25 complexities that were involved with law enforcement.

1 That therefore, they're not included as part of the
2 streamlining. That's my understanding from that response.

3 But how much of the law enforcement is part of
4 the Bureau? I mean, is it part of the Bureau budget. And
5 if they're not included in streamlining, they're exempt
6 from having to be cut, from the President's directive,
7 does that mean that if it's part of the Bureau's budget,
8 that the Bureau is going to pick up their part of that
9 streamlining effort, so we're taking an FTE possible
10 reduction that includes the law enforcement part of it?

11 And why are they exempted?

12 And if we did across-the-board cuts, would law
13 enforcement still be included or excluded from those
14 across-the-board cuts?

15 And are we carrying them on our back?

16 MR. BLACK: First, I guess I'm going to go
17 backwards Lois. As far as if there was a across-the-board
18 cuts, no, law enforcement wouldn't be exempted. And law
19 enforcement is exempted from potential cuts. The
20 streamlining effort and reduction of FTEs that we're
21 putting out here for discussion here today, the reason law
22 enforcement is being exempted from that is, well, number
23 one, we've been going through a major recruitment effort
24 in law enforcement, because we have such a shortage of law
25 enforcement officers out there in Indian country.

1 And this is something we've heard loud and clear
2 from the tribes, you know, for any number of years. And
3 if you looked out at the national average of law
4 enforcement -- in rural communities, the number of law
5 enforcement officers per resident member in a community
6 were far below what is the national average out there. So
7 that's something we've been trying hard over the last
8 couple of years to try and bring that up for the
9 protection of the life and safety of the community
10 members.

11 So it would be - there again, I'm going to use my
12 term - negligent on our part to go back on that. So
13 that's why they're exempted from this streamlining and FTE
14 process right now. But it's not to say that law
15 enforcement won't be facing cuts to their budget as we
16 move forward.

17 MS. RISLING: Is their funding part of the
18 overall --

19 MR. BLACK: Yes.

20 MS. RISLING: -- for -- so we're having to cover
21 their funding --

22 MR. BLACK: No, it's not -- like I say, I'm not
23 saying they're not taking cuts. They just might not be
24 taking cuts of this 14.5 million, but they may be taking
25 cuts in other areas within law enforcement. They're just

1 not going to be part of this \$14.5 million reduction of
2 FTEs.

3 MS. RISLING: But their budget is included in the
4 total amount that comes up with the 14 -- like, if you
5 took out the law enforcement budget from your overall
6 budget, would we have to do 14.5 million? I mean, is
7 there budget --

8 MR. BLACK: Oh, yeah.

9 MS. RISLING: -- 25 percent of the total Bureau
10 budget, 50 percent, what is it?

11 MR. BLACK: They're roughly around, I want to
12 say -- I'll look. I've got it here on my iPad here
13 somewhere. I don't -- you're going to make me pull my
14 calculator out again, but they're a certain percentage of
15 the budget, yeah.

16 MS. RISLING: And we're having to cover those in
17 the \$14.5 million cut.

18 MR. BLACK: It's going to have to come out of
19 basically the rest of the Bureau, at this point, but it's
20 not to say that they're exempted from other cuts.

21 MS. RISLING: And did you ask the tribes if they
22 wanted to -- is that -- well, that's something you might
23 want to consider, tribes, and write about.

24 MR. BLACK: Well, that's something -- if you want
25 to offer input, that's what we're looking at right now.

1 If you want to do that, put that forth, but I can tell you
2 right now, I mean, that is just something the tribes have
3 been asking us to do is to get those numbers up. So to do
4 that would be going directly against everything we've been
5 told for years when it comes to the law enforcement
6 program.

7 MS. RISLING: It's kind of disingenuous though.
8 When you look at the PowerPoint presentation, or as I did,
9 I went on line and I downloaded it and conscientiously
10 read it, it implies from the presentation that these
11 bullets are not for discussion, that these are -- there's
12 some reason why this is happening and it also doesn't give
13 us the information that it's being included in the overall
14 reduction numbers, so that we can't make informed
15 decisions. And more importantly, we can't advise you in a
16 astute manner when we don't have all the information,
17 because there's these set asides or these protections
18 that -- and that's what people here were talking about, is
19 this really a government to government consultation and
20 relationship when you're brokering information. And
21 that's how that comes across. It comes across as
22 brokering information. Not you personal, but somebody up
23 there, whomever.

24 MR. BLACK: No, I understand, and I'll be
25 happy -- I'm glad to take the blame for it. But no, and

1 that's definitely not the intent here. Like I said, as I
2 mentioned earlier, this was all ideas that have come out
3 as opportunities to look at how we can achieve these
4 savings in the most efficient manner possible, in the most
5 responsible manner possible, looking at everything across
6 the Board. And life and public safety is a huge thing
7 that we have to consider as we move forward. That's why
8 we put that out there.

9 It's not to say that you can't comment on it, if
10 you have ideas. And if the tribe, across the board, want
11 us to go out and reduce the number of law enforcement
12 officers out there in Indian country, then tell us that.
13 I mean, we're more than open to hear everything that --
14 and I mean -- as I say, that's why we're having these
15 discussions, Lois.

16 I mean, nothing is -- how do I want to say,
17 nothing is really off the table. I mean, this is the
18 opportunity for the tribes, and we're going to listen.
19 That's why we're here.

20 MS. RISLING: And I thank you for listening, but
21 that was this gentleman to my left's discussion that we
22 was having this morning is like who's going to make the
23 ultimate decision?

24 Because the presentation is presented in such a
25 manner that one would be led to believe from just reading

1 the document, that there are some decisions that have
2 already been made that are off the table. And then we
3 come to find out, no, they're just possibilities, maybe we
4 can do this. It's, you know, have your input.

5 And then that was his question, who makes that
6 final decision? Because, yeah, I think it's important for
7 health and safety to have law enforcement, but I also
8 think it's important that our trusts entities be managed
9 and we be able to put out a big huge wildfire that comes
10 raging through our reservation and then makes our old
11 people sick, because they can't breathe. But we want to
12 be able to have decision making and a real impact into
13 that decision.

14 Somebody, some entity someplace has made some
15 inherent decisions that we are then asked to respond to,
16 that's all I'm saying, because this is one. Law
17 enforcement is one of them. And the rationale for why
18 that decision is made may be very appropriate, and it may
19 be right, but we're not given the opportunity, just from
20 the documentation, to be able to respond to that.

21 But we will put it in writing.

22 MR. RICE: Okay. After talking about staffing
23 levels, one of the other areas is looking at the duty
24 stations. And in one of the earlier sides, you saw there
25 was 185 duty stations nationwide. And what we started to

1 retirements in those, by agency?

2 MR. RICE: We can. We don't have that. Like, we
3 haven't broken that out and specifically targeted those
4 agencies. I mean, we can get that data or we have it
5 accessible.

6 --o0o--

7 MR. RICE: So when we look -- again, we look at
8 the agencies, you know, high ratios, close proximity, and
9 then the programs that are actually managed within those
10 offices. In some instances, maybe the program could
11 actually be run out of a regional office or somewhere
12 else. In some cases, maybe that's not the case.

13 --o0o--

14 MS. RISLING: Lois Risling.

15 On the previous slides, it says some offices have
16 half staff, some offices are candidates for
17 centralization, some offices are very close in proximity.
18 Do you have the lists that tribes could see to see which
19 offices meet each one of those categories.

20 MR. RICE: We have it. We didn't prepare
21 anything listwise, but they're all on those -- on the maps
22 that are on the back. So, I mean, nothing is not
23 displayed.

24 MS. RISLING: Because I think if tribes had that,
25 they would have an opportunity to make an informed

1 by those maps. And realizing that in many of these venues
2 the conversation would be regionally focused. Like I
3 wouldn't expect someone from Alaska discussing what was
4 going on in Nashville, unless maybe the programs were
5 crossing geographic boundaries.

6 And, for that reason, we tried to keep it as open
7 as possible. We weren't -- you know, we don't have a list
8 of criterion that we went through, per se, to do this.
9 But what we did look at was -- I mean, the one thing we
10 did look at was the ratio of staffing levels, and then we
11 started talking about different programs. And, you know,
12 the tribal leadership, the tribal programs also have a
13 great understanding of that wherever you're at.

14 MS. RISLING: I think the assumption is a valid
15 one. But I would add to that when you talk about
16 realignment and the possibility of realignment being a
17 geographic one, that you might have to move geographically
18 positions into another area, then different agencies, as
19 well as different regions, the tribes have to speak to
20 those areas, because it's going to directly impact them.

21 So maybe if, for example, they moved Hoopa's
22 fisheries program to Alaska, for some reason, then I'm
23 going to have to make a comment on what that means to
24 Hoopa even though it's in Alaska. So that's why I think
25 all the tribes need to do this.

1 consolidations and combined FTEs, that we're guessing that
2 there's going to be savings?

3 MR. RICE: No. It's a may space be realized.
4 And the intent of that is that we know the costs
5 associated with building space and the utilities. And if
6 a duty station or duty location was combined, closed,
7 whatever it was, that cost may be a savings. And
8 that's -- it's not saying we maybe know, it's saying that
9 if that happens, that may space be realized.

10 MS. RISLING: Do we know how much that is?

11 MR. RICE: In total for the 10 that we have up on
12 the previous slide, I think the total of that is about
13 \$1.5 million. So depending like the other -- everything
14 else, depending on how you mix and match, you know, that
15 total will vary.

16 MS. GARCIA: Martha Garcia from the Ramah Band of
17 Navajos.

18 When we look at what are some of the proposals
19 that are in here, you're looking at how much savings this
20 would occur for BIA. But when you look at from the Tribal
21 side, it's going to cost -- it's going to increase what we
22 have to do. Our cost is going to increase. If you're
23 going to combine our agency or move it to the regional
24 office, we're going to have to travel those many more
25 miles just to get signatures, just to have meetings, just

1 to get certain services done.

2 So you're putting the cost back on the tribe to
3 take up that slack that's going to be missing now from
4 these proposed consolidation of the agencies or even the
5 regional office then. I hope that that has been taken
6 into consideration, because as a contractor, we contracted
7 most of the programs that were formally operated by the
8 Bureau, all the way from education to the non-educational
9 services. And we have to rely on the agency on a daily
10 basis. We have to walk across the street and get
11 signatures and to get our -- whatever that needs to be
12 done, the trust responsibility still lies with the agency.

13 And yet now that's going to be consolidated and
14 it's going to be moved away and out of our community,
15 either -- and what happens we have to have that
16 communication. We have to have the service that's needed
17 there daily. It's now going to be moved away. And yet,
18 our contract and the extra funding is not going to be
19 there for us to take care of those matters also.

20 So the cost is now on the tribe to pick up that
21 slack that you're going to reduce within the Bureau
22 structure while you're streamlining this. So that also
23 needs to be taken into consideration. And you're going to
24 be eliminating those services that were there previously.
25 It's no longer going to be there. Instead, we have to

1 travel hundreds of miles just to get those services, and
2 those communication that was there previously.

3 So I think each region, each agency has its own
4 unique status that needs to be looked at, and we have
5 a -- we have to go that extra mile to meet that. And our
6 government to government relationship with the federal
7 government is going to be less now. You're going to
8 provide a weak link in what we have been doing previously.
9 And I think that relationship is supposed to be
10 strengthened and we're supposed to be working together
11 very strongly of what we're -- what we have now,
12 instead -- for those of us that are mentioned in
13 these consolidation plan, we -- the impact is very severe.

14 MR. GARCIA: This is Bob Garcia again. So if you
15 look at what we have right here is, you know, some
16 potential savings on, what I'm going to describe is a
17 service delivery paradigm, you know, which is smaller
18 agencies through the region to -- you know, to D.C.

19 And if you look at this from kind of the customer
20 service model, if you think the BIA is a customer service
21 agency, which is there to create a -- to fulfill its
22 mission to help tribes, some of the folks that understand
23 the tribes best are the local agencies. And maybe some of
24 the smaller agencies, which, in some sense, may -- there
25 may be, you know, a reason to think that they -- you know,

1 that you could be consolidated, but at the same time the
2 people that are the local agencies are particular -- are
3 some of the ones that really understand the needs of the
4 tribes, the ones that around them, you know, the very
5 best.

6 So as you go forward and we look at this thing
7 and we look at where we can make savings on looking at,
8 you know, you have to try to create, you know, some
9 savings piece on here. When you look at this kind of
10 thing where -- you know, rethinking this paradigm, which
11 is the agencies through the regions to D.C., you know,
12 there's many cases where there's duplication particularly
13 in what happens at the regional office and then what's
14 done at D.C.

15 And I can give you, you know, specific examples
16 where you might start something at D.C. and you'll be, you
17 know, working with someone on that. They say, well,
18 let's, you know, see what the region thinks about this.
19 And you kick it down to the region, they make their
20 comments on something, and you get a change in the policy.
21 And then you kick it back up to D.C. and D.C. doesn't pay
22 any attention to what the region said or did.

23 They said, we'll we didn't really care what
24 happened out there. So you get this kind of area where
25 there's some real duplication of effort that is involved

1 in the piece that goes out there.

2 So what we really need in this is to very clearly
3 delineate where decisions need to be made. And if
4 decisions can made be at -- you know, as we've seen the
5 pendulum swing back and forth in years between everything
6 at D.C. to everything, you know, at the local level, you
7 know, there's got to be some bifurcation between what can
8 be done at a local level, what can be done at a D.C. level
9 and have everyone clearly understand what that is.

10 You know, I've seen, you know, things where D.C.
11 has taken things on because it was politically hot, and
12 say well we wanted to take on these decisions. And then
13 they say, well, no, we really don't need to make this.

14 I just think that the agency level is the area
15 where we have the most expertise. They may be closer to
16 retirement of the people that understand the tribes the
17 best. And in that sense, it's the area that I think I
18 have the most comfort with in dealing with on a day-to-day
19 basis. And because then when you go -- you know, you get
20 outside the agency level, sometimes you feel like you're
21 going in the washing machine and you just don't know when
22 you're going to hit the spin cycle and what you're going
23 to end up with.

