
TRIBAL CONSULTATION MEETING -- MAY 3, 2012

The Tribal Consultation Meeting in the above-entitled matter occurred at the Holiday Inn Rapid City-Rushmore Plaza, Rapid City, South Dakota, on Thursday, May 3, 2012, before Susan A. Seliga Capital Reporting Company, beginning at 8:22 a.m.

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A P P E A R A N C E S

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6 Mr. Dion Killsback, Counselor
Office of Assistant Secretary - Indian Affairs

7

8 Ms. Kallie Hanley, Senior Advisor, Office of Assistant
Secretary - Indian Affairs

9 Mr. David Talayumptewa, Assistant Deputy Director for
Administration, Bureau of Indian Affairs

10

Ms. Gila Bronner, Bronner Group (May 3 only)

11

Mr. Keith Moore, Director, Bureau of Indian Education

12

Mr. Brian Drapeaux, Chief of Staff, Bureau of Indian
Education

13

14 Ms. Roxanne Brown, Associate Deputy Director - East, BIE

15 Mr. Jeffrey Hamley, Associate Deputy Director, DPA, Bureau
of Indian Education

16

Mr. Weldon (Bruce) Loudermilk, Acting Deputy Assistant
Secretary for Management

17

18 Mr. Bryan Rice, Deputy Bureau Director for Trust Services

19 Mr. Mike Smith, BIA Deputy Director for Field Operations

20 Mr. Edward Parisian, Regional Director, Rocky Mountain
Region

21

Ms. Alice Harwood, Acting Regional Director, Great Plains
Region

22

23 Ms. Diane Rosen, Regional Director, Midwest Region

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A T T A C H M E N T S

- Statement of the Great Plains Tribal Chairman's Association
on the proposed BIA/BIE streamlining, May 3, 2012, Rapid
City, SD
Organizational Streamlining Comments, Tribal Consultation
Supplementary Information 5/5/12 from Sicangu Owayawa Oti
Letters dated 5/3/12 to Mr. Del Laverdure and Mr. Keith O.
Moore from Mike Faith, Vice-Chairman, Standing Rock Sioux
Tribe

NOTE: Original transcript to be filed with Department of
the Interior, Bureau of Indian Affairs.

1 P R O C E E D I N G S

2 (Convened at 8:22 a.m.)

3 MR. DION KILLSBACK: All right. Good
4 morning, everybody. Let's go ahead and take our
5 seats. I think we're ready to get started here. As I
6 stated before, if there are any -- any Tribal leaders
7 that are out in the audience, you're welcome to come
8 and join us here at the table. And for those in the
9 audience that know that there may be some Tribal
10 leaders who will be trickling in later, please also
11 let them know that the tables are for the Tribal
12 leaders.

13 (Native language.)

14 My name is Dion Killsback. I'm Northern
15 Cheyenne from the Northern Cheyenne Tribe in Montana.
16 I am Counselor to the Assistant Secretary of Indian
17 Affairs. The Acting Secretary right now is Del
18 Laverdure. Former Assistant Secretary Larry Echo
19 Hawk, if you're not aware, has decided to resign and
20 take a calling with his church.

21 But we're here today for a formal
22 consultation. And as we do in Indian Country in all
23 of our consultation of the Tribes, we like to start
24 this off with an invocation. And this morning I would
25 ask the Chairman, Jesse Taken Alive, from the Standing

1 Rock Sioux Nation to give us the invocation. So at
2 this time I would like Mr. Taken Alive to provide us
3 with an invocation. So if you would please stand up,
4 pay respects.

5 MR. JESSE TAKEN ALIVE: (Native language.)

6 My friends and relatives, before I offer the
7 prayer, I put on my moccasins this morning as a
8 reminder of who we are and what we are. And I have
9 been honored with a headdress, as the White Man calls
10 it. And some day in the future, if it's fitting for
11 me to wear that as I have been taught that elders wear
12 that, and some day I hope to be that, I will present
13 myself that way in front of you. A small correction:
14 I am Councilman from the Standing Rock Sioux Tribe,
15 former Chairman back in the 1990s. I will offer my
16 prayer and -- I will offer my prayer and do my best to
17 interpret it.

18 (Native language.)

19 My friends and relatives, I want to make a
20 few comments reminding us that we are what we are
21 first. Whatever indigenous Nation we come from, we're
22 that first. And as we said, when we sit down at
23 meetings like this as our ancestors have done, and
24 we've done in the recent past, we know the laws and
25 policies of the Long Knives aren't totally beneficiary

1 to us. In fact, unfortunately, in a lot of cases,
2 they don't benefit us as we would like to see.

3 Some of us have written our names and are
4 writing our names on a paper. And we've learned in
5 the past from those before us, to take caution, to
6 take heed when you write your name because they're
7 going to take that back east, and they're going to say
8 they talked with you. They're going to say they
9 visited with you, and they're going to tell their boss
10 or bosses, we've already talked to them; they've
11 already heard what we're going to do.

12 So I share these important issues, simple as
13 they may be, but latent with truth. Our fear is that
14 already things are put in place. But we told our
15 relatives back home, who entrust us, we will come here
16 and we'll do and we'll speak the truths. And that is
17 what we plan to do throughout the day. Truths may be
18 joyful. Truths may be otherwise. But they must
19 continue to be the truths as we've been taught.

20 We will see today through the questions and
21 the dialogue if things have already been made, and
22 they just call us to the table. Our understanding of
23 consultation is that it's with each other in a
24 respectful way. Our understanding of consultation is
25 that we do it as treaty partners. And we're getting

1 the sense, unfortunately, that this is about us, not
2 with us.

3 The past few days we've been meeting and
4 looking at some of the documentation. We hope that's
5 not the case, but we're prepared to take whatever
6 action necessary. Because back home where we come
7 from, back home where we want to be, back home where
8 the healing is, the ceremonies, the language
9 renaissances, that's where we want to be. We want to
10 get out of a state of survival into flat-out living
11 with our children and our elders. That's where we
12 come from. That's where we want to go home to. And
13 we've promised them we'll bring them something, and it
14 remains to be seen what that something is.

15 So I've been asked to make these comments
16 this morning in a truthful and respectful way as our
17 ancestors did. That's why we've been here for
18 centuries. We've been here since time immemorial
19 because we base things off of the truth, we base
20 things off of how all our people will benefit,
21 especially the children, the elders, the orphan, the
22 widows.

23 (Native language.)

24 MR. DION KILLSBACK: Let me thank you for
25 that -- for that prayer.

1 Right now I'd like to recognize the Great
2 Plains Tribal Chairman's Association. They're
3 providing coffee for this meeting. So I want to say
4 thank you to that group. As you know, coffee is kind
5 of the starter for a lot of people. So thank them if
6 you get a chance to get some coffee.

7 As I stated in the introduction, my name is
8 Dion Killsback, and I'm Counselor to the Acting
9 Assistant Secretary of Indian Affairs, Del Laverdure.
10 And as part of my opening remarks, I want to say that
11 it's a pleasure to be back here in the homelands. As
12 I stated, I'm from Busby, Montana, north of Cheyenne.
13 But as the Sioux, we also hold the Black Hills and
14 this area as part of our homelands. And so it's good
15 to be back at, you know, where we have our pilgrimage
16 every year at Bear Butte, Noavose. And so just being
17 this close, you know, being back east, it's good to be
18 home.

19 With that, I want to go through a little bit
20 of the format for today, the agenda as it's set out.
21 We're going to be going through essentially four --
22 four areas. First, I'll be doing some introductions.
23 But then we'll also get into the Administrative
24 Assessment and Study Recommendations. I'll go over an
25 overview. Then the Bronner Group will take over that

1 discussion. And then from there, we'll get into the
2 BIA Streamlining Plan. And after that, we'll take our
3 lunch break. And from the lunch break, between 12:30
4 to 1:30, that will be lunch on your own. Then after
5 that, we'll get into the -- we'll continue with the
6 BIA Streamlining Plan. And then at 2:30, we'll finish
7 out the day, again with the BIA Streamlining Plan.
8 And then tomorrow, it will be the BIE Johnson O'Malley
9 Student Count Update. And that's the format for the
10 day and tomorrow.

11 Right now I would like to see -- I know some
12 people have come in during the prayer and while I was
13 speaking. But I want to invite tribally-elected
14 leaders to the table. We have this format for a table
15 to be at the same level because, as was stated
16 earlier, we represent the United States Department of
17 Interior, Indian Affairs, and Bureau of Indian Affairs
18 as well as the Bureau of Indian Education. And we
19 engage with tribes on a government-to-government
20 level. And so the elected tribal leaders that are in
21 the audience, feel free to join us here at the table.

22 Secondly, I'd like to do a round of
23 introductions here. I'll introduce -- well, I'll ask
24 our federal team to introduce themselves. Then I'll
25 ask the tribal leaders to introduce themselves. But

1 first I'm going to ask our new political to introduce
2 herself and speak about her and a little bit about her
3 background. This is her first week in Indian Affairs.
4 And so we thought it would be perfect for her to come
5 out and visit Indian Country. And so I'll turn that
6 over to our political right now to give a few words.

7 MS. KALLIE HANLEY: Thank you. Good
8 morning. My name is Kallie Hanley, and I am new to
9 Indian Affairs. This is my first week on the job, as
10 Dion said. I am a new advisor to Assistant Secretary
11 Del Laverdure, and I'm not as familiar with some of
12 the issues that we're going to be speaking on today
13 because it's my first week in Indian Affairs. But I
14 hope to learn a lot from this consultation.

15 A little background about me: I am actually
16 coming from working in the Secretary's Office with the
17 Deputy Secretary and the Chief of Staff on several
18 issues. I helped work, develop our consultation
19 policy which was signed in December by Secretary
20 Salazar.

21 Thank you. I also have worked on the Cobell
22 implementation as we're moving forward on that as well
23 as the National Trust Reform Commission, and I've
24 worked with the White House on the last two Tribal
25 Nation Conferences. So I have a lot to learn, but

1 it's my pleasure to be here today. Thank you.

2 MR. KILLSBACK: Thank you, Kallie.

3 I see some people holding their hands to
4 their ears. Can you hear me fine out in the audience?
5 Okay.

6 Second, I'm going to turn it over to our
7 team on the left to introduce themselves as well.

8 MR. MICHAEL SMITH: Do you need to say
9 something, John?

10 MR. JOHN YELLOWBIRD STEEL: Good morning.
11 Yes, sir. I'd like to welcome you. To us, you are
12 the mila hanska, the Long Knives. You are the Great
13 White Father come from Washington to talk to us.

14 I'd like to welcome you to the sacred Black
15 Hills, the Black Hills that still belongs to the Sioux
16 Nation that you stole. According to a 1980 Supreme
17 Court decision, the United States Supreme Court, their
18 words were: the most ripe and right case in the
19 history of the United States, the illegal taking of
20 the Black Hills. We have treaties, each and every
21 Tribe in the Great Plains. We all have treaties with
22 the United States. This establishes our relationship
23 with you. These treaties were ratified by two-thirds
24 of the Senate. They fall under the Constitution of
25 the United States in Article Six, the supreme law of

1 the land. This relationship we have with you, the
2 federal government, we wish to keep in place. So your
3 presentation to us today is very important, and we
4 will try to work with you, but we -- we welcome you,
5 and we'll get into business later. Thank you.

6 MR. BRUCE LOUDERMILK: Thank you, John. My
7 name is Bruce Loudermilk. I am the -- my permanent
8 position is Regional Director out of the Great Plains
9 Region. I'm currently on detail to Washington, D.C.
10 as the Acting Deputy Assistant Secretary for
11 Management. And it's good to be back in God's
12 country, as I said. Thank you.

13 MR. BRYAN RICE: Good morning. My name is
14 Bryan Rice. I'm the Deputy Bureau Director for Trust
15 Services in D.C. A little bit of my background: I've
16 been in the BIA for about ten years. I worked in the
17 northwest region at the Yakama Agency in the field as
18 a Timber Sale Officer. From there, I went up to
19 Alaska working on land resource management for
20 allotments across the state. Moved back to D.C. about
21 two years ago because I decided it was time to take
22 this challenge and take the field experience and
23 understanding what happens in the field and apply it
24 at the policy level. So I'm glad to be here.

25 MR. MICHAEL SMITH: Good morning. My name

1 is Mike Smith. I'm the BIA Deputy Director for Field
2 Operations. And I'm not only representing myself
3 today, but Mr. Black, Mike Black, the Director of the
4 Bureau of Indian Affairs, who could not be here today.
5 He is participating in the memorial service in
6 Artesia, New Mexico for fallen law enforcement
7 officers.

8 I'm an enrolled member of the Laguna Pueblo
9 Tribe in New Mexico, and I was born on the reservation
10 at Fort Hall, Idaho. So I'm also Shoshone Bannock.
11 And I look forward to meeting and dealing with all of
12 you today, many of you that I have worked with over
13 the years. And I look forward to meeting those of you
14 that I have not met before. Thank you.

15 MR. BRIAN DRAPEAUX: Morning. My name is
16 Brian Drapeaux. I'm the Chief of Staff for the Bureau
17 of Indian Education. I'm representing Director Keith
18 Moore, who will be joining us later today. I'm a
19 member of the Yankton Sioux Tribe, known to most folks
20 here. And look forward to the discussion and visiting
21 with you all today. Thank you.

22 MR. DION KILLSBACK: Thanks, Brian. I'm
23 going to ask -- we've got some of our BIA staff in
24 the -- in the audience. So if they could stand and
25 introduce themselves.

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1 MR. EDWARD PARISIAN: Good morning. Ed
2 Parisian. I'm the Regional Director for the Rocky
3 Mountain Region.

4 MS. ALICE HARWOOD: Good morning. I'm Alice
5 Harwood. I'm the Acting Regional Director for the
6 Great Plains Region.

7 MS. DIANE ROSEN: Good morning. I'm Diane
8 Rosen, the Regional Director for the Midwest Region.

9 MR. DION KILLSBACK: Thank you. Right now
10 I'd like to introduce or have our Tribal leaders
11 introduce themselves starting over here and then going
12 around the table.

13 MR. MICHAEL JANDREAUX: Good morning. My
14 name is Michael Jandreaux. I'm the Chairman of the
15 Lower Brule Sioux Tribe.

16 MR. JEFF DELORME: Morning. I'm Tribal
17 Council, Turtle Mountains, Jeff Delorme.

18 MR. CURTIS POITRA: Good morning. I'm the
19 Vice Chairman of the Turtle Mountain Band of Chippewa,
20 Belcourt, North Dakota.

21 MR. JOHN YELLOWBIRD STEEL: John Yellowbird
22 Steel, President, Oglala.

23 MR. BRANDON SAZUE: Good morning. Brandon
24 Sazue, Tribal Chairman, Crow Creek.

25 MR. JESSE TAKEN ALIVE: Jesse Taken Alive,

1 Tribal Council Member, Standing Rock Sioux Tribe.

2 MR. THURMAN COURNOYER: Good morning. I'm
3 Thurman Cournoyer, Chairman, Yankton Sioux Tribe.

4 MR. RODNEY BORDEAUX: Good morning. I'm
5 Rodney Bordeaux, President of the Rosebud Sioux Tribe.

6 MS. MARY MILLER: Good morning. My name is
7 Mary Miller. I'm a Cheyenne River Sioux Tribal
8 Council Representative, and I represent the Cheyenne
9 River Sioux Tribe. And I would like to state that I
10 am not here to consult with the BIA about the proposed
11 restructuring, but I am here to inform you that the
12 Cheyenne River Sioux Tribe does not have enough
13 information to be able to meaningfully consult on
14 proposed action. And I'm here just to get additional
15 information about the proposed restructuring. Thank
16 you.

17 MS. CORA JONES: Good morning. I'm Cora
18 Jones. I'm the elected Secretary of the Santee Sioux
19 Nation of Nebraska. And yesterday in our meetings, it
20 was consensus that this is not consultation. So I'm
21 not here in a consulting manner, but I am happy to
22 share information.

23 MR. LEROY SPANG: First, I'd like to thank
24 all of you from D.C. for being here. My name is Leroy
25 Spang, President of Northern Cheyenne Tribe, Lame Deer

1 Mountain.

2 MR. RON BROWN OTTER: Good morning. Ron
3 Brown Otter, Councilman at Large, Standing Rock Sioux
4 Tribe. I represent eight communities. Thank you.

5 MR. DUANE CLAYMORE: My name is Duane
6 Claymore. I represent the Standing Rock Sioux Tribal
7 Council.

8 MR. DOUG CROW GHOST: Good morning. Doug
9 Crow Ghost, also on the Standing Rock Sioux Tribal
10 Council and as a representative for the Bear Soldier
11 District.

12 MR. WINFIELD RONDELL: Good morning.
13 Winfield Rondell, Junior, Tribal Secretary,
14 Sisseton/Wahpeton Oyate.

15 MS. ADELE WHITE: Good morning. My name is
16 Adele White. I'm the Tribal Secretary for the
17 Standing Rock Sioux Tribe, also representing the
18 Chairman who -- Chairman Murphy from the Standing Rock
19 Sioux Tribe. He couldn't be here today.

20 MR. RANDAL WHITE: Good morning. My name is
21 Randal White. I'm Councilman at Large for Standing
22 Rock. Also had three terms for the Community of
23 Porcupine, North Dakota. Thank you.

24 MS. DONNA FISHER: Good morning. Welcome.
25 I am Donna Fisher, and I represent the Northern

1 Cheyenne Tribe.

2 MR. KILLSBACK: Thank you. Thank you for
3 those introductions. And as I stated, any tribal
4 leaders that are in the audience, you're more than
5 welcome to come and sit up here. We've got some empty
6 seats. And then if the audience would be so kind to
7 inform any tribal leaders that do arrive later that
8 there are seats up here for them at the table.

9 Right now I'd like to go through an
10 overview. Yes?

11 MR. JOHN YELLOWBIRD STEEL: Dion.

12 MR. DION KILLSBACK: Yes.

13 MR. JOHN YELLOWBIRD STEEL: Excuse me. We
14 have a Council Rep.

15 MR. KILLSBACK: Oh, absolutely.

16 MS. PAM KILLS IN WATER: (Native language.)
17 My name is Pam Kills In Water. I represent -- I'm a
18 Councilman for the Spring Creek Community.

19 MR. DION KILLSBACK: Thank you. Welcome.

20 MS. BEVERLY TUTTLE: (Native language.) I'm
21 Beverly Tuttle from the Oglala Sioux Tribe. I also
22 serve on the Education Committee as the Vice Chair. I
23 also want to recognize and express that I am here --
24 not here for a consultation either. I'm here just to
25 be informed and give/share information. Thank you.

1 MR. DION KILLSBACK: Thank you. Welcome.

2 We have another gentleman that joined us.

3 MR. SCOTT WESTON: Good morning. Excuse me.

4 Good morning. My name is Scott Weston. I'm one of

5 the Council Representatives from the Oglala Sioux

6 Tribe. I am very honored to be here amongst our

7 tribal leaders. We have some big endeavors in front

8 of us. I don't want to take up a lot of time, but I

9 think we need to all be heard today. And this is not

10 a formal consultation. Thank you.

11 MR. JESSE TAKEN ALIVE: I'm Jesse of

12 Standing Rock. I'd like to ask a question. Why

13 didn't we get all that information? You hear some of

14 the concern. You know, consultation is something

15 where, as you said, everybody is equal. But,

16 unfortunately, many Tribes, not all the Tribes in our

17 area, didn't get all that information, but yet we've

18 come to the table out of respect, as I said earlier,

19 to try to take something back. Can you tell us why we

20 didn't get all that information, and can you respond

21 to some of the statements that were made here by

22 relatives that we're not -- which I agree with, that

23 state that this is not consultation? Because it's not

24 level, it's not even, it's not equal, because we

25 didn't get all the information that you all have and

1 that we're going to hear today. Can you tell us why
2 we didn't get that? And two, your response to the
3 statements that this is not consultation.

4 MR. DION KILLSBACK: Thank you, Jesse, for
5 those questions. Well, first of all, let me say that
6 I know that we did receive numerous requests for
7 information. And apologies for not getting that
8 information out there. Our offices worked diligently
9 to try to disseminate the information, along with the
10 Dear Tribal Leaders letter, with subsequent follow-up
11 through mailings and providing information on a
12 CD-ROM, but also posting information on the web, on
13 the BIA website.

14 And I know that it's a concern that, you
15 know, this -- you know, at this meeting that was
16 raised. So the information that we have is the
17 information that we're able to get out. And it's
18 actually the information that we're going to be
19 getting into substantively throughout the day and
20 information, I know a lot of it's out there in packets
21 already as well. So whatever we have is going to be
22 here. But you may not have received -- you may not
23 have received it timely. So apologies for that.

24 Second, to the question of consultation, the
25 Department of Interior has followed these regulations

1 pursuant to its consultation policy in order to
2 conduct this. That means filing the notice with the
3 Federal Register and make sure that at least thirty
4 days was given, and a formal correspondence was sent
5 to the -- to the tribes and disseminated through the
6 regions and through the agencies. That's the --
7 that's the policy and the procedure for the way that
8 the Department of Interior and BIA conduct
9 consultation. And the meetings were scheduled. This
10 is the fourth meeting of the seventh meeting for the
11 consultation. So, you know, this is the procedure
12 that the Department of Interior, and the way that we
13 conduct consultations with federally-recognized
14 tribes.

15 I see a Chairman has a question or a
16 comment. And before we get to that, I'd like to go
17 over an overview very quickly about the Administrative
18 Assessment.

19 MR. JOHN YELLOWBIRD STEEL: Before you get
20 to that, I would like to lay the basis of our
21 statements that several people have expressed on, this
22 is not consultation, please. I am the Vice President
23 of the Great Plains Tribal Chairman's Association.
24 Mr. Tex Hall isn't here. So I am speaking on behalf
25 of the Great Plains. And I told you a little while

1 ago that we -- each one of you has a treaty with
2 yourself that establishes our relationship. The
3 federal government has specific laws. You, as -- you,
4 as counsel for the Great White Fathers sitting before
5 us here, should understand this.

6 Let me cite some of those for you. This
7 meeting is not government-to-government consultation.
8 It does not fulfill the responsibilities under 25
9 U.S.C. Also, as the United States District Court of
10 South Dakota Judge Karen Schreier has explained,
11 Consultation means a process of government-to-
12 government dialogue between the Bureau of Indian
13 Affairs and Indian tribes regarding proposed Federal
14 actions in a manner intended to secure meaningful and
15 timely tribal input. Meaningful and timely
16 (emphasis).

17 Government-to-government consultation as
18 required by 25 U.S.C., Subsection 2011, requires that
19 Indian tribes are, number 1, to receive timely
20 notification of the formulated or proposed Federal
21 action; to be informed of the potential impact on
22 Indian tribes of the formulated or proposed Federal
23 action; number 3, to be informed of those federal
24 officials who may make the final decisions with
25 respect to the federal action; number 4, to have input

1 and recommendations of Indian tribes on such proposed
2 actions be fully considered by those officials
3 responsible for the final decision.

4 You guys aren't the final decision. And to
5 be advised -- number 5, to be advised of the rejection
6 of tribal recommendations on such action from those
7 federal officials making such decisions and the basis
8 for such rejections.

9 This is a standing court order right now,
10 just recently come from the Oglalas.

11 Also, the Congress, your boss, after careful
12 review of the federal government's historical and
13 special legal relationship with and resulting
14 responsibilities to American Indian people, finds
15 that, number 1, the prolonged federal domination of
16 Indian service programs has served to retard rather
17 than enhance the progress of Indian people and their
18 communities by depriving Indians of the full
19 opportunity to develop leadership skills crucial to
20 the realization of self-government, and has denied to
21 the Indian people an effective voice in the planning
22 and implementation of programs for the benefit of
23 Indians which are responsive to the true needs of
24 Indian communities.

25 Number 2, Indian people will never surrender

1 their desire to control their relationships, both
2 among themselves and with non-Indian governments,
3 organizations and persons. In addition, the United
4 States Government has certain obligations and
5 responsibilities as the trustee of Indian people which
6 arose out of the United States military occupation and
7 annexation of millions of acres of tribal lands and
8 its assumption of political control over tribal
9 governments. Over the years, direct and overt
10 colonization has ended. It has been the federal
11 policy to gradually return to a
12 government-to-government relationship and to support
13 self-determination.

14 We sit here at this meeting with your
15 agenda. Did we have input into that agenda? You are
16 very controlling of this meeting. I read from Larry
17 Echo Hawk's letter here: The culmination of our
18 review is a draft administrative organizational
19 assessment report compiled by a third-party
20 contractor.

21 What you're presenting to us is from a
22 third-party contractor out there having none of our
23 input. This is your Bronner Report. Yes, they say
24 treaty in it. But treaty from our point of view that
25 the United States Supreme Court has held that those

1 treaties are to be interpreted as the Indians
2 interpret them?

3 If possible, please provide your input by
4 the close of business on May 25th.

5 And you're down here, what, May 3rd?

6 We are preparing for implementation of the
7 fiscal year 2013 budget, which begins on October 1st,
8 2012.

9 You're taking something very major here. We
10 don't think you're going to take our input seriously.
11 And I say this is not consultation, and that this is
12 not the end of it.

13 President Obama, Democratic Administration,
14 having the IRS come after us, treat us like
15 organizations, attacking our sovereignty throughout.
16 My suspicions of that Cobell lawsuit where the
17 government under President Obama has added to the
18 lawsuit land and resources mismanagement, having the
19 Indians give up their claims and not telling us what
20 those claims are, not advising that individual Indian
21 on when and how to opt out of that special section on
22 land and resources mismanagement.

23 You're coming down with a third-party
24 assessment to streamline, you say, and to meet budget
25 constraints, you say. You're going to force this on

1 us. President Obama has headed us towards
2 termination, is my suspicions. You're not getting our
3 input into the basic agenda that you are controlling
4 here. There's testament to that. That's our basis
5 here, sir. You may continue.