24 MS. POPE: Hi. Rhonda Pope, Buena Vista
25 Rancheria.

1 My recommendation is that you treat this like an
2 environmental report. Call it a tribal environmental
3 report. And in the way that if you're going to identify
4 these things that you're going to do, then you're going to
5 identify the impacts to the tribes.

6 Because I've listened to everyone around the
7 room, and that's what it kind of circles back to. It
8 circles back to how is this going to impact us?

9 And so, you know, all of these cuts that are
10 being proposed, all of these changes, all of these
11 streamlinings, how is it ultimately going to affect us.
12 And I think that we can't make informed decisions without
13 knowing what the impacts are going to be to us.

14 So if you were to take this document and phase it
15 and then have a document that follows that identifies the
16 impacts that are going to follow these decisions that, you
17 know, that you're proposing, I think that it would make
18 you're job easier, because I see the wrinkled foreheads
19 and, you know, the frowns and the sighs, and I see it.

20 But, you know, if you inform us what the impacts
21 to our tribes are going to be, it will make it easier on
22 you, it will make it easier on us to advise you, and we'll
23 all be a lot happier.

24 MS. BAILEY: Gloriana Bailey, the Big Pine Paiute
25 Tribe.

1 Just a question on whether or not, what have the
2 comments been from the offices -- you know, from the --
3 how -- let me see how do I want to say it. The regional
4 offices, how do they feel about the impacts that might be
5 happening, because you do have those outlined in here?

6 MR. RICE: So those have been -- I guess I would
7 characterize -- you're talking about the BIA offices,
8 right?

9 MS. BAILEY: Yeah.

10 MR. RICE: And so I would characterize those as
11 very commensurate with any type of change. You know,
12 immediate -- when any type of change is upon any of us, we
13 react with a bit of resistance to begin with. And then
14 after that, you know, sort of once the dust settles,
15 there's been pretty good discussion about what could
16 happen, how it could happen.

17 Nobody is thrilled about losing any staff,
18 period. Nobody is looking forward to any type of budget
19 cut, because everyone is operating on such a thin line to
20 begin with. So it's -- everyone views it as -- well, in
21 general, everyone views it as an immense challenge that we
22 have to address.

23 Mike, can you -- does that cover it or is that --

24 MR. BLACK: No, I think you said it just perfect.
25 I just wanted to comment real quick on the previous three

1 commenters and hope to -- make sure everybody can hear me.
2 And that's just largely to say thank you, because all
3 those comments are everything that needs to be considered
4 in this whole process when it comes to the customer
5 service and the delivery of those services, as well as the
6 impacts.

7 And those are things that -- just to follow up on
8 Bryan's comment, you know, what the staff thinks. They're
9 thinking of those same things is what is the impact of our
10 ability to deliver services? What's going to be the
11 impacts of the tribes?

12 So I appreciate all the comments. I mean, those
13 are all well said things that we need to consider and I'm
14 glad they're on the record.

15 MS. MARTINE-ALONZO: Okay. Nancy Martine from
16 Ramah Band of Navajo.

17 One recommendation to consider is instead -- as
18 you restructure and realign the various offices, and as
19 you consider the duties and the roles and authority, one
20 recommendation is if you give the local agencies more
21 authority, pass some of that authority to their level and
22 then they're more empowered to be able to interface with
23 the tribal partners, because we both serve the same
24 population.

25 And we want the best interests of both our tribal

1 members and if they -- the agencies are serving that,
2 then, you know, we talked about that, about making
3 government to government really efficient. And one of the
4 options is to give more authority to those positions,
5 rather than taking it away or physically removing it, but
6 what about looking at it from that perspective?

7 And then as you go up the system, maybe you make
8 the cuts elsewhere, but what's on the ground and where the
9 main work gets done ensure that that process that has been
10 in place now and working now, it should remain in that
11 way, but just make it more effective by giving it more
12 authority.

13 Thank you.

14 MR. DIXON: Aaron Dixon, Susanville Indian
15 Rancheria. In your streamline initiative, where you're
16 talking about the 19.7 million, in it it says, "...which
17 will affect services to the tribe". Do you know what
18 services? Will it affect us?

19 MR. RICE: It's -- I mean, it's across the Board.

20 MR. DIXON: I know we're talking about reductions
21 of staff services and workforce and everything else, but
22 that's really going to affect all of us when you're going
23 to be downsizing and everything else. And on top of that,
24 you're talking about realigning, looking at jobs to give
25 it to another responsible individual within the Bureau of

1 Indian Affairs.

2 That's going to create a lot of turmoil due to
3 the fact that there's going to be more added
4 responsibilities and everything else, but it's also going
5 to cause burnout too, because you're asking more out of
6 one person. And sometimes when you get a little bit more
7 responsibilities and more deadlines, that's going to cause
8 a lot of burnout, and early retirement for these
9 individuals that are working for the Bureau. So have you
10 ever thought about that?

11 MR. RICE: Of course. Yeah. No, we -- it's a
12 good question and it's a good point in all this, because I
13 mean there is a certain amount of work that needs to be
14 done, period, and there's a certain amount of staff that
15 you need to do the work. And in one of the -- you know,
16 one of the ways that we're looking at this, one of the
17 examples that was brought up was talking about the
18 signatures.

19 And, you know, if someone -- if we have a small
20 agency where the person is just the approving authority
21 and they're doing signatures, can we utilize any of the IT
22 tools we have for that person? You know we space savings
23 that come from that particular location, and that function
24 can be carried out somewhere else.

25 I mean, that's the type of thing we're looking

1 at. We're not looking at taking one person and doubling
2 their workload overnight and saying here we go. This is
3 streamlining and this is savings, because that just
4 creates a long-term inefficient response. So that point
5 is very well taken.

6 Right behind you, Kevin.

7 MS. HOAGLEN-CARD: Zerlinda Hoaglen-Card, Round
8 Valley Indian Tribes.

9 As I sit here and listen to all these cuts that
10 we're going to get from the Government, has the Government
11 ever thought of cutting their own pay and cutting those
12 pays to give back to their people?

13 And I'm not just talking about the tribes, I'm
14 talking about everybody in the nation. And then I also
15 hear you guys, you know, do less -- you have to do more
16 with less. Well, my tribe, we have been doing more,
17 trying to do more for our people, with less.

18 You know, and I hear you guys saying that, but --
19 and I'm probably not the only tribe. And there's a lot of
20 other tribes that are trying to do a lot but with nothing.
21 And so now we're going to be down to more nothing.

22 Our education is getting cut. You know, and I
23 don't see the Government trying to cut their pays or
24 anything else to help us out.

25 MR. RICE: No, that's an important piece to talk

1 about here. You know, in terms of what we look like
2 internally, we're not holding ourselves harmless to
3 anything, in terms of -- you know, I know my immediate
4 staff back in D.C. everything is being looked at, in terms
5 of travel, any other kinds of incentive, things that go
6 with it. When positions become vacant, we're just not
7 carte blanche refilling behind them. I mean, we're going
8 through the exact same thing.

9 The other element in this -- and I want to relay
10 a story. I know Director Black wasn't there. The other
11 deputy for Mike -- another Mike. Mike Smith was in the
12 room with the Secretary when he was talking about, you
13 know, the upcoming budget.

14 And it was Mike Smith representing the Bureau of
15 Indian Affairs, and all the other Bureaus within Interior,
16 and they were all with the Secretary. And the Secretary
17 said okay, this is what's going to happen, and I don't
18 want to hear any whining, nothing.

19 And basically what we was getting at was all the
20 other Bureaus within Interior were receiving anywhere from
21 8 to 10, 11, 12 percent cuts. And BIA was kept to one
22 half of one percent, so 0.05 percent, reduction in terms
23 of the overall big picture.

24 You know, is that parity? Is that a -- I mean,
25 we can get into all sorts of issues with that. But what

1 it pointed out to a lot of us was that we actually have,
2 you know, a Secretary, and, you know, the previous
3 Assistant Secretary, the current Acting Assistant
4 Secretary, our Bureau Director, everybody has got their --
5 you know, their foot in the game trying to make sure that,
6 you know, we're holding off on this as much as we can.

7 So this streamlining piece of it is -- it's
8 challenging. It's a change. It's difficult for all of
9 us. And so, you know, through the comments and the
10 discussions we've heard so far, I'm hoping we really find
11 some ways that we can address this as it moves forward.

12 MR. BLACK: And I guess maybe it's a good time,
13 and we'll probably should have done this earlier, and I
14 think you mentioned, keeping in mind here that I think he
15 makes a good point. We've been -- we've done pretty well
16 under this administration. We haven't seen some of the
17 cuts some of the other Bureaus or some of our other sister
18 agencies have, in even just the Bureau -- our Department
19 of Interior.

20 And what we're looking at here right now comes
21 out of the President's proposed 2013 budget. This still
22 has to go to Congress. Congress still has to weigh in.
23 The tribes still have their opportunity to lobby their
24 representatives or whatever happens. We don't know what's
25 going to happen with the 2013 budget, but we have to run

1 through this exercise. We have to be prepared for, you
2 know, worst case scenario.

3 So I just want to kind of preface it and make
4 sure everybody is aware that this is proposed under the
5 President's budget. It's not a done deal. This is not
6 necessarily saying what the 2013 budget is going to look
7 like.

8 MR. RICE: I know we're running a little bit late
9 on time here, but it's 12:40. So let's run till 1 o'clock
10 and then we'll all break for lunch. I can see the
11 fidgetiness, but we're -- we've got a couple pieces in
12 here. It looks like there's a couple comments still that
13 are going to be coming.

14 Let me run through. There's a couple slides
15 here. We've been talking duty stations.

16 --o0o--

17 MR. RICE: You know, regional offices. This is
18 just listing out where they are, what cities they're in.

19 --o0o--

20 MR. RICE: When we're talking about -- hold on
21 one second.

22 When we're talking about the regional offices,
23 we're still talking about program, staffing levels, pieces
24 in there. And what I really wanted to get to was right at
25 the end. You know, we showed this earlier in terms of the

1 staffing levels by region.

2 --o0o--

3 MR. RICE: But this is the piece. I mean, these
4 five areas are the areas to talk about.

5 Yeah. Okay. Go ahead, Lois.

6 MS. RISLING: Well, I have an area before you get
7 there, and it's back on your regional offices slide.

8 MR. RICE: Okay.

9 MS. RISLING: There's a bullet there that says,
10 "Evaluation of offices and programs".

11 MR. RICE: Sure.

12 MS. RISLING: So I didn't know how to take
13 evaluation. Is that -- what is the methodology, the
14 evaluation methodology?

15 When will this be done or has this already been
16 done?

17 Will this be done before any cuts?

18 By whom?

19 Are we going to look at impact on tribe?

20 Is there going to be tribal input, not only into
21 the methodology, but also into the findings, and also into
22 the evaluation of the findings?

23 Or is this already done?

24 Because when you read the briefing that's
25 attached to the slides, it says evaluation of regional

1 offices and evaluation of -- you should have let me have
2 lunch.

3 (Laughter.)

4 MS. RISLING: -- evaluation of agencies and field
5 offices. It looks like it's already been evaluated. It
6 says excluding central office and other things when you're
7 looking at it. And then it goes on to say, "The increase
8 of tribes compacting and contracting program elements and
9 functions in their entirety is another factor that must be
10 considered when looking at the deployment of BIA resources
11 in the aid of the mission. In support of tribal
12 self-governance and self-determination, it is important
13 for the BIA to adapt and respond to the changing
14 environment as tribal needs to increase".

15 What is the BIA's response to self-governance and
16 determination? Since you've already done an evaluation,
17 the tribes have had no input in, that tribes haven't
18 had -- now you're coming to us already with a
19 determination.

20 If you go on to the evaluation -- do you want me
21 to continue -- evaluation of the regional offices --

22 MR. RICE: I can respond to this, Lois, if you
23 want, because everything that's been -- that's written in
24 this document and everything that you've quoted so far has
25 could, should be looked at, might be. You know, I mean,

1 there's nothing in there that's definite.

2 Have we looked at offices?

3 We've looked at them. We have not had a full --
4 I mean, what we have put in front of everyone here with
5 this document is broad based with as much depth as we
6 could give, considering the time frame that was associated
7 with it. And then figuring that the next step was here's
8 something for tribal leadership to respond to. Here's a
9 set of topics, be it staff, duty stations, programs,
10 everything else. Here's something for tribal leadership
11 to respond to, to react to, to add comments to, but this
12 isn't -- you know, you're still calling it a proposal and
13 this is not a proposal.

14 This is a set of information, a set of themes, a
15 set of ideas that says this is what we're thinking about,
16 and what looks like areas to investigate further.

17 And so when we look at it in that framework or in
18 that context, and we go through this summary slide that's
19 up here and we see that if we have a linear approach and
20 we're looking at staffing levels, then we look at duty
21 stations, if we look at the programs, and how those all
22 flow together depending on if we have staff that separate,
23 if we have duty stations that are either combined,
24 consolidated, closed, left as they are, and then programs
25 that are either managed as they are out of different duty

1 stations or across different duty stations, what are the
2 areas that need to be talked about further, what kind of
3 specific points are pertinent to each regional area, to
4 each tribe, specifically?

5 I mean, there's a whole plethora of things to
6 keep discussing on this about.

7 MS. RISLING: Well, it's hard for us as tribes to
8 make those kinds of cogent remarks in response to that
9 because if we should be looking at compacting and
10 contracting program elements and functions, then for those
11 tribes that are not compacting or contracting, they would
12 need to know what those components and program elements
13 and functions are, because they wouldn't have any idea how
14 to comment on that.

15 And they need to be able to comment on that,
16 because if that's going to be a factor that's going to
17 impact on the aid to the mission and it has to be
18 considered, they need to know what that is. And right
19 now, we don't have any of that information for them to be
20 able to make that comment.

21 It's also if the BIA has to adapt and respond to
22 the changing environment, we need to know what those
23 adaptations(sic) are, so that we can make comments on them
24 or add more to them, or maybe if you're asking me to say,
25 are the BIA's adaptations(sic) functional?

1 Then I'm going to look at the Bronner Report and
2 I'm going to say, okay, is this an adaption(sic) to that
3 part of this? What are those?

4 And so we don't have that information. If you
5 look at the evaluation of the regional offices, one of the
6 criteria is geographic location. Geographic location.
7 This is, "In some instances, regional offices are located
8 in sites where tribal representation is geographically
9 dispersed requiring high levels of travel for staff to
10 support tribal programs, as well as tribal leadership to
11 visit the BIA regional office".

12 So I have to have information and data on that in
13 order to make, again - now it's becoming cliché - an
14 informed presentation or comment about that or to ask to
15 be able to make some kind of decision regarding that.

16 And we're doing this all because this would have
17 the largest effect on the delivery of services to the
18 tribes, and the government's responsibility for nation to
19 nation consultation. Yet, the slide just implies that the
20 evaluation is something that is still going to be done.
21 It looked to me like there was already some evaluation
22 done.

23 MR. RICE: Sure. There has been some done to
24 create the document in front of you, but there's no
25 implication that it's complete or full.

1 MS. HOSTLER: Hi. Jacque Hostler, CEO, Trinidad
2 Rancheria. I'm just sitting here thinking about some
3 common themes. I'm on the Indian Reservation Roads
4 Coordinating Committee for transportation issues.

5 And one thing that happens throughout the nation
6 on that committee is that there's so many different
7 perspectives and so many different tribes, direct service
8 tribes, self-governance tribes. You know, there's no one
9 size fits all.

10 And I know that direct service tribes really will
11 be, you know, probably affected greatly. One thing that I
12 think could be really helpful, and we're doing this in
13 transportation, is to set up a review team and to do it
14 regionally and to bring in two -- at least two or three
15 tribal reps from each region to work with you in the
16 streamlining process to make recommendations and comments
17 from their region, because it's going to be different
18 regional by region.

19 You know, we maybe see the BIA in our area in
20 Trinidad Rancheria half a dozen times, at the most, a
21 year. You know, otherwise, we call them. I don't have
22 any issues. My team is really responsive right now. But,
23 you know, I think it's really important, as I'm hearing a
24 lot of people say, what the tribes are experiencing right
25 now has to be taken into consideration with the

1 streamlining process. How can we overcome -- with a
2 shorter staff, how can we overcome the issues that we
3 already have, and how can that be included in the
4 streamlining process to address those issues.

5 MR. RICE: All right. So we're right here.
6 We're right about at lunchtime. I can hear the stomachs
7 grumbling. Let me go back one. This has been the
8 schedule so far. We're at six of seven. So next week is
9 up in Anchorage to end things out.

10 Comments -- written comments, June 1st is the
11 deadline to get those in. And we will have that
12 information available. The mode of communication has been
13 on the bia.gov site, the www.bia.gov. There's a
14 consultation tab. Underneath that tab, you'll find all
15 the information. So far these documents are also posted
16 there. As the consultation transcripts have been
17 completed, those will be uploaded there as well.

18 The final sort of synthesis of comments that come
19 in will also be included. And then the way -- you know,
20 we have the website. Normal communication that happens
21 through the regional offices, so from the regional
22 directors out to the tribes, and then also -- so for
23 written comments, please send them in. This is the email.
24 It's on the document that you have in front of you. So
25 bryan.rice@bia.gov.

1 So with that, I know there's probably a few
2 ending comments.

3 Yeah, go ahead.

4 MS. RISLING: This is Lois Risling, Hoopa Tribe.
5 On your summary slide, it says investigate duty stations,
6 agency offices, regional offices, but on the regional
7 office slide, it says evaluation. What's the difference
8 and why would we go from doing an evaluation, or already
9 have done an evaluation, to investigating these agencies
10 and regional offices and what are we investigating them
11 for, so that I can comment on the investigation?

12 MR. RICE: So evaluation would be the term. It's
13 meant as synonymous. If it's inconsistent that way and
14 it's being taken as a far -- you know, a far difference in
15 context, that's not the intent. In terms of evaluation,
16 there's been nothing that's been complete. There has
17 been, you know, preliminary evaluation, just like what
18 you've seen in the document. I mean, we've had to look at
19 everything, but there's nothing complete yet. So in terms
20 of investigate or evaluate, it can be both.

21 MS. RISLING: It can be both?

22 MR. RICE: In terms of them?

23 MS. RISLING: What are you going to do in an
24 investigation? Is there something --

25 MR. RICE: Investigate in terms of -- I get the

1 sense you're coming from like a legal perspective
2 investigate. If it's more comfortable just to say
3 evaluate --

4 MS. RISLING: No. I'm coming for I'm looking for
5 something investigation, as opposed to I'm evaluating
6 something to see if something might be -- what kind of
7 direction to take.

8 Usually, when one investigation, you're looking
9 for a specific thing. And as a tribe, I want to know what
10 you're looking for, so then I can comment on what you're
11 looking for. So are you looking for a particular thing?

12 MR. RICE: We're looking for the areas that we
13 had identified in the document, so it would be, you know,
14 staff, program, location, those elements.

15 MS. RISLING: Then in the next number four, you
16 want to ensure service delivery continues without
17 interruption. Is there a plan for ensuring this service
18 delivery, and how will this be done or are there going --
19 is part of the service delivery going to be these
20 reductions in budget cuts?

21 So I'm looking for a how you're going to ensure
22 this service delivery continues without interruption,
23 even -- as a general plan. And then specifically, do you
24 have a plan for if the reductions happen or the budget
25 cuts happen, and comment on it --

1 MR. RICE: There's been --

2 MS. RISLING: -- or do you want me to present it?

3 MR. RICE: There's been no plan developed so far,
4 just like we've been saying all along. So the comments
5 would need to address that as best you could.

6 MS. RISLING: And then the last number you have
7 continue support for self-governance and
8 self-determination. How is this going to be done from the
9 Bureau and what does this look like?

10 MR. RICE: What does it look like?

11 Well, how is this going to be done is probably
12 the more -- the question that I can respond to. It's
13 ensuring that -- let me give you an example. As we have
14 gone through these consultations, specific tribes have
15 come up and said, if my agency is affected, what are my
16 options in terms of either compacting or actually
17 contracting certain elements of programs that are here?

18 So ensuring that that option is available, that
19 it's understood, that, you know, if there's any question
20 on it, making sure that information is available

21 MS. RISLING: To tribes?

22 MR. RICE: Correct.

23 All right. So let's break for lunch. We'll be
24 back in here at 2:30. That gives you 90 minutes.

25 (Off record: 12:55 p.m.)

1 (Thereupon a lunch break was taken.)

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1 AFTERNOON SESSION

2 (On record: 2:35 p.m.)

3 MR. RICE: All right. So it's 2:30, and we're
4 going to follow up on the end of this morning's happenings
5 with the BIA streamlining. I know there was -- well,
6 first, I hope everybody had a good lunch, and the food
7 coma has set in, and I see a couple smiles and nods, so it
8 must have been good food.

9 So I know there was a couple comments right
10 before we were going to leave, and folks had requested
11 that we break for lunch. So we're going to take 15
12 minutes here and have no more than just a handful of final
13 comments, or if there's any last minute questions to help
14 support for the written comments for the BIA streamlining
15 piece.

16 And then from there, we'll hand the microphones
17 over to our Bureau of Indian Education colleagues here,
18 and they'll talk about the streamlining for the BIE. So
19 with that, microphones available, if there's any follow-up
20 questions or final comments.

21 MS. RISLING: I have a couple of questions and
22 then I have a comment to make.

23 In the document that we went through, it refers
24 to the Green Book for fiscal year 2013 that this
25 streamlining initiative is within the Green Book. So I

1 took a look at the part that was specific to that. And
2 one of the things that it says is that, "Self-governance
3 tribes are subject to the same incremental adjustments of
4 base funding as non-compacting tribes". What does that
5 mean?

6 MR. BLACK: Can you reread that for me, Lois.

7 MS. RISLING: "Self-governance tribes are subject
8 to the same incremental adjustments of base funding as
9 non-compacting tribes".

10 MR. BLACK: Essentially, in a nutshell, that's
11 really not talking about the streamlining initiatives as
12 much as if there is a -- let's -- I'm just going to throw
13 a program out there like realty. If there is an increase
14 in the realty budget, the self-governance tribes would be
15 incrementally or pro rata share available -- or eligible
16 for those increases in the budget. And the same thing
17 with budget reductions, if there are budget reductions to
18 programs, compact and contracting tries may be subject to
19 those same budget reductions.

20 If it's to a program, a program line item, not
21 the streamlining initiatives, but the program line items
22 themselves.

23 MS. RISLING: Even though they have compacts.

24 MR. BLACK: Even though they have compacts.
25 There's only so much money available for our program.

1 Now, compacts are a little bit different from the
2 standpoint, there's the -- I want to call it the base
3 funding. Or not the base funding, but when you initially
4 negotiated those compacts, there is base funding within a
5 self-governance compact. And that's a little bit
6 different than just your normal year to year budget
7 formulation for a specific program.

8 MS. RISLING: Even though it says adjustments of
9 base funding?

10 MR. BLACK: There's two -- like I say, when we
11 say based funding, there's certain things under
12 self-governance -- and I don't know the laws all that well
13 or the whole possess that well personally. But I know
14 there's certain things that if there's a short -- I think
15 you call it a shortfall. If there's a shortfall in your
16 negotiated rate, you have that -- that makes up the
17 difference in that shortfall between the base and what you
18 had originally negotiated for.

19 MS. RISLING: Okay. Then that brings me to my
20 second question, and that is, it refers in your document
21 to -- that this proposal, the one that you put up on the
22 Board is found in the 2013 Green Book, which is the budget
23 that was presented. That budget has already been
24 presented to Congress, and it says in here that there's a
25 bunch stuff on streamlining, but in the end it said, "As a

1 result, the FY 2013 budget includes a reduction of two
2 million plus dollars and 17 FTE".

3 And so my question is if we are commenting in a
4 consultation, so that we can come up with a program,
5 because you're saying this is not a proposal, it is not a
6 program. We're trying to elicit ideas from you, then why
7 is it already in the budget, and already stated for what
8 the proposed reductions are and the proposed dollar amount
9 is? Because the way that I read the budget, because you
10 shared that with us this morning, is that tribes can go up
11 on the Hill and talk about it.

12 That gets to the question the gentleman asked
13 this morning. Why are we having these consultations when
14 it looks like a already put-in plan? We call this a plan
15 on the agenda for today. It doesn't say come up with your
16 ideas. It says BIA streamlining plan.

17 MR. BLACK: What section is the \$2 million
18 reduction you're referring to in?

19 MS. RISLING: IA-TNR-2, administrative cost
20 savings, streamlining.

21 MR. BLACK: Okay. That sounds like it is problem
22 underneath the administrative portion of it. And anytime
23 we do budget, you'll notice -- you can go to anyone of the
24 line items there. If there's going to be a reduction in a
25 certain program, and it could be lease compliance, it

1 could be realty, it could be anything, you have to
2 identify dollars that are being reduced and the potential
3 FTEs that could be lost as a result of that reduction in a
4 budget baseline item.

5 That doesn't mean that anything -- like I say,
6 that in itself -- the Green Book you're referring to is
7 the President's proposed 2013 budget.

8 MS. RISLING: Can the Bureau run up and change
9 it?

10 MR. BLACK: We cannot, no. That's the
11 President's proposed budget. I can't change that. It's
12 in Congress's hand now.

13 MS. RISLING: Right. That's exactly my point.
14 You can't change it. If there's going to be any changes,
15 it has to come from the tribes going up and lobbying in
16 Congress to do that.

17 Our question that we've been asking here in this
18 group is, why are we doing a consultation that's already
19 been proposed?

20 MR. BLACK: It has been. Nothing has been
21 decided. I guess -- I'm not sure how to explain that.
22 Like I say, the line you're referring to isn't -- the
23 streamlining proposal does not identify FTEs that would be
24 lost.

25 It could be -- there can be a certain number of

1 FTEs that could be done through space cost savings that
2 we've talked about a little bit earlier. It could be done
3 through program consolidations, but it does not identify a
4 number of FTE. There is no plan on how we're going to do
5 this.

6 MS. RISLING: Well, I'll read it again. It says,
7 "As a result..." --

8 MR. BLACK: I understand exactly what you're
9 saying.

10 MS. RISLING: "As a result, a budget reduction of
11 two million plus dollars and minus 17 FTE for this budget
12 activity".

13 MR. BLACK: Well, I'd have to pull the Green Book
14 up personally Lois and take a look, because the reduction
15 is 14.5 million, not two point some million. Our
16 streamlining initiative calls out a 14 to \$14.5 million
17 reduction, not two million something. That's why I say
18 I'm wondering exactly what reference you have there, but
19 it's something I'll look into and back with you.

20 MS. RISLING: Actually, there's a streamlining
21 section under most of these categories.

22 MR. BLACK: Right.

23 MS. RISLING: I'm reading this as an example.
24 And when you get to the back, it comes up to the 14 point
25 something million for that. In fact, that was my other

1 question. As part of this, when you look in the
2 documentation you give us, it says streamlining measures,
3 19.7 million, administrative savings 13.8 million, program
4 reductions 33.1 million. So there's a lot of other things
5 that seem to be included in this that I don't know if
6 tribes are aware of other than --

7 MR. BLACK: It's exactly what you're saying. The
8 administrative cost savings is not something we're
9 consulting on right here. That is reductions that we have
10 to make to our travel costs, to our production costs, to
11 our other administrative supplies cost and those things.
12 That's an additional cut that is being proposed under the
13 2013 budget. The \$19 million is the streamlining
14 initiative for Bureau of Indian Affairs, ASIA, and BIE.
15 The total 19 million comprises all three organizations or
16 all three parts of Indian Affairs.