6 MR. DION KILLSBACK: Thank you, Chairman
7 Steel, for those comments.

8 I would like to start off with an overview
9 of the Administrative Assessment. As Chairman Steel
10 pointed out, the Dear Tribal Leaders letters that went
11 out to the tribes throughout the country indicated
12 that the Administrative Assessment was conducted, and
13 based on the assessment, the recommendations followed.

14 The issue that I want to touch on from a
15 very practical standpoint is that the previous
16 administration, through a 1990 NAPA report,
17 centralized government operations with the Bureau of
18 Indian Affairs and created a centralized type of
19 bureaucracy located in the Central Office in
20 Washington, D.C. And what it was was essentially an
21 attempt to make things a little more
22 administratively -- the administration at that time
23 administratively more efficient for Indians and Indian
24 tribes.

25 Chairman, I see your hand. Let me finish my

1 comments here, and I'll get to you, if that's all
2 right.

3 MR. MICHAEL JANDREAU: Well, because you
4 are making the comments you are, is the reason that I
5 raise my hand, because the connotation that you have
6 projected is that the Bronner Report is what's causing
7 you to do the streamlining. And you haven't even
8 reviewed the Bronner Report at the time that the
9 budget reductions were already in place that led to
10 the streamlining. So I guess I want that, if you're
11 making a record, in the record because that is -- that
12 is blatantly untrue.

13 MR. DION KILLSBACK: I'm going to ask Mike
14 Smith, our Deputy Field Director of Operations, to
15 provide some clarification.

16 MR. MIKE SMITH: Let me see if I can just
17 put this in perspective. And you can probably tell,
18 we don't have a script. We haven't, you know, decided
19 who's going to say what. But we're all here
20 representing the Secretary, the Administration, the
21 Assistant Secretary and so forth. You all know that.

22 But there are three different things going
23 on here. The first thing on the agenda is we are
24 sharing with you the findings and recommendations of a
25 study that was done by the Bronner Group. And that's

1 one whole thing. It has nothing to do with the
2 streamlining of BIA or BIE. But it might in the
3 future. We're trying to share that information so
4 that we can get feedback from you, from the tribes,
5 the tribal leaders, from anybody that has any interest
6 in Indian education. It's pretty much an open
7 dialogue and everything is on the table. There's no
8 plan. There's nothing that's been decided before
9 today. And we're here to listen, primarily.

10 Once we do the slides, which is a slide
11 presentation, PowerPoint, on the Administrative
12 Assessment, just giving you that information about
13 what's already been done as far as a study, that's one
14 thing. Then we'll go into the BIA streamlining, which
15 is being directed by the budget that was rolled out by
16 the President in February, FY2013, that requires us to
17 take a look at more effective and efficient ways to do
18 things in order to save money. And that's both BIA
19 and BIE. And BIE's presentation is separate from BIA.

20 But again, there's nothing that's been
21 decided. There's nothing that is going to happen
22 without your input. And I guarantee, you know, this
23 is going to be recorded. We're on the record. And we
24 are here to consult. But I understand your basis for
25 calling this not a consultation, and I respect that.

1 We are using our consultation policy to reach out.
2 And a lot of information went out. What little
3 information we had has been put on the Internet and
4 it's been put in the Federal Register. And yet, it's
5 a minimal amount of information. And yet, probably
6 several pieces of paper as far as the PowerPoint and
7 the information that we're going to present. So I
8 just want to make sure that you understand that these
9 are not all dependent on whether or not --

10 MR. JOHN YELLOWBIRD STEEL: Can we throw
11 this out, sir?

12 MR. MIKE SMITH: Sir?

13 MR. JOHN YELLOWBIRD STEEL: Can we throw
14 this out?

15 MR. MIKE SMITH: Throw it out?

16 MR. JOHN YELLOWBIRD STEEL: It says, BIA
17 Streamlining, what to expect. U.S. Department of
18 Interior, Bureau of Indian Affairs. We're not going
19 to discuss this, right?

20 MR. MIKE SMITH: We're going to show the
21 slides and have you react or not. We want to show you
22 the information.

23 MR. JESSE TAKEN ALIVE: And that's the very
24 concern we have because we understand that there were
25 continued attempts up to yesterday to try to seek

1 information, if not the actual budget, that's going to
2 fit into what's proposed for BIA/BIE. And this is, in
3 our view, a concern that we've outlined that it's
4 being called consultation. As we've articulated, we
5 don't believe it is. But when you go back to D.C.
6 after making all the stops in Indian Country, you'll
7 have completed your fiduciary responsibility because
8 you're not going to be able to change this -- these
9 recommendations. And I know this afternoon we have
10 some concerns about BIE, you know, with the -- with
11 the taking away of some positions only in the Great
12 Plains. And it's very concerning for us.

13 It's not about you as governmental
14 officials, and it's not necessarily about us as tribal
15 leaders. It's about the people who are waiting for
16 these services. This is why we -- we are adamant and
17 hopefully not disrespectful. And it's not a political
18 issue. There was a comment made that the last in
19 administration. In Indian Country, were not really
20 concerned about if it's a Republican, Democratic, Tea
21 Party, coffee party, whatever party. We want to work
22 with people who we can trust, if you will take our
23 solutions and work with us, not for us, not about us,
24 but work -- work with us as true treaty partners in
25 implementing the solutions that we have out in Indian

1 Country.

2 So my understanding, on the record, is that
3 there is concurrence that this is a non-consultation
4 process because all information wasn't disseminated to
5 Indian Country. Consultation says equal. That was
6 articulated earlier. So as a -- as a tribal leader,
7 from one of the tribes in the Great Plains, this is
8 not consultation. And I look forward to the slide
9 presentation, but the record must show that this is
10 not consultation. You've said it yourself. You
11 apologized for not getting the information out. So
12 that's already been stated. We don't have all the --
13 you had the information. We didn't. So if that -- if
14 that point is on the record, I feel somewhat
15 comfortable knowing that you concur with us by your
16 statements and overviews that this is not
17 consultation.

18 MR. MIKE SMITH: Well, again, I respect the
19 fact that you have a consensus, and that's fine. But
20 all we're here to do is share information. No -- I'll
21 say it once again: No decisions have been made.
22 There's no plan. There's nothing on the table. In
23 fact, everything's on the table. And we want to react
24 to whatever your comments and recommendations are.

25 MR. JOHN YELLOWBIRD STEEL: Let me share a

1 little story with you. There's a forest. A whole lot
2 of trees there, magnificent trees. They heard the
3 government was going to cut them down. Very fearful.
4 Here comes the ax, comes into the forest. The trees
5 say to one another, Oh, he's okay. Look at his
6 handle. He's part of us.

7 MR. MICHAEL JANDREAUX: It still doesn't
8 change the fact -- even though, Mike, you're saying
9 that all of this is on the table, it doesn't change
10 the fact that the budget for 2013, unless there's
11 restoration by Congress, is going to change. It is
12 what it is. And, you know, the fact that these
13 reductions are going to impact us is real. I mean,
14 and, you know, to lead us into an ideal that the -- we
15 look to the Bronner, whatever it was, foundation or, I
16 don't know, the group or LLC. That's a kind of legal
17 way of saying nobody is responsible, you know.

18 Anyway, it's not -- you know, it's not
19 something that we don't understand. We know what they
20 went out there for. You know, the recommendations
21 that they gave are not going to be followed. But they
22 are again a rejuvenation of what we've said over and
23 over and over again ever since, that the
24 reorganization of the Bureau has been discussed.

25 You know, I sat on many of those -- those

1 task forces and listened to the same rhetoric. So the
2 real concern here is: Let's not be just rhetorical,
3 that the truth of where we're at be discussed. The
4 fact that the dollars available to provide the
5 functions here in Sioux Country, in the Great Plains,
6 is not going to be at the level that it was before.
7 Therefore, whether it's in personnel or services,
8 there is going to be a diminishment of that
9 relationship. That should be our starting point, not
10 some kind of facade that, you know, you run around
11 behind and there's no -- no back room, you know.
12 Thank you.

13 MR. MIKE SMITH: Let me just respond real
14 quickly here. I'll give you a story. Last summer I
15 sat in with the Assistant Secretary. We're in the
16 Secretary's office. And Secretary Salazar had all of
17 the Assistant Secretaries in the room. Mr. Echo Hawk
18 and I were the only two from Indian Affairs in the
19 room. And he was rolling out his portion of the
20 budget, 2013. And he said to the other Assistant
21 Secretaries, This is my budget that I'm proposing from
22 the President, to the President, back and forth. And
23 it has reductions in it. I don't want to hear any
24 whining, I don't want to hear any grumbling, and I
25 don't want any calls from your constituents because

1 this is my commitment to the Indian people. We were
2 held harmless, almost. One-half of one percent in a
3 reduction from the Secretary. All of the other
4 bureaus had anywhere from seven to twelve percent
5 reductions proposed. So what I'm telling you is:
6 It's a very small proposed reduction, though we still
7 need your input. We want you to take a look at the
8 figures. And the Administrative Assessment is really
9 separate and apart from the budget, but it's another
10 way of, how do we do things more effectively and
11 efficiently, and how does it affect the Great Plains
12 and the Rocky Mountain Region and any other regions
13 that are represented here today?

14 MR. MICHAEL JANDREAUX: But, Mike, what
15 does -- what does one-and-a-half percent mean over a
16 hundred years or 150 years of inadequate funding,
17 while the other bureaus were fat the whole period of
18 time and continued to get the dollars that were
19 necessary for their functions? I understand, you
20 know, your explanation. But gee, you know, Mike, that
21 doesn't cause any tear in my eye out here.

22 MR. JESSE TAKEN ALIVE: If I could, I don't
23 know if everybody in the audience got this on the
24 table. Hopefully enough copies were made. And this
25 is the summarization of the Bronner Group, which I

1 know you're eager to show us. But I think for those
2 that didn't get this, on page 2 on the back side, it's
3 very important to know that colonization, that
4 one-size-fits-all continues this day and this year in
5 2012. And I say that because, it says, Initial Tribal
6 Consultation & Interviews: August 2nd, Bar Harbor,
7 Maine; August 3rd, Scottsdale, Arizona; August 9th,
8 Hinckley, Minnesota. Tribal Leader Interviews,
9 Bronner interviewed 21 members of Tribal Interior
10 Budget Council.

11 And if this is -- and it isn't. If this was
12 true consultation, I would ask to put another box on
13 there: Great Plains, to be considered at a later
14 date.

15 This is a pure example of one-size-fits-all.
16 I don't know if our lifestyles are the same as
17 relatives in Maine, Arizona or Minnesota. I guess
18 not, respectfully. But we're not included in this.
19 But yet it's being used as a guiding document to
20 determine how and where cuts are going to be made.
21 And I concur wholeheartedly with Chairman Jandreaux.
22 We talk about the cuts. We get concerned about it.
23 But somebody should tell the grandmas at home, someone
24 should tell the little ones at home.

25 Likewise, when there are increases, we don't

1 see them out in Indian Country. They go to
2 the salaries that haven't been addressed through COLA
3 or increase, whatever. That's where they go.

4 So these are our concerns. We're sitting
5 here. And I'm not trying to show any disrespect to
6 you, all of you. I'm understanding and believe that
7 you're all tribal members. We're trying to help you
8 remember why we're here and to help us to tell the
9 United States of America that it's time to stop this.
10 We can't do this anymore. It's hurt too many people
11 back home. This -- this can't be done anymore. So
12 for those of us that are going to look at this, I'm
13 looking at it as a news piece because nobody from the
14 Great Plains, nobody from Standing Rock, as far as I
15 know, was interviewed. Hence, decisions are to be
16 made off of this. Thank you.

17 MR. DION KILLSBACK: Thank you, Jesse.
18 Well, I think that's a good segue to the Bronner
19 presentation. And I want to -- before I introduce
20 Gila Bronner, who's the President of the Bronner
21 Group, I want to just give, like I said, a brief
22 overview of the Administrative Assessment.

23 The previous administration, through a NAPA
24 Study that was conducted, essentially transferred
25 functions, responsibilities and duties from the

1 Regional Offices, out of the 12 regions to the Central
2 Office, the Central Office in Washington, D.C., and
3 created another layer of centralized government
4 operations.

5 These operations, the best example that I
6 can give, show that what was happening in Indian
7 Country is a BIA school was trying to buy books for
8 school purposes for students and for teachers. They,
9 BIE, could not purchase those books. They would
10 essentially have to go through a property procurement
11 process, which their limited field could not contact
12 their local education line officer to get funding
13 approved to purchase books. Well, what they had to do
14 was they had to go up the chain of command, which
15 meant they had to contact the Central Office in
16 Washington, D.C., or in Herndon, in Reston, in order
17 to have the purchasing accomplished, and go through
18 the regulations and manuals in order to have the books
19 purchased. Obviously, those types of activities that
20 are required for tribal schools or grant schools or
21 BIA schools made operations very difficult.

22 You know, the same is true at the BIA level
23 in terms of we need to get the funding for any sort of
24 things. What the Administrative Assessment does is it
25 takes a hard look at all of those functions under the

1 DAS-M, budget management, financial management, human
2 resources, safety, contracting, and sees the
3 difficulties that the regions had, and subsequently,
4 the agencies and obviously the tribes.

5 And so right now I would like to introduce
6 Gila Bronner, who is the President, and who will be
7 going through the Bronner study and findings and
8 recommendations. So Gila Bronner.

9 MS. GILA BRONNER: Thank you. Can everyone
10 hear me all right?

11 Good morning. My name is Gila Bronner, and
12 I am President of the Bronner Group. I am -- it is an
13 honor and a privilege to be here this morning, and I
14 thank you. I've been very appreciative and I have
15 found it very informative to hear the comments that
16 have been shared so far. I'm hoping that as I go
17 through my presentation, I will be able to give you
18 some insights into the scope and the findings and
19 recommendations of what we are referring to as the
20 Administrative Assessment Report.

21 And just to clarify, I think some added
22 clarification to Mike's comments and Dion's and the
23 others: Our work is separate and apart from the
24 streamlining proposal discussions that will be
25 discussed relative to BIA and BIE later today. Our

1 focus is really on answering one question and one
2 question only, and that is: How do we make sure that
3 the back office administrative functions operate the
4 most efficiently and effective manner?

5 And what we have strived to do over the
6 course of the last several months, we started our
7 project last June, and we concluded up to the point
8 where we were able to present our preliminary findings
9 and recommendations to the Secretary at the end of
10 March. And I want to add, these are preliminary
11 recommendations. We have, across ten different
12 administrative areas that Dion just mentioned,
13 identified close to a hundred potential, what we
14 believe to be very over the course that are both
15 short-term and longer term. Some might be three to
16 six months, some more seven to twelve. And in the
17 case of perhaps even looking at an area such as budget
18 formulation and the budget process, maybe would really
19 be looking at a longer time to implement some of the
20 recommendations. But all of them are intended, if
21 nothing else, to ensure that the delivery of services,
22 again the back office administrative services, are
23 going to reside in the area closest to where those
24 services are delivered so that decisions can be made
25 locally, and they don't have to go always back to

1 Washington to have a decision made. It should improve
2 the timeliness of decision making, the access from a
3 purchase and procurement, HR and other areas,
4 financial management, all the different areas that I'm
5 going to walk through.

6 And I think as we -- hopefully it won't be
7 too tedious for you. But I'm going to talk through
8 each of those ten areas and highlight for you what our
9 principle findings were relative to the administrative
10 functions, and then specifically, what the
11 recommendations are.

12 There we go. So as I said, my name is Gila
13 Bronner, and I'm President of the Bronner Group. We
14 are a woman-owned consulting group with offices across
15 the country, and with a presence in Washington. We
16 assembled the team in response to a request for
17 proposal that was issued by the Department of Interior
18 to conduct this assessment, again just limited to the
19 administrative support functions at Indian Affairs.
20 Today we are hoping to obtain your understanding,
21 acceptance, and support for the work that we've done
22 and for the specific recommendations.

23 As Dion mentioned, in 2004, before -- before
24 I would say the most recent reorganization, there was
25 a heavy regional focus on the way administrative

1 functions were delivered. As you can see in this
2 particular chart, there were five main offices, four
3 sub-offices under the Chief Financial Officer. And
4 now what we found though, as a result of the regional
5 focus at this time, was it did result in poor fiscal
6 and administrative internal controls for BIA and BIE;
7 and there were significant audit findings.

8 Moving to the post-NAPA Study organizational
9 chart, which we refer to as the as-is, or the
10 organizational chart of today, the shift was to create
11 the Deputy Assistant Secretary for Management Office,
12 have a very centralized office focus for the delivery
13 of administrative services. And it also represented
14 not only a shift away from regions, but it also
15 suggested, as a result, a high degree of perceived
16 program disconnect. The results of our survey and of
17 our interview process that we conducted during the
18 course of our -- of the study indicated that there was
19 discontent out in the regions and locally with both
20 the amount of time that it was taking as well as
21 overall, the general disconnect between the
22 decision-making process and the needs that were being
23 experienced at a local level.

24 MS. CORA JONES: Did you go to every region?

25 MS. GILA BRONNER: I'm sorry?

1 MS. CORA JONES: Did you go to every region?

2 MS. GILA BRONNER: We did not go to every
3 region. I believe that as part -- and I can get you
4 the specific listing of everybody that was -- that
5 participated --

6 MS. CORA JONES: I saw the list, and I knew
7 you didn't.

8 MS. GILA BRONNER: -- as well as others that
9 participated in the individual interview process and
10 the survey process. I'm happy to provide that to you
11 afterwards.

12 MS. CORA JONES: Okay. And before you move
13 on, I hope you don't mind me interrupting.

14 MS. GILA BRONNER: No, not at all.

15 MS. CORA JONES: Okay. When you were
16 talking about the IT Program, you know, that seems to
17 me like, you know, for tribes in this region, they --
18 it's not working (indicating). The tribes in this
19 region made a real concerted effort to support the IT
20 when it was being developed. And the Bureau did a
21 really good job of developing a state-of-the-art IT
22 section. And what happens is the Department of
23 Interior, the large umbrella organization, decides
24 they can come in and take it over. And to me, what
25 you're doing here, you're just supporting

1 preference for Indian employees by, you know,
2 recommending that that IT Office move to the Assistant
3 Secretary's Office. Because, you know, we can all
4 read. And I liked what our Chairman said because, you
5 know, we understand how things look. And right now,
6 you know, there's \$68 million dollars that are being
7 moved out of the Bureau of Indian Affairs into the
8 Assistant Secretary's Office. We're losing all of our
9 Indian employees. And we know that when it comes to
10 the Assistant Secretary's Office, Indian preference
11 does not apply.

12 MS. GILA BRONNER: I will say with respect
13 to IT, as you know, there is an overall IT
14 transformation initiative that is taking place at the
15 Department of Interior. And while we had some
16 comments and observations relative to IT, we are
17 not -- we are deferring to the broader enterprise-wide
18 transformation initiative relative to IT. And my
19 understanding, and I can be corrected by anyone here,
20 but relative to IT, I know that there are enterprise
21 findings and recommendations that we are not going to
22 discuss here today.

23 MS. CORA JONES: Well, you know,
24 everything --

25 MS. GILA BRONNER: That isn't a part of

1 our scope.

2 UNIDENTIFIED FEMALE VOICE: But why not?

3 MS. CORA JONES: -- everything should be on
4 the board for discussion. That's what was said at the
5 front table. And, you know, I'm a former Bureau
6 employee. So, you know -- and I know most of the
7 people sitting -- well, take that back, half of the
8 people sitting up there. But you know what, the
9 Bureau -- your report does not demonstrate that it's
10 ever come down to the Great Plains Region. Nobody was
11 talked to. And this region, it has well over half of
12 the land base in the entire United States, and we have
13 the largest population. We have the most fractionated
14 interest. We have the most of everything between
15 these two regions, the Rocky Mountain Region and the
16 Great Plains. And to leave out these two regions, to
17 me is just absolutely wrong.

18 MS. GILA BRONNER: Well, I would like to
19 just respond and to say that I appreciate your
20 comments. And we want this to be as inclusive a
21 process as possible. So I certainly would be happy,
22 whatever the appropriate steps would be following this
23 meeting today, to ensure that we not only review our
24 preliminary findings and recommendations, but also to
25 ensure if there are areas that we missed or there are

1 concerns that you have --

2 MS. CORA JONES: Okay. When it comes to the
3 IT, the way I understand it, there's already been
4 Department people up on the Hill yesterday trying to
5 get expedited approval to move over to the Department.

6 MS. GILA BRONNER: But again, IT was not --
7 because there's a --

8 MS. CORA JONES: It's listed in here.

9 MS. GILA BRONNER: Yes. It was listed, and
10 it was included initially as part of our -- within the
11 scope because it is within BIA and BIE one of the --
12 it's considered to be an administrative support
13 function. But because there is a broader initiative
14 going on at Department of Interior, our
15 recommendations --

16 MS. CORA JONES: You know, any time that you
17 circumvent Indian preference, you're applying that to
18 all of us. You're hurting all of us. You know, we're
19 always being told, go get an education, come back,
20 help your people. And you look at all of the educated
21 people, and their part of being in the Bureau, as
22 Indian people, is to make changes, help make changes.
23 And when you circumvent that Indian preference, when
24 sometimes those are the best jobs that people can get
25 at home, you know, then you're hurting the entire --

1 all of Indian Country.

2 MS. GILA BRONNER: Well, I might defer --
3 perhaps one of my colleagues would like to address the
4 IT initiative.

5 MR. DION KILLSBACK: I think -- I think I
6 defer to Mike, or Mike or Brian, on that. But as Gila
7 said, that is part of a broader initiative that the
8 Interior is taking a look at and --

9 MS. CORA JONES: Isn't all of Indian Country
10 broad?

11 MR. DION KILLSBACK: Yes. And one more
12 note: Ms. James?

13 MS. CORA JONES: Jones.

14 MR. DION KILLSBACK: Jones.

15 MS. CORA JONES: You can call me Cora.

16 MR. DION KILLSBACK: Cora, okay. Just a
17 reminder here, people, when you -- tribal leaders,
18 when you speak, to introduce yourself --

19 MS. CORA JONES: Sure.

20 MR. DION KILLSBACK: -- and what tribe you
21 represent so we can have that on our record, so that
22 when we go back in the transcript, we can identify
23 what tribe and what tribal leader said that.

24 MS. CORA JONES: I'm Cora Jones. I'm
25 Secretary of the Santee Sioux Nation. I'm a retired

1 BIA. And please don't mess with my retirement in case
2 you decide to use this against me.

3 MR. DION KILLSBACK: That's -- that's not
4 going to happen, I am pretty sure. So I'm going to
5 defer to our Mike Smith on that to handle that because
6 he can speak broadly.

7 MR. MIKE SMITH: And we really do appreciate
8 your comments, Cora, because they're important. But
9 the Bronner Group, even though they included IT as
10 part of their study, the focus was probably on more of
11 those administrative functions that were in place
12 under the Deputy Assistant Secretary for Management.
13 Mr. Loudermilk is acting in that position right now.
14 IT had a separate line. They had a Chief Information
15 Officer. And that position was pulled up to the
16 Department. And at this point back in time, probably
17 a couple years ago, at least, then the Department
18 started their exercise in transformation, which again
19 was a cost-cutting process. And they were looking at
20 all of the bureaus and whoever, you know, was in
21 charge at the time. I think the guy's name is Andrew
22 Jackson, at the present.

23 UNIDENTIFIED FEMALE VOICE: That's ironic.

24 UNIDENTIFIED FEMALE VOICE: Yeah.

25 MR. MIKE SMITH: Very ironic. But he and

1 the group that was in charge for the Secretary was
2 taking a look at all of the bureaus and looking at a
3 better way to manage IT department-wise, not
4 necessarily just in BIA. So that-- that was already
5 ongoing before the Bronner Group came on.

6 MS. CORA JONES: But, Mike, you know, no
7 consultation was ever held with the -- with the
8 tribes.

9 MR. MIKE SMITH: I understand.

10 MS. CORA JONES: And then you look at, you
11 know, all those administrative functions that were
12 pulled up to the department level, because that's what
13 the Assistant Secretary is, is a department-level
14 official. And if you do that, then you're impacting
15 Indian preference. You know, and I know that you've
16 contracted out personnel and that -- that personnel,
17 Human Resources Director for MMS doesn't even know --
18 she doesn't know how to spell Indian preference, let
19 alone interpret what the heck it means.

20 MR. MIKE SMITH: Well, your comments are
21 well-noted. And I agree that there was no
22 consultation with the tribes as far as the
23 transformation that went forward. Now, it's not a
24 done deal.

25 MS. CORA JONES: Doesn't -- doesn't every

1 Assistant --

2 MR. MIKE SMITH: I don't think it's a done
3 deal.

4 MS. CORA JONES: -- Secretary's office,
5 aren't they primarily -- there's just a little group
6 in every Assistant Secretary's Office of five to ten
7 people. And here we have our -- the Bureau of Indian
8 Affairs Assistant Secretary now having a staff of over
9 400. I mean, that's a little bit crazy with all of
10 those stovepipes and, you know, pulling those
11 administrative duties back into Washington. You know,
12 you need to get the results and decision making back
13 closer to the -- to the local level.

14 MR. MIKE SMITH: Well, that's part of what
15 Ms. Bronner is going to go through. You'll see as she
16 gets into the report, the findings and
17 recommendations, that they studied that. They took a
18 look at that stovepiping and all of the centralized
19 functions. And I will tell you that Indian preference
20 at this time is being practiced at the Assistant
21 Secretary level. In fact, the Deputy Assistant
22 Secretary for Management position was advertised with
23 Indian preference.