17 MS. RISLING: Well, Hoopa wants to go on line --
18 I mean, in the record saying that these look like more
19 than -- it looks like less of a consultation and more of a
20 information -- just giving information, because when it
21 hit the Green Book, that was a proposal from the Bureau to
22 the President that's up there. We can't -- even if we
23 tell you -- even if we tell the Bureau, we don't want
24 these cuts, we don't want to do this, you can't go change
25 that. We have to go and change that. We have to be the

1 ones that do it, because that's how it works.

2 MR. BLACK: That's right. And if it changes,
3 none of this has to happen. But if it doesn't change, we
4 have to be prepared for this activity.

5 MS. RISLING: Right. The other part of that
6 is -- what it says in the document that I have in front of
7 me from you is that, "If we don't do these program
8 reductions, then we might have to do across-the-board
9 cuts. A failure to meet this deadline could potentially
10 lead to an ATB reduction". That's in your document.

11 So I can't figure out what deadline we're trying
12 to meet when that proposal has already been made in the
13 President's -- to the President and to the President's --
14 and to Congress. So to me, we've met a deadline. And so
15 what you're asking us to do doesn't make sense. That's
16 the kind of -- it just doesn't make sense to us, because
17 one of the things I want to say is -- and I won't ask
18 anymore questions after this.

19 One of the things I want to say is the Bronner
20 Report says this is a new day for Indian Affairs, and the
21 document that was presented to us today was called
22 streamlining initiative. It's labeled as Projected
23 Funding Reductions, labeled Streamlining Initiative.
24 That's in your own documentation.

25 Unfortunately, this is not a new day for Indian

1 Affairs, because what's happening is we're asked to take a
2 significant reduction that almost seems to be self-imposed
3 from the Bureau. Because in addition to the reductions,
4 when you look at the Green Book or your documentation,
5 there are significant increases in the budget that just
6 happen to add up to the same amount of monies. It's
7 almost like rearranging the deck chairs on the Titanic.

8 So it seems to me that we need to go on record,
9 tribes need to go on, record to be opposed to proposed
10 cuts to the BIA budget that are self-imposed. And that's
11 what this looks like, like it's a self-imposed purpose.

12 We also have to stand up and say a consultation
13 that is to discuss a plan -- not a plan, a program, a
14 whatever it is, some P word, that is already submitted to
15 Congress, is already in the Green Book, that already
16 delineates what's going to happen. And then the only way
17 that we can have some impact to that is if we, as tribes,
18 go and lobby Congress to fix that. I think we have to
19 take a second look at that.

20 The other thing I want to say is when you're
21 looking at reducing staffing in the Bureau, or looking at
22 reducing agency offices or regional offices, remember
23 compact tribes and self-governance tribes have made
24 contracts, obligations with the federal government to
25 leave some of those positions there to fulfill the need of

1 that -- of a particular tribe for a particular trust
2 responsibility. They've said we want that person to be
3 there to fulfill our need.

4 It is our position that the Bureau is under a
5 contractual obligation to maintain those positions and
6 services from that geographical spot, because they didn't
7 ask to have it put in D.C. or to be put in some other
8 area. So we ask that the Bureau continue to meet its
9 contractual obligations and its Trust responsibility
10 tribes.

11 The other thing is there's a significant increase
12 to TPA, T-P-A. How is that going to be distributed? So
13 we're going to cut the Bureau, I want to know how that
14 money is going to be distributed. Is it going to be
15 distributed per capita cap, by tribe?

16 And if you have a carryover of \$14 million a
17 year, why can't that be used to help with some of these
18 streamlining activities?

19 And lastly, I think it's disingenuous to say
20 we're streamlining when what we're doing is either
21 self-imposed cuts or mandatory cuts from the President.
22 But to say that it's streamlining or that we're having a
23 new day for Indian Affairs is not true.

24 Thank you for your time.

25 MR. KING: Tracy King, Fort Belknap President.

1 I was thinking about this whole process of
2 streamlining. And, you know, I heard the term stovepiping
3 and also silos. And to me those kind of silos mean
4 there's a different grain product, I guess, in each silo.
5 BIA Wheat, DAS-M, wheat, and all those different types of
6 silos that are out there. And as you -- I don't consider
7 myself an educated person, but common sense tells me that
8 there's something going on that's maybe a possible hidden
9 agenda of some type.

10 And you look at OST and the rest of the silos.
11 The process really isn't fair to the 565 nations that
12 supposedly there's a trust responsibility. I look at --
13 if you look at Elouise Cobell case, the Trust settlements,
14 as well as the Keepseagle, those three settlements tell me
15 that somebody messed up big time. And if I mess up, as
16 far as my disallowed costs or whatnot, or anything, then
17 I'm sanctioned somehow to where I'm -- I don't get -- I
18 don't get any money until I'm compliant. So I have to
19 suffer for everybody else. Plus, I have to carry the
20 government with all the continued resolutions.

21 And so I was kind of thinking about why should I
22 trust the -- an agency that screwed up in those different
23 parts. You know, I would go to jail if I was embezzling
24 whatnot. But when the USDA and the Department of Interior
25 screw up, you get a settlement.

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1 And I used to work for the BIA and I buried a lot
2 of -- back in 1989, we buried a lot of records. Dug a big
3 pit just south of the agency and Building 18 was a BIA
4 building. And we loaded up boxes and boxes of receipts
5 and buried them.

6 And when I'd gone on the council in '93, we had a
7 different -- the ITMA process came. And so I start
8 remembering back in the 1980s when the BIA decided that
9 these non-Indians that come on a reservation that run
10 thousands of cattle and farm tens of thousands of acres of
11 land and they kind of forgave them about the bonding
12 process.

13 So I went back, and some of these folks that made
14 a lot of money off the reservation, they went broke like
15 the Indians did, but the banking system and the BIA system
16 kind of helped them buy a lot of that land. So you have
17 somewhere around 20,000 acres of land that was lost by
18 foreclosure, and probably the majority of that money is --
19 or that land is owned by one white guy that kind of
20 helped -- was helped by the BIA and the USDA system.

21 So those kind of practices irk hurt me. And I
22 remember that I used to turn in a lot of non-Indians for
23 overstocking back in the early eighties. And when I went
24 to work in '84, but it caused me to try to get fired,
25 because I turned in these non-Indians.

1 So us poor Indians might have one horse, might
2 look over the wire and they turn him in. So then I start
3 being outspoken because of that. And as a result, I
4 was -- every time I'd go out my horse would do somewhere,
5 they'd always want to pick him up. They even picked up my
6 horses back in '04, because I spoke against when there was
7 350 head of white man cattle trespassing on a reservation,
8 and that same owner shot some buffalo.

9 So as a result, you know, these kind of
10 practices, they really get to me. And so, you know, you
11 look at all the different problems we have that we want
12 fairness on a reservation. Add I would like to see the
13 cuts that -- or a true picture of where these possible
14 buyouts are going to be. This paper here is fine and
15 dandy, but you need to show me a true picture budgetwise
16 of the 12 areas, where those cuts are going to be.

17 And I just have a hard time with this whole
18 process that we go through, because I remember back in
19 August 7th and 8th of 1996, sitting in Prescott, Arizona
20 on tribal budget formulation. And if you remember,
21 whoever was there at that meeting, there was 15 priorities
22 that us tribes had to list. And the 15, they said on the
23 bottom, keep in mind that your bottom five may be cut.

24 And so what I said was to me everything is a
25 priority. Every program that we have on Fort Belknap is a

1 priority, plus they're important. It's like my children
2 and my grandchildren. I've got 15 grandchildren. You're
3 telling me that I could feed my 10 grandchildren and the
4 other five have to starve.

5 So, you know, those kind of things you have to
6 put a human element on everyone, because we're -- we
7 struggle with law enforcement, social services, courts.
8 And cuts are just going to hurt us more so than ever.

9 Like the lady over there was saying, we're always
10 having to, you know, work with little or nothing. And I
11 think we always have this choice of -- from the BIA or
12 someone says, okay, tribe, here's a red truck, and here's
13 a white truck. They're both the same model. The only
14 difference is one is red and one is right, which one do
15 you want me to run over you with, the red one or the white
16 one?

17 Oh, hell, run over us with both of them, you
18 know. It's kind of the way we feel sometimes. And it's
19 not fair, because, you know, I see three or four times a
20 week someone comes and is desperate, because they're dying
21 of cancer, or they're desperate because, you know, their
22 lives are at stake. There's grandchildren, there's
23 children, there's grandmothers that have to watch their
24 loved ones die.

25 And so when you sit there and wonder no money in

1 IHS to help them or to get them to 300 miles away, and you
2 sit there and think I could be -- run a white man
3 checkbook, and say, no, I can't. Some of us have to, you
4 know, help them out of our pockets, because we know
5 they're desperate.

6 I couldn't imagine how -- well, I guess I could,
7 because, especially if you're broke and you wonder I'm
8 going to die, and I'm still in school, and my dad isn't
9 going to be there to watch me, because he's dead. He died
10 of cancer, whatever, and so you see the desperation of a
11 lot of our people that come because of budget cuts.

12 And I always remember at that meeting in '96 in
13 Prescott when he was then Chairman of the Northern
14 Cheyenne was William Walksalong. And he said, you
15 legislators with the stroke of a pen, he said, you can
16 make wrong look right, and right look wrong. And
17 sometimes that's how I feel sometimes. Those struck me
18 August 8th 1996 of this process.

19 So it's just -- you know, if it's going to impact
20 us, I would rather say if there's cuts, tell us. You
21 know, tell us about it, you know -- and like anybody else,
22 I'd rather have the truth than someone BSing me.

23 Thank you.

24 MR. RICE: All right. Thanks for those comments
25 here at the end. All right. We'll make this the last

1 one. And then after this, we'll move into the education.

2 MR. DIXON: My name is Aaron Dixon, Susanville
3 Indian Rancheria.

4 I'm kind of concerned regarding this streamlining
5 process or the budget proposal, whatever you want to call
6 it, because it is going to affect all tribes in this
7 nation. It's not just going to affect one, it's going to
8 affect all. And with these changes that are being
9 proposed, what's the federal government going to do when a
10 tribe is in dire need, when they're knocking on your door,
11 and they're saying I need your help. What is the Federal
12 government going to do then?

13 When you take and take and take, and all we have
14 is just our own people. We have our own people taking
15 care of us. And that's the wrong thing, that's the wrong
16 concept. We have that government to government
17 relationship. We're a sovereign nation. And if you take
18 that away, you take this money away from us, what do we
19 have left? Nothing.

20 What do you want us to fight among ourselves?
21 That shouldn't be the case, because we have to help each
22 other. We're here to network with each tribe here within
23 this nation to be successful. That's what's the most
24 important thing is.

25 And part of it is, it's going to happen -- what's

1 going to happen with these recommendations of streamlining
2 and it doesn't work? You ever thought about that?

3 Sure, we're going to reduce staffing. Sure,
4 we're going to have other priorities given to other
5 people. And if it doesn't work, what do we do then?

6 We start all over again. We start with another
7 recommendation, spend hundreds of thousands of dollars for
8 what?

9 We need to learn from our mistakes and remember
10 that, and not make them again. That's what we need to do.
11 Part of it is, is when we're sitting here talking about
12 these proposals, it's no different when the Department of
13 Energy was coming in doing a pipeline from Utah, Nevada,
14 and California. When they said, oh, we're going to
15 consult with tribes.

16 As it turned out, it was just a formality,
17 because the pipeline was already coming in while they were
18 consulting with the tribes. That's not consulting with
19 the tribes. That's just a formality, be it the federal
20 government says, oh, you need to talk to the tribes before
21 you do this.

22 But, in fact, that pipeline was already coming
23 in, regardless of how we object to it or are opposed to
24 it, and regardless of the bones that were being discovered
25 during this pipeline.

1 We said we don't want any of those bones removed
2 from the ground. And, you know, as well as I do, there
3 were several deaths on that pipeline, because of wrong
4 doings. We need to learn from our mistakes and not make
5 them again. That's the most important thing. Part of it
6 is Congress needs to be remembered that when way back when
7 in June of 1866, they declared war on Indians, and caused
8 genocide to our people. And they keep forgetting about
9 that.

10 Part of it is, we'll never let that forget.
11 We're always going to remember that June second week of
12 1866, because I'll part of that genocide, because my great
13 grandfather was a loan survivor. He was a fighter, and so
14 am I. And I want to fight for my people and for the rest
15 of the people here in this nation. And they need to be
16 aware of all that stuff, not just because we have to do
17 these cuts.

18 Thank you.

19 MR. RICE: Thanks for those comments.

20 Again, we have the comment period runs through
21 June 1st, electronic comments, and then from there we're
22 going to have, as I was talking about earlier, the normal
23 communications, information be posted on the website. If
24 there's other questions directly, you can email me for
25 them. And then anything that would be distributed like

1 MR. STEVENS: So what the BIE is doing is seeking
2 your input on how this \$3 million reduction is going to
3 impact our Bureau. And in order to get to that point, I
4 want to explain education program management, as opposed
5 to the other sources of -- other resources that we get
6 both from appropriations and from the Department of Ed.

7 Now, the Bureau of Indian Education, we're going
8 to go through what our organization looks like --

9 --o0o--

10 MR. STEVENS: -- in terms of the regional
11 offices, the Associate Deputy Director's Office, of which
12 we have three, and then the line offices and schools under
13 each one of those ADD's. And we're going to talk in
14 detail about what that looks like and go from there.

15 But our purpose is, is to maintain efficiency and
16 technical assistance to our schools, but doing it
17 differently, because education program management is the
18 pot of money, if you will, that funds education line
19 offices from their support staff, clear to the Director's
20 office in Washington D.C. This pot of money does not fund
21 schools. It does not fund transportation, nor does it get
22 lumped together with any of the Department of Ed funds
23 that we get to run schools, title programs, math and
24 reading programs, special education. Those types of
25 dollars that impact school operations and school functions

1 travel, any other costs other than salary.

2 So you do the math, 14 million in salaries alone,
3 \$3 million reduction, things need to change within this
4 line item, going from \$14 million to \$11 million.