24 MR. JESSE TAKEN ALIVE: If I could,
25 Ms. Bronner. Jesse Taken Alive from Standing Rock.

1 You used a word that I would like to formally object
2 to. And I'm not really asking for any -- any
3 responses that would indicate paternalism or would
4 indicate trying to placate us. But the objection I
5 have is when you use the word "inclusive". It's been
6 said now that the Great Plains was not involved in the
7 Bronner Study. So it's ambiguous to say inclusive. I
8 think that that has to be demonstrated for the record.
9 And if this is an attempt to try to work with us, I
10 would look more for from the Bureau folks as we have
11 the consultant that was hired by the Bureau -- no
12 disrespect, Ms. Bronner. If the Bureau folks could
13 either say that they agree or don't agree and not have
14 to say, thank you for your comment, well-taken. Those
15 connotate paternalistic practices that we are trying
16 to get away from. So if you can either say I agree or
17 disagree, that would really demonstrate true respect
18 for tribal initiatives out in Indian Country. So we
19 need to not do that anymore, that paternalism. But
20 the word "inclusive" I object to. It's not -- the
21 study doesn't include the Great Plains. Thank you.

22 MR. BRUCE LOUDERMILK: Cora, I just wanted
23 to jump in here real quick. I'm kind of going to go
24 back to Cora. I mean, being a former Bureau of Indian
25 Affairs Regional Director, you understand how the

1 process was prior to the NAPA Study and the pulling of
2 positions up into the Deputy Assistant Secretary for
3 Management arena.

4 MS. CORA JONES: And the NAPA Study was
5 never ever implemented.

6 MR. BRUCE LOUDERMILK: Well, and as we go
7 through here and we start doing this, this is part of
8 the Bronner Study, and I don't want to jump ahead too
9 far. But this is what we're trying to correct. This
10 is what we're trying to get back to the decision --
11 the lowest levels of the --

12 MS. CORA JONES: But, you know what, --

13 MR. BRUCE LOUDERMILK: -- decision-making
14 process.

15 MS. CORA JONES: -- you have people like
16 Debbie Clark running -- running the stovepipe for
17 administration.

18 MR. BRUCE LOUDERMILK: That's me now.

19 MS. CORA JONES: And she -- and all the
20 sweeps that took place across Indian Country, and we
21 heard about, you know, some horror stories out of
22 Montana, out of the Aberdeen area -- or Great Plains
23 Region and other regions, you know. And for her to
24 take money that's needed at the local level that could
25 have been packed in tribes, money that we would have

1 put into contracts for the tribe at the end of the
2 fiscal year, and she sweeps it all, turns it back into
3 Treasury, and she gets a \$25,000.00 bonus. I mean,
4 I'm sorry, but that doesn't make sense to me.

5 MR. BRUCE LOUDERMILK: And, you know, I
6 can't disagree. But, I mean, one of the things we're
7 trying to do here, as we go through with this
8 presentation is, you'll see how -- what we're moving
9 towards to get away from that and the movement back to
10 the lower levels, back out to the regions, and back
11 out of the Assistant Secretary's Office.

12 MS. CORA JONES: But you're saying that the
13 stovepiping is going to stop and the services are
14 going to be returned back?

15 MR. BRUCE LOUDERMILK: That's what --

16 MR. MIKE SMITH: That's on the table.

17 MR. DION KILLSBACK: Those are the
18 recommendations and part of the findings of the
19 Bronner Study.

20 MR. MIKE SMITH: And just another response
21 to your other comment: Hopefully those practices that
22 you described are no longer. And we have three
23 Regional Directors sitting in the audience, and they
24 can tell you that the sweep is no longer being done
25 the way it was done under Debbie Clark or anybody

1 else, without throwing out names. The past practices
2 are not in place. The Regional Directors and the
3 tribes are in control of their budget. And any
4 leftover money, any money at the end of the year, any
5 carry-over funds, that is being discussed at the
6 lowest level, at least at the Regional Office, and
7 usually at the superintendent level. I guarantee you
8 that. It's being discussed. And there's at least
9 tribal input at that level so that you don't have the
10 sweeps that we're -- that you've described in the
11 past.

12 MS. CORA JONES: Okay. Well, thank you.

13 MR. DION KILLSBACK: Gila, --

14 MS. GILA BRONNER: Thank you.

15 MR. DION KILLSBACK: -- if you'll continue,
16 please.

17 MS. GILA BRONNER: As you can see in this
18 slide, and this really summarizes the essence of all
19 of our findings and recommendations. And that is what
20 we have recommended is what we're calling The Hybrid
21 Solution or a balanced solution. And this balanced
22 approach reflects six key elements that are identified
23 on this particular slide: shared responsibility,
24 centralized policy oversight, regional staff
25 supervision. And I'm going to talk about each of

1 these. New policies and procedures, better
2 communication, and an enhanced focus on BIA needs.

3 When all the support services were locally
4 controlled, Indian Affairs lacked consistent policies
5 and procedures, and the independent financial auditors
6 found several material weaknesses with Indian Affairs'
7 financial position. On the other hand, when
8 administrative services were centralized, employees
9 lost -- there was a sense that the employees lost
10 connection with the programs and the needs of American
11 Indian and Alaska Native communities.

12 And what our recommendation has suggested is
13 that there be shared responsibility for these
14 back-office administrative support services. So where
15 tasks are performed locally, employees should be
16 reporting to supervisors locally, and decision making
17 should be localized where they were. But yet to
18 maintain financial and management integrity from an
19 internal-control perspective, we recommend that
20 policy, and we have recommended in this report, that
21 policy creation and oversight be managed centrally.

22 And as part of the changed management, and
23 you'll see as we go through each of the areas, we've
24 recommended that policies and procedures be updated
25 and posted on the Indian Affairs intranet. We've

1 recommended, as I mentioned, a new focus on BIE
2 support needs.

3 Before 2004, BIA provided support services
4 for BIE. And under the current model, referred to as
5 the Central Office, or the DAS-M Model, provides --
6 continues to provide support services for BIE. And
7 neither of these models have worked well for BIE.

8 And in the org chart that we are proposing,
9 we've recommended a new organization. Really of note,
10 it's less about the organizational structure than
11 where the services, where these administrative
12 services themselves are going to be delivered. The
13 major change though in our Recommended To-Be
14 Organizational Chart is that we've recommended that
15 the Office of Budget Management come out from the CFO
16 and be a direct report to the Deputy Assistant
17 Secretary because of the critical nature of the budget
18 function, and that it needs direct access to all
19 Indian Affairs leadership.

20 We've also recommended that Acquisitions and
21 Property be split so that employees can become
22 specialists in various areas under Acquisitions and
23 Property. We've also recommended that Homeland
24 Security move over to BIA.

25 So the focus from administrative services is

1 really shifting from a supervisory responsibility
2 perspective out of the DAS-M organization,
3 recommending moving -- movement down to be much more
4 localized under BIA and BIE, to both improve service
5 and ensure increased levels of accountability, which
6 is the ultimate goal.

7 What it means is that over the next 12
8 months approximately 145 staff are going to go from
9 reporting up through the DAS-M structure directly to
10 BIA and BIE. This includes areas such as Budget,
11 Finance, Facilities Management, Property and Human
12 Resource specialists for BIE. Employees are not
13 moving from their current homes, and they will be able
14 to be reporting locally through the regions as opposed
15 to reporting up to a Central Office structure in
16 Washington.

17 So the significance, as you can see here,
18 there's 26 Field Operations Budget employees, 40
19 Accounting employees, 33 Facilities Management; and
20 all of these individuals will actually be realigned to
21 be reporting through localized BIA and BIE. There
22 will be no change in duty station. Rather, a
23 reporting relationship which we hope, by bringing it
24 more localized, will enable to enhance the
25 effectiveness of -- effectiveness and efficiency and

1 time consideration associated with local decision
2 making and action.

3 Quick changes that were already made: Some
4 changes were already under way during the course of
5 our study at Indian Affairs. Indian Affairs had
6 already recognized the need to split the Offices of
7 Acquisition and Property Management to improve
8 service, and did so several months ago.

9 Another quick change was the recognition by
10 Indian Affairs that Homeland Security more
11 appropriately belonged in the BIA organization, and
12 that too has already taken place.

13 As you mentioned, the IT transformation, the
14 areas that we touched on in our study from an
15 administrative perspective, from a back office, we
16 have referred to the overall department-wide IT
17 transformation initiative and their activities.

18 Now if we look at each of the areas starting
19 with Budget, our first finding was that the budget
20 formulation process is very reactive. Yes, sir.

21 MR. SCOTT WESTON: Excuse me. For a quick
22 change, can you go back to the Facilities part,
23 please, about four slides? This is a big thorn in
24 everyone's side in our country. That one right there.

25 MS. GILA BRONNER. That's the Next 12

1 Months. Yes.

2 MR. SCOTT WESTON: Okay. It says, About 33
3 Field Facility Management employees. That says
4 nothing about our current situation of the lack of
5 funding, you know, and us -- and the schools moving
6 from FMIS to Maximo or Maximus (phonetic), or whatever
7 this newfangled field is, that our people can't even
8 get assistance; and with backlogs and doing the work
9 tickets, it's useless.

10 And so what is that doing for the schools
11 that are in dire straits about their, you know, lack
12 of plumbing, the electric- -- I mean, every
13 maintenance thing that's out there. And we haven't
14 even touched on this. And this is why we talk about
15 the problems that we have because we're not -- we're
16 not dealing with the problems at hand, and it's lack
17 of -- what are we telling our children? When we leave
18 here, what are we telling our tribal membership? What
19 do we tell -- because tomorrow I'm going to leave
20 here. I have to go give a career day. I got to be
21 there for a career day for one of the schools, and 15
22 schools from my reservation are coming. And I have to
23 give a career opportunity day to the children of our
24 reservation and say, Hey, I'm a Council
25 Representative. Don't do this because it doesn't do

1 any good. We're not doing anything at all. We're --
2 we're playing -- you know, and I don't -- I'm --
3 this -- obviously, you made some money at this, you
4 know. And you talked about books, sir. Them books,
5 the money that they make could have been used for
6 books for them children, without having to jump
7 through all of them -- because I used to be that BIA
8 puppet too. For 25 years I was a BIA puppet. I was
9 in Fire. So I understand the system of how the BIA --
10 the BIA all work. And so I'd like to get some kind of
11 clarification so that I could kind of tell -- tell the
12 children tomorrow, if you don't mind. Thank you.

13 MS. GILA BRONNER: The clarification that I
14 can provide to you, and then I will defer to my
15 colleagues on any budget discussions, what we were
16 looking at was really the organizational structure and
17 how particular administrative support services were
18 delivered. And our focus -- because right now it's
19 the -- under the DAS-M structure, the Deputy Assistant
20 for Management structure, the services and decision
21 making was centralized. We were trying to realign and
22 relocate the decision-making ability back out to the
23 regions and to enhance the ability to localize that
24 decision making. Relative --

25 MS. BEVERLY TUTTLE: Excuse me. I have a

1 question for you.

2 MS. GILA BRONNER: Yes.

3 MS. BEVERLY TUTTLE: I'm Bev Tuttle with the
4 Oglala Sioux Tribe. I also serve on the Education
5 Committee. And I just want to ask you on the
6 educational piece, if you have consulted with Keith
7 Moore on any parts of the Bronner Report. There's
8 very little on Facilities. And have you consulted
9 with Keith Moore on what the leads were? Because we
10 have a report here. And if we track everything that
11 we hear and we say through our coalition,
12 Oglala/Lakota Nation Education Coalition is a very
13 strong group of tribal grant schools working together
14 to better their education for our children; you know,
15 how they see education as Lakota leaders with very
16 high -- highly-skilled educational backgrounds. And
17 so I want to -- we have a note here where it says,
18 Keith admitted that we didn't know what Facilities is
19 doing. We need to request that they put school
20 Facilities under BIE. And a big -- a big concern is
21 pulling all maintenance funds in one account. That's
22 one of the -- you know, one of the biggest concerns.
23 It just kind of gets lost. It loses its identity. We
24 have no more school construction coming. And we need
25 to have clarification if we have Facilities under the

1 BIE or BIA. Are you -- if you consulted with him, you
2 know, has he mentioned anything of this sort to you?

3 MR. DION KILLSBACK: I can speak a little
4 bit about that. I know that with Facilities, as is
5 indicated on the slide, Facilities is one of those
6 stovepipes, as Cora states, that was created in the
7 previous administration. And the lack of information
8 that BIA Director Keith Moore had was that -- his
9 inability to get information from that stovepipe, is
10 what he was speaking of. But in order to be
11 responsive to tribal schools or grant schools or BIA
12 schools, there's facility needs. And the way that it
13 is set up now, the education line officers as well as
14 those federal employees at the schools had the
15 inability to buy lights or put in a request for salt.
16 And that's in addition to the already underfunded
17 budget for dilapidated facilities, for new
18 construction of schools. So at the Assistant
19 Secretary's level, we have those, you know, requests
20 and concerns from tribes at that level. But at a real
21 practical, on-the-ground level, that's what this study
22 gets at.

23 MS. BEVERLY TUTTLE: Okay. I have another
24 comment to this Bronner Report. I know that we have a
25 factorial informational sheet here. It says, the

1 Bronner reviewed the following agencies: IHS,
2 Executive Office for U.S. Attorneys, which is probably
3 Department of Public Safety -- and there's a lot of
4 acronyms in here: NPS, USFS. The flaw is that this
5 review was based on single-issue agencies or agencies
6 that manage land or animals, not programs providing
7 services to people.

8 Should peer review the HUD structure, the
9 HUD structure and other structures that serve numerous
10 governments and people. And then it says, even
11 Bronner concludes this must not be done until full
12 consultation and study is done with tribal leaders.
13 To the extent changes in this report are contemplated
14 by Department officials, the changes should be
15 implemented carefully to avoid the confusion and
16 frustration. Shared responsibility, effective
17 implementation is critical. Bronner cites the failure
18 to consult tribal leaders and BIA staff working on the
19 reservation -- this is exactly what happened so far
20 with this restructure plan. Do not sacrifice
21 long-term success for immediate-term progress. It may
22 take organization several years to fully implement the
23 localization of support service changes in the most
24 effective manner. Bronner never consulted with or
25 held focus groups with anyone in the Great Plains or

1 Rocky Mountain Region.

2 So, you know, I'm sitting here just
3 listening and, you know, respectfully hearing what you
4 have to say. But I still say, we've got a lot of work
5 to do. There is so much unmet consideration for our
6 Tribes in this area. So I'm not convinced thus far
7 that we are -- we are really thoroughly being
8 consulted with today. So thank you.

9 MR. JESSE TAKEN ALIVE: If I could, for the
10 record again, Jesse Taken Alive from Standing Rock.
11 Before I ask this question again, I need to -- not to
12 sound redundant, but this is not consultation. It's
13 obvious that Bronner is getting some experience,
14 Ms. Bronner, in Indian Country, and for the first
15 time, I'm going to say, in the Great Plains. For the
16 record, this is your first time up here and hearing
17 some of these considerations, concerns, if not
18 frustrations. So that needs to be stated for the
19 record as well. So again, it's not consultation.

20 The question I do have with the chart that's
21 up there, in response to my relative from Oglala,
22 Councilman Weston, it doesn't show where and how --
23 how much money it's going to take to meet the salaries
24 up there, which leads to the very concern as to how
25 are we going to buy books, how are we going to put

1 light bulbs in, et cetera. How is this going to
2 affect the services resources out in those particular
3 schools where our children go? That isn't on the
4 table as far as I can tell right now. And with the
5 cost of living, et cetera, et cetera, it looks like
6 we're going to be telling, as relative said when he
7 goes to career day, just hope and just wait. And
8 that's been the story for -- for too long, for too
9 many decades. So that is very imperative, that we
10 know the budget, what's being proposed, what's being
11 contemplated here with all of these. Because it's
12 fine to take a look at these in a non-consultation
13 setting, as we are doing right now. But we need to
14 see the money and where it's going to be in terms of
15 schools.

16 MS. GILA BRONNER: These are existing
17 employees. And what we're referring to here is
18 strictly a realignment in terms of their reporting
19 structure. So it's a matter of reporting locally,
20 delivering services locally, as opposed to reporting
21 up through an office in Washington to help localize
22 decision making and action.

23 MR. JESSE TAKEN ALIVE: So this reflects
24 nothing yet on the budget as to how --

25 MS. GILA BRONNER: This is not a --

1 MR. JESSE TAKEN ALIVE: -- this is going to
2 help us out.

3 MS. GILA BRONNER: The budget discussion is
4 a separate discussion that -- everything you see here
5 is looking at utilizing current resources.

6 MR. JESSE TAKEN ALIVE: So, essentially,
7 it's -- not to sound pessimistic or disrespectful,
8 it's an exercise to save jobs to justify a response to
9 the budget cuts that may be forthcoming.

10 MS. GILA BRONNER: No.

11 MR. JESSE TAKEN ALIVE: I mean, that's our
12 perception from Indian Country right now, because it's
13 not showing us how resources are going to go out to
14 the schools that we come from.

15 MS. GILA BRONNER: Ant that will --

16 MR. JESSE TAKEN ALIVE: Thank you.

17 MS. GILA BRONNER: That will be a discussion
18 this afternoon. This actually is an effort to ensure
19 that you -- you do have to address, I think, certainly
20 some of the comments and concerns that you've already
21 raised in terms of the ability to have decision making
22 localized, and timeliness and responsiveness.

23 MR. JOHN YELLOWBIRD STEEL: So your report
24 keeps the administration at status quo so President
25 Obama's cuts, especially the \$20 million dollar cut in

1 education, you got to blame this all on him. Because
2 you're telling us it's budget constraints and Obama
3 put that budget up there. President Obama is the guy.
4 And I told him at the White House that in the past,
5 when Congress sent out a herd of cattle to the
6 Oglalas, only half reached there. Only half is
7 reaching there today, I told him. And what you're
8 telling us is less than half is going to reach the
9 Oglalas, that herd of cattle.

10 MR. MICHAEL SMITH: Can I add something
11 here? The last two people have spoke on behalf of
12 Facilities. Again, we'll have to -- he's coming back
13 to the table. But I think what the Bronner
14 recommendation points out is what's going on today, as
15 you've described, is not working. So they're
16 proposing to do something different. But if we also
17 look at the chart, that's going to take place over the
18 next 12 months. And it could cost, you know, a bundle
19 of money, or maybe it won't. I can't predict that.
20 But whatever takes place, it's a change in the chain
21 of command. It's a change in the way things are done;
22 not all of the decisions being made in the Central
23 Office, but more of the local decision making being
24 made at the regional or at the school level. So when
25 that takes place, I think that's the next round of,

1 call it consultation or whatever it is, discussion.
2 But that's the change they're proposing and what's
3 happening today. And, obviously, both of you agreed
4 that it's not working today.

5 MR. CURTIS POITRA: Vice Chairman with the
6 Turtle Mountain Band. And you're talking about
7 Facilities. And the question I have, and
8 Mr. Loudermilk is well-aware of it: If you're trying
9 to make change, when you throw away perfectly good
10 buildings and make us jump through 20 hoops for you to
11 give us buildings back on our land. And,
12 Mr. Loudermilk, you're well-aware of what I'm speaking
13 of. You talk about consultation. I agree with our
14 relatives. This is not consultation. Just like the
15 IT, you were involved in that, Mr. Loudermilk. I got
16 you involved when the Bureau showed up at our school
17 to start pulling switches. So I agree with our
18 relatives, this is not consultation. And one thing I
19 don't see in this Bronner Report: How much money were
20 you paid to tell us what we need to do? You want to
21 talk about transparency? That's transparency.

22 MR. KEVIN YELLOWBIRD STEEL: Good morning.
23 My name is Kevin Yellowbird Steel. I'm with the
24 Oglala Sioux Tribe, Council Representative and
25 Education -- Chairman of the Education Committee. I

1 have an answer to his question that, you know, I just
2 want to know where the money came from. Because this
3 report cost over 650-thousand, for the record. And,
4 you know, our kids suffer on this. But it's just
5 something that -- I want to state it for the record
6 that this report did cost 650-thousand to produce.
7 And I would like to just ask who paid for it, you
8 know. And is this actually a final report?

9 MR. CURTIS POITRA: And the last thing I'd
10 add on the report, is President Steel mentioned that
11 you gave us till May something to give our comments.
12 Okay. And how long did it take to do this report,
13 nine months? So you're telling us what we need to do,
14 and you want our input in less than a month. Is that
15 consultation?

16 MR. DION KILLSBACK: I think the window for
17 comments to be submitted is June 2nd.

18 MR. CURTIS POITRA: Well, it's a month and a
19 day.

20 MR. DION KILLSBACK: The notices for the
21 Federal Register were obviously put out well in
22 advance of this meeting as well as the previous three
23 weeks. And comments can be submitted via e-mail as
24 well at Consultation-at-BIA-dot-gov; then also to our
25 Main Interior Building, 1849 C Street in Washington,

1 D.C. and the other consultations that will be
2 following up to this as well; in Oklahoma next week
3 and Alaska as well.

4 But we'll continue with the presentation
5 from the Bronner Group.

6 MS. GILA BRONNER: Thank you. With respect
7 to --

8 MR. CURTIS POITRA: Can I ask, sir? I
9 think -- out of the respect to the tribes, I think you
10 should answer our question of how much this cost,
11 where the money came from, to tell us what we need to
12 do.

13 MR. DION KILLSBACK: We're not --

14 MR. CURTIS POITRA: It's transparency,
15 right?

16 MR. DION KILLSBACK: The cost of this I
17 don't know, but -- of 100 percent how much it cost.
18 But I do believe that you're correct that it's
19 650-thousand. And that did come from the Indian
20 Affairs, I believe. But I'm not 100 percent positive
21 on that.

22 MR. JESSE TAKEN ALIVE: Could I ask -- Jesse
23 Taken Alive from Standing Rock. Could I ask what line
24 item in Indian Affairs did this come from? I really
25 believe this is pertinent because we're talking about

1 budget concerns, constraints and how it's going to
2 affect Indian Country. So we would like to know what
3 line item in Indian Country did this come from --
4 excuse me, Indian Affairs did this come from.

5 MR. DION KILLSBACK: I'm not 100 percent
6 sure where -- what line item particularly it came
7 from. But I can pretty much state for the record that
8 that was not money that was submitted for tribes to be
9 going out through a TPA or annual funding --

10 MR. JESSE TAKEN ALIVE: But it's Indian
11 Affairs, Mr. Killback, and it is for Indian Country.
12 I mean, that's the concern we have, the divisiveness
13 of budgets, et cetera, to determine that this is not
14 Indian money, this is not Indian preference, et
15 cetera. In our view from the tribes, when you say
16 Indian, whether it's Affairs, Department, BIA, BIE,
17 it's for Indian Country. So this is why it's
18 pertinent. You know, the word "transparency" is being
19 turned into translucency, further to opaqueness. And
20 that's the concern we have right now, sir. I'm not
21 trying to be disrespectful, please. If you could tell
22 us sometime today, if not tomorrow, how much money
23 this cost and what line item in Indian Country, Indian
24 Affairs again, this came from, that would that would
25 be another step towards trust rather than mistrust.

1 So if you could tell us that, sir. I know -- I'm not
2 trying to put you on the spot, but I know you have
3 staff that you could get this answer to (sic). It's a
4 very pertinent question. We're talking about budget.
5 Thank you.

6 MR. DION KILLSBACK: Yeah. I'll definitely
7 check into that and try to get back to you before our
8 session is over today and this afternoon to get that
9 information for you. I guess, comments?

10 MR. MICHAEL JANDREAUX: There is this line
11 right after that one that you had, that you seem to be
12 going over. It's called New Focus for Administrative
13 Services.

14 MS. GILA BRONNER: I'm sorry. One that we
15 already looked at?

16 UNIDENTIFIED MAIL VOICE: It's the next
17 line.

18 MR. MICHAEL JANDREAUX: It's the next line.
19 You seem to be going over it.

20 UNIDENTIFIED MALE VOICE: Be 23?

21 MR. DION KILLSBACK: 23?

22 MR. MICHAEL JANDREAUX: It's -- it looks
23 like this (indicating).

24 MR. MICHAEL SMITH: New Focus.

25 MR. DION KILLSBACK: New Focus?

1 MR. MICHAEL JANDREAUX: It's called New
2 Focus for Administrative Services.

3 MS. GILA BRONNER: Oh, okay. The
4 presentations that you have are what -- what I am
5 giving is a higher-level presentation in these
6 particular slides. You have more detailed
7 presentation there.

8 MR. MICHAEL JANDREAUX: Well, this --

9 MS. GILA BRONNER: And the full presentation
10 or report. So let me look at --

11 MR. MICHAEL JANDREAUX: Well, this slide
12 becomes important to me because although you show a
13 reduction on DAS-M, it shows the recommended future of
14 a reduction of that.

15 MS. GILA BRONNER: I did have that one.

16 MR. MICHAEL JANDREAUX: Now those dollars --
17 from my understanding, those dollars are
18 non-retractable or non-accessible to the tribes or
19 to anything else. But what do they account for? What
20 does that mean? What does that particular slide mean?

21 MS. GILA BRONNER: This actually reports to
22 the organizational reporting relationships for those
23 individuals that are delivering administrative --

24 MR. MICHAEL JANDREAUX: No.

25 MS. GILA BRONNER: -- support services.

1 MR. MICHAEL JANDREAUX: It shows a reduction
2 of the capacity.

3 MS. GILA BRONNER: No.

4 MR. MICHAEL JANDREAUX: Anytime that you
5 show reduction of capacity, you're talking about
6 dollars.

7 MS. GILA BRONNER: This --

8 MR. MICHAEL JANDREAUX: You're talking about
9 who has an opportunity to utilize those dollars. Are
10 those dollars only for the Assistant Secretary's
11 Office, or is it, those dollars and those positions,
12 you know, not tribal positions or not Indian Affairs
13 positions or not BIA or BIE? And what is the -- you
14 know, you reflect that you've reduced that down to a
15 smaller level. What level was it at in comparison?
16 It appears that it was terribly ballooned during the
17 previous administration, or actually during this last
18 administration for at least all these years; you know,
19 these four years. So, you know, what is it -- what is
20 it really about?