5 --o0o--

6 MR. STEVENS: We have 183 schools, roughly 41,000
7 students. That fluctuates between 41 and 42,000 on 64
8 reservations, 238 tribes, 23 states, 24 colleges, 2 BIE
9 operated Haskell and SIPI.

10 --o0o--

11 MR. STEVENS: As I said before, we're divided
12 into three different regions, the Associate Deputy
13 Director - East region. The Associate Director is Roxanne
14 Brown. She's based in Minneapolis -- actually
15 Bloomington. And this is what her region looks like. She
16 supervises nine education line officers, North Dakota,
17 South Dakota, Oklahoma, Nashville.

18 We have 64 total schools, eight BIE operated
19 schools and dormitories. And I'm going to explain to some
20 of you that may not know, we use the term BIE operated for
21 those that are federally run programs. The employees
22 within those schools are federal employees, and we
23 directly supervise and give direction to those schools,
24 and they're broken up, as you see on the bullets.

25 And then we have -- within her region, she has 53

1 100-297 grant schools, tribally controlled schools. Those
2 are tribal employees, and we offer technical assistance
3 and guidance to those schools, as well as compliant
4 monitoring with how they spend Department of Ed dollars,
5 of which tribally controlled or not, there's -- we all
6 have to comply with those federal laws that govern
7 Department of Ed dollars. And then she has three contract
8 day schools, 638 contract schools.

9 --o0o--

10 MR. STEVENS: We have and Associate Deputy
11 Director - Navajo. His name is Dr. Charles Monty Roessel.
12 He's been with the Bureau a few months, but comes to us
13 from a tribally controlled school, where he has years of
14 experience there.

15 He's based in Window Rock, Arizona. And he
16 oversees the Navajo Nation, the six line officers within
17 the Navajo Nation. And that's the breakdown of his
18 schools, 65 total schools, 31 of those are BIE operated,
19 33 of them are 100-297 grant schools, and one contract day
20 school.

21 --o0o--

22 MR. STEVENS: This is the Associate Deputy
23 Director - West, my region. I'm based in Albuquerque. I
24 supervise seven education line offices, one here in
25 Sacramento or down the road in Sacramento.

1 I have 54 total schools in my region, 19 of which
2 I directly supervise through my line officers. I have two
3 off-reservation boarding schools, Sherman Indian High
4 School down the road, Chemawa up the road. Thirty-five
5 tribally controlled or 100-297 grant schools. And I have
6 no contract schools in my region.

7 --o0o--

8 MR. STEVENS: This is our total. Again, the
9 numbers that I'm sharing with this, as far as staffing
10 totals, are those totals that are funded by education
11 program management.

12 You may get tired of me saying that, because just
13 from previous consultations it seemed like that was a hard
14 piece for people to understand. That this reduction is
15 impacting EPM, not ISEP, Indian Student Equalization
16 Program, which is a source of funding for our schools, or
17 any other funding that impacts schools. Right now, it's
18 just education program management that are -- that funds
19 22 education line offices, that oversees or provide
20 technical assistance to those 183 programs that we have
21 out there, instructional programs.

22 Fifty-eight BIE operated schools, peripheral,
23 boarding, and co-op schools and dormitories. And what a
24 peripheral dormitory is, is we house students there. We
25 have one in Flagstaff, one in Winslow, one in Browning,

1 Montana, and others, where we house students and then we
2 transport them to public schools.

3 Then regular boarding schools, we have five day a
4 week boarding schools, and we have 24/7 boarding schools,
5 and then we have our off reservation boarding schools that
6 are 24/7 as well. And that's the breakdown of those.

7 And then the breakdown of our totals of those
8 grant schools that, again, we provide technical assistance
9 and oversight and monitoring for compliance reasons for --
10 with Department of Ed dollars.

11 --o0o--

12 MR. STEVENS: So the 2013 streamlining initiative
13 is the same as our sister Bureau. It's in the 2013
14 proposed budget, stressing proposed, because there's a
15 process that it still needs to go through for that to be
16 approved, but we're preparing for it.

17 Again, the budget justification in the Green
18 Book. It identifies it at three million, and that's where
19 it also identifies it as Education Program Management
20 monies. So what we're doing is figuring out how we
21 maintain efficiency, meaning services to our schools,
22 living within our means, reducing where we have to, again,
23 under that Education Program Management umbrella, while
24 still being able to assist our schools in being
25 successful, professional development, programs, reading

1 resign from your position and walk away, or the early
2 retirement, which is exactly that with -- if you're within
3 two to three years of retirement, this program applies to
4 you in our organization.

5 We're looking at, you know, how are we going to
6 make this 11 million work for us with little to no
7 interruption to what we provide to our schools.

8 We talked about residual staff at key sites
9 throughout BIE service delivery area. We talked about the
10 FTE early out or those incentives that I just talked about
11 to meet that \$3 million target. We talked about what we
12 can save through FTE reductions in those costs, because
13 again we don't have the options to pull from across our
14 Bureau. We can only pull from Education Program
15 Management.

16 --o0o--

17 MR. STEVENS: That's it in a nutshell. Any
18 questions, comments?

19 MR. DIXON: Aaron Dixon, Susanville Indian
20 Rancheria. What's your projections in regards to the
21 early buyouts for your teachers or do you have any
22 projections?

23 MR. STEVENS: Again, this is Education Program
24 Management. This chunk of money does not pay teachers.
25 That's funded by ISEP and Department of Ed dollars.

1 Education Program Management funds line officers, line
2 offices on up to the Director. And to answer your
3 question for that group, we're not making predictions,
4 because we know that we too have an aging population, not
5 just in that group, but in all of our groups, but we're
6 only looking at this group that's funded by EPM, but we
7 haven't made projections for that just yet.

8 What -- because again, those are just
9 projections. Somebody could be eligible for retirement
10 and say no, I'm not going to retire. What we're trying to
11 do is figure out -- you know, they talked about a RIF this
12 morning.

13 When there's a RIF instituted, if you're eligible
14 for retirement, you don't have any options. You have to
15 retire. If you don't run a RIF, you have options. And
16 we're trying to avoid getting to the RIF situation through
17 those incentives that I talked about. But we too have an
18 aging population of those positions funded by EPM.

19 MR. DRAPEAUX: Brian Drapeaux with BIE.

20 We've -- in looking at the EPM particular group,
21 we have, right now, 26 percent of our employees are
22 eligible to retire by 2015. That will jump up to about 46
23 percent. So our working -- our workforce has been around
24 for a little while, but, you know, one of the things that
25 we to have work on and start planning for is a succession

1 plan, how we're going to replace all that institutional
2 knowledge and those types of things while trying to stay
3 in budget.

4 It's important to understand I think that as
5 we -- as the presentation that Bart gave today, we are
6 attempting to get to the heart of a couple of different
7 matters. And the BIE what we hear from areas where we
8 have many of our schools, is that folks are like, you
9 know, you guys are -- seem to be admin heavy. And so our
10 total budget is about 1.2 billion. We're managing that
11 entire operation on less than one percent admin.

12 And so you can -- as administrators and as
13 leaders sitting out there, you understand the challenges
14 of the cost of admin versus the cost of, you know,
15 providing services. So right now, we're just at just a
16 little over one percent, but this reduction will take us
17 under one percent for total admin costs. That's pretty
18 streamlined, it seems, for an organization with, you know,
19 4,100 employees in 23 states serving 263 tribes. It's
20 pretty streamlined.

21 But our challenges continue on as we go through
22 this. And so, as Bart stated, our overall budget is
23 increased for the Bureau of Indian Education. And so when
24 you look at total budget for 2013, you'll see a positive
25 there. Except for this particular line item, we'll see a

1 reduction.

2 Over the past few years, we've seen a 49 percent
3 reduction in this line item. And so it obviously will
4 affect the way that we look as an organization. It may
5 have an impact on you. It may not. But, you know, this
6 is part of the process that we want you to consider going
7 forward, in that these overall reductions that the federal
8 government is looking at, I don't -- I can't project, in
9 any sort of way, if they're going to get better or if
10 they're going to get worse.

11 But if you've watched or read the news, it's
12 going to be difficult for the United States, as a country,
13 to maintain certain activities. And so everybody is going
14 to feel it. We're just wondering, you know, what it's
15 going to look like for us as we go through it.

16 Could you wait for the mic please for the court
17 reporter.

18 Thank you.

19 MS. STEVENS: I lost my Phil Donahue.

20 MS. RISLING: Lois Risling, Hoopa Tribe. What
21 part of your plan is consolidating offices and/or service
22 delivery? And under the tasks, it says that in order to
23 implement consolidation or potential consolidation of
24 programs, it will take a -- it will require the full
25 support of tribes. What's full support?

1 MR. DRAPEAUX: Right. So I think historically
2 the Bureau of Indian Education we've been sued on, I
3 think, three different times by tribes in other
4 reorganization efforts. And so each of those suits have
5 basically stopped reorganization dead in its tracks. We
6 were sued by the Dakotas, we were sued by Navajo, and we
7 were sued by the Pueblos.

8 And in each circumstance, the federal government
9 was forced to not make any substantial changes in the
10 organization in what we look like. Our task in your
11 question is to take input from those that may be affected
12 by any potential changes in the organizational structure.

13 What we're asking people to do is be very
14 specific. We have -- on our website, we've detailed a lot
15 of information for people to take a look at our
16 organization, in as much detail as they are requesting, in
17 order to get a sense of how it is that we operate and what
18 this line item looks like.

19 And so we're already starting to get alternative
20 plans from different regions. They're asking us to do
21 this and not that, and consider this instead of that. And
22 so we're really looking for specific insight and
23 suggestions from you all that want to spend the time, you
24 know, reviewing the organizational structure with
25 comments.

1 We don't have a vision. I mean, we've had to
2 internally kick around some ideas. We could look like
3 this. We could look like that. We could look like a
4 third thing. But the truth of the matter is that none of
5 them will meet the criteria that was going to make anybody
6 happy. And so we're looking for whatever recommendations
7 and suggestions folks have.

8 MS. RISLING: So full support is making a
9 statement about the existing structure?

10 MR. DRAPEAUX: Correct.

11 MS. RISLING: And then that leads me to my next
12 question. What did the Bureau of Indian Education put
13 into the Green Book as its proposal for the budget
14 purposes for 2013 on this area?

15 MR. DRAPEAUX: I think that it's reflected here.
16 I don't know -- I don't think that we had put anything in
17 terms of the expectation. I think the second bullet that
18 you're looking at we left it as broad as possible for this
19 time.

20 MS. RISLING: And then lastly, I would recommend
21 on consolidation, or service delivery consolidation, that
22 you look at -- if you're consolidating education offices
23 with the Associate Deputy Directors, that you consider
24 who's providing direct services to the students as a
25 priority for talking about, either replacement of

1 positions or leaving those positions vacant. Bus direct
2 services is what education is all about. Direct services
3 to the student in the classroom.

4 MR. DRAPEAUX: Thank you.

5 MR. STEVENS: Absolutely. That's why I alluded
6 to still being able to provide that technical assistance,
7 guidance, and monitoring that we have to provide to those
8 schools, but looking at it differently. And maybe we fund
9 it differently if we can. Those are the kinds of things
10 that we need to think outside of the box on, because we
11 don't want it to impact the schools that we provide that
12 technical assistance and guidance to.

13 MS. ANTONE: Audra Antone, Gila River Indian
14 Community.

15 My question is about the ELO. If you were going
16 to reorganize, would it be region to region? I know
17 you're the west coast, but you have -- I see seven listed
18 here. Will you be doing that by region, I mean, if you
19 were going to take those cuts?

20 MR. DRAPEAUX: I didn't really hear the question.

21 MR. STEVENS: She wants to know if rolling out
22 the cuts by consolidating line offices would that be an
23 across-the-board with all line offices?

24 And the answer to that is that within each line
25 office, we have education program specialists. You're

1 probably familiar with those out of Phoenix, that provide
2 that onsite technical assistance to our schools with
3 instructional delivery, with special education, with math
4 and reading programs, specifically, with use of data and
5 data decision making, and building curriculum and -- I'm
6 getting into the whole education piece of it, because
7 that's what I am is an educator.

8 So what we're looking at, and want to hear from
9 you all, is how do we continue to provide that level of
10 expertise from -- if the line offices weren't there, would
11 we have those educational specialists at a regional area,
12 to provide technical assistance to the region, as opposed
13 to having those 23 different line offices throughout the
14 United States.

15 So we'd like to hear from you, do you think it
16 should be every line office treated the same? Should we
17 look at student population?

18 I mean, there's options. Do we look at numbers
19 of schools, which is kind of not clear either, because we
20 have some schools with very small amounts of kids. So do
21 we look at numbers of kids in a region?

22 Those are the kinds of data that we need to look
23 at, in order to make those decisions and make them
24 effectively. So those are the things to look at, in terms
25 of what those look like and where they come from.

1 MS. RISLING: It's been my experience that
2 education line offices and Associate Deputy Directors
3 sometimes do more than just schools for education.
4 They're doing other activities for tribes that deal in the
5 area of education.

6 And so for us to make an informed decision,
7 because right now most of the presentation, if you look at
8 the data you've given us, is focused upon schools. And
9 it's not focused upon those other activities that they do
10 for tribes, and they do a lot of things for tribes. So in
11 order for me to make an informed decision, I've got to
12 know what do you do for the tribes, the other tribes,
13 because having been a teacher myself, I'm cognizant of the
14 child in the classroom, but I also know being a tribal
15 member and working with our education director, the Bureau
16 has responsibility for that. So we would have to have
17 something outlined or some data, so that we could give;
18 that kind of decision.

19 MR. DRAPEAUX: I'd like to just talk about that
20 for a minute. There was a new executive order that the
21 President signed in December that expanded the BIE
22 Director's responsibility to include public school
23 children, interestingly enough, Native Indian students in
24 public schools.

25 So right now you basically have three different

1 policy areas that we are -- have a responsibility to. BIE
2 operated the federal school system, travel grant school,
3 and all public school children in the system. We're
4 excited about that, because folks like Mr. Stevens is
5 meeting with State Department of State Superintendents,
6 State Department of Education Secretaries and whatever
7 their titles are in certain states to start talking about
8 student achievement levels for all of native students.

9 And where encouraging our Regional Associate
10 Deputy Directors to meet and to talk to States about
11 what's happening in public schools, in addition to what's
12 happening in our schools and trying to find ways to work
13 across the lines in terms of jurisdiction to improve
14 native student outcomes.

15 And so we're excited about this opportunity.
16 And, you know, these folks are leading that particular
17 charge in the field. The Director of the Bureau of Indian
18 Education has been -- has entered and been accepted by the
19 Council of Chief State School Officers. That particular
20 group CCSSO is all of the State Chiefs across the United
21 States and the territories, and they interact directly
22 with the Secretary of Education Arne Duncan. They provide
23 policy direction and other types of meetings and
24 trainings.

25 They've accepted the BIE as a peer in that. And

1 we think that's an exciting development, because it puts
2 us in an opportunity to start aligning ourselves and
3 understanding the thinking behind ahead of the curve of
4 U.S. federal education policy, and really start asking the
5 hard questions about where do Indian students fit into
6 this whether -- no matter type of jurisdictions that
7 they're sitting in.

8 And so we're excited about that. And these
9 senior executives, like Mr. Stevens, are our liaison to
10 the field for the States that they cover, in addition to
11 meeting with tribal groups and regional groups and tribes
12 independently. We feel that one of the most important
13 things that is missing in the equation of Indian
14 education, as far as we're concerned, is direct tribal --
15 direct elected tribal participation.

16 It's one of those interesting dichotomies that
17 when you look at the structure of governance in Indian
18 Affairs. And let's just talk about the budget for a
19 minute. You have the TIBC organization, 12 regions. Two
20 representatives from each region come together, and they
21 basically talk about TPA and 638 the different types of
22 programs.

23 Well, the Bureau of Indian Education as a whole
24 we're 40 percent of Indian Affairs budget. That's a
25 pretty good chunk. And the part that applies to TIBC are

1 really three programs, Johnson-O'Malley, adult ed, and
2 scholarships. And those three programs only encompass
3 less than three percent of our entire budget, which means
4 that we have almost a billion dollars on the table that no
5 one ever talks about in Indian country.

6 It's one of those oversights in terms of
7 structure that is -- it causes some concern from the
8 Director's office in that, you know, we feel like we're --
9 we should be getting more attention. When you look at
10 overall priorities for Indian country through the TIBC,
11 education is always one of three -- one of the top three,
12 education is a priority. But what's interesting is that
13 they're only talking about a little tiny fraction of our
14 overall budget.

15 So how does that reflect in the billion dollars
16 sitting over here that no one is talking about? Does it
17 count? Does it not count? You know, it's not subject to
18 638 or is it? I mean what happens to those dollars? What
19 are they subject to in terms of education?

20 And so we're working hard with the TIBC group to
21 expand that. Under this executive order, we also have to
22 create a new committee of tribal leaders to talk about our
23 budget. And the Department of Interior, Bureau of Indian
24 Education, we manage two separate budgets. One is
25 Department of Interior funds and the other is U.S.

1 Department of Education.

2 When you look at overall Indian education funding
3 across the United States, as a whole, what you'll find is
4 that the Department of Interior is really the big dog at
5 the table in terms of overall funding for Indian
6 education, and that we manage about \$250 million of U.S.
7 Department of Ed funds. And that the U.S. Department of
8 Ed also has a pool of funds that go directly to States on
9 behalf of Indian students.

10 And so in the Director's new responsibility for
11 oversight of public schools children, we're starting to
12 weigh in on those other budgets and ask simple questions
13 like why are you funding those activities through States
14 and not us to tribes on behalf of Indian students, and
15 make them subject to 638, make them subject to
16 self-determination compacts or grants?

17 And so it's an interesting twist in terms of
18 policy and budget, and who's monitoring and who's
19 managing. But we think that, in terms of Indian education
20 that we should be at the table on all things Indian
21 education. And that we think we should be there for you
22 to help you in your areas. Where one of the things that's
23 interesting is that Tracy King, perhaps as an example -
24 and I don't mean him personally, but as the President of
25 his tribe - he can go to Washington D.C. and he can meet

1 with Secretary Salazar, and Secretary Duncan, and the
2 President of the United States. And yet, he can't go home
3 and get on the school board agenda locally. That's a
4 problem, right?

5 Where is the equity in that structure? It's a
6 governance structure. How do we create an equitable
7 scenario where tribal leaders have a forum to be heard in
8 terms of their concerns for their students. And it
9 doesn't matter where they're attending public education or
10 federally funded schools.

11 So right now the current governance structure for
12 the BIE is that we are a quasi SEA, which means that we
13 receive \$250 million from the U.S. Department of Ed as
14 basic pass-through money that go to our schools.

15 We're not eligible for other monies that public
16 schools are for schools in our situation, which are in the
17 lowest five percent performing schools in the country.
18 And so we have a whole array of resources sitting over
19 here that are dedicated to SEA, State Education Agencies,
20 that we're not qualified to receive because we're only a
21 quasi SEA.

22 And so we're pushing hard for full SEA status and
23 recognition by the U.S. Department of Education. We think
24 it's an important part for us, in terms of our governance
25 piece.

1 In terms of structure, there are two areas that
2 we've really highlighted as areas for focus for the BIE
3 director, the governance piece, which is SEA status, which
4 would open up funding opportunities for tribes and tribal
5 communities for education and starting asking about the
6 fidelity of funds that are dedicated to Indian students in
7 the United States and public schools as well.

8 Then the other piece is really about the
9 structure piece. The Bureau of Indian Education,
10 interestingly enough, we're not a full bureau. We're a
11 quasi-bureau. And so although we've been given bureau
12 status in 2006, we have not received the funding or the
13 support to be a full bureau and take over the full
14 activities.

15 You heard earlier today about the Bronner study
16 and what that means and what it looks like in terms of
17 breaking out perhaps some of those activities from the
18 DAS-M to the BIA and BIE. We're excited about it. We're
19 excited about the opportunity, because, you know, we feel
20 that in order for us to do our jobs well, that we should
21 have all the resources available to us, that then we can
22 make them available to you, and that all things that we do
23 in education are focused for education outcomes for
24 students.

25 So that's an important piece for us. So

1 structure and governance for the BIE are the two primary
2 areas that we're focused on. The structural piece is
3 become a full bureau with the activities that go along
4 with it and the responsibilities. We believe in single
5 point of accountability. We don't like that I have to
6 ask, you know, Mr. Rever about facilities. There's not a
7 place that we go in the United States where people say
8 come look at our school. And we go well, we don't really
9 make any decisions. We don't set policy or funding
10 priorities for that. Someone else does who's a
11 non-educator. I mean, that just seems crazy to me.

12 So on the structural side, we believe that we
13 should have full bureau status. On the governance side,
14 we believe that we should have fully SEA status. And
15 there's some controversy to that. Tribes are saying, we
16 should be SEA. And I agree tribes should be SEA. They
17 should have full responsibility for the education outcomes
18 and oversight and what's going on.

19 However, what we also know that in the federal
20 government structure, that unless the Bureau of Indian
21 Affairs of the Bureau of Indian Education creates a
22 structure that's somebody to self-governance and 638, that
23 those dollars will never -- you'll never see those dollars
24 or the authority that goes along with them at the local
25 level.

1 So that's one of the things -- I'm a former vice
2 chairman of my tribe -- as I moved into federal service, I
3 look at these things. I'm always thinking about it from a
4 tribal governance perspective, how do we be more
5 inclusive, how do we include more opportunities for tribal
6 leaders to access really funding opportunities for local
7 communities. And it has to be created, in my mind,
8 through the Bureau of Indian Education, in terms of
9 education outcomes. And that's what we're focused on.

10 I wanted to give you kind of an overall vision of
11 where it is that we're trying to go in terms of the BIE,
12 how it relates to the Bronner Study, and the impact that
13 the streamlining will have on our ability to fulfill our
14 job responsibilities.

15 So thank you.

16 MR. STEVENS: One thing that I'd like to add to
17 that piece is you talked about other roles and
18 responsibilities of line officers. Another hat they where
19 is the Grants Officer. And I think that's what you
20 alluding to is the awarding of those grants dollars,
21 getting those FTEs out to schools and tribes,
22 scholarships, JOM, those types of money do flow through.
23 So that's something else that needs to be in the back of
24 your minds when you share your ideas in this process of
25 where will that flow through now, if they're not there?

1 Will it flow -- where will it flow out of, and how will
2 that structure look?

3 MR. KING: Tracy King Fort Belknap President.

4 The past two years in the budget formulation
5 process, I did bring up the impact aid, you know, schools.
6 And I believe history shows that, if I remember correctly,
7 is somewhere along the dot, there's a deadline of October
8 whatever, that the teachers -- like ours is off the
9 reservation, we have a school that's funded by impact aid.
10 Harlem is off the reservation three miles, Hayes,
11 Lodgepole school is also impact aid on a reservation.

12 But what I see is a lot of -- especially in
13 Harlem, they wait till the October deadline. And then as
14 long as they could count the student for the rest of the
15 year, they play good to them. And as soon as that
16 deadline hits, they kick them out.

17 So then a lot of our students go to BIE schools,
18 whether it's in Salem Oregon, Chemawa. Like a lot of us,
19 we went to Flandreau Indian School, where I graduated.
20 And for grade schools, I believe we have kids scattered
21 all over down in Oklahoma.

22 But my concern is like you were talking about,
23 when I go back, I mean, I have to sign the impact aid
24 dollars. And then when I go see the school board, then
25 they can tell me to go to hell or whatever they want to

1 tell me to. So then we all voted these our Indian school
2 board. And so then when a non-Indian superintendent brown
3 noses them, then they forget about their students. You
4 know, the egos are stroked, and, hell, they forget about
5 their students.

6 And so those are the problems I see is how do
7 you -- I mean, I would sooner have a BIE school right on
8 for Belknap Indian Reservation, because when I left the
9 res -- I mean, I didn't leave the reservation. I just
10 moved north. South was way out in the middle of no where.
11 And then when you went from 99 percent Indian students to
12 95 percent white at fourth grade, that's a culture shock,
13 you know, because then you end up fighting and racism and
14 all that is part of the process, you know.

15 And so from the fourth grade to my freshman year,
16 I was an F student, because I didn't fit in that system.
17 So I didn't fail school, the Harlem schools fail me. And
18 so rather than going to school, I got in trouble, so then
19 they sent me to a boarding school. Gave me a choice of
20 being locked up or boarding school. So I decided I better
21 just go to boarding school in Flandreau, South Dakota.

22 From there I felt that I still didn't do any
23 work. You know, so I felt that even though I was an F
24 student, I paid attention enough to where I took a test
25 and I tested a sophomore in college. And so I knew I paid

1 attention.

2 But there's a lot of our kids that -- I mean,
3 Harlem school is now 95 percent Indians. It's different
4 when I was there. It switched. But then 95 percent of
5 those students -- or the teachers are white. And then 95
6 percent of those teachers don't send their kids with our
7 kids. They send them -- they call it the white flight
8 that heads west into Chinook, where there's a lot of
9 racism as well, or Malta, which is east, another racist
10 town.

11 So, you know, where do I go or where do the
12 students go when you're -- you know, when you're not
13 failing, it's the system that fails you. And so I've
14 always said, you know, these border towns never had to
15 have any type of mill levies because of impact aid for the
16 past 50 years because of us Indians.

17 So I told a superintendent that our goal is to
18 get our school on a reservation. The Hell with the Harlem
19 people. We'll break your town. And that's what it is, is
20 if it wasn't for us Indians, a lot of them -- Harlem would
21 dry up.

22 And so the students I see, you know, they go to
23 the BIE schools. And somewhere along the line us tribal
24 leaders need to go to Congress, wherever, and say I'm
25 tired of being used by the impact aid process that they

1 smile at me till October 4th or 5th, Columbus Day -- no,
2 just kidding.

3 (Laughter.)

4 MR. KING: Then from there they kick our kids
5 out. You know, I have a problem with that. And so, you
6 know, it's something that if you're looking at -- looking
7 at budget constraints and how to do that, include impact
8 aid, so that we can say the hell with these damn people.
9 They could teach their own and we could teach our own. I
10 see too many of our Indian kids that are lost in a system.
11 And I used to work with rough kids, and they may not have
12 an education. The education system failed them. The BIA
13 social services system fails them. End up being locked
14 up.

15 But if you look at most of them that are in
16 trouble, are good leaders, but their leadership went this
17 way, you know, instead of that way.

18 So someone -- I mean, pretty soon if I'm not
19 educated and some teacher asks me a question or write a
20 paper, I'm just going to cause trouble, because I can't
21 write or I can't read. So I'm just going to cuss teachers
22 out and they kick me out, so nobody will know that I'm
23 lacking.

24 But I'm glad I paid attention enough to where,
25 you know, I was able to learn how to write and read and

1 all that, without the teachers, you know. So that's what
2 I'm proud of. I beat the odds against them.

3 But I'll say, if you really look at us Indians
4 are the most regulated and hated people in the country. I
5 mean, we are. If you look at -- I was telling Bryan, I
6 said, the Department of Education wants to keep us
7 uneducated. The Department of Corrections or the
8 Department of Justice, they want to lock us up. And the
9 BIA wants to take all our land away and give it the white
10 people. And then IHS wants to kill us off.

11 Thank you.

12 (Laughter.)

13 MR. DRAPEAUX: Well, we think -- again, we think
14 that, you know, impact aid is one of those programs funded
15 that goes directly, in most states, right to schools.
16 They don't even go to States. So it's an interesting
17 program, and one that should -- one that should be
18 reviewed. There's no doubt in our mind, in terms of the
19 fidelity of the funds and how they're impacting -- truly
20 impacting native student outcomes in education.