21 MS. GILA BRONNER: Actually, this is not.
22 This particular slide does not -- again, it is not
23 about budget dollars. It is merely about the
24 alignment and the reporting relationships of the
25 individual employees. So what we're suggesting here

1 is currently DAS-M --

2 MR. MICHAEL JANDREAUX: Well, --

3 MS. GILA BRONNER: -- has more
4 employees than --

5 MR. MICHAEL JANDREAUX: -- then change your
6 title because your title reflects services.

7 MS. GILA BRONNER: Administrative services
8 structure. It's the --

9 MR. MICHAEL JANDREAUX: It doesn't say
10 anything about structure.

11 MS. GILA BRONNER: So we will -- we will --

12 MR. MICHAEL JANDREAUX: So this is a -- you
13 know --

14 MS. GILA BRONNER: Then perhaps this is
15 not --

16 MR. MICHAEL JANDREAUX: So you never got --

17 MS. GILA BRONNER: -- the optimal diagram
18 for that.

19 MR. MICHAEL JANDREAUX: You never got dinged
20 for this one. It didn't come off your contract,
21 right?

22 MS. GILA BRONNER: This is -- perhaps what
23 we should do is show the arrows and the realignment of
24 the individual employees.

25 MR. DION KILLSBACK: Yeah.

1 MS. GILA BRONNER: Thank you.

2 MR. DION KILLSBACK: Yeah. Just so we're
3 clear, the slide on -- that's on the -- that's being
4 presented right now is not a reflection of any dollars
5 or budgets. It's really on the duties,
6 responsibilities and the scope of those. And the
7 larger DAS-M on the current reflects the breadth, I
8 guess, of the authority and responsibilities.

9 MS. GILA BRONNER: Correct.

10 MR. KILLSBACK: And the smaller BIA/BIE
11 visuals --

12 MR. MICHAEL JANDREAU: Then even the
13 titling of that particular slide is wrong, right?

14 MS. GILA BRONNER: Well, I think that
15 obviously there's a potential for misleading
16 inference. So we could clarify it.

17 MR. DION KILLSBACK: Yes. It's not -- it's
18 not clear.

19 MR. MICHAEL JANDREAU: It's more than the
20 inference. In dealing with these, it kind of is a
21 reality. Anytime you talk about services, you're
22 talking about resources to perform that service.

23 MS. GILA BRONNER: Then we will be careful
24 not use the term "services," but rather "structure."
25 And I will make that correction. If I -- if I may

1 just go back to where I left off, which was talking
2 about the budget, which was the first area. What
3 we've recommended here is a new budget model that
4 incorporates formulation, execution and a new piece
5 dealing with performance management. Yes, sir.

6 MR. LENARD WRIGHT: Thank you. My name is
7 Lenard Wright. I'm a Council Representative from the
8 Rosebud Sioux Tribe. Excuse me. Has there ever been
9 discussions or an attempt to look at a zero-based
10 budget rather than a line-item budget? And the reason
11 I ask that question is because as tribes, we have gone
12 to the Hill. We've gone to departments. We've shown
13 our unmet need. And there's this big confusion.

14 And I think I have to agree with my
15 colleagues. Here in our homelands, we have a story
16 that we call Iktomi. It's -- the title of that is The
17 Trickster. That's why there's so much concern because
18 this is such a big, big issue. And the budget has got
19 to be a big part. The tribes are encouraged to 638,
20 become self-sufficient, but yet the funds are never --
21 have never been available. I know that's not -- as
22 BIA or BIE staff, that's not your job. We, as tribes,
23 have been trying to address some of these budgets over
24 the last decades. But the unfunded, unmet need is the
25 biggest part of what most of the people that I'm

1 listening to are talking about.

2 MS. GILA BRONNER: And my understanding is
3 that will be certainly part of the discussions later
4 today on BIA and BIE. This again -- and there isn't
5 services on the title. This one is referring to the
6 actual organizational structure surrounding the
7 budgetary function. And what we have recommended here
8 is to include performance management for very much
9 that reason. It was separate and apart from the
10 Budget Office before. We're recommending that it be a
11 part -- it's an integral part. We formulate the
12 budget. We execute it. Then we need to make sure and
13 evaluate how well from a performance management
14 perspective are we impacting programs and services.
15 Where are the results? And we believe that with the
16 recommendation that we've made here, it will introduce
17 not only additional levels of accountability, but I
18 think it will be able to demonstrate for you, much
19 like a zero-based budgeting approach and many other
20 budgeting approaches, it will provide, I think,
21 additional accountability in looking at ways, what did
22 you get for those dollars. And I think that that
23 will -- should certainly be a positive value-added
24 step.

25 MR. LENARD WRIGHT: I want to thank you for

1 that. But I guess the point I'm trying to make is the
2 fact that the federal government, through its
3 departments, whether it's Interior, BIA, IHS, it
4 doesn't matter, there's a trust responsibility. And
5 here in our homelands, we were fortunate enough to
6 sign a treaty that many promises were made. And
7 that's -- as we look at the big picture, that's why
8 there's so much, there's no -- no pleasant way to put
9 it, mistrust, because we've asked time and time again.
10 And I understand that as BIA officials, you can't
11 solicit. But as tribes, we can. And I think that we
12 just have to remember that if it wasn't for the tribal
13 people, the Native Americans, I wonder if BIA, IHS, or
14 any of that would even exist. Thank you.

15 MS. GILA BRONNER: I did want to just
16 interject at this moment by way of a little bit of
17 background about myself. I started my career back in
18 the late '70s working for an organization called GFOA,
19 the Government Finance Officer's Association. And I
20 think perhaps many of you in this room are familiar
21 with that organization. One of my -- and I ran a
22 technical review program. My background is heavily
23 around governmental accounting, auditing, financial
24 management, financial reporting, and working with
25 state and local governments, Tribal Nations to help

1 improve the way -- and that we are able to operate
2 more efficiently and provide accountability.

3 And one thing -- one of the first projects
4 that I worked on when I was at GFOA, back actually in
5 the early '80s, was convening meetings with Tribal
6 Nations across the country to really look at how to
7 improve, not only from an education perspective and
8 prospective careers, but really looking at ways to
9 ensure that everyone had the same view, the same
10 understanding from an accounting, financial
11 management, stewardship, accountability. And so that
12 that -- and that that would flow down from federal,
13 state, local, federal, tribal, from a partner
14 consultation perspective. And I believe to this day
15 that at GFOA -- and that was my first introduction
16 into really understanding even from an accounting and
17 financial management and business management
18 perspective.

19 So I came at this study and my team came at
20 this study, I think, really ensuring that we tried to
21 come at it with really both a balanced perspective and
22 to ensure that we wanted to make sure that all of the
23 Indian Nations in this country indeed had the most
24 responsive accountability and administrative support
25 structure that was possible given our current -- the

1 current environment in the organization today.

2 So I want -- I just want to assure you that
3 from a Bronner perspective, our whole approach to
4 this -- I apologize if I used the word "inclusive"
5 because obviously not everybody participated. I do
6 think through some of our surveying -- and we're not
7 done yet. The recommendations that we have here, I
8 find the dialogue today very constructive. I think
9 it's been very helpful to me. And I'm hoping we
10 continue to have conversations so that we can clarify
11 and we can address the particular concerns that you
12 have in any of these areas.

13 MS. BEVERLY TUTTLE: Excuse me.

14 MS. GILA BRONNER: Yes.

15 MS. BEVERLY TUTTLE: This is Bev Tuttle
16 again from the Oglala Sioux Tribe. I'm a Council
17 Representative for Porcupine District.

18 Going back to your Focus for Administrative
19 Services, the structure, is there a reflection of any
20 dollar amount that you have -- that I have -- maybe I
21 missed it, but it doesn't seem to show that, how it's
22 going to decrease funds. And then it just seems
23 logical for a lot of us who are really grassroots
24 people -- we're not naive, but we're also very
25 considerate and cautious about things for the future.

1 It seems like you would start freezing salaries rather
2 than decrease -- then decrease personnel. Because our
3 schools, especially the tribal, 638 tribal grant
4 schools have to start with that. I mean, it's from
5 the bottom, we have to do all of these cuts already
6 fordona (phonetic). That means many years. And now
7 we're coming down to the brass tacks.

8 And I think what really concerns us a lot
9 here is the fact that there's been such a great
10 turnover of management at the -- at the Bureau. And
11 now we're suffering for the reflection of -- you know,
12 now they're suddenly coming to and saying, you know,
13 geez, this didn't work. We turned it over to the BIA.
14 That's not working. Now what are we going to call
15 this big structure next? You know, and I think I'm
16 going to say something here, and I'm going -- I keep a
17 lot of things in my mind. Because looking at,
18 historically, at my grandfathers, as many of my tribal
19 brothers and sisters sit here, we look at what we're
20 being taught, and on what President Steel said. This
21 is very -- looking like termination. Because
22 everything is just coming down to, we're going to be
23 just in this big pot with everybody else, and we're
24 going to lose our identity. That's what I have at the
25 forefront of my mind as well.

1 So I'm thinking here, back in 2004 and five,
2 I was a school board member for the Porcupine School.
3 And we've been told -- I went to all of these
4 meetings. And I'm going to mention, I saw Ed Parisian
5 here. He was an official at the top-notch in D.C. at
6 the time. And they told us, you know what, the Bureau
7 wants to get out of Indian business. And this is just
8 what I see. We're getting out of Indian business.

9 So I just want to mention, you know, you
10 need to be informed. Historically, we have a lot of
11 things that were brought to us. And so that's why
12 we're having this dialogue. It's not consultation.
13 But every time somebody comes to us differently, we
14 have to explain ourselves. So it sounds redundant.
15 I'm sure some of these people have heard it over and
16 over. But, you know, you should be our advocates.
17 You should be really a true advocate. When President
18 Obama gets his cabinet of Natives up there, we're
19 proud of that. However, do they truly really reflect
20 the advocacy for our -- their people on the
21 reservations? That's what really bothers me, is that
22 we feel like -- I feel like we're really under
23 pressure to hurry up and make a decision these two
24 days. And I'm just so not there. So thank you.

25 MR. JESSE TAKEN ALIVE: Ms. Bronner?

1 MS. GILA BRONNER: Yes, sir.

2 MR. JESSE TAKEN ALIVE: I want to thank you
3 for the work that you said you did with regard to
4 Indian Country and in your capacity with GFOA. And in
5 your presentation, you mentioned reactive/proactive.
6 The question I'm posing -- I'm going to pose is for
7 the BIA that's here. We would like to know sooner
8 than later what proactive means in your view. For us,
9 and I can only speak for Standing Rock, of course, is
10 that to implement, not look at, not hear, not say
11 that, you know, thank you for your comment, but to
12 implement tribal solutions. Now, we understand that
13 this is a federal entity. It's filled with
14 bureaucracy. I mean, that -- if BIA and its acronym,
15 BIE, and its acronym could put another "B" in there
16 for bureaucracy, that would be awesome so that way the
17 truth would be on the table, as we're all talking
18 about.

19 But we want to see what your definition of
20 proactive is. And we're going to respond by saying,
21 Tribal solutions. Each of us comes from Tribal
22 governments that has and will continue to have
23 educated, brilliant, intelligent grassroots people who
24 live daily amongst these communities. It's not a one-
25 size-fits-all. So proactive, hopefully -- does it

1 mean a series and a set of consultation meetings?
2 That is not proactive because all it does is it buys
3 time. It saves jobs. It creates opportunities to
4 retire in this bureaucracy. The funds that are
5 allocated by Congress -- and, by the way, we do have
6 congressional representation here through staff. I
7 know Senator Johnson's staff person is here. The
8 monies that are allocated for Indian Country need to
9 go out to Indian Country. And we have the ability, we
10 have the plans that would be able to do that. And
11 they're not BIA. They're not BIE. They are going to
12 meet the needs of our children; that our children
13 aren't here, so we need to advocate for them, and
14 we'll continue to do that.

15 So can somebody today, and I'll ask
16 Mr. Killstack, what is -- today as we sit here, and
17 you all looked at the Bronner Report before we did,
18 what is -- what is your interpretation of proactivity
19 as suggested by the report? What would you tell staff
20 people proactivity is?

21 MR. DION KILLSBACK: Proactive obviously has
22 a lot of different meanings for different folks. But
23 I can tell you that from the former Assistant
24 Secretary, Larry Echo Hawk, before he left, one of the
25 biggest concerns that he was inundated with while he

1 was in his office at D.C., but also while he visited
2 many reservations throughout the country. Before he
3 left, he was able to visit over 300, I believe,
4 reservations throughout Indian Country and Alaska, and
5 also a span of, you know, 45 states. But one of the
6 biggest things that the tribes, tribal leaders,
7 informed him of was the structure, the structure of
8 the BIA and the way that DAS-M was situated in
9 Washington, D.C., how inefficient that was.

10 Larry Echo Hawk, through his administration,
11 made -- you know, did a proactive approach and said,
12 what are the tribal leaders talking about? So when it
13 came to Facilities, when it came to Safety, when it
14 came to Contracting, when it came to Human Resources,
15 he looked at DAS-M. He said, What happened here? And
16 so he was able to take a proactive approach and look
17 at the previous administration and the way that the --
18 like you correctly state, created more bureaucracy.
19 And Larry's approach, Larry Echo Hawk's approach was:
20 How can we improve upon these concerns that tribal
21 leaders have raised? And he said, Well, I don't want
22 to take any money away from tribes. I need -- I need
23 to take care of this in-house. So he was able to pool
24 money in the Assistant Secretary's Office in D.C. from
25 many different sources to come up with money to

1 conduct the study and hire -- hire the Bronner Group
2 to conduct this and say, identify what was really
3 going on. And this study demonstrates his proactive
4 approach in being responsive to tribes; albeit, it's
5 not going to be -- it's not going to touch on
6 everything that the tribes concerned -- were concerned
7 about. But it's going to touch on the majority of it.

8 Of the 12 regions, of the over 9,000
9 employees throughout the 50 states and as well as
10 Alaska, this comprehensive Administrative Assessment
11 was conducted so that those tribal concerns would be
12 addressed. And what this Bronner Study in its
13 findings and recommendations demonstrates was that
14 that was inefficient, it created a layer of
15 bureaucracy that failed to provide already underfunded
16 services to tribes and to schools in Indian Country.

17 MS. GILA BRONNER: And if --

18 MR. DION KILLSBACK: Part of my
19 administration --

20 MS. GILA BRONNER: Sorry.

21 MR. DION KILLSBACK: Or part of Del
22 Laverdure's continuance of Larry Echo Hawk's proactive
23 approach is to follow through with this. And as Mike
24 Smith stated, we understand that your view is that
25 this is not consultation, and we respect that. We

1 followed our regulations in conducting those
2 consultations. And that's what we're here for, to
3 have a discussion upon those.

4 And I would like to ask Ms. Bronner to
5 continue with this so that when this is complete, we
6 can have a more robust conversation from those
7 findings and those recommendations.

8 MS. CORA JONES: But don't you think there's
9 a fatal flaw in it to begin with, when you look at it
10 and you're still keeping all those authorities up in
11 the Assistant Secretary's Office? You're still
12 impacting the workforce? Because in the Assistant
13 Secretary's Office, you do not need Indian preference.
14 And we know that the Director of MMS, Human Resources,
15 she doesn't understand what Indian preference is. She
16 thinks it's a racial law, and it's not. It's a
17 political one. And it's been upheld by the United
18 States Supreme Court on three separate occasions.

19 And then on top of that, you know, I'm
20 wondering, did anybody look into the FFS, to look at
21 undelivered orders and our need and other appropriated
22 funding sitting in there? You know, we -- we were
23 told that as of April 2nd, 2012, there's
24 \$1,010,133,270.75 in the Bureau's appropriated funding
25 sitting within FFS with no activity. And so, you

1 know, if you're going to look into getting monies, you
2 know, you ought to look in the UDOs, and those are
3 undelivered orders, that are sitting there. And
4 they've been sitting there for five years or more.
5 And at this point in time -- and, you know, this was
6 taken off of the Bureau's intranetwork, and which is
7 public -- public information. And so, you know, I
8 would hope that that would be cleaned up before you
9 change to a new financial system, which the way I
10 understand it is even more of a nightmare than what
11 FFS was.

12 MR. MIKE SMITH: Let me just respond, Cora,
13 by saying, I can't speak for the Bureau of Indian
14 Education. But on the BIA side, those UDOs, the money
15 that is sitting there is predominately TPA monies.
16 It's tribal money that's sitting there waiting to be
17 allocated and waiting for the tribe to submit their
18 proposal for those funds. So it's global. It's
19 national. And it is a large amount of money, but most
20 of it is at tribal level under TPA. I'm not sure
21 about the educational side.

22 MS. CORA JONES: Well, I know that there was
23 one that was under construction, and that -- you can
24 reference that number. It's MXCTN00T780D3, for the
25 amount of 13 -- let's see, \$13,809,253.00. And

1 there's no -- been no activity in that since
2 9/30/2010. And there is a Public Law 638 contract
3 awarded from the Southwest Region in the amount of
4 \$94,903.00. And that's been sitting there since 2005.
5 And those are just two examples of --

6 MR. MIKE SMITH: Right.

7 MS. CORA JONES: -- monies that are sitting
8 there. So why isn't that all being cleaned up? I
9 remember when --

10 MR. MIKE SMITH: I don't know about cleaning
11 it up necessarily. But a lot of the money is
12 allocated, okay? For instance, the last figure you
13 threw out, \$13 million dollars, that's the Navajo
14 Indian Irrigation Project. That's the tribes'
15 construction dollars, and it's their own form
16 production activity. So we could go line item by line
17 item. But in reality, if you look at each Regional
18 Director's budget, they are tracking this. I mean,
19 they have a mechanism now to track this daily. And
20 then anything under Administration, Mr. Loudermilk
21 could probably give you more information on that. But
22 you're right, we need to move forward. And going into
23 FBMS, the new system that's going to take over for all
24 of our financial activities in November -- I mean,
25 that's pretty scary because you do have to get some

1 cleanup because you'll have bad data going into the
2 new system. But, you know, we're prepared for it.
3 And every region has a team that's working on this as
4 far as the transition to FBMS.

5 And with regard to -- I will say to Jay that
6 proactive, for me at least, and for this session, I
7 think it means advocacy. It means advocacy after
8 listening to the tribal leaders and listening to your
9 concerns. And that's what I said early on. We're
10 here to listen and be the advocate for what you want.
11 We're not going to make changes without your input.
12 We're not -- we're listening here. And then after the
13 Bronner Report presentation is done, there are many
14 more things that need to be done. But we're not
15 moving forward without listening to, you know, what
16 you have to say. So that's what it was --

17 MR. JESSE TAKEN ALIVE: And that's --

18 MR. MIKE SMITH: -- all about, it's all
19 about.

20 MR. JESSE TAKEN ALIVE: That's what we look
21 forward to, what Mr. Killback said, characterizing
22 the former Secretary's mission. And what I would add
23 to that is not only talk, but from talk to action.
24 And the action that we are looking for is to
25 implement, again, our tribal solutions that are going

1 to work out in Indian Country. When you talk -- you
2 mentioned robust discussions. I'm looking forward to
3 that as solutions, solutions and commitments. Because
4 when you deal with a bureaucracy, that's very hard to
5 get. It leans towards trauma tourists, trauma
6 tourism, where you've got a situation that calls for
7 immediate action, and you fly people in. They come
8 in, and they leave. And we've had that for
9 generations in Indian Country. And now what we're
10 saying is, provide the resources to us. We will show
11 you what kind of resources we need. We will show you
12 what kind of plan will work. And we will implement
13 that plan.

14 And we do have Bureau workers here from our
15 local entities as well. And I know they can't speak,
16 but I hope they're getting the impression that we're
17 trying to speak on their behalf with the higher-ups.
18 It's somewhat ambiguous. We started the meeting off
19 by saying everyone is equal, level and fair. Then we
20 hear -- and, of course, that's understandable. But
21 just to let you know how it sounds to our ears,
22 higher-ups, lower level, etc. And yet, we're saying
23 equal.

24 But, at any rate, that's what we're looking
25 for, tribal implementation of tribal solution. And

1 when we're going to decrease bureaucracy, the monies
2 that are saved from that will -- must go out to Indian
3 Country. And we know -- as it was stated there, we
4 know pretty much what's going on. It's an attempt to
5 save positions. It's an attempt to do whatever needs
6 to be done to save the money. We know that. And all
7 we're saying is that if you can listen to us, tell
8 whoever you need to tell that the tribes are saying
9 they've got solutions, they're requesting partial
10 payments. Because that's all you can give with
11 treaties. They're requesting the resources up there.
12 They know what to do. The solutions are there. Let's
13 not wait any much longer (sic). We've been waiting
14 for generations. We need to do this.

15 So all the respect to our third-party
16 person, Ms. Bronner. I mean, again, you're getting
17 experience from the Great Plains here. And again, I
18 think that the word "inclusive" is not -- is not fit
19 yet. Thanks.

20 MS. GILA BRONNER: I did want to mention
21 that there is a discussion in Appendix C of the report
22 of what we recommend relative to a more proactive
23 budget process. And the full report is available on
24 the BIA website.

25 MR. JOHN YELLOWBIRD STEEL: Is Mr. Ron Ellen

1 (phonetic) going to control that budget process?

2 MS. GILA BRONNER: I'm sorry.

3 MR. JOHN YELLOWBIRD STEEL: I'm sorry. What
4 you heard here from President Jandreau saying, you've
5 got monies sitting there somewhere in the BIA, and
6 you're not telling us about it. What Ms. Jones said
7 about the financial systems there, the bills that
8 weren't paid over, quite a number of years back, that
9 need to be looked at. I've got a figure here. As of
10 April 2nd, 2012, there was \$1,010,133,207.75 in that
11 account.

12 Now, I would also like to say that the
13 reports are provided and posted by the CFO's Office
14 within the BIA intranet, meaning it's public
15 knowledge. Obama's given us some cuts, and you're
16 jumping to the tune and saying, okay, we're going to
17 cut that herd some more that reaches the Oglala
18 Reservation. We're going to keep our administration
19 in place. How are we going to justify it to those
20 Oglalas? You give us a very small time frame to work
21 with, and you come down with a third-party outside
22 solution to us, saying we got to do Obama's cuts. All
23 this is Obama. But you've got some monies there you
24 can look at. Not telling us.

25 MS. BEVERLY TUTTLE: Can I interject here?

1 I just want to share also that, for the Bronner
2 Report, just information that we know that -- again,
3 I'm really advocating for our schools, for new school
4 construction. And I'm going to mention right here, we
5 have these schools. And I don't know if the Bronner
6 Report has even detailed into, you know, how it
7 trickles down to affect us grassroots people. We have
8 Wounded Knee School, we have Crazy Horse School, and
9 another school is American Horse School, who really
10 are in dire need of construction, new school
11 construction. And we've been saying this for so many
12 years. But the Greenbook shows a drastic cut in
13 education's construction funding and the BIA five-year
14 plan, DOI, BIA fiscal year 2011 - 2015 plan, is to
15 plan and design and construct one school. Meanwhile,
16 our other funding dwindles, and the BIA is still
17 adding assistant to the assistant to the assistant
18 positions and consultants.

19 These proposal -- this proposal would cut
20 positions, as drastic as the cuts have been passed to
21 us. And I'm thinking about your tribal priority plan.
22 You know, again I have question about that, you know,
23 the dollars sitting there. Have you let us know, you
24 know, the orders that be, with the people in charge,
25 like Keith Moore, you know, we really want to have a

1 stronger relationship at our level? That's the local
2 level. But we are not having it. So TPA, you know,
3 what is it -- what's in it and what can it do? I
4 mean, this is a five-year plan already introduced into
5 the Greenbook. So we don't really have, ultimately, a
6 say-so. Right? So I just want to bring that up. I
7 just want to share that.

8 These are -- we're going to be so detailed
9 with -- not this being a consultation, but just to let
10 you know how detailed we have to be with even
11 coming -- before we come to a consensus to a
12 consultation. There's so many things to this. Thank
13 you.

14 MR. BRIAN DRAPEAUX: I'd like to comment.
15 Brian Drapeaux, Bureau of Indian Education. We're
16 excited actually from the education perspective to be
17 here today. We're excited about the Bronner Study.
18 We're excited about the entire discussion that's
19 happening, actually. And I'm really pleased that you
20 brought up the TPA component as well.

21 When we started to understand the budget
22 process within the Department of Interior, one of the
23 first things we noticed as we went to the Tribal
24 Interior Budget Council and the regional
25 representation of that, and the TPA process that they

1 talked about, was that the Bureau of Indian Education
2 budget, as it relates to TPA, is encompassed by three
3 programs: Johnson O'Malley, adult ed, and
4 scholarships. That's less than three percent of our
5 entire budget. So what that told us then is that we
6 didn't have any real discussion about education
7 budget, the bulk of it.

8 In relation to that, the concerns brought
9 out today about the construction piece, it's been a
10 concern of ours since we walked in the door two years
11 ago, that the DAS-M portion of the organization
12 oversees all construction, including school
13 construction. A gentleman named Jack Reever
14 (phonetic), who is on the verge of retirement, I
15 believe, policy, funding priorities, was set by
16 negotiated rule-making, as you all know. But the BIE
17 and ourselves, from a management perspective, were
18 quite frustrated, frankly, with our lack of input into
19 operations of that component. We feel like, you know,
20 this discussion will start aligning some of the
21 concerns that we have from a management perspective.

22 The Director of the BIE, as the Director of
23 the BIA, their responsibilities are to execute
24 budgets. We propose budgets. But ultimately, it's
25 our job to execute them, which means that we take

1 what's been handed down through the political process
2 to implement. And part of our responsibility here
3 today, I believe, is to have this discussion with you
4 all, to start talking about the implementation of the
5 2013 budget and what that means to the current
6 structure, or what it could mean to the current
7 structure.

8 It's our hope that as you review the Bronner
9 Study, that you look deeply into the operation
10 component, the way it rolls out at the grassroots
11 levels, as you speak, and to see if there's
12 satisfaction or dissatisfaction at that level, and
13 what recommendations -- as Jay Taken Alive has so
14 eloquently said many times, that there are grassroot
15 solutions. We hope that you submit them, quite
16 frankly, in writing as part of the record so we can
17 review them, and take a look at them, and see if it's
18 something that we can implement from an administrative
19 perspective.

20 And so we're, again, pleased to be here,
21 excited about the conversation, and look forward to,
22 you know, the rest of today and tomorrow to talk about
23 the other portion of the --

24 MS. CORA JONES: But, Brian, --

25 MR. BRIAN DRAPEAUX: -- consultation.

1 MS. CORA JONES: -- here again, you know,
2 you're going right back to the DAS, and it's still in
3 the Assistant Secretary's office. It's still filled
4 with non-Indians who really don't understand Indian
5 Country. You know, when Mike Smith works for BIA and
6 in BIA, I'm happy about that. But when he works for
7 the Assistant Secretary under a bunch of white people,
8 I'm not happy about that.

9 MR. KEVIN YELLOWBIRD STEEL: Brian, Kevin
10 Steel, Pine Ridge. I just wanted to know, you know,
11 the National Goal, if you were aware of it, within
12 Public Law 100-297, and that it states in part (b),
13 Tribally Controlled School Grants, and that section
14 5203, Declaration of Policy, section (c), the National
15 goal, and what it states on the educational side?

16 MR. BRIAN DRAPEAUX: Can I give you -- are
17 you asking me to quote it?

18 MR. KEVIN YELLOWBIRD STEEL: Yes.

19 MR. BRIAN DRAPEAUX: I can't quote it just
20 off the top of my head, Kevin.

21 MR. KEVIN YELLOWBIRD STEEL: Okay. Well,
22 I'm going to just read it to you because this is
23 something our schools -- you know, we follow this and
24 abide by. And we believe that on a higher level, that
25 you guys need to also follow the national law. This

1 is your National Goal here. Section (c), National
2 Goal says, the Congress declares that a major national
3 goal of the United States is to provide the resources,
4 processes, and structures which will enable tribes and
5 local communities to affect the quantity and quality
6 of educational services and opportunities which will
7 permit Indian children to complete and excel in the
8 life areas of their choice, and to achieve the
9 measures of self-determination essential to their
10 social and economic well-being.

11 Now this is a goal that our grant schools --
12 you know, we use this National Goal to seek the
13 necessary funding for our schools and the additional
14 costs. So I was just wanting, for the record, to
15 state that this is one of the goals that was set by
16 Congress for our children. And I would just put it
17 for the record. Thank you.

18 MS. GILA BRONNER: May I continue?

19 MR. DION KILLSBACK: Yes.

20 MS. GILA BRONNER: Thank you. The second
21 area is Financial Management. And our major finding
22 here was that financial management, like other
23 administrative functions, would benefit from local
24 supervision of field employees. There are certain
25 functions though that we believe that have been

1 operating exceptionally well centrally, from financial
2 reporting and financial internal controls, training,
3 correction of audit findings. And those particular
4 functions we recommend remain centrally. However, 41
5 Field Operations, Accounting, FTEs, we are
6 recommending in our report that they be realigned to
7 local BIA and BIE offices, and that they be supervised
8 locally and not employees of the Central Office.

9 With Acquisition and Contract Management, I
10 know we've had some conversation about this this
11 morning, our finding was that acquisition services are
12 viewed as slow and not customer-focused, and really
13 achieved a very poor rating in any of the surveying
14 that we conducted. We heard a great deal of
15 complaints about how slow procurements were, and it
16 was a major area of dissatisfaction. So what we've
17 recommended is realigning field employees again to
18 local BIA and BIE supervisors. And similarly, we've
19 recommended that field contract employees be
20 supervised by field managers and not centrally.

21 MR. CURTIS POITRA: Excuse me, ma'am.

22 MS. GILA BRONNER: Yes.

23 MR. CURTIS POITRA: Before you move on,
24 Curtis Poitra, Vice Chairman, Turtle Mountain Band.
25 Part of this acquisition, contract management, did you

1 include on your study the money that's wasted on
2 Solicitor's, after Solicitor's, to give an opinion
3 down to the tribes?

4 MS. GILA BRONNER: Actually our focus again
5 was on structure and the organizational placement of
6 particular administrative support functions. So the
7 answer is no.

8 MR. CURTIS POITRA: So you did no study on
9 the amount of money that's wasted out of our local
10 budget on Solicitor's?

11 MS. GILA BRONNER: That was not part of the
12 scope of our study.

13 MR. CURTIS POITRA: But it's part of the
14 scope of the total budget and the well-being of our
15 tribes. So you were not directed to do that?

16 MS. GILA BRONNER: It was not within the
17 scope of this particular study. This study was
18 looking strictly at organizational placement and
19 proper alignment of the various business functions
20 within Indian Affairs.

21 MR. CURTIS POITRA: But this study is the
22 basis for what they want to do with their realignment.
23 So did anybody direct that, to see how much money is
24 wasted on Solicitor's?

25 MR. BRIAN DRAPEAUX: I'll speak to that, if

1 I can. And I'm probably the least capable to speak to
2 it. But my understanding is that --

3 MR. CURTIS POITRA: No, I think from our
4 point of view at the Turtle Mountains, you're probably
5 the most, considering our situation in the last few
6 years.

7 MR. BRIAN DRAPEAUX: Then I'll speak to it.
8 The Solicitor's budget comes out of the Secretary's
9 budget. So --

10 MR. CURTIS POITRA: Do you know whether EEO
11 complaints --

12 MR. BRIAN DRAPEAUX: Yes.

13 MR. CURTIS POITRA; -- that are --

14 MR. BRIAN DRAPEAUX: Yes.

15 MR. CURTIS POITRA: -- filed on your higher
16 level?

17 MR. BRIAN DRAPEAUX: Solicitor's are a
18 separate entity within the Department of Interior, and
19 they have a department that works issues within the
20 federal structure for Indian Affairs.

21 MR. CURTIS POITRA: I have to -- I don't
22 agree with that because we have something from your
23 office about how much money was spent -- you won't
24 give us a dollar amount of what was spent to handle
25 our EEOs at our tribe that came through the

1 Albuquerque area. I think that should be part of this
2 report; and not only on education, but the Solicitor's
3 to answer any question, when someone wants to pass the
4 buck from -- because the local level can't make a
5 decision. It goes to the region. Goes on to
6 Albuquerque. Goes on to Washington.

7 MR. MIKE SMITH: You're right, Curtis. We
8 can get a figure for you. But, in general, the
9 Solicitor's Office does not come out of the BIA funds.
10 We do have -- in BIE, we do have a number of
11 Solicitor's salaries that are paid from those funds.
12 And they're under a service agreement. So you're
13 right. We'll get you a figure.

14 MS. GILA BRONNER: I did want --

15 MR. CURTIS POITRA: Before the end of today
16 or before we leave here tomorrow?

17 MR. MIKE SMITH: Well, I don't know if by
18 the end of the day. I'll have to --

19 MR. CURTIS POITRA: Well, I only have 31
20 days to make up my mind on this.

21 MR. MIKE SMITH: Okay. But you're just
22 talking about one, you know, really isolated component
23 of the budget where we're paying for Solicitor's to
24 provide legal advice and guidance --

25 MR. CURTIS POITRA: No, but --

1 MR. MIKE SMITH: -- and representative --

2 MR. CURTIS POITRA: -- I'm talking about my
3 32,000 tribal members whose kids and their kids are
4 going to be affected by these budget cuts, because
5 we're already laying off teachers.

6 MR. MIKE SMITH: I understand. Well, we'll
7 get you a figure.

8 MR. JESSE TAKEN ALIVE: Respond, if I could.

9 MS. GILA BRONNER: Yes, sir.

10 MR. JESSE TAKEN ALIVE: Jesse Taken Alive
11 from Standing Rock again. The previous slide
12 discussed employees with BIA/BIE. Is veterans'
13 preference -- we talked earlier about the necessity
14 for Indian preference and our obvious recommendation
15 in what we look for to see is an Indian preference.
16 The other -- added to that, is veterans' preference a
17 part of BIA, BIE? It this a part of BIE?

18 MR. BRUCE LOUDERMILK: And BIA.

19 MR. JESSE TAKEN ALIVE: Can we get that in
20 writing? Because we're told otherwise with regard to
21 BIE, that Indian preference -- excuse me, veterans'
22 preference is not implemented with BIE. I see that
23 with regard to the slide that's up there. It says
24 BIA, BIE. If somebody -- somebody could -- somebody
25 could discuss that more in detail. I've got

1 information from a veteran that was told that BIE does
2 not implement veterans' preference. If Mr. Drapeaux
3 could comment on that, if he could say yes, we do,
4 that's the information we're going to take back, that
5 BIE does implement veterans' preference totally.

6 MR. BRIAN DRAPEAUX: We follow all federal
7 hiring processes.

8 MR. JESSE TAKEN ALIVE: Including veterans'
9 preference.

10 MR. BRIAN DRAPEAUX: Including veterans'
11 preference.

12 MR. JESSE TAKEN ALIVE: Oh, okay. Because
13 we've got information otherwise that says they don't.
14 Thank you.

15 MS. CORA JONES: Is that just on initial
16 hire, or does that -- does that follow an individual?

17 MR. JESSE TAKEN ALIVE: Can it be used more
18 than once? Can it be used after initial hire, then
19 after that to advance or to be -- to be moved from
20 position to position? The question I ask, totally,
21 and that's what -- that's what I'm asking, is it
22 always there for our veterans to utilize veterans'
23 preference?

24 MR. MIKE SMITH: Actually an HR question,
25 but yes. We practice veterans' preference in initial

1 hire, but probably we're not looking at Indian
2 preference throughout. We are looking at -- excuse
3 me, Indian preference versus veterans' preference, but
4 veterans' preference definitely on initial hire.

5 MR. JESSE TAKEN ALIVE: And as far as you
6 know, that's the only time it's implemented.

7 MR. MIKE SMITH: Well, I don't know. I
8 mean, if it's an Indian veteran, in general, they
9 really don't need to utilize veterans' preference.
10 But we are getting a lot of people that are coming
11 back from the various conflicts we've had overseas,
12 and they are being given preference on initial hire.
13 Whether or not that supercedes Indian preference, I
14 don't know. If you'd have some examples, maybe you
15 can help me out.

16 MR. JESSE TAKEN ALIVE: Is there a way,
17 again, for Dion, Mr. Killback, another thing I would
18 ask you respectfully from Standing Rock, if you could
19 get something in writing, it was mentioned it's a HR
20 question. And I just don't want us to leave this
21 meeting today or tomorrow with wondering, maybe they
22 did, maybe they didn't say it was implemented. A
23 question was totally, is it implemented totally beyond
24 initial hire? If you could get an answer for us and
25 share that with us before the day is out or tomorrow,

1 I would appreciate it. Thank you.

2 MR. DION KILLSBACK: Yeah. We're taking
3 notes here, Jesse. And our understanding is that,
4 yes. But we -- like I said, we'll get that for you.

5 MR. JESSE TAKEN ALIVE: And that's what, we
6 don't want to walk away from the table, yes, maybe,
7 no, maybe. That's...

8 MR. DION KILLSBACK: Yes.

9 MR. JESSE TAKEN ALIVE: Thank you.

10 MR. SCOTT WESTON: Mr. Smith, you wanted an
11 example to Indian preference. I throw it -- I pose it
12 as a question. Oh, this is Scott Weston from the
13 Oglala Sioux Tribe, by the way. I forgot to tell you
14 that last time.

15 MR. DION KILLSBACK: Thank you. Thank you,
16 Scott.

17 MR. SCOTT WESTON: My question being then
18 is: In this scenario, what if it's in our ordinance,
19 our tribal ordinance, and what if it's in our
20 constitution? So how does that -- how does that play
21 out? I'll throw that as another question to give an
22 example, to better let the people understand what's
23 going on. If Mr. Killback or mister -- somebody
24 could...

25 MR. DION KILLSBACK: I can touch on that.

1 MR. SCOTT WESTON: Okay.

2 MR. DION KILLSBACK: We're kind of getting
3 off a little bit. But I want to make sure that I'm
4 clear that I understand the question correctly, is
5 that whether or not the tribes' tribal laws, law and
6 order code or constitution, if they have a specific
7 provision for Indian preference or tribal preference
8 or veterans' preference, whether or not that would
9 affect the BIA in their hiring. From my
10 understanding, in having experience in this as being
11 the tribal attorney for several tribes, is that the
12 tribes' laws govern tribal hiring, and that those
13 tribal laws, albeit an ordinance, a TERO ordinance, or
14 a constitutional provision would control in the way
15 that that individual was being viewed is his
16 application or her application for hire from that
17 tribal government.

18 With regards to the BIA and the way that
19 they -- that the BIA conducts their hirings, it's a
20 formal process which the federal regulations would
21 govern in how they view the CDIB, Certification of
22 Degree of Indian Blood, for Indian hiring preference
23 purposes, which was stated earlier, they follow the
24 Federal U.S. Supreme Court case, Morton vs. Mancari,
25 which is consistent.

1 I think the example, and I think being in
2 Fire, I think you see this more often than not, that
3 when you see a tribal forester or tribal firefighter
4 wanting to come onto the BIA side, there may be some
5 disconnect between the tribe and BIA on their
6 understanding on who's going to be hiring who because
7 we still have fire protection that's needed on a
8 reservation. And so in terms of making sure that we
9 understand that the question is whether or not the
10 individual meets both requirements of a tribal, or
11 BIA, and whether or not they're able to be transferred
12 or moved up the ladder in terms of career-wise within
13 the Bureau. I think that that's a question that I --
14 I said, I'll get -- I'll get to it. But that's my
15 understanding of it, and that's been consistent.
16 That's been our policy as well, that we recognize
17 those -- those tribes that have those laws asserting
18 their sovereignty to determine how they hire and who
19 they give preference to.

20 MS. GILA BRONNER: Yes, sir.

21 MR. RANDAL WHITE: Ms. Bronner, my name is
22 Randal White. I'm from --

23 MR. DION KILLSBACK: Want to turn the mike
24 on?

25 MS. GILA BRONNER: I can hear you, but maybe

1 no one else can.

2 MR. DION KILLSBACK: Try that one.

3 MS. GILA BRONNER: Maybe this one's working.

4 MR. RANDAL WHITE: Ms. Bronner, I'm Randal
5 White. I'm from the Standing Rock Sioux Tribe. I
6 guess today we're here because of our Native children.
7 I guess I want to take a quote on former President
8 Bush. He said no child would ever -- no child would
9 be left behind. But today we look at the Native
10 children left behind. I told that as -- guy named --
11 one of our superintendents quoted that. Name is
12 William Trotter. I guess the reason we say that is
13 because today we come before you speaking for our
14 children. And I know I hear your comments saying
15 finding more than once. I mean, you talk about all
16 these findings. You've kind of got to explain them
17 because I know I worked with CPAs for a long time. I
18 mean, they usually go through it and they show you.
19 So I guess when you talk about findings, explain them
20 so that we're all -- all together.

21 The other comment, my last comment, I guess:
22 To have true consultation for Standing Rock -- I
23 brought a letter here. Our Chairman Murphy, in
24 November, we went on motion to invite the Honorable
25 President Obama to hear our concern on the education.

1 So I want to submit this for the record (indicating).
2 And I guess I would like to hear that. And all our
3 Native children are always undercut. And I know as a
4 public school board member, we all are dealing with
5 the states, and we're always -- even the public
6 schools are underfunded for our Native children. And
7 that's been a fact for a long time. So I just wanted
8 to make this a matter of record. So if someone could
9 pass this on to the President, I'd sure appreciate it
10 on behalf of Standing Rock. Thank you.

11 MR. DION KILLSBACK: Thank you. I'm sure we
12 can take that --

13 MS. CORA JONES: Just a sec. Trying not to
14 be overly redundant, but I still need to go back to
15 what Mr. Taken Alive said and questioning preferences.
16 In the Assistant Secretary's Office, that's political
17 appointees. They will not implement Indian
18 preference, and they do not honor it. Down in the
19 Bureau, yes, but not in the Assistant Secretary's
20 Office. And that's why when we have all of these --
21 all of these authorities in positions within the
22 Assistant Secretary's Office, you know, in my last
23 breath, I will say that, you know, they're
24 circumventing Indian preference.

25 MR. MIKE SMITH: Bruce won't comment, but I

1 will quickly. Again, that practice has changed in
2 this administration. We are hiring --

3 MS. CORA JONES: But they still do, Mike.

4 MR. MIKE SMITH: We are hiring people under
5 Indian preference. So we're going to have a big
6 battle with the Solicitor's Office and everybody else
7 about how those positions affect Indian people in
8 Indian Country. But you're right, the politicals are
9 whoever they are. They get appointed by somebody
10 else. But in hiring, even in the Assistant
11 Secretary's Office, we are practicing Indian
12 preference.

13 MS. CORA JONES: Look at Debbie Clark. Look
14 at all the people she had working for her.

15 MR. MIKE SMITH: Those people --

16 MS. CORA JONES: Look at Jim Casey.

17 MR. MIKE SMITH: -- are gone. They're all
18 gone, Cora.

19 MS. CORA JONES: But a lot of their
20 people --

21 MR. MIKE SMITH: You're talking ancient --

22 MS. CORA JONES: -- are still in there.

23 MR. MIKE SMITH: -- history here.

24 MS. CORA JONES: They've burrowed in, Mike.

25 MR. MIKE SMITH: Those people are gone.

1 MR. BRUCE LOUDERMILK: Cora, and the thing
2 is too, you know, you talked about Debbie Clark and
3 you talked -- you know, some of the things go back to
4 the Budget Officer. We just hired a new Budget
5 Officer by the name of Tommy Thompson, Native
6 American. He just came on board here just not too
7 long ago. This administration, we have been changing
8 that tide, if you will. As they mentioned, we
9 advertised the Budget Officer position Indian
10 preference. We advertised that same Indian
11 preference --

12 MS. CORA JONES: So why is that --

13 MR. BRUCE LOUDERMILK: We're advertising
14 others.

15 MS. CORA JONES: -- located in the Assistant
16 Secretary's Office? Why isn't it down in the
17 Commissioner's Office, all those -- all those offices
18 and authorities?

19 MR. BRUCE LOUDERMILK: Okay. There is no
20 more Commissioner's Office. But if you sit here --

21 MS. CORA JONES: Okay. Director --

22 MR. BRUCE LOUDERMILK: -- as we start going
23 through --

24 MS. CORA JONES: Director's Office. Why
25 aren't they down on the Bureau side of it rather than

1 on the political side up in the Assistant Secretary's
2 Office?

3 MR. BRUCE LOUDERMILK: Well, we're going
4 through, and we're going to looking at changing the
5 budget. And we've talked about moving folks over.
6 And that's still part of the presentation that's --

7 MS. CORA JONES: They're going --

8 MR. BRUCE LOUDERMILK: -- coming forward.

9 MS. CORA JONES: -- back to the authorities.
10 Is that authority in the Assistant Secretary's Office
11 or no? Just tell me that it's not located there, and
12 I'll shut up.

13 MR. BRUCE LOUDERMILK: It is located under
14 the DAS-M right now, the Budget Office is.

15 MS. CORA JONES: And that's located in whose
16 office, Assistant Secretary's?

17 MR. BRUCE LOUDERMILK: My office right now,
18 the Deputy Assistant Secretary for Management, --

19 MS. CORA JONES: And that's in the --

20 MR. BRUCE LOUDERMILK: -- which is being
21 adver- -- what's that?

22 MS. CORA JONES: -- Assistant Secretary of
23 Indian Affairs Office?

24 MR. BRUCE LOUDERMILK: Yes.

25 MR. MIKE SMITH: At this time, that's

1 correct. And the findings and recommendation, Cora,
2 are what we're looking at right now. And is it
3 working? If it's not working, you know, what are the
4 suggestions from this group --

5 MS. CORA JONES: Yes. I --

6 MR. MIKE SMITH: -- or anybody else?

7 MS. CORA JONES: I understand all that. But
8 it's the location.

9 MR. MIKE SMITH: I understand, and we agree
10 with that. I mean, Central Office headquarters ought
11 to be all about policy. We ought to be the
12 connectivity to the Hill for budget justification.
13 But everything else, Operations needs to be in the
14 field.

15 MS. CORA JONES: Yes.

16 MR. MIKE SMITH: And I'm an advocate of
17 that. I'm the Deputy Director for Field Operations.

18 MS. CORA JONES: I know you are.

19 MR. DION KILLSBACK: And that's -- that's
20 exactly what these --

21 MS. CORA JONES: And I apprec- --

22 MR. DION KILLSBACK: -- recommendations
23 touch on, is those recommendations. And, essentially,
24 as I stated in the beginning, empowering,
25 re-empowering those regions to be more responsive

1 directly to tribal leaders, tribal concerns, BIE
2 schools, and tribal grant students as well. So go
3 ahead.

4 MS. GILA BRONNER: Thank you. With respect
5 to Property, which was the fourth area, our principal
6 finding was that BIA Regional Directors lacked the
7 authority for property management. And as such, we
8 have recommended realigning positions for 36 field
9 property staffs directly so that they are supervised
10 locally by BIA and BIE.

11 Similarly, in Facilities Maintenance, which
12 we had spoken about earlier briefly, we found our
13 major finding related to the fact that there needs to
14 be more innovation in the face of shrinking resources.
15 This was clearly brought up this morning. For an
16 organizational realignment, we've recommended
17 realigning the reporting relationship of 36 Regional
18 Field Managers to appropriate BIA and BIE management
19 locally. So currently these 36 employees who work in
20 the field report to supervisors in Albuquerque and not
21 their BIA Regional Director or BIE. And we have
22 recommended the realignment of these reporting
23 relationships.

24 We have also recommended that the Office of
25 Facilities Management and Construction, which is

1 within the Office of Facilities, Environmental and
2 Cultural Resources, should retain oversight policies
3 and coordinate dissemination of funds. And then we --
4 we began to look within the scope of ours -- we've
5 recommended that BIA and BIE Directors should advocate
6 to increase the provision of operational assistance to
7 70 percent of estimated cost. We have also
8 recommended that Indian Affairs consider alternative
9 funding allocation strategies with TIBC, and include
10 in the alternatives in the next budget submission.

11 Human Resources, which we touched on, we
12 have two major findings with respect to Human
13 Resources. First, that the current Human Capital
14 organization is not responsive to programmatic needs,
15 and that Indian Affairs does not have a consistent,
16 comprehensive employee development program.

17 When we looked at Indian Affairs,
18 relative -- across the federal government, they
19 conduct a survey periodically on Best Places to Work
20 Rankings. And it is out of -- in 2010, it was out of
21 224, and in 2011, out of 228. And as you can see
22 here, Indian Affairs was rated poorly. It's pretty
23 self-explanatory. Morale is poor. And we have
24 recommended a changed management process that relies
25 on more active employee engagement at all levels, both

1 centrally as well as out in the regions. We believe
2 it's critical to include employees at all levels and
3 grades on an implementation -- on various
4 implementation teams, because employees who do the
5 work every day generally have the best ideas for
6 improvements. We believe employee engagement will
7 increase the likelihood that change is sustained.

8 Clearly also, with respect to Human
9 Resources, the job page is not very exciting. We have
10 made some recommendations how to improve in terms of
11 the areas where we're actually looking at job
12 placements. Excuse me, job openings. We've suggested
13 assessing competencies of current personnel
14 specialists and providing training to those in the HR
15 area to fill gaps so that customer service is
16 improved.

17 There are 19 HR Specialists who currently
18 serve at BIE that are located in Albuquerque, but
19 their supervisors are elsewhere. And we have
20 recommended that they report to BIE management, and
21 not to DAS-M supervisors.

22 Also, from an HR perspective, with respect
23 to the commitment to employee development, we have
24 some -- a number of recommendations: Sponsoring
25 employee participation in a FY12 supervisor

1 skills/leadership course that was jointly sponsored by
2 the National Park Service, Fish and Wildlife Service,
3 and Bureau of Land Management; to market more online
4 Department of Interior learning courses; and to
5 develop dynamic web-based orientation programming that
6 really provides the history of BIA and BIE, and
7 provides an overview of the tribes' relationship with
8 Indian Affairs.

9 Direct services, 638 contracts or
10 self-governance. We heard complaints throughout our
11 project and our study that new employees do not
12 understand the differences and don't have sufficient
13 historical perspective and understanding.

14 MR. JESSE TAKEN ALIVE: Ma'am, if I could?

15 MS. BRONNER: Yes.

16 MR. JESSE TAKEN ALIVE: Thank you for what
17 you related. Again, Jesse Taken Alive from Standing
18 Rock. The reason why, in my view, that they don't
19 understand is because we all know that the Department
20 of Interior deals with plants, animals, rocks, et
21 cetera; and, by the way, Indians. So we compete for
22 their trust responsibility. So we know that they're
23 not going to understand Indian Country. In fact,
24 history will show that it's the demon thinking of the
25 early fathers of the United States that said we need

1 to civilize these savages. So as a result of that, it
2 permeates into the legal system. And you've just
3 shared that -- that DOI doesn't understand Indians,
4 possibly because they still think we're demons or
5 savages. The reason they do that is because they
6 don't understand us. In my view, the bureaucracy will
7 never understand us. Until we move out of the DOI,
8 we're still going to have that.

9 Finally, again, it's important to note for
10 the record that it's not the BIA/BIE that's visiting
11 with us on your report. And I'm saying that, Ms.
12 Bronner, because it's troubling because of this
13 government-to-government relationship. I think on the
14 agenda we should have put government-to-Bronner Group
15 consultation. That's what should have happened.
16 Unless the Bureau steps frontwards and says, Yes, we
17 concur, we own this, we used money from the Department
18 of Indian Affairs to purchase this, unless we hear
19 that, you know, it's kind of like a, let's wonder what
20 kind of meeting we had in Rapid City on May 3rd and
21 4th. It's not consultation, as we have indicated.