21 MS. MARTINE-ALONZO: Good afternoon, Nancy
22 Martine-Alonzo, Ramah Band of Navajo.

23 Thank you for this consultation and for the
24 information that you're sharing. I think some of it is
25 new information, but it's so critical and so important.

1 And to the President for putting out his budget and giving
2 us the opportunity to talk about it. I don't think we've
3 had the opportunity -- maybe in the past, maybe others
4 have, but, you know, thanks for the opportunity to do so,
5 that we can at least speak our mind and have something to
6 say about it. Even though it may, in the end, have to be
7 a compromise and not be what we totally want, but thank
8 you.

9 But on the issue of talking about the plan, how
10 to best address the budget shortfall here and what to do.
11 I think the bottom line you need to seek is what will be a
12 win-win for all the schools and for all the -- you know,
13 for the BIE as well as the schools, because we all are
14 serving the same population, and we've been, you know, too
15 many policies and issues and initiatives and state of the
16 economy has always kept us divided.

17 And when we always have to be on the offensive
18 side, we never really truly partner on what would be the
19 best path to take. And I think if we can just keep that
20 in mind. And then it's good to hear that the whole issue
21 of tribal and State and how that relationship should move
22 forward into the future. There are some really
23 fundamental issues that have been out there that are very
24 complicated. They're not easy to solve. And the only way
25 would be for us to just spend the time and talk about the

1 pros and cons of the situation, be able to put everything
2 on the table and be transparent, and bring the people that
3 have worked in those trenches that deal with these issues
4 day in and day out and give them an opportunity to talk
5 about it and use their best thinking about how to come
6 forward.

7 I think the bottom line in that is we need to see
8 how we maintain the trust responsibility that the federal
9 government has for education and health. That should be
10 at the forefront, how do we not compromise that? How do
11 we keep that and still be around and make these changes
12 that will move forward.

13 Today, the way the situations are, there are
14 jurisdictional issues. The Bureau of Indian Education
15 school districts, the grant and contract schools, their
16 boundaries overlap with State public school boundaries.
17 And as much as the tribes want the State to respect and
18 recognize the boundaries of our Indian lands, they do not.
19 They, all the time, are recruiting kids from our tribal
20 schools and they impact that for whatever, you know,
21 reasons that come along.

22 But the bottom line to this is as Indian people
23 we are members of dual society. We're members of our
24 tribes, and we're members of the U.S. and the global
25 society. So we must educate our young people about our

1 tribal lands and our tribal government, our history, and
2 their responsibility to take care of that, take care of
3 the water rights, take care of the land ownership, take
4 care of the environment on our tribal lands, as well as
5 being educated in the non-Indian society, so that they can
6 go successfully back and forth in both and still exercise
7 their responsibility as dual citizenship.

8 And the public school system has never
9 supported -- has never fully supported the opportunity as
10 Indian students for us to study our own indigenous
11 histories and languages and our curriculum. There's no
12 funding there for it.

13 There's bilingual -- State bilingual funding.
14 But the purpose of that bilingual funding is to use our
15 indigenous culture and language to get our Indian children
16 to become proficient in English language. The indigenous
17 language of what we want, the study for our own dual
18 citizen history and education is to teach our native
19 culture and language, so our Indian children can be
20 proficient in their indigenous languages and culture, and
21 so that they can be about nation building and sustaining
22 our nation into the future.

23 We shouldn't have to force our young children to
24 choose the non-Indian world or the Indian world. They
25 should be able to have the best of both. We have this

1 opportunity now that's before us to work out the
2 legislation, to work out the policies, to work out a
3 direction to do that.

4 Yes, for too long the State has not lived up to
5 what they're responsible for, a free public education to
6 all our citizens. And when we have taken -- we have
7 sustained and maintained and advocated for and we have
8 pushed for the grant school and the contract schools,
9 because we want to teach those indigenous languages and
10 culture and history, respective to our own lands and our
11 own citizens sip and our own tribal membership.

12 We can't do that in the public school, because
13 it's a larger population. And they tell us that well,
14 you're discriminating if you're going to just teach just
15 indigenous languages to just your indigenous students.
16 It's not easily applicable or they can't implement it in
17 the schools. And those are some of the excuses. We can
18 overcome all those things if we sit down and talk about it
19 and work out memorandums of understanding or agreement or
20 contracts.

21 We can do those things. We've just never used
22 those tools that are available to us. We've never been
23 united as a tribal people to push for those rights, those
24 due process that we need to do. We are truly a unique
25 citizen in this country.

1 So we have the opportunity and we should just
2 embrace it and take that challenge, and just rely upon the
3 expertise of our tribal leadership, because that's what
4 they're really about. Their tribal leadership, their
5 duties and their responsibilities are equivalent to the
6 President of the United States. They have to look out for
7 their people, their land, everything from security to
8 scholarship to education, health, and you name it. It's
9 just as critical and as important. And they need to
10 realize that and give due respect for that.

11 And they need to allow us then to move on with
12 what we feel is in the best interests of our citizens. So
13 I think there are so many other areas that we could touch
14 upon just in the short amount of time. You touch on so
15 much. Funding is critical. And so for all of these
16 years, the Bureau has funded that Education of our Indian
17 children, but the State too has -- they have a
18 responsibility to provide the education. Why can't we
19 come to the table and ask them, you also provide half of
20 that funding for our schools, because we're also your
21 State citizens.

22 So I think there's a lot of room to move forward
23 on this. And I applaud the thinking. I applaud, you
24 know, that you're trying to take this on, but you really
25 have to include the people that are the expert front line

1 people, our tribal leaders, and our people that are in
2 education and in that field to move forward on these
3 topics.

4 So thank you very much for the opportunity to
5 comment.

6 MR. DRAPEAUX: Thank you. Just briefly, in
7 response, what you'll -- we're excited about this set of
8 consultations. Tomorrow, we'll hold a consultation on
9 three other items, Johnson-O'Malley account, grant
10 assurances, and then probably an equivalent issue is the
11 MOU between the United States of -- United States
12 Department of Education, and the Department of Interior,
13 Bureau of Indian Education.

14 This MOU talks about the relationship between the
15 two entities and what we can do to try to, you know, close
16 the gap so to speak and start aligning the thinking
17 around, you know, these types of things that will have a
18 much larger impact, we hope, on the issues that you're
19 talking about, public school children, native students no
20 matter, you know, where they're located at and what
21 jurisdictions that they're in.

22 We appreciate the encouragement. What you'll see
23 from the Bureau of Indian Education over probably the next
24 few months is a number of other consultations that we'll
25 be holding across the country.

1 One of the things that I've said to our staff is
2 that it seems to me coming in is that Indian education has
3 been kind of one of these whisper things, right. We
4 whisper about this and we whisper about that. And it's
5 really kind of a peripheral issue.

6 And then when you look at the overall funding of
7 the Indian Affairs you see that we're 40 percent of the
8 budget. That's a big chunk of overall budget authority.
9 And then you see that on top of that, we're also
10 responsible for another \$250 million from U.S. Department
11 of Ed. And then we've got about 1.5 million students in
12 the K-12 program across the United States. Although BIE
13 only funds, according to our track -- our number here,
14 41,000.

15 What's interesting is that our actual head count
16 is closer to 50,000, but the way that we determine
17 students, it has an average. And so it's really an
18 undercount, which I think is a problem, and that we
19 continually support kind of this, you know, differential
20 approach to our students. And it doesn't matter if we
21 have a student for a day or 101 days or 180 days, that the
22 school has to be prepared to teach that student the first
23 day of school when they walk in. Now, we just don't want
24 to create a holding bin mentality, until we get rid of
25 them, as Stacy was talking about -- or Tracy

1 And so it's important for us to make sure that
2 our schools are geared up fully, prepared to educate, and
3 that they have all the tools available form them to do
4 that.

5 So we'll look forward to more consultations.
6 We'll look forward to seeing you at other consultations.
7 Indian Education is at the heart, we believe, of all
8 development for Indian country. And we need to be fully
9 engaged in that discussion and debate, and the policy, and
10 the funding that goes along with it. So we look forward
11 to seeing you elsewhere as well.

12 Did you have a comment, sir?

13 MR. STEVENS: I just wanted to add, as you're
14 well aware by statute we're required to fund language and
15 culture programs in our school. And we do so quite a bit,
16 over \$20 million last year in language and culture.

17 MR. DRAPEAUX: Right, 24 million.

18 MR. DIXON: Aaron Dixon, Susanville Indian
19 Rancheria.

20 It's important that no education goes without
21 anything. It's important that our kids get that
22 education, because they're going to be our future leaders.
23 And when you talk about budget cuts for education or no
24 matter where it's coming from are still going to affect
25 our kids. So myself I oppose it.

1 I support education, because education is the
2 number one thing that's going to get our kids into the
3 next millennium or the next future. Where are they going
4 to take us?

5 Two years ago, we met, Stacy Dixon, the Tribal
6 Chairman add myself met with Lassen High School, and --
7 because we wanted to increase our graduation rate at the
8 high school, because what the high school was doing was
9 basically not -- they were not fulfilling the education
10 requirement. They were failing or kids and then, at that
11 point, they would have a hearing, and our kids would be
12 told to go to charter school.

13 We don't have an Indian school in our area or
14 anything like that. So the public schools basically
15 kicked them out and said go to charter.

16 So two years ago we said enough is enough. We
17 need to stop this. We need to intervene and help our
18 children. We want our kids to be successful. We want our
19 kids to graduate from this high school. And so what we
20 did was we built up a relationship. And now the high
21 school is contacting our education department, and our
22 youth coordinator indicating that the native students are
23 in dire need or close to failing. So we provide tutors
24 for them to be successful in the high school setting, to
25 where they can maintain their credits to graduate within

1 their four years.

2 And it's been very, very successful. And this
3 year alone -- last year, we had one native student
4 graduate from the high school. This year we have six. So
5 we have made a change. And it's important that, as a
6 community, you stand up for your kids, so they see that.
7 And then, of course, their grades are going to improve
8 too. So when we're talking about one thing or another,
9 it's important to support our kids.

10 Another situation is we had a problem with our
11 Lassen College. One of our instructors was very --
12 degrading native students, and not providing that needed
13 education from an instructor. So I addressed that issue
14 with the dean of students at the college. And she
15 immediately took care of the problem. Action was
16 corrected. And now that instructor is doing what he's
17 supposed to be doing.

18 And as it turns out, we've been meeting with the
19 high school for over two years every month. Now, we have
20 the high school. We have Lassen College. And now we have
21 the elementary section -- schools involved in our monthly
22 meetings for the -- with the tribe. So they all have our
23 direction and where we want the stand.

24 The other aspect is with our elementary, we have
25 a problem with some of the teachers who are being very

1 disrespectful or discriminating against our students. And
2 we're trying to fix that problem, but it's a slow process.
3 Unfortunately, that's not fast enough, and we need to
4 protect our kids.

5 We had another situation in the school system
6 there in the elementary school where a teacher grabbed a
7 native student that caused injury and bruising, so we're
8 trying to address that issue too. So it's just one thing
9 right after another, but we are trying to fix our problems
10 within the school system, within the public school system.
11 And it's mostly important that, you know, someone has to
12 stand up for them. And it's -- I'm trying to figure out
13 what else I'm going to say.

14 The other thing is when the student -- the
15 teacher assaulted our student, the native student, we
16 addressed that with the school board, superintendent, and
17 the principal. And, of course, there was no action on the
18 teacher, which is very unpleasant, not only for the
19 student, but for the parent and us. And we're still not
20 happy with that. We're still trying to come to a
21 resolution in regards to that.

22 But like I told the superintendent, I says, I
23 have some college, but as I'm working and dealing with
24 your principal, your board, your superintendent, yourself,
25 I says I feel like I got a Master's Degree now because of

1 the policies that you are implementing against our kids.

2 So it's important that you be persistent and up
3 front with whatever goal that you want to achieve, because
4 you will achieve it eventually.

5 And, of course, if we want to present something
6 to the school board to change an education curriculum,
7 they're open to that now. So you just have to be
8 persistent.

9 Thank you.

10 MR. DRAPEAUX: Thank you. We applaud your
11 efforts.

12 Comments?

13 MR. BENGOCCHIA: My name is Shawn Bengochia with
14 the Bishop Paiute Tribe.

15 And, you know, I guess maybe addressing a little
16 bit of what you're looking for in your question. You
17 know, I don't know if we have -- is it on?

18 Anyway, I guess, I don't really have a lot of
19 input on, you know, how you can streamline and make things
20 faster and better with less. You know, the only thing I
21 guess I would suggest is, you know, training, you know.
22 And I think that's true for all of us, we have to be
23 better, you know.

24 And that's the message that, you know, we're
25 putting out to our children is they have to be better, you

1 know. And we're all living in a time when, you know,
2 things aren't slowing down, you know. I think we're, you
3 know, living in this computer age and thinking things are
4 going to make our life easier, but it creates I think more
5 chaos than anything else, so -- but we just have to do
6 better, you know.

7 And I appreciate you fellas coming out and the
8 work that you're doing, you know, because it's needed, you
9 know. And people have spoke that, you know, that
10 education is important, you know, for the future of our
11 people and our tribes and as individuals, you know, our
12 children.

13 You know, one of the things that maybe, you know,
14 we get to see as tribal people on a day-to-day basis is
15 the faces of our people, you know, whether it's the old
16 people or the children. You know, we see them on a
17 day-to-day basis. And, you know, part of that
18 responsibility that we have, you know, is to do the best
19 that we can for them.

20 And in that, I would just -- you know, I guess
21 I'm saying that, you know, to a certain degree we're
22 putting our trust in you, you know BIA BIE, you know, to
23 do your best for us, you know, in that, you know,
24 government to tribal relationship.

25 And again, I just want to say thank you for, you

1 know, the work that you guys are doing and, you know,
2 just, you know, continue on I guess, and, you know --
3 because like I say, you know, I don't believe things are
4 going to get easier for us Indian people and people in
5 general, you know.