22 And my question to the BIA: I mean, do you
23 own this? Is this something that you're putting
24 forward to the tribes and have asked a third party to
25 share with us? Because it's troubling because we're

1 supposed to have level, transparent, clear forms of
2 communication; and no disrespect to Ms. Bronner, a lot
3 of work. You know, and it's awesome the work that
4 you've done, you know, in those three areas: Maine,
5 Minnesota, and I can't remember the other one.
6 Arizona. Nothing for the Great Plains. And I'm not
7 trying to chastise you or degrade your work at all.
8 But my question is to the BIA: Do you -- is this
9 your -- is this your message, is this your messenger
10 that's talking to us?

11 MR. DION KILLSBACK: Yes.

12 MR. JESSE TAKEN ALIVE: Okay. Thank you.

13 MS. GILA BRONNER: Finally, with respect
14 to HR, we also found that there are insufficient HR
15 staffing resources to realign to BIA. So questions
16 we've been posing are: Are there enough staffing
17 specialists in each region? What is the total funding
18 requirement for additional positions? And we've put
19 these questions out for further consideration by BIA.
20 We believe that at this time localization of HR
21 resources for BIA, it's not currently recommended
22 because there is, indeed, insufficient staff at the
23 time. There is a goal of one staffing specialist for
24 every hundred employees. But first, Indian Affairs
25 needs to know more about workloads in each region and

1 the correct alignment of local supervision. And my
2 understanding is that is something they will be
3 exploring respectively.

4 EEO, when you mentioned that earlier, I did
5 want to say that we did find that the EEO Office is in
6 the Department of Interior receivership, so to speak.
7 EEO was managed by BIA until complaints were not
8 processed on a timely basis, at which time the
9 Department of Interior Civil Rights took over Indians
10 Affairs' EEO responsibility in 2009. And we believe
11 that it is time for BIA, for Indian Affairs, to
12 develop its own EEO strategic plan, so that Indian
13 Affairs can manage its own antidiscriminatory
14 obligations. And I know that was mentioned earlier.

15 The eighth area of Safety: We have found
16 two principal findings. Indian Affairs has not
17 invested sufficient resources in the Safety Program,
18 and Workmen's Comp claims have not been actively
19 managed. And as a recommendation, we have recommended
20 that clearly BIA and BIE receive proper funding for
21 their safety programs directly rather than as a
22 pass-through from the Office of Facilities,
23 Environmental and Cultural Resources, which is OFECR.
24 And that OFECR should reinvigorate the Safety Program
25 by disseminating updated policies and procedures,

1 creating risk management assessment templates, and
2 providing training through webinars and podcasts, and
3 that staff and resources should be committed to a
4 safety program that minimizes risks to employees and
5 tribal members who use BIA and BIE facilities.

6 The ninth area of Internal Controls: We
7 have found that Internal Control, Evaluation and
8 Assessment really need to be -- receive a high
9 priority status within Indian Affairs. I'm not sure
10 if you're aware, but the single audit, late single
11 audit, as a result, single audit reports with
12 questioned and disallowable costs are sent to
13 applicable programs for a management decision at DOI.
14 And management and BIA, BIE, and the Office of Indian
15 Emergency and Economic Development have a
16 responsibility to decide within one year whether the
17 question or unallowed costs should be collected. In
18 FY2010, Indian Affairs did not take these decisions
19 timely -- did not make them timely and, as a result,
20 lost the ability to collect over \$10 million dollars
21 in funds that could have been put to use in other
22 programs that serve tribes.

23 MR. JESSE TAKEN ALIVE: Hello.

24 MS. GILA BRONNER: Yes, sir.

25 MR. JESSE TAKEN ALIVE: Ms. Bronner, a quick

1 question again.

2 MS. GILA BRONNER: Yes.

3 MR. JESSE TAKEN ALIVE: Jesse Taken Alive
4 from Standing Rock. With this last slide that you --

5 MS. GILA BRONNER: Yes.

6 MR. JESSE TAKEN ALIVE: -- put on, and it
7 says Indian Affairs was time-barred from collecting
8 over \$10 million dollars. Were there any sanctions
9 placed on any employees, were there any reprimands in
10 your research that were done?

11 MS. GILA BRONNER: Not that I'm aware of,
12 but I can defer to my colleagues.

13 MR. DION KILLSBACK: With regard to the
14 disallowed costs under the A-133 Single Audit Act,
15 these were funds that were TPA funds that were to
16 have -- that were given to tribes through 638 contract
17 or grant, or through a self-governance compact. And
18 the disallowed costs were based on their audits that
19 were submitted to the BIA. But the BIA responsibility
20 was, according to the regulations in the Single Audit
21 Act, was to follow the process in issuing bills of
22 collection to tribes. Now, whether or not those
23 tribes, we paid those disallowed costs, you know,
24 that's where that -- amount essentially came from.
25 And I think I will also defer to Mike Smith. He may

1 be able to touch on that from the Field Operations
2 perspective. But that's my understanding.

3 MS. PATTI DUVELL (Phonetic): Excuse me real
4 quick. My name is Patti Duvell (phonetic) from the
5 Rosebud Sioux Tribe. And when we're talking about the
6 reprimands for the money that has been used in
7 disallowable costs and you're saying that it goes down
8 to the tribes and filters through, we have to remember
9 that the BIA has that trust responsibility to make
10 sure and monitor this money. So if this money is
11 being used the way it's not supposed to, I believe
12 it's the BIA who dropped the ball because they're the
13 ones who are on the front line getting these reports.
14 And when they seen something wrong, they should have
15 stepped up and did something about it right then and
16 there, instead of waiting for a group to tell them
17 what they did wrong.

18 MS. GILA BRONNER: I think from an internal
19 control perspective, there are active or, shall I say,
20 proactive steps underway. We've identified three
21 specific ones that I've highlighted on this slide that
22 speaks to that point specifically.

23 MR. MICHAEL JANDREAUX: One of the things
24 that I see that is really lacking is, you know,
25 staffing at the Regional Offices, or at those offices

1 that review our audits, is providing, you know, to
2 each area at least a CPA that understands how to read
3 an audit. I mean, we ran into a situation that, you
4 know, three-and-a-half million dollars was contributed
5 by the tribe to complete a project. And because of
6 the auditing process that is utilized by the auditors,
7 in the reading -- once it reached the Regional Office
8 level, they attempted to bill us to pay back our own
9 money. And our money had been a contribution to
10 complete a project. But, you know, there -- and I'm
11 not -- I'm not saying this in criticism. I'm saying
12 this: That people who occupy positions in many cases
13 are ill-prepared to adequately deal with understanding
14 audits and the complete context of audits. You know,
15 I've been working at it for a long time, and I don't
16 think I understand it that well. I knew that we
17 didn't have to pay back our own money. The thing of
18 it was is to convince them to get someone to look at
19 the audit and to read it accurately for what it was.

20 So while there may be mistakes, you know,
21 that -- and disallowed costs and things of that
22 nature, I think that Patti's (phonetic) recommendation
23 that there be somebody there in a professional manner
24 that can adequately address those problems. And
25 normally, if you're reading an audit, if you've got a

1 halfway decent CPA, they kind of understand.

2 MR. JOHN YELLOWBIRD STEEL: My question is:
3 You said you're having BIA handle their own EEO
4 functions.

5 MS. GILA BRONNER: No, what we've
6 recommended is that BIA at this time engage in a
7 strategic planning process to look at ways that they
8 would be able to, once again, be able to administer
9 those claims on their own.

10 MR. JOHN YELLOWBIRD STEEL: So you didn't
11 spend any monies there.

12 MS. GILA BRONNER: I'm sorry?

13 MR. JOHN YELLOWBIRD STEEL: You didn't
14 have -- that would be up to the Bureau to find monies
15 to create the administrative process to handle those
16 functions.

17 MS. GILA BRONNER: Well, it is housed
18 elsewhere right now --

19 MR. JOHN YELLOWBIRD STEEL: Right.

20 MS. GILA BRONNER: -- at a Department --

21 MR. DION KILLSBACK: There would be no --

22 MS. GILA BRONNER: -- of Interior --

23 MR. DION KILLSBACK: There would be no
24 asking for new money for --

25 MR. JOHN YELLOWBIRD STEEL: Okay. You don't

1 have any new money.

2 MR. DION KILLSBACK: That's right.

3 MR. JOHN YELLOWBIRD STEEL: Obama cut the
4 budget. I was just wondering where the money was
5 coming from to create these new departments. And she
6 answered it.

7 MR. DION KILLSBACK: Absolutely. With this
8 aspect of this presentation, there's no new money.
9 There's no budget implications here for the BIA in
10 this -- in this presentation.

11 MS. GILA BRONNER: It's neutral. We were --
12 obviously, again, one of our goals was to try to put
13 forth recommendations that would be budget neutral,
14 but would enhance the accountability framework and
15 local service delivery.

16 MR. JOHN YELLOWBIRD STEEL: So we got to
17 keep our eye on the Bureau that they don't take our
18 money to do that.

19 MR. MICHAEL SMITH: Mr. Chairman, or
20 Mr. President, the real answer is, the same people are
21 working with the EEO, they're still working there, and
22 the money is being paid by Indian Affairs. But the
23 oversight is in the Department with the Office of
24 Civil Rights. Okay. We've been taken under
25 receivership in EEO. We did such a poor job that we

1 got sanctioned by judges for missing statutory
2 deadlines, and they took it away from us. So it's
3 being overseen by the Department. But the same money
4 is being used to pay the people that are doing the
5 work. On the other side, on the audits, a lot of this
6 is after the fact. And you know this. I'm not
7 telling you anything new. When we get audits, they're
8 a year old, two years old, sometimes longer than that.
9 And so we're reacting to what's in the audit. And if
10 there are exceptions or disallowed costs, then we have
11 to make a note of that. And we do have people that
12 are trained to do that. We have warning officials and
13 638 Specialists that do this. But the primary driver
14 is an office in Asia, in the Assistant Secretary's
15 Office, that's called Internal Control, or PPA, or
16 PPM, I think they call it now, Policy and Program
17 Management. These are probably a crew consultation of
18 about 12 auditors that are breathing on our necks
19 about every six months. And it all adds up to the
20 assurance statements, the accountability, and all of
21 this. I think that's what was looked at in Internal
22 Control. Should that be centralized? Probably. But
23 a lot of the work is being done in the fields. So
24 it's a mixture.

25 But the people that suffer for this, I think

1 the young lady was correct, we have a -- we have a
2 joint responsibility to make sure that the money is
3 spent properly. And if we see something under
4 contract administration, we're supposed to advise the
5 tribe that, you know, the contract requirements aren't
6 being met. I don't think we're doing that on a timely
7 basis. Sometimes we're prevented from doing that. We
8 don't do the program reviews we're supposed to because
9 we're only allowed one visit per year. But some
10 tribes, you know, they'll allow more.

11 So it's a mixed responsibility, I think. In
12 the end, if the costs are disallowed, then the tribe
13 gets the bill.

14 MR. JESSE TAKEN ALIVE: If I could begin my
15 question with regards to the EEO issues. You
16 mentioned there were -- there were responses from
17 judges, et cetera, et cetera. The individuals who
18 didn't do these -- this worker that was required of
19 them, work that they got paid for, were there
20 sanctions? Were there -- were there things that they
21 had to answer to, or were there reprimands, were there
22 terminations, et cetera? Could you answer that and --

23 MR. MICHAEL SMITH: I can only respond with
24 what I know. And that is that there were proposed
25 actions to be taken. The Director of the program was

1 transferred at the time we went into receivership.

2 MR. JESSE TAKEN ALIVE: And that is a huge
3 concern, but thank you for the response. Because when
4 you say there's no new monies, I'm interpreting that
5 as to say that there are going to be no increases. So
6 we will go back to our communities and say, the
7 quality of life, if it's dependent upon money, will
8 remain the same, if not go backwards. That's what I'm
9 hearing today. And they're going to say why not? I
10 thought there was decreases. I thought you went up to
11 Rapid City to hear about realignment. And the best
12 answer I could give up to this point is that, what's
13 happening is that we're shuffling jobs and positions.
14 Even though they didn't -- they didn't do their job
15 with regard to EEO issues, we'll just transfer them.
16 So it's about a job-shuffling, job-saving process that
17 goes on in Washington, D.C. In the meantime,
18 quality-of-life issues aren't effective or considered
19 out in Indian Country.

20 So that's the response that up to right now
21 that we can safely say and give amongst other issues.
22 But thank you for your response.

23 MR. MICHAEL SMITH: But it's a little bit
24 off. Because I agree with your concerns, and I agree
25 with what you're saying. But it's not business as

1 usual. When we come out of receivership, my
2 understanding is we are going to propose, probably in
3 the out years, the next couple of years, that we get
4 some money, we get the amount of money that we need to
5 do a better job. And that probably will have to come
6 out of the Secretary's Office with that kind of
7 recommendation. It's beyond this report. But there
8 are many things that need to be improved. And if
9 you're looking for improvement, that probably equals
10 additional dollars.

11 MR. JESSE TAKEN ALIVE: But that won't come
12 out to the community. It's just going to address the
13 issues internally, --

14 MR. MICHAEL SMITH: You're correct.

15 MR. JESSE TAKEN ALIVE: -- be it national,
16 regional.

17 MR. MICHAEL SMITH: You're correct.

18 MR. JESSE TAKEN ALIVE: So nothing out to
19 the communities. That's the message that we can
20 safely say, frustratingly say, and I hope the
21 congressional folks are still here to hear this, that
22 all the monies, if there's new monies, are going to be
23 made and used in Washington, D.C. by the Bureau.

24 MR. MICHAEL SMITH: For the internal
25 controls.

1 MR. JESSE TAKEN ALIVE: Yeah. By the
2 Bureau. And the entities here to help look at
3 quality-of-life improvements, and that's not going to
4 happen again. So earlier I mentioned we're always
5 being told, wait, wait, wait. So now what you've said
6 is, wait for probably two more years, which is even
7 more disturbing because --

8 MR. MICHAEL SMITH: For our --

9 MR. JESSE TAKEN ALIVE: For internal
10 controls.

11 MR. MICHAEL SMITH: Yeah. For our basis.

12 MR. JESSE TAKEN ALIVE: Okay.

13 MR. MICHAEL SMITH: But we're still
14 advocates for what happens in the field. Remember
15 again that tribes are always coming in with their
16 requests. And some of the people in this room sit on
17 the Tribal Interior Budget Council. That council is
18 very powerful. They've set the priorities. We listen
19 to them. And the increases in the Indian Affairs
20 budget are tribally driven. I can guarantee you that.
21 They are tribally driven. Those increases almost
22 always are in TPA, Tribal Priority Allocation; in
23 contract support, which we're up to a hundred percent
24 in indirect cost now, and probably up to 15 percent in
25 direct costs. I mean, there's been a lot of progress

1 made on the tribal side. We're trying to fix some
2 internal things.

3 MR. JESSE TAKEN ALIVE: And I understand
4 fully what you're saying. But let me say this,
5 without trying to get any Bureau folks in trouble at
6 home: We'll go back and we'll say, remain as a
7 skeleton crew, remain as that. That's what's
8 happening right now. When we take a look at trying to
9 get land into trust, I'm not trying to divert or go
10 too far off track. But this relates to
11 quality-of-life issues that we continuously seek for
12 at home on our reservations. It's interesting,
13 somewhat disappointing. But we shouldn't be too
14 surprised. Any new monies, any increases, anything
15 that's advocated for, are going to have to go to
16 expenditures at the Central Office so that the
17 Senators can be happy, the President can be happy. In
18 the meantime, we struggle. That's the picture, once
19 again, that we're hearing.

20 Again, I'm really appreciative of what
21 you're saying because it just -- it just goes to the
22 point that we make: you know, not consultation. You
23 know, talking to a third party here, it's very
24 frustrating. And as my good friend, President Steel,
25 said, the President of the United States needs to know

1 this. He needs to know this. The congressionals need
2 to know this, the mistreatment of Indian people out
3 in -- out in Indian Country; not just in the Central
4 Office, but first and foremost, out in Indian Country,
5 that mistreatment. Very disrespectful human rights
6 violations. Thank you for your -- for your responses.

7 MR. MICHAEL SMITH: I really respect your
8 comments as well. And, you know, it's all about the
9 size of the pie. You know, the pie isn't getting any
10 bigger. Cost of living is getting worse.

11 MR. JESSE TAKEN ALIVE: It's a pot pie, sir,
12 not a pie. It's a pot pie.

13 MR. MICHAEL SMITH: I agree.

14 UNIDENTIFIED FEMALE VOICE: It's a pot pie.

15 MR. MICHAEL SMITH: But at some point, at
16 sometime in the future, I hope the pie does get bigger
17 because we all need to share it.

18 MR. JOHN YELLOWBIRD STEEL: It's that herd
19 of cattle that's supposed to cut that off. You're not
20 part of us. You're federal government.

21 MR. MICHAEL SMITH: And the problem with
22 that is we're held to accountability. I mean, if I go
23 back in time, and I've been around a long time, we
24 were doing fine without auditors. But they make
25 changes in the regulations. Now, we got a whole crew

1 of them. I'm not sure what they do other than attack
2 us. You know, these are the bean counters that want
3 us to be accountable, responsible for the funds that
4 we get, you know, from the Congress. We have to share
5 that with the tribes.

6 MR. JESSE TAKEN ALIVE: And please --

7 MR. MICHAEL SMITH: Accountability is what
8 it's all about.

9 MR. JESSE TAKEN ALIVE: Please -- in
10 whatever documents that you all -- you all are going
11 to generate after this, please let your bosses and
12 supervisors, superiors know, all the way to
13 Mr. President Obama, Indian Country did not create the
14 debt. Indian Country did not create the debt, but yet
15 we're having to suffer more and more. And again, our
16 children are at the table here with us. The elders at
17 the table with us, those depending on these checks at
18 the table with us, on and on and on. They did not
19 create the debt, but the suffering continues. So if
20 you could let that be known in whatever follow-up
21 documents that you have to generate from this -- from
22 this discussion. Thank you again. I really
23 appreciate your candidness. I don't know if I
24 mentioned before, but thank you for sharing and being
25 candid.

1 MR. KEVIN YELLOWBIRD STEEL: Kevin
2 Yellowbird Steel from Pine Ridge Oglala Sioux Tribe.
3 I'd request, you know, when you talk about audits, and
4 we report all the time at a tribal level. We're all
5 being audited. We share with you guys all the reports
6 that we do, clear from the cuts in education to our
7 bad roads and our transportation programs and all
8 that. Everything is audited, and these reports are
9 shared to you guys. My request to you is that, you
10 know, is it possible for you guys through the DOI, the
11 BIA and the BIE, if you could actually make your
12 audits public to the tribes so we can actually see
13 what is the outcome of your audits?

14 MR. MICHAEL SMITH: Yeah. I don't know why
15 we can't. I mean, we certainly ought to be able to
16 share that information, yes.

17 MR. CURTIS POITRA: Curtis Poitra, Vice
18 Chairman, Turtle Mountain Band. Also share with us
19 every dollar that's allocated to us, how much actually
20 makes it to the local level of that dollar. And I
21 would like to ask Mrs. Bronner, or Ms. Bronner, how
22 were you hired, through what procurement procedure?

23 MS. GILA BRONNER: It was a competitive
24 procurement. We responded along with several other
25 firms.

1 MR. CURTIS POITRA: Could we get a copy of
2 that to see what the directives given in that RFP or
3 whatever it was? If it was directed that you look for
4 ways to streamline without interrupting the direct
5 services provided to the tribes at the local level,
6 I'd like to see the wording in that. Thank you.

7 MS. GILA BRONNER: One last area.

8 MR. DION KILLSBACK: Rodney, we have one --

9 MS. GILA BRONNER: I'm sorry.

10 MR. RODNEY BORDEAUX: Yeah. Rodney
11 Bordeaux, President of Rosebud Sioux Tribe. The only
12 concern I have is kind of going way back to tribal
13 leaders, you know, when I came on the scene in the
14 '70s, mid-'70s, is a lot of these recommendations were
15 made by our tribal leaders back then. More -- less
16 centralization, more out to the field. But since that
17 time, it's gotten away from that. Everything has been
18 going to the area -- Regional offices. They created
19 Albuquerque West down in Albuquerque. They have a
20 big, huge complex down there. Lot of the authority
21 was taken away from the agency levels. And so what
22 has happened now is we're kind of going back to that.

23 And so I would, I guess, ask Mike, Bruce and
24 Dion, is: With this report, is it going to make any
25 difference? You know, our tribal leaders spoke way

1 back then. And a lot of them are gone now. So what
2 effect is this going to have? I know, we can make our
3 recommendations. You know, I sit on the Tribal
4 Interior Budget Committee. And time and again, I
5 state that we need more funding at the local agency
6 levels. Whether it's TPA or staff, you know, increase
7 our staff at the BIA agency level so that we can take
8 care of our leasing, take care of our appraisals,
9 basic land management, basic tribal management needs.
10 But they always fall on deaf ears. So when I see a
11 good report, I follow it up pretty good; you know, it
12 looks good. But it's going to probably be laying
13 somewhere unless something happens.

14 I mean, you know, the time is here. We have
15 to act on this. So, I guess, what are our
16 recommendations? How far are they going to go? You
17 know, we've heard concern time and time again here
18 this morning. I'm just -- I'm just -- I guess I want
19 to get a straight answer as to effectiveness of our
20 proposals to you because they've been going on since
21 the '70s, that I'm aware of. Thank you.

22 MR. BRUCE LOUDERMILK: Thank you, President
23 Bordeaux. Curtis mentioned something earlier about
24 the facilities out there at Turtle Mountain and
25 having -- you know, having knowledge of that. And one

1 of the things -- I guess what I've got to say is, I've
2 got the dubious honor of wearing two hats. I've been
3 a Regional Director, currently still am. And I'm
4 acting in the Deputy Assistant Secretary for
5 Management position. One thing that we need to bring
6 up and one thing that we're trying to correct through
7 this is the reporting and the division making.

8 The issue about facilities, as a Regional
9 Director right now, I have no line authority over
10 local facilities. I can't even schedule a meeting
11 with Facilities at the regional level without going
12 through Central Office. That pertains to budget.
13 That pertains to property. That pertains to
14 contracting. So what we're trying to do here is to
15 bring that decision-making authority back down to the
16 regional level and back down to the levels where we
17 can make some decisions and make some things happen.
18 So that's -- that's the purpose here.

19 MR. CURTIS POITRA: Bruce, I brought that up
20 because we're talking budget cuts, and you're looking
21 at a perfect -- perfectly good building in the Turtle
22 Mountains that the BIE went to the BIA to try and have
23 it demolished, which probably cost \$500,000.00.
24 Meanwhile, our school system is renting a building for
25 \$100,000.00. Okay? And we went and asked permission

1 to get that building that's in the middle of our
2 reservation that you're going to tear down anyway, to
3 where we're going to assume the cost with our local
4 school district and save money by renting -- from
5 renting a building, and employ two more teachers. I
6 mean, that's the way I look at it. You know, we're
7 trying to help the budget cuts. And this bureaucracy
8 of going -- and meanwhile, our Chairman's in
9 Washington trying to get that building. This is
10 ridiculous. It's a perfect example of the bureaucracy
11 wasting money that could serve our local members.

12 MR. BRUCE LOUDERMILK: And I agree with you.
13 I mean, you're absolutely correct. And again, we're
14 trying to get that decision-making authority to where
15 your Chairman doesn't have to go to Washington, D.C.
16 to get that type of decision. We should be able to
17 handle that locally where the -- where the issues are.
18 And under this current structure, the way we're set up
19 now, we can't do that.

20 MR. CURTIS POITRA: But, Bruce, and we're
21 coming up with another one with IT, and you know I'm
22 going to jump in on that one because you're aware of
23 what happened there. And that goes back to no
24 consultation with the tribes. So be ready for that
25 one because I'm going to jump in there too. It's just

1 a perfect example of you wasting our money that -- not
2 you, but the BIA, the bureaucracy, wasting our money
3 that could be serving, the way I look at, our children
4 and their children.

5 MR. DION KILLSBACK: I want to double back
6 to Rodney's question, the comment that he had about
7 the concern of, you know, the -- I think what you're
8 shedding light on is the administration, previous
9 administration, set policy and made decisions that
10 were obviously -- we're trying to correct. And as
11 Bruce just stated, we believe that the most effective
12 and efficient use of funds are used on the ground at
13 the local level. And the regions and agencies should
14 have that authority, to address tribal concerns head
15 on, directly. And I think, you know, Chairman
16 Bordeaux's, or President Bordeaux's comments and
17 concerns are relevant in light of the current
18 administration, and as I stated before, our former
19 Assistant Secretary Larry Echo Hawk's commitment to
20 ensure that we have a more efficient and effective way
21 of communicating with tribes, by addressing their
22 concerns. And this is part of that.

23 Now, the way that, you know, these
24 discussions occur with tribes in the field on the
25 ground, you know, with our -- with the regions here as

1 well, the Assistant Secretary has made it -- and it
2 will be part of his legacy, that the consultation
3 policy and the engagement, it's not perfect. But what
4 we're doing is we're trying.

5 MR. CURTIS POITRA: Would you say --

6 MR. DION KILLSBACK: And the previous
7 administrations had none of that. And we're trying --

8 MR. CURTIS POITRA: So the previous
9 administration, they issued that memo in 2011, in
10 January, about the excess property, --

11 MR. DION KILLSBACK: No.

12 MR. CURTIS POITRA: -- or is that this
13 administration?

14 MR. DION KILLSBACK: What I'm talking about
15 is the previous administration in which the grab of
16 the authority, the grab of the funds from the regions
17 and the agencies, the Central Office. That's what I'm
18 talking about, that previous administration. And what
19 we're trying to do is we're trying to make sure that
20 this -- these recommendations and findings remain
21 long-lasting going forward around the Obama
22 Administration, around Ken Salazar's Administration,
23 and around Larry Echo Hawk's Administration. And
24 that's why we're here and engaging you now so that we
25 have follow-through in the assessment going forward,

1 but also in the implementation on the ground, but
2 also, furthermore, in the future, with the typical
3 meetings in developing our budgets; and that if in the
4 event policy-makers want to say, hey, you know what,
5 we want to bring regions back up to Central Office, we
6 want to take their authority over. You guys are aware
7 that, hey, you guys tried that before, didn't work.
8 All the inefficiencies, all of the wastes, Larry Echo
9 Hawk, Ken Salazar, the Obama Administration, they were
10 committed to listening to us. And yes, they inherited
11 essentially a mess, and now we're here trying to
12 correct that. But it takes time. It's not perfect,
13 but we are trying. And I think that's the commitment
14 that you have from Del Laverdure going forward, from
15 Mike Smith, from Brian Drapeaux, and Bryan Rice, and
16 Bruce Loudermilk. And that's what we're here for.

17 And, you know, I'm going to turn it back
18 over to --

19 MR. CURTIS POITRA: Before you say that, I
20 think what you're hearing is a lot of confusion and a
21 lot of frustration because of the lack of inclusion of
22 the Great Plains Tribes.

23 MR. JESSE TAKEN ALIVE: And if I could,
24 Mr. Killstack, you're citing previous administration,
25 previous administration. Within a few months, the

1 Obama Administration could be the previous
2 administration. The point I make with that is that
3 it's all -- it's over three years since the Obama
4 Administration has been in place. And it's hard to
5 understand, much less believe, much less buy, to say
6 previous administration when the Obama Administration
7 have had three years to do something, over three
8 years. And now here we are with his -- with his term
9 almost up talking to a third party. That's what's
10 questioning from Indian Country. When are we going to
11 say, let's talk about tribal solutions, instead of
12 saying, here's the bureaucratic solutions? That's
13 what we're hearing. We know what to do. Give us the
14 resources. Award us the resources, I should say.
15 That's what we're saying. When is that going to be on
16 the table? I mean, that's what we're saying. Let's
17 go from talk to action. So, you know, it's not us
18 that's citing administration, administration, and the
19 innuendos of Republican, Democrat. We didn't do that
20 here today. That was done by the BIA. So it's almost
21 done, you know, for Obama, with his current term. And
22 back to my friend, Mr. Steel, he needs to know this.
23 He needs to know it soon.

24 So thank you for, again, you being here.
25 And I know you can say that, well, I've only been in

1 this position a certain -- certain time. But
2 that's -- you know, it's frustrating to hear that kind
3 of stuff: We didn't know. We didn't know. We didn't
4 know. I wasn't here. I wasn't here. I wasn't here.
5 Just keep in mind, that we didn't create this debt.
6 So thank you.

7 MR. MICHAEL JANDREAUX: Before you would
8 continue, you know it's ironic that communications is
9 one of the last things that you talk about, you know,
10 because it's probably the most important factor that
11 we have to deal with.

12 You know, I've been around this game a long,
13 long time. And, you know, first of all, what is --
14 and it's no degradation of you as individuals or
15 anything else. But what is so demeaning is, this is
16 such an important, such an important (emphasis)
17 meeting, to listen to young Native people who are in
18 very responsible positions come out and talk to us
19 about what could be.

20 Everything you've discussed here during the
21 term of the office that I've occupied has been dealt
22 with on at least three times. The Great Plains has
23 identified many of these issues and the structures
24 that are being identified by this third-party
25 consultant. And, you know, maybe -- maybe as my

1 grandpa and grandma used to say, third time's the
2 charm. You know, maybe it will work this time.

3 But the ironic part of it is, is none of you
4 young folks, and I believe about all of you are
5 younger than me, are empowered to really give us the
6 satisfaction of yes, that's going to happen. Even
7 though you verbalize it here today, you can't tell us
8 that's going to happen. You know, when John and Jesse
9 talk about having the President know about this, be a
10 part of this, and understand what our needs are, and
11 understand how serious this is to our future, to the
12 future of my children, my grandchildren, my great
13 grandchildren, and hopefully a bunch more from there,
14 what you're saying is good. What you're doing is
15 good. But how long will you be there to accomplish
16 it? You know, there's always -- there's always that
17 fear and always the concern that those words, like the
18 air, it goes in one way. We breathe it out, and it
19 becomes something completely different. What you're
20 bringing to us today is oxygen. You know, the carbon
21 dioxide that comes out, you know, has the potential to
22 kill us all. You know, and we're really looking at
23 that as leaders among our people.

24 You know, some of the greatest allies that I
25 ever had in being on reorganization task force were

1 from your reservation. And they supported us, and we
2 weren't able to break down and have the understanding.
3 So what you're coming back around to is those things
4 that we talked about years and years and years ago.

5 You know, I read a little sign on the back
6 of a Standing Rock car the other day that said, Those
7 who -- those who want to make peace with God at the
8 eleventh hour will probably die at 10:30.

9 I hope that's not us. I hope that what you
10 will carry back will last at least till 11:00. We are
11 not here just to draw per diem or to be away from home
12 or to be away from our grandchildren and our children.
13 We are here to make a difference. We are here to
14 listen to words that are real, that can make this
15 happen.

16 You know, someone asked me one time, you
17 know, what does all the years that you've been
18 involved mean? And my response is, I made a little
19 bit of difference (indicating), a little bit of
20 difference (emphasis). But that was only from my
21 home. Those efforts that I expended on the national
22 level seemed to make no difference at all. And why?
23 Because there is a preconceived notion that we're
24 always just a part of a budget, that we're not human
25 beings, that we're not worth saving, that we're not

1 worth dealing with. That comes through whether you --
2 no matter what kind of language you try to present it
3 in, once you assume the role of the federal government
4 official, you automatically cast an ideal about
5 yourself that it's those people.

6 And you've heard the ax story from John.
7 He's very good at telling stories. But you can't be a
8 part of the ax anymore. You got to be a part of the
9 real wood, the wood that ties us all together. We
10 need to survive. We need to be able to tell our
11 children, our grandchildren, our great grandchildren
12 that our existence in this country means something,
13 that this is our home. Help us preserve it. Help us
14 to educate them. Help us to employ them. Help us to
15 create a real progressive lifestyle on our
16 reservations. If that doesn't happen, we've just
17 occupied a space in our lives, and the value is like
18 the flat of our hand, everything falls off or
19 (indicating)...

20 You know, so while I've known Mike for a
21 long, long time, you know, I have to disagree with
22 some of the comments that he made in relationship to
23 them really making a difference, the government really
24 making a difference, the government redoing what they
25 undone before. Don't leave here, don't leave here

1 (emphasis) without taking with you the entire context
2 of what is being said here, and really make it mean
3 something. Because if this is just an exercise in you
4 being able to withstand the wrath of Sioux Country,
5 then it's all nothing. So please, understand that
6 answers are here (indicating). Look at out there.
7 You know, if you could capture the brainpower that
8 exists out there and use it to really build, there are
9 the solutions of what we should be and what we can be.
10 Thank you.

11 (Applause.)

12 MS. GILA BRONNER: One last area, and then
13 I'll step aside. The last area that we looked at was
14 Internal Communications. And there we found, as
15 expected, that internal communications concerning
16 support office policies and decisions were fractured.
17 And we put together a series of recommendations, a few
18 of which were establishing an Indian Affairs Employee
19 Work/Life Committee, creating a weekly message from
20 the Assistant Secretary. And former Assistant
21 Secretary Larry Echo Hawk began that, and this was
22 intended to draw employees to the intranet. It seems
23 to have been very well-received, and we recommend that
24 they continue in the future. And we've also made some
25 recommendations specifically about updating each

1 support office's -- administrative support office's
2 intranet page to include current policies and
3 procedures to ensure that they are being implemented
4 consistently.

5 So the next 12 months: From our
6 perspective, obviously, I would encourage all of you
7 to please take a look at the full report; also, the
8 appendices that are included in the report. And we
9 welcome any comments and suggestions, input. And I'm
10 sure following this meeting, we'll have some thoughts
11 and ideas on how to gain additional input.

12 But we've recommended a four-step process to
13 implementation. It has four major elements: Creating
14 implementation teams that will include employees with
15 subject-matter expertise across these ten areas. The
16 prioritization of the recommendations will be a
17 decision for Indian Affairs leadership after receiving
18 feedback from tribal leaders and others as we receive
19 them in terms of all the -- up to the hundred
20 different recommendations that are included in the
21 report. The implementation teams will then identify
22 current and new supervisory chains of command, analyze
23 current policies and procedures, recommend changes,
24 and publish new and improve processes.

25 The change initiative over the next 12

1 months will also involve reallocation of budgets,
2 potential reallocation of budgets, and finally,
3 training for staff and supervisors.

4 And included in our report, along with
5 these, within the appendix and the body of the report,
6 is more narrative around the specific steps we
7 recommend, sub-steps, for each of these aspects of
8 implementation.

9 Our team at Bronner, I myself, Gila Bronner,
10 as I mentioned, I'm President and CEO. I've brought
11 my cards. I'm welcome to share them. I would be
12 happy to share them with any of you if would like to
13 talk about the report or provide any feedback. Nick
14 Simpson, who also worked on it, and Beth McGarry, who
15 some of you may have been in contact with, who is
16 Bronner's Director of Federal Service and is the lead
17 program manager for us on this particular project.

18 And with that, I conclude my presentation.
19 And if there are any additional comments, I'm here
20 obviously for the remainder of the meeting.

21 MS. BEVERLY TUTTLE: I would just like to
22 make a comment before you end. My name is Bev Tuttle
23 again. I'm the Oglala Sioux Tribal Council
24 Representative for the Oglala Sioux Tribe,
25 representing the Porcupine District.

1 You know, I want to share with you that I'm
2 also a human resource major. I went to school at
3 Black Hills University. And I do know I'm well-versed
4 in the fact that this is very corporate thinking, I
5 want to address. Because anything that you're
6 doing -- dealing with Natives or Indian tribes or, as
7 they say, indigenous tribes, you must always look at
8 the cultural sensitivity of the people that you work
9 with. And so I do want to make a comment on that,
10 that this is very corporate. Until we found something
11 that really reflects us that will go with the future
12 consultation that we may be looking into with the
13 detailed information, applying some of our input to
14 this. Thank you.

15 MR. KEVIN YELLOWBIRD STEEL: I'm Kevin Steel
16 from Pine Ridge. My question is: So we can say this
17 isn't a final report, was one of my questions in the
18 beginning when I asked you if this was a final report,
19 this Bronner Report, if it was coming down. Because,
20 you know, if it isn't, I would just like to know who
21 is going to receive the information, you know, coming
22 back and implementing it. Are we able -- as I was
23 writing it down, if it isn't, are they going to amend
24 it and input, and is it going to -- you know, how much
25 more is it going to cost us to implement all these

1 changes, if it's going -- if it's not a final report?

2 MR. BRUCE LOUDERMILK: And, folks here,
3 forgive me if I misspeak. But right now, the basic
4 for this right now is that everything is in draft.
5 All your comments are being taken. As I mentioned
6 before, we have a court reporter here. They're
7 putting all that -- once we get the information back,
8 it's going to be put out on the website too so you can
9 see the comments from other tribal members throughout
10 the United States as we go through with these
11 meetings.

12 As far as my understanding and the way I see
13 this and my perception, as we go through, there is not
14 going to be any additional cost as we go through and
15 we start the implementation process. As mentioned
16 before, some of these things can be done with the
17 stroke of a pen. It's a matter of realigning some of
18 the folks in the Regional Offices and the Central
19 Office. So that is the way I see it.

20 And I don't know if anybody else has
21 anything else they'd like to add to that. But this is
22 not the final. We've had discussions. And I just
23 want to clarify some of this too, is that as we were
24 getting together with this report, we all had
25 decisions: BIA, BIE, DAS-M. We all got together.

1 And we had some quite vibrant discussions, if I
2 remember correctly too, about how it affects Indian
3 Country. We didn't all agree, as you can imagine.
4 But we had some very vibrant discussions and we came
5 to a consensus, if you will, that this is the best
6 draft to draw up for your review and your opinions,
7 and for your comments. And that's exactly what it is
8 right now, it's just a draft.

9 MR. KEVIN YELLOWBIRD STEEL: Okay. Thank
10 you.

11 MR. JESSE TAKEN ALIVE: When would be
12 implementation date? Jesse Taken Alive from Standing
13 Rock. When are you looking at, what month?

14 MR. DION KILLSBACK: Well, I think, you
15 know, we're looking at the next 12 months, as the
16 closing slide indicated, you know, it's going to be a
17 process. But I imagine in the next 12 months is we --
18 we anticipate the implementation. But that would,
19 obviously -- you know, we need to consider all
20 the comments and submissions from tribes during these
21 meetings, and make sure that we account for them, or
22 at least discuss them further and, you know,
23 internally.

24 MR. JESSE TAKEN ALIVE: So May of 2013 is
25 when you're going to implement this.

1 MR. JOHN YELLOWBIRD STEEL: No. It says
2 October 2012 (indicating) --

3 MR. JESSE TAKEN ALIVE: Gentlemen,
4 President Steel was saying -- showing a letter to me
5 here, which we all have, copies were made, for really
6 October of 2012. So you're saying today one year, but
7 the letter says October of this year.

8 MR. DION KILLSBACK: I apologize if I was
9 misunderstood. I was referring to the slide. And the
10 implementation from the outset was that implementation
11 would be within 12 months. Is that correct?

12 MS. GILA BRONNER: Yes. I was going to say,
13 for some of the recommendations. Those -- for
14 example, some about realignment, they can take place
15 immediately. Some of them that were longer-term in
16 nature, in changing the budget formulation process,
17 some of them were -- had short-term elements that
18 could be implemented even much shorter than -- you
19 know, it could be three to six months. Some were
20 seven to twelve months just for full completion. But
21 I believe my understanding is that it is the intent to
22 move forward with implementation once all the -- all
23 the feedback and suggestions and changes have been
24 incorporated, to then internally have the
25 recommendations ranked and prioritized and to move

1 them out ASAP, as appropriate.

2 MR. JESSE TAKEN ALIVE: So tribal
3 recommendations will be incorporated.

4 MS. GILA BRONNER: That's --

5 MR. JESSE TAKEN ALIVE: Is that what you're
6 saying as our consultant?

7 MS. GILA BRONNER: My understanding is, the
8 reason we're here is to receive, to present it to you,
9 the draft, the preliminary findings and
10 recommendations, to receive your input, concurrence or
11 disagreement with what has been put forward. And then
12 it will all --

13 MR. JESSE TAKEN ALIVE: I guess let me --

14 MS. GILA BRONNER: -- be considered.

15 MR. JESSE TAKEN ALIVE: Let me rephrase my
16 question. You mentioned incorporation of ideas, et
17 cetera, et cetera. So my question is simple: Are
18 tribal recommendations going to be incorporated in
19 this thing, yes or no?

20 MS. GILA BRONNER: I'm going to...

21 MR. DION KILLSBACK: I don't think that's a
22 yes-or-no answer because depending on what your
23 recommendations are, we don't know what those are yet.

24 MR. JESSE TAKEN ALIVE: So you're answering
25 a question with a question today.

1 MR. DION KILLSBACK: What I'm saying is,
2 like we stated, is it's an open dialogue where we're
3 here to receive tribal comments and recommendations.

4 MR. JESSE TAKEN ALIVE: I'm trying to get
5 from the BIA an affirmative response that tribal
6 recommendations will be put into this. And the reason
7 I'm asking that is with the understanding, and I
8 concur with my relative from Oglala, it is a corporate
9 study of a bureaucratic process. And all I want to
10 know is, are tribal considerations going to be there?
11 Because after all, whatever we call it, corporate,
12 bureaucratic, it's for our people. And we're here
13 from the tribal perspective, wanting to make sure the
14 needs of our folks out in Indian Country are met. I'm
15 trying to make it as simple as possible. But I do
16 understand it's bureaucratic. I do understand it's
17 corporate. I do understand all those frustrations.
18 And if you concur with that, that it's bureaucratic,
19 it's corporate, I'll take that message home, and let
20 them know, once again, don't expect any improvements
21 if they're based off of money to quality of life on
22 Standing Rock. Is it corporate? Is it bureaucratic?

23 MR. MIKE SMITH: Let me just say something.

24 MR. JESSE TAKEN ALIVE: No, can I -- I'd
25 like an answer to that question, --

1 MR. MIKE SMITH: Can I answer your --

2 MR. JESSE TAKEN ALIVE: -- just a simple yes
3 or no.

4 MR. MIKE SMITH: Can I answer your question?
5 Speaking for the BIA, if I can, nothing is going to be
6 done going forward without looking at the
7 recommendations of the tribes. Now, some things have
8 already been done. You saw that on the presentation.
9 Some changes were made already. But anything going
10 forward is probably going to take time. And I don't
11 know what document you're looking at that says
12 October 1st, 2012.

13 MR. JESSE TAKEN ALIVE: It's a letter.

14 MR. MIKE SMITH: You're probably getting
15 that mixed up with the streamlining. This has
16 nothing, or very little, to do at the moment with the
17 streamlining. It may have an impact down the road.
18 But most of these recommendations will take time. And
19 you're probably looking at another year or two before
20 the actual, you know, implementation of any
21 recommendations. But I heard Chairman Jandreaux
22 awhile ago say, the solutions are here. So why don't
23 the tribes take a look at this report and do kind of a
24 side-by-side analysis and come up with your
25 recommendations? And, you know, hopefully we can

1 incorporate that into whatever takes place next.

2 MR. JESSE TAKEN ALIVE: Let me ask my
3 question again.

4 MR. MIKE SMITH: So yes, the answer is yes.
5 The recommendations of the tribes are definitely going
6 to be --

7 MR. JESSE TAKEN ALIVE: Okay.

8 MR. MIKE SMITH: -- taken into
9 consideration.

10 MR. JESSE TAKEN ALIVE: And my question was:
11 Is it bureaucratic and corporate?

12 MR. MIKE SMITH: I don't know that it's
13 either. I think, you know, it doesn't matter which
14 way we go. We're going to listen to the tribes
15 definitely.

16 MR. JESSE TAKEN ALIVE: And they will be
17 incorporated --

18 MR. MIKE SMITH: Yes.

19 MR. JESSE TAKEN ALIVE: -- into the
20 bureaucratic system.

21 MR. MIKE SMITH: To the extent that we can,
22 you know, make that happen. Some of this stuff is
23 going to cost money.

24 MR. JESSE TAKEN ALIVE: Now, what if the
25 tribes come back and say, we want -- we are requesting

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1 \$650,000.00 of our tribal money to review this and put
2 out a time frame? How will that -- how will that --

3 MR. MIKE SMITH: I think that --

4 MR. JESSE TAKEN ALIVE: -- be accepted?

5 MR. MIKE SMITH. -- if you sent that
6 proposal in, we'd take a look at it. And, you know,
7 if that was something we could do, we'd definitely do
8 it.

9 MR. JESSE TAKEN ALIVE: So it's not a
10 yes-or-no question today.

11 MR. MIKE SMITH: I'd say, send in a
12 proposal.

13 MR. JESSE TAKEN ALIVE: Okay. See, this is
14 the -- this is the course that we've been on for
15 decades. Send us -- send it to us. Send it to us.
16 Send it to us. We'll look at it. And that's all that
17 happens. There's no action. We'll look. We'll look.
18 We'll talk. We'll look. We'll talk. And that's
19 frustrating. And I don't expect a response from you
20 on that. You don't have to defend that. We know it's
21 a bureaucracy. We know it's a corporate issue. But
22 it's just look and talk, look and talk right now. I'm
23 just waiting for an affirmative, simple yes or no.
24 And we're not going to get that today.

25 MR. MIKE SMITH: Yeah, the problem is we

1 can't guarantee it, but we will definitely take the
2 tribes' recommendations into consideration. And
3 almost everything that I've done in the last few years
4 has been tribally driven. We listen to the tribes.
5 We don't just operate in a vacuum. I mean, we have
6 tribal leaders at every level, Superintendents,
7 Regional Directors, all the way up.

8 MR. JESSE TAKEN ALIVE: And I will
9 definitely look for that, sir. I will definitely look
10 for that when I look for quality-of-life changes that
11 require money. I'll look for that. Thank you.

12 MR. MIKE SMITH: Thank you.

13 MS. GILA BRONNER: Thank you.

14 MR. DION KILLSBACK: Thanks, Gila, for your
15 presentation. And right now what I'd like to do is
16 I'd like to turn the floor over to Bryan Rice who is
17 going to get into the BIA streamlining plan, which we
18 mentioned a little bit earlier this morning.

19 MR. GERALD BIG CROW: Before you do that,
20 sir, if you look at the CD, it says Final Report on
21 it. So what the gentleman was asking is a good
22 question.

23 MR. DION KILLSBACK: I'm sorry, sir. I
24 can't hear you. There's a mike up here if you want to
25 come and --

1 MR. KEVIN YELLOWBIRD STEEL: What he's
2 talking about is the question that I --

3 MS. GILA BRONNER: It should say --

4 MR. KEVIN YELLOWBIRD STEEL: -- posed
5 earlier.

6 MS. GILA BRONNER: -- final draft.

7 MR. KEVIN YELLOWBIRD STEEL: On the CD it
8 says Final Report.

9 MS. GILA BRONNER: It should say final
10 draft.

11 MR. DION KILLSBACK: It should say --

12 MS. GILA BRONNER: It should say final
13 draft.

14 MR. DION KILLSBACK: It should say final
15 draft.

16 MR. KEVIN YELLOWBIRD STEEL: It does say
17 Final Report.

18 MS. GILA BRONNER: It should say final
19 draft.

20 MR. GERALD BIG CROW: My name is Gerald Big
21 Crow. I'm President of Pine Ridge School Board. I've
22 got 45 years on the school boards, and I served 11
23 years on our tribal government here with most of the
24 gentlemen around this table. And this says Final
25 Report. And so you guys pay the lady here a lump sum

1 of money to make a report and saying it's final, when
2 all of you people here are from the tribes, other
3 tribes in the country. And what the gentleman said
4 over here is, when you get a federal title behind your
5 name, you turn a different color to us. You ought to
6 create the policies directly to the tribes here and
7 eliminate Albuquerque. And that will take care of our
8 problem here. But you need to straighten out these
9 policies directly to the tribes, because that's who
10 you work for, the tribes of the United States here.
11 And that's Article Six in the Constitution. If you
12 guys don't want to work, maybe you need to resign
13 today. Thank you.

14 MR. DION KILLSBACK: Thank you. The CD
15 should be final draft report. So obviously informed
16 of that.

17 So Bryan Rice right now is going to be -- we
18 got about 25 minutes. Let's take a five-minute break
19 while Bryan gets ready here with his PowerPoint
20 presentation, and we'll come back. We'll try to meet
21 in here at ten after, and then we'll go until 12:30,
22 and then we'll take a lunch break until then. So
23 about ten after let's reconvene here.

24 (Recessed at 12:05 p.m.)

25 * * *

1 (Reconvened at 12:06 p.m.)

2 MR. DION KILLSBACK: Why don't we take a
3 lunch break. Why don't we reconvene here in one hour.

4 UNIDENTIFIED FEMALE VOICE: Good idea.

5 MR. DION KILLSBACK: That's better for us,
6 and I think everybody else too. So we won't reconvene
7 in five minutes. We will reconvene in about an hour.
8 And so we will see you all back here in one hour.
9 Tribal leaders, if you want to leave your stuff here,
10 that's fine. The room will be locked. So we'll see
11 you guys in about an hour.

12 (Recessed at 12:06 p.m.)

13 * * *

14 (Reconvened at 1:30 p.m.)

15 MR. DION KILLSBACK: Good afternoon. It's
16 been a few minutes. And we're going to go ahead and
17 get started here. I know some tribal leaders haven't
18 come back from lunch yet. So it's been about an hour
19 and a half, about 90 minutes since we broke. So if
20 tribal leaders are out in the hall, please come in,
21 and anybody else in the audience, I'm going to have
22 you find your seats now. We're going to continue with
23 our second session here, this afternoon session.

24 Well, again, my name is Dion Killsback. And
25 I am Counselor to the Assistant Secretary of Indian

1 Affairs. And this morning we discussed the
2 Administrative Assessment for the Bureau of Indian
3 Affairs, and Bureau of Indian Education. And right
4 now what we would like to get into is the BIA
5 Streamlining Plan. The BIA Streamlining Plan is going
6 to be handled by our Deputy Director in Central Office
7 for Trust Services. And that's going to be Bryan
8 Rice. So I'll turn over the floor to Bryan Rice right
9 now.

10 We're going to ask if people in the
11 audience, if you're having conversations, could you
12 use your whispering voice, or if it's -- if it's going
13 to be a conversation that we need to have, if you can
14 step outside. We want to make sure that our court
15 reporter here hears and listens and correctly records
16 the contents of this session. So no disrespect to the
17 folks in the audience. I understand that you may be
18 here on business and may need to talk on other things.
19 So if you could step outside if you need to have
20 conversation.

21 So right now, I'm going to turn the floor
22 over to Bryan Rice. And Bryan Rice will be talking on
23 the BIA Streamlining Plan. So Bryan.

24 MR. BRYAN RICE: Thanks, Dion.

25 MR. MIKE SMITH: Good afternoon. My name is

1 Mike Smith, for any of you that missed that earlier
2 today. I'm the Deputy Director for the Bureau of
3 Indian Affairs for Field Operations. And just to get
4 started, before we go into the PowerPoint presentation
5 on BIA Streamlining, and this is mostly aimed at the
6 tribal leaders, but also anybody in the room. But I
7 wanted to make sure that we got off on the right, at
8 least from our perspective, the right theme. And even
9 though we understand and we respect the consensus of
10 the tribes that this is not consultation, I will cite
11 a portion of the consultation policy so that we just
12 remind each other of how we get together.