6 And, you know, I would like to see, you know,
7 some of the education money coming directly to the tribes
8 as, you know, this gentleman spoke and people have spoke,
9 you know. There are things that the public school isn't
10 addressing. And part of that is, I think, the problem
11 with the no child left behind, you know, because there are
12 children getting left behind.

13 You know, I think you mentioned, you know, some
14 of the statistics that, you know, our kids are still
15 falling below average or below basic -- far below basic.
16 Those things like that. And part of it is -- I think is
17 issues that we, in our tribe and our communities, have to
18 address. You know, we can't wait for, you know, some
19 agency to deal with it, but we have to address them in our
20 communities. And, you know, those are the challenges that
21 we have, you know.

22 But again, I just, you know, appreciate what you
23 guys are doing. If you can, you know, get money to the
24 tribes and whether it's through education or any of the
25 other programs, you know, it's a blessing.

1 Again, I just thank you guys for coming out, and
2 appreciate your work.

3 MR. DRAPEAUX: Thank you for that. I'm probably
4 the newest employee to the federal service of all the
5 federal employees here, besides Tony. Tony is younger
6 than I am.

7 But I spent 20 years beating up the BIA in other
8 jobs, quite honestly. And what I will say to the federal
9 employees sitting here, on their behalf, is that I have a
10 much greater appreciation for them as employees and for
11 the work that they do. Every day I'm surrounded by people
12 who come in before 7 and don't leave till 8, day in and
13 day out without failure.

14 Mr. Stevens, when I came on board said I'm
15 available 24/7 weekends, holidays. You know, he's on
16 call. His cell phone is always on. He's always
17 monitoring email. You know, we always get a response.
18 And, you know, these guys they don't get a lot of that
19 type of recognition, because of who they work for.

20 And it is -- it's a tough job, there's no doubt,
21 but I have a much greater appreciation for the federal
22 worker than I ever have, and not because I am one, because
23 I'm surrounded by them. And I see the work that they do
24 and they're working hard, and with real challenges.

25 I mean, these budgets that you're looking at,

1 these reductions, these are real challenges that these
2 gentlemen are -- and ladies are tasked to do the job, keep
3 a good attitude, and provide service. You know, that's
4 their job. That's our job. And I have a lot of
5 admiration for them. So, you know, your small recognition
6 I appreciate. And I just wanted to extend that to
7 everybody sitting here.

8 People come here with a good heart I believe, and
9 want to do good work. And, you know, we -- I've enjoyed
10 these consultations, I mean, truly. And this is another
11 one that I'm enjoying. You know, not all of them are
12 friendly, as you can probably imagine. In fact, some are
13 quite hostile in certain areas, but it's still fun, you
14 know, and I recognize that.

15 At one of the consultations last week, you
16 know -- or two weeks ago, folks are really upset. A
17 tribal leader came up and grabbed the mic and said, you
18 know, we just got word that there was a suicide, 8th
19 grader, right.

20 Mr. Stevens and Mr. Roessel and Ms. Brown our
21 Associate Deputy Directors, you know, we get word weekly
22 of suicides in our schools and in our communities. You
23 know, these are -- we all have children. I mean, these
24 are real people. These are our relatives, community
25 members. It has real meaning to us and -- as Indian

1 people, and I think as leaders in the job that we do.

2 And so we're not immune to -- you know, we're not
3 sitting up in some ivory tower someplace in D.C. I mean,
4 we're doing this work day in and day out. And it's good
5 work, and it's meaningful work, and we hope that we can do
6 a better job serving you and find ways to, you know, cut
7 through some of the issues that we have to get to the
8 bottom line, which is how do we help you do your job
9 better? How do we help you, you know, serve your
10 communities better?

11 So that's my little soap box for the moment, but
12 you know, I wanted to thank you for that and extend that
13 to our federal folks.

14 She's going to say something negative, isn't she?

15 MS. ANTONE: I would just like to extend my
16 appreciation also for the BIE, and everything that you do.
17 Mr. Drapeaux, Mr. Stevens, Mr. Moore, I know we've had
18 many conversations about the changes and the need in
19 Indian country for BIE.

20 But I just wanted to announce that, you know, on
21 another scale of, you know, excelling, Blackwater
22 Community School just received the Title 1 National
23 Distinguished School Award, you know, which is another,
24 you know, allocation for the BIE. And we just recently
25 got an announcement that our principal received the Title

1 1 National Principal of the Year. So that's an
2 accomplishment for BIE, you know, also, being apart of
3 this family, you know, as a BIE school. So I'd just like
4 to thank you for everything you do for us and our
5 children.

6 MR. STEVENS: Well, thank you. That means a lot.
7 Jackie Powers -- Jacquelyn Powers is their Principal.
8 Title 1 school of the year recognized by the State of
9 Arizona, but also the Association of Elementary and
10 Secondary School Principals honored her as the National
11 Principal of the Year under that organization for the
12 State of Arizona. And she's going to D.C. in October to
13 receive her gift. And they're going to be recognized at
14 our summer institute.

15 You talked about training. Education is all
16 about professional development. That's what we call
17 training. Helping our teachers to be better teachers,
18 helping our school leaders - we call them instructional
19 leaders - to be better instructional leaders. And we're
20 all about that.

21 And we have our summer institute. It's a
22 surprise to Ms. Powers, but she's going to be recognized
23 in our booklet for the summer institute, along with Tripp
24 Doepner at Sherman Indian High School got Principal of the
25 Year for Region 10 here in California. And Dr. Sherry

1 Johnson at Enemy Swim was recognized by the Native Voices
2 Program in the State of South Dakota.

3 So all those individuals are being recognized.
4 So we do have exceptional educational leaders and
5 exceptional teachers within our organization. We just
6 struggle with some of those issues you talked about, about
7 safety and all the other issues that we deal with.

8 Tracy said that he got offered to go to jail or
9 to boarding school. Sometimes, those are the types of
10 populations that we deal with. And with it come many
11 challenges, but still we're held to that standard of
12 making adequate yearly progress. That's all people see is
13 did it make AYP. And AYP is misunderstood. You could
14 make AYP academically, but not make it with attendance.
15 And they don't look at the academics. It's just a no, you
16 didn't make it.

17 And then over time, of course, you get into
18 corrective action and restructuring, and school
19 improvement and so forth. So there's a lot of different
20 variables to have a successful school. And we face
21 significant challenges, as does any school in the country.

22 Anyway, I just had to throw that out there.
23 Sorry, I got on my soap box. Thank you very much.

24 (Applause.)

25 MR. DRAPEAUX: That is exciting.

1 Other comments?

2 And just so you know, I mean, if you come up with
3 something, you know, the record is open until June 1st.
4 And, you know, we'll always take. You can submit through
5 the website. You can mail, fax to us, however you want to
6 get to it.

7 MS. HOAGLEN-CARD: Zerlinda Hoaglen-Card from
8 Round Valley, Tribal Council Secretary.

9 This is actually for Mark. When you meet with
10 the State, especially in California, State Education, can
11 you maybe tell them that -- because this is something we
12 have been pushing in our school, because we're talking
13 about leaders, and our future leaders.

14 Well, our students that are in public schools,
15 they don't really know the government of their tribe. So
16 that's one thing that we're trying to push in our school,
17 because we only have one school where we're at, and that's
18 where all our native students go, speaking of impact aid,
19 you know.

20 And just recently this year we -- the school has
21 been good enough to meet with us on a monthly basis to go
22 over our impact aid plan, and put in our thoughts to it,
23 and also to our kids. So one of them is to put into
24 government. Right now, we do have a tribal land in our
25 school, so that's working great, and it actually was put

1 forward in Humboldt State.

2 But just an idea to give to them, because, you
3 know, we're a big population, and our kids need to know,
4 because if they don't know from us, then they're not going
5 to know how to lead us, and we want great leaders. So
6 that's just an idea to throw to the State.

7 MR. DRAPEAUX: One of the things that you may
8 want to look at is the Harvard Project. They have put
9 together kind of this educational program for tribal
10 government. And it's something that, you know, we've
11 looked at perhaps to introduce into our schoolwide
12 approach in terms of curriculum.

13 It's kind of like this tribal government 101.
14 And it's really a great program. They have stuff
15 developed. It's neat, so you should -- it's on their
16 website as well.

17 Yes, ma'am.

18 MS. GARCIA: Okay. Martha Garcia with the Ramah
19 Band of Navajo.

20 The BIE has made a presentation in how they're
21 going to try to meet the \$3 million cut that's being
22 proposed in the Green budget. And most of that is going
23 to be in the management or all of it is now being proposed
24 to be in the management portion of the BIE.

25 But just in case, you know, we always looked out

1 and we hear one thing and then something else would come
2 down, and it would impact us at the local level.

3 Ramah Navajo has always had a relationship that
4 has been established with the federal government, which
5 has evolved over about eight or nine decades now. Even
6 though we're part of the Navajo Nation, our relationship,
7 as a community, as a government out there, has always been
8 separate from the Navajo Nation with the federal
9 government, and we want to maintain that.

10 And this also goes for the BIA side, that our
11 position is always to work directly with the federal
12 government from our level, because we have done a number
13 of contracts with the federal government. And that's a
14 direct contract without having to go through the Navajo
15 Nation. And the BIA from the Southwest Region, when it
16 was still in the Albuquerque Area Office, has recognized
17 that, and has written a statement to such that we continue
18 to hold that and support that. And our relationship that
19 has been established has done very well for us.

20 We're able to have a direct relationship, a
21 government-to-government relationship. We know what our
22 funding levels are each year and be able to work with
23 that. And we want to maintain that, because over the
24 years there has been attempts by either our neighboring
25 tribes or someone else to try to put us back, and says you

1 belong under the Navajo Nation, and you should be under
2 their BIA system over there.

3 But that's not going to work for us, because
4 we'll become lost in that whole bureaucracy and it's going
5 to be just another level that we would have to deal with.
6 And attempts have been made, but both the BIA, the federal
7 government, and also the Navajo Nation has supported our
8 position. And that's why we continue to receive direct
9 service as it is to this day.

10 And we want to make sure that we maintain that,
11 and that's where we are most comfortable, and we want to
12 continue to develop that.

13 So I just want to bring that to your attention.
14 And I remember at the time when I was the chapter
15 president, I was at a meeting, where the former Interior
16 of -- the Department of Interior Secretary Bruce Babbitt
17 was present and was making a presentation. And there was
18 like one of our neighboring tribes stood up and says we
19 don't wanted Ramah here. We want them to go back to
20 Navajo Nation.

21 But at the time, the Secretary had stated that's
22 Ramah's decision. That's nobody else's decision. That's
23 their right where they want to be, and no tribe or no --
24 or the federal government cannot make them move where they
25 don't want to move.

1 So we stand behind his statement, and we want to
2 maintain that. And let's bring it down to the local
3 level, because we have been very active, and we have sued
4 in the past for a number of things, and have come out --
5 what became -- it would be in the best interests of. Not
6 only Ramah but on behalf of the Indian people. And we
7 have gone through another process here about less than a
8 month ago. And hopefully that, you know, we receive
9 results that would be very -- would be in the best
10 interests, again, of the Indian country.

11 So we go through those and we have major impacts.
12 And therefore, you know, we like that relationship. It
13 has been a friendly relationship. We're able to sit down
14 at the table as we're doing today and be able to voice our
15 opinion and all that. And so again, we want to say that
16 is our position.

17 Thank you.

18 MR. STEVENS: Just a quick response. In the 2006
19 settlement agreement with the Navajo Nation that we
20 referenced earlier, there were assumptions, and you spoke
21 about what assumptions do. And it probably did so more
22 for us than for you, if you know what I mean, how it made
23 us look.

24 Anyway. There were assumptions made that because
25 you were a Navajo school that you would go under the

1 Gallup line office within that Navajo ADD, but we
2 discussed and we made the decision that you will remain
3 under the Associate Deputy Director West, which is my
4 region, and the New Mexico South line office, which is the
5 Southwest Region that you reference. And that will go
6 unchanged for as long as that's what you desire, because
7 there was not specific language like we assumed in the
8 settlement agreement that identified you as joining
9 Navajo.

10 So you're with the ADD West. That's my only --
11 we work very well with Sam Alonzo, the Superintendent out
12 at Pine Hill.

13 MR. DRAPEAUX: We'll be here tomorrow 8 o'clock,
14 if you think of anything.

15 MR. STEVENS: Real Quick. One more thing. I've
16 had actually three concerns come forth about student -- or
17 not student, State public ed issues. You talked about if
18 I meet with the superintendent bring these issues up. And
19 we have in the region -- in the States where I've already
20 concluded those meetings, and one is being scheduled for
21 California.

22 But they're bound by statutes and regulations as
23 well. Title 7 has to have a parent advisory board in
24 place. And by golly, if you don't have that in place,
25 there's laws that govern that, and you have right as

1 parents of Indian students to have input on how those
2 Title 7 dollars are used for language and culture or the
3 education of Indian students.

4 Title 7 is a little bit -- or impact aid is a
5 little bit different. Those are State dollars in lieu of
6 tax dollars. So not only Indian students get them, but
7 students living on military reservations or reserves or
8 bases that don't generate a tax base, generate those
9 dollars as well.

10 And most districts, because I came from over 20
11 years in the public school system in north eastern Utah.
12 Most school districts put that back in the general fund,
13 because they're in lieu of tax dollars. They're just a
14 tax base that they're not getting from Indian kids that
15 they get from everybody else.

16 So when they put their tax base dollars from the
17 non-Indian population into a general fund, they'll do the
18 same with impact aid. It's just the Indian kids' share.
19 So that isn't governed as much as Title 7. But with Title
20 7, you do have a lot of rights.

21 Have a great evening. We'll see you tomorrow.

22 (Thereupon the meeting adjourned at 4:34 p.m.)

23

24

25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me, James
7 F. Peters, a Certified Shorthand Reporter of the State of
8 California, and was thereafter transcribed, under my
9 direction, by computer-assisted transcription;

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 29th day of May, 2012.

15

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