13 There's a very small portion of this that I
14 want to read. And this came out under the Secretary's
15 Order, Secretary's Order on December 1st, 2011. It's
16 not that old. It's several months now, I guess, going
17 into the fifth month or so. And this is really our
18 first example of how we use the kind of consultation
19 that we're prepared to use going forward. And it's
20 Department-wide. It's not just the Bureau of Indian
21 Affairs. This was driven by the tribes. This policy
22 had a committee that put it together. Some of you in
23 the room were on that committee, I believe. And we
24 had, I believe all together, 24 tribal representatives
25 on a committee that dealt with this policy, a draft

1 and otherwise. And we even had a couple of meetings
2 here in the Great Plains Region.

3 The total consultation policy initiative is
4 the way we discussed things with tribes at every level
5 of the Department of the Interior. So we had
6 representatives from all nine bureaus, and we had
7 leadership representation from the Assistant Secretary
8 for Indian Affairs. I participated on that committee.
9 And as I said, it was tribally driven. We had at
10 least 24 representatives. We had some alternates as
11 well.

12 The portion that I want to quickly remind
13 people of is in the Policy at Section 4, and it's in
14 Part B.

15 Consultation is a process that aims to
16 create effective collaboration in Indian Tribes and
17 to inform Federal decision-makers. Consultation is
18 built upon government-to-government exchange of
19 information and promotes enhanced communication that
20 emphasizes trust, respect, and respon- -- and shared
21 responsibility. Communication will be open and
22 transparent without compromising the rights of Indian
23 Tribes or the government-to-government consultation
24 process.

25 And I think some of these same words were

1 used by the tribal leaders earlier today. So we
2 respect what you have to say to us. We are here to
3 listen. Once again, I'd like to emphasize that. And
4 there is no plan without your input. So we'll go
5 ahead and get started with our PowerPoint presentation
6 on BIA Streamlining. And the consultation policy, if
7 you haven't seen it before, is on the BIA Internet.
8 If you go on the Internet for BIA, you can find the
9 consultation policy, which again is Department-wide.
10 All of the bureaus are bound by the same policy when
11 it comes to dealing with Indian Tribes and Indian
12 people. Thank you.

13 Bryan Rice is going to lead us through the
14 PowerPoint.

15 MR. BRYAN RICE: Thanks, Mike. All right.
16 So this one works. Just move it up here a little
17 closer. So my name is Bryan Rice. Introductions were
18 earlier. I'll give you a little more information now.
19 So I'm Deputy Bureau Director for the Office of Trust
20 Services back in the DC office. I've been in
21 Washington now for, not that I'm counting, but August
22 will be three years. And before that, I spent about
23 six or seven years up in Alaska. And before that I
24 was in Yakama, Washington working at the Yakama
25 Agency.

1 So I've been around the country. I've
2 worked in a range of positions, predominantly
3 forestry, wildlife and fire, then to resource
4 management dealing with Native allotments as well as
5 the trust resource on the ground. So been in DC, been
6 in this position now since late last year. And I'm
7 part of the team that's working on the streamlining
8 initiative that we put together the document and the
9 package.

10 You know, this should be out front. I'm
11 sure everybody has it. It's the -- you'll see it.
12 It's the two slides, maroon in color. Says BIA
13 Streamlining on the top. Included with that will be
14 about ten pages, paper pages, of PowerPoint slides,
15 accompanied with roughly an eight-page narrative at
16 the back of that, followed by another eight pages of
17 maps, duty stations that are at the end of the
18 package.

19 And so those -- the one thing I'll caveat
20 here in the very beginning: So those maps you'll see
21 in the very end, that was just taken. That was tiled
22 pages from just a large map that was just across the
23 country. So you will note that Alaska is not in the
24 southeastern United States, just in case anyone was
25 wondering.

1 So as we can see, we put the schedule
2 together that we were attempting to follow. And we're
3 on Indian time here, so we're doing good. I think
4 we're all right. So everybody's lunched up, and we
5 can start talking about the business we need to. So
6 glad everybody is back. Most everyone is here.
7 Others are coming. And if they -- as they slowly
8 filter in, you know, I look forward to engaging in
9 conversation.

10 So the intent of what we're doing here, I'll
11 dive through this. You know, I'll spend a little bit
12 of time on the slides and just dive right into the
13 meat of it because we've already -- we've covered a
14 lot of this this morning. Everybody is here. We're
15 conversing. There's an open dialogue. We could
16 probably scratch that fourth bullet off of there.
17 We'll just throw that one out the window. You can
18 laugh now. That's fine.

19 All right, thank you.

20 When we're talking about the streamlining
21 initiative, there's -- it's coming straight out of the
22 President's proposed budget. There's a line item that
23 talks about streamlining. And some of the elements
24 that we have discussed -- I should give sort of an
25 overview of what we're talking about here. You know,

1 Mike has alluded to -- there's no plan. There's no --
2 you know, there's nothing in front of you. There's
3 not a proposal, per se, in front of you to act upon,
4 but rather, a linear approach of ideas and different
5 categories that we -- we need help with. We need
6 discussions to be successful for any of this to
7 happen, tribal leadership working together, us working
8 together with tribal leadership. The Bureau working
9 with tribal leadership will -- will get us to a point,
10 will get all of us -- when I say us, it's we
11 collective here.

12 So one of the -- some of the things we're
13 talking about, we're looking at realigning programs,
14 looking at different ways to streamline programs that
15 are already in place. And these are all -- you know,
16 these are all typical topics that everybody -- you
17 know, we've heard it. I'm sure many of the people
18 sitting around the table have heard many more terms
19 than I have: realign, streamline, reorganize. You
20 know, I mean, we're talking about how we're aligned,
21 how we're deployed, what we're trying to -- what we're
22 trying to get at.

23 I want to add a little notion about -- give
24 a historical context. And I look forward to hear some
25 of the other comments on this. But, you know, from my

1 perspective and from some of the folks on the team who
2 have come up through the ranks of some of these
3 different programs, when you look at what's happened
4 historically in terms of anything that resembles
5 what's going on now, the '96 reorganization, there was
6 something else in 2004. And whether there was a plan
7 or no plan at any of those points, it seems that now
8 we have an unparalleled opportunity to really get out
9 in front of what is coming and have this discussion
10 now. Even though we're on a condensed time frame,
11 there's a lot of -- there's a lot of -- we're required
12 to work pretty quickly on the 2012 streamlining
13 initiative. And so, I mean, that's a little
14 different. But in terms of these other ones, there
15 was less comment, less engagement, less interaction.
16 So we're looking to change that. We're looking to --
17 you know, what we're doing right now is the first
18 start in having that discussion, and say, Here's these
19 ideas. We want to talk about them. We need the
20 input. We want to be able to engage. If it's hearing
21 the actual, you know, tribal proposal that is the
22 solution, that is where we need to go.

23 The streamlining initiative, you know, it
24 was born out of the '13 -- President's fiscal year
25 2013 proposed budget. Within the org chart of the

1 Bureau, to give it just a visual here to get some
2 context, as far as, you know, the Director of the
3 Bureau of Indian Affairs is the third box down. And
4 then the columns that you see there, those are the
5 directorates that are under Director Black. So
6 Mr. Smith to my left is the -- I guess it would be
7 one, two, three to the right; and then Trust Services
8 is on the far right. So those are -- those are the
9 areas right there.

10 MR. DION KILLSBACK: Bryan.

11 MR. BRYAN RICE: Yes.

12 MR. DION KILLSBACK: I think we have a
13 question here or a comment.

14 MR. BRYAN RICE: Sure.

15 MR. DION KILLSBACK: I see an individual
16 raising her hand.

17 MS. BIRD FORD: Hi. I'm Bird Ford. I
18 helped launch the tribal response to the streamlining
19 plan. My question is --

20 MR. DION KILLSBACK: I'm sorry. Could you
21 check your mike?

22 MR. BRYAN RICE: You might have to press and
23 hold that down.

24 MS. BIRD FORD: Hello. All right. I'm Bird
25 Ford. And my question is: I see that you have your

1 org chart up here, and this is how it is now. But in
2 the old days, or that was only about five years ago,
3 there was what we called the Mason-Dixon Line. Above
4 it was Asia. That did not have Indian preference.
5 And then below were all the Indians. And, you know,
6 we felt that was a form of discrimination in the
7 Bureau of Indian Affairs. So are you saying that now
8 this BIA organization chart that you have, does it all
9 have Indian preference, or are there exclusions
10 like -- like there were before?

11 MR. BRYAN RICE: You know, we touched on
12 this topic a little earlier. And if anybody wants to
13 jump in here and correct me, please do so. But the
14 way I've understood it and the way that I've seen
15 positions be filled in the recent time that I've been
16 in D.C., there has been Indian preference applied to
17 them. That's not -- and I'm not discounting what has
18 happened previous to that, which I'm sure is where
19 your concerns are.

20 MS. BIRD FORD: But is it a policy or a
21 position-by-position just deciding that this one is
22 going to have Indian preference and the next one not?
23 Because what we heard in the IT Group, before they
24 were moved last week, that the new Chief of Staff
25 says, Well, I'm going to become a Cherokee in a couple

1 of weeks. And I have my papers in. And so that's why
2 I got picked. Now, that doesn't sound right to me,
3 and I have a lot of human resources experience.

4 MR. BRYAN RICE: So are you talking about
5 the Chief of Staff for the --

6 MS. BIRD FORD: IT staff.

7 MR. BRYAN RICE: The way I understand it,
8 and this is evolving on a fairly rapid scale --

9 MS. BIRD FORD: But it shouldn't be. It
10 should be set in stone, and it should be following
11 laws and regulations. It should not be evolving.

12 MR. BRYAN RICE: Specific to the IT
13 component, positions are being looked at from the
14 departmental level, which is where this discussion of
15 Indian preference enters the picture. And when I've
16 been involved in this, when other colleagues have been
17 involved in this and we brought the issue forward to
18 the leadership at the departmental level, it has
19 stopped everyone in their tracks, and said, Wait a
20 second. We didn't think about this. You know, now we
21 have to address it. So is it a policy decision or a
22 policy, you know, point as you're asking? You know,
23 from the Bureau of Indian Affairs --

24 MS. BIRD FORD: The real question is: Does
25 the Bureau of Indian Affairs follow the law or not?

1 MR. BRYAN RICE: Sure.

2 MS. BIRD FORD: That's the question.

3 MR. BRYAN RICE: That's a yes.

4 MS. BIRD FORD: If it's Federal law, if you
5 provide services to Indians, that you have Indian
6 preference.

7 MR. BRYAN RICE: Correct.

8 MS. BIRD FORD: And I understand the fix in
9 the -- in Asia was if your position provided services
10 51 percent to an Indian, that you don't have to
11 have -- or that you do have Indian preference;
12 otherwise, you don't. And so, therefore, in their
13 strategic plans, they say our customers and
14 stakeholders are the Department of Interior, not
15 Indian Tribes. Therefore, we don't have to have
16 Indian preference.

17 MR. BRYAN RICE: That doesn't sound correct.

18 MS. BIRD FORD: It is correct.

19 MR. BRYAN RICE: No. I mean, like even
20 though the correct -- say it again. It sounds wrong
21 to me.

22 MR. MIKE SMITH: You're saying this is
23 something you've been told or you're --

24 MS. BIRD FORD: It is in the Strategic
25 Plan for IT.

1 MR. MIKE SMITH: -- concerned? Okay. I
2 guess we need to do further research then because our
3 understanding is throughout the organization, Indian
4 Affairs, Indian preference is being applied. But if
5 that's not true, we need to get you a better answer.
6 Okay?

7 MS. BIRD FORD: And until IT formally moves
8 every position, it should be applied. And they just
9 hired a lady into another position that says in a few
10 weeks, I will get you my Indian papers. And I happen
11 to be half Cherokee and half Fort Berthold. And I
12 have a niece and nephew that have been trying to get
13 on the Cherokee roles for over three years, and
14 they're eligible. So they have so many tribal
15 members, they're really aligned. So I don't think it
16 will be three weeks before she gets her Indian papers.

17 MR. MIKE SMITH: Okay. We definitely need
18 to drill down into that issue. And we will.

19 MR. BRYAN RICE: Looking at the Bureau as a
20 whole, I'm trying to add a little context. I don't
21 want to assume that everybody knows all of the facts
22 and figures. So I'll throw -- I'll put this up here
23 for discussion-sake. The population -- or the
24 employee staffing level at the Bureau of Indian
25 Affairs is roughly 5,000 employees. That doesn't

1 include the Bureau of Indian Education. That doesn't
2 include the staff that are in Asia, the Assistant
3 Secretary's level. So the Bronner assessment that we
4 talked about earlier this morning, those positions are
5 not part of this.

6 Twelve regional offices, there's 85 agency
7 offices. In total, across the Bureau of Indian
8 Affairs -- well, actually, in total across all of
9 Indian Affairs, there's 185 duty stations. And why we
10 show the entirety of the duty stations is, there are
11 some places where there's law enforcement and DAS-M
12 folks. There's such a mix or a varied set or
13 complement of staffing at these duty stations, we
14 wanted to show where it was at.

15 And then the other thing -- I just picked
16 this up. I was -- you know, we've had this map for
17 awhile and we've used it in presentations. And I was
18 looking at it last night again. And I was thinking, I
19 said, you know, Juneau almost looks like it's down on
20 the Olympic Peninsula and if you look at some of
21 the -- so it's a little off. But, you know,
22 everybody gets the idea of where we're at here.

23 The streamlining initiative itself, there's
24 the verbiage that comes right out of the Green Book,
25 the budget, the proposed President's budget. So

1 within the Greenbook, it IDs or breaks out the
2 different levels for the different parts of Indian
3 Affairs; so BIA, BIE, as well as the Assistant
4 Secretary's Office.

5 Okay. Thought I saw a hand up. And in the
6 back, if you can't hear me -- I think you can. But if
7 you can't, you know, hold your hand up.

8 When we're looking at the streamlining
9 initiative, basically -- let me go back here. This is
10 probably the paramount or, you know, the key -- the
11 key point in all this. You know, this is starting
12 October 1, 2012. So if all the stars align, and we
13 have a House and a Senate that agree, and we end up
14 with a budget on October 1, I'll let everyone here be
15 the judge if that happens or not. But if it were to
16 come to be, these are the target numbers that we have
17 to find before -- before the end of this fiscal year.
18 So there's -- that's why there's a fairly rapid time
19 line associated with this.

20 And so the Greenbook just came out here, you
21 know, the beginning of February, this year, right?
22 Here we are, May. Notices for -- if you work back
23 from where we are right now, beginning of May, it was
24 the middle of March, I think March 6 is when I heard
25 the date on the Dear Tribal Leader Letter went out.

1 So, I mean, a lot of things have been happening. As
2 much as in parallel as we can, ideally, if we wanted
3 to run through this and do it well, we'd need more
4 time. But we're having to do a lot of things
5 together. So that's why there's the expedited time
6 frame to go with it.

7 So some ideas or topics when we're -- these
8 are the areas that we're looking for discussion. And
9 I know we're going to get it here. I expect it. You
10 know, we want to take a linear approach. We have --
11 we have roughly 5,000 staff members. You'll see in
12 some upcoming slides, there's some data in terms of
13 what we have, what the demographics of our staffing
14 population looks like, when retirement eligibilities
15 are, where they are, how -- you know, how does that
16 play out? How does that affect the programs that are
17 being managed? How does that affect supporting
18 compacts, 638 contracts? How does that affect those
19 programs?

20 So in looking at -- I'll come back to this
21 slide here in a second. I want to jump ahead to a
22 couple of statistics. So when you look at the Bureau,
23 and you say, well, out of that 5,000 folks -- I put a
24 caveat in here. There's a third bullet down where we
25 didn't include law enforcement. And law enforcement

1 has their own organizational structure. They have
2 their own retirement system. There's been a lot of
3 effort to grow, support, develop the Justice Services
4 component. So when we looked at the Bureau of Indian
5 Affairs and how it can address the streamline
6 initiative, we left Justice Services staff out of it.
7 So that's why if you're looking at the totals, you'll
8 see the numbers might be just a little bit off because
9 there are several-hundred employees that are in the
10 Office of Justice Services.

11 So as a total, if you look at, we have 2012
12 through 2017. So that's basically who's eligible this
13 year to retire, who's eligible within the next five
14 years. So keeping that in mind and saying, okay, this
15 is what our staff looks like, that's roughly a third,
16 right around 30 percent of the Bureau of Indian
17 Affairs. It's a huge proportion of our population.
18 So when we looked at that, we -- I'm going back a
19 slide now. We thought, what's the linear approach
20 that you can take in this where we have the least
21 impact to the programs, the least impact to just the
22 overall situation and still meet the duties of what we
23 have to do? So we started saying, okay, we have all
24 these staff that are eligible. One of the things that
25 can happen is we can look at some of the incentive

1 programs that are available through the Office of
2 Personnel Management. And that's the high-level
3 office personnel management, not within the Department
4 of the Interior. So there's commonly referred to:
5 early-out and buyout. You'll hear them as VERA/VSIP.
6 So if you just -- early-out, buyout, all that, you'll
7 be with it. So that's one area. We're looking at the
8 staffing levels.

9 Another level is looking at consolidation of
10 offices. So we're looking -- you heard Mike say in
11 the very beginning today, you know, everything is on
12 the table. So be prudent about this and really take a
13 hard look at what we're doing and how it can look, how
14 the Bureau can look, how these programs can look in
15 the future. We have to look at everything, how they
16 interact, how they exist. So looking at agencies,
17 Regional Offices, Central Office programs. And that's
18 within the Bureau. Again, that doesn't include the
19 administrative support program positions that we were
20 talking about earlier today. And then we have
21 another --

22 MS. CORA JONES: Before you move on from
23 that, you know, --

24 MR. BRYAN RICE: Sure.

25 MS. CORA JONES: -- I still need to go back

1 to when we were talking about, you know, the Asia
2 office. You know, we firmly believe that Asia is a
3 fictitious entity that was created just strictly to
4 avoid Indian preference. And so I want to reinforce
5 what Bird said. You know, and we really do believe
6 that it is a fictitious entity, and that, you know,
7 here again, it's being expanded in that office to
8 avoid Indian preference. And so, you know, it's
9 expanded to include Budget, Property, Personnel. And
10 on top of that, Facilities, Construction, Gaming,
11 Economic Development, Homeland Security, everything.
12 You know, no other office of assistant secretary have
13 those authorities in their offices. Those are
14 delegated down to the bureaus. And so, you know,
15 we're just starting off from a very bad position for
16 you to convince us that this whole streamlining is a
17 good proposition.

18 MR. BRYAN RICE: It's a challenge for all of
19 us here, and one of the -- one of the frustrations --

20 MS. CORA JONES: All we need to do is be
21 legal.

22 MR. BRYAN RICE: That part's true.

23 (Applause.)

24 MR. BRYAN RICE: I'm not -- I'm not -- I
25 don't want to debate that point because I'm with you.

1 You know, we have to do what's right here. We have to
2 do what's legal. To me, that's doing what's right.
3 The other part of it though is we have this line item,
4 this \$14.5 million dollars. And that's -- that's a
5 hard and fast reality. And I'm -- I, the team, Mike
6 Smith, Director Black, everyone is looking at this and
7 saying, How do we do this with minimal impact to the
8 programs?

9 MS. CORA JONES: Move those programs back
10 under Mike Smith.

11 MR. BRYAN RICE: And I think what we've
12 started to hear this morning, the discussion sort of
13 crossed over a little bit, looking at those positions,
14 those DAS-M positions, whether it's acquisitions,
15 whether it's budget --

16 MS. CORA JONES: Those are the ones we
17 believe are a fictitious entity.

18 MR. BRYAN RICE: Right. And Bruce will
19 correct me if I'm wrong here, but the way that this,
20 the Bronner assessment, or the Bronner study was set
21 out, is to move those line queries (phonetic) back to
22 the field.

23 MS. CORA JONES: They have to be. You know,
24 how a Regional Director runs their region right now is
25 beyond me. If you don't have control of your budget,

1 your finances, your contracts, you know, it adds layer
2 upon layer. And, you know, you add in additional
3 Assistant Regional Directors. You know, what in the
4 heck do they do? You know, the authorities have gone
5 away.

6 MR. BRYAN RICE: Yeah. So that's -- what
7 was the question earlier? Yes, and I agree. Right.
8 Is that how I have to answer this?

9 MR. JESSE TAKEN ALIVE: And you agreed --
10 we're asking --

11 MR. DION KILLSBACK: I'm sorry. Couldn't
12 hear you. The mike. There you go.

13 MR. JESSE TAKEN ALIVE: You're saying yes,
14 and I agree. Okay. And as I said this morning
15 throughout, when are we going to see the action?
16 Ms. Jones is making some suggestions. This morning
17 the concerns that were put on the table probably won't
18 be implemented. In fact, in our view, history will
19 show they won't be implemented because they're coming
20 from the tribes. And it doesn't even touch, how is
21 this going to improve the quality of life for American
22 Indians on the reservation? All this is doing is it's
23 saving jobs. It's providing enough budget to save for
24 retirement, whatever. That's all this is doing. It's
25 not saying, because of the budget decreases, we're

1 doing this at headquarters. And, by the way, any
2 savings will come out to Indian Country. It doesn't
3 say that. I mean, we're not hearing that. So instead
4 of, you know, saying, yes, I will, we want to see some
5 action. When are the tribal solutions going to be put
6 on the table? If you could answer that, you know, at
7 least in a time frame. Maybe in the year two-thou- --
8 I'm being factitious.

9 But I was talking to a colleague of mine.
10 He said ten years ago he came to a meeting; similar
11 issues, same thing, different faces, same thing. When
12 are we going to hear that, yes, we will implement
13 tribal -- tribal solutions? That's what we want to
14 here: action, action, action.

15 MR. BRYAN RICE: I can try to answer part of
16 that as best I can. And one of the -- and I don't
17 want to go back to the morning session too much
18 because that -- you know, that was really -- that was
19 really focused. We have three distinct, even four
20 distinct -- if you want to break it down that way.
21 There's the DAS-M position, which is really what the
22 Bronner study looked at. So that's the, if you want
23 to call it the fictitious entity. And then there's
24 the streamlining piece for BIA and BIE.

25 But if you go back to the Bronner study from

1 this morning, if you look in the document, there's
2 23, 26 recommendations that come out of that report.
3 And the intent and the discussion, when we get
4 there -- but within the next 12 months, those
5 recommendations, whether they're agreed upon, whether
6 they're changed, whether they're modified through
7 tribal comment, through interaction, through
8 engagement like this, that was the intent for all of
9 those recommendations or part of those
10 recommendations. Or if you harbor any of them, that
11 was the intent of the implementation of that. So I
12 think -- I know it doesn't completely answer the
13 question, but that was -- that was the spirit of what
14 to do with those recommendations.

15 MR. JESSE TAKEN ALIVE: And someplace -- you
16 know, we've got a -- Jesse Taken Alive from Standing
17 Rock. We've got a court reporter here taking down all
18 these words. And, I guess, would you agree with this
19 statement, okay, that we are facing budget cuts? You
20 agree with that.

21 MR. BRYAN RICE: Yeah.

22 MR. JESSE TAKEN ALIVE: Absolutely. Okay.
23 And here's how we're going to deal with the budget
24 cuts. We are going to save jobs at headquarters, and
25 we're going to call it streamlining. Is that

1 something you can agree to?

2 MR. BRYAN RICE: I don't -- I don't agree
3 with that.

4 MR. JESSE TAKEN ALIVE: Okay. So
5 then -- so then what about this statement: We are
6 facing budget cuts. So our streamlining process,
7 which part of it costs 600-and-some-thousand dollars,
8 we're going to look at trying to place resources out
9 to Indian Country. Is that -- can you agree with
10 that?

11 MR. BRYAN RICE: Yes. You're leading me
12 down a path here. I'm trying to figure out where
13 we're going.

14 MR. JESSE TAKEN ALIVE: No. We're walking
15 side by side as partners.

16 MR. BRYAN RICE: I hope so.

17 MR. JESSE TAKEN ALIVE: And this is --
18 here's where the disconnect comes, and this is what's
19 so disrespectful about it. I'm not saying this to any
20 of you gentlemen or anybody there. Consultation
21 means, I've talked to the Indians, Mr. Congressman,
22 Mr. Senator. And golly, we tried to do our best with
23 them. But the Aberdeen area is -- oh, they're hard to
24 work with, those Lakota, Dahota, Dahkota. So here's
25 our plan anyway. And we can't deviate from it because

1 we've already spent \$650,000.00 on it, and we're
2 trying to save money. So what's the purpose of this?

3 Now, an example of why there's a lot of
4 mistrust: A gentleman by the name of Jim Kasen
5 (phonetic), quote, unquote, he said, more people --
6 more people speak Klingon than speak Navajo. Okay?
7 And he was asked, what is -- what is Klingon? It is a
8 fake Star Trek language made up for trekky --
9 trekkies.

10 So when we get information like this, can
11 you understand why there's a lot of mistrust for us,
12 from us?

13 MR. BRYAN RICE: Absolutely. Sure.

14 MR. JESSE TAKEN ALIVE: And what can we do
15 if gentlemen like Mr. Kasen (phonetic), or is he too
16 far up, as we've been hearing all morning, up, low
17 level, up, is he too far up? He's gone with his
18 retirement. He can get away with making racist
19 remarks like this and still get paid. He's still
20 there.

21 MR. JOHN YELLOWBIRD STEEL: He's walking
22 your halls with a contract.

23 MR. DION KILLSBACK: No.

24 MR. MIKE SMITH: He's actually gone --

25 MR. DION KILLSBACK: He's gone.

1 MR. MIKE SMITH: -- from the government.
2 I'm not sure where he's working now. But those are
3 racist comments, and we don't support those. And,
4 believe it or not, there have been some worse than
5 that. So we're glad that we're dealing with a
6 different group of people right now. But the question
7 that I think you wanted answered was whether or not we
8 support putting resources in Indian Country and, let's
9 say, specifically in Great Plains. I would say yes.
10 But we have to take a look at the whole picture. We
11 have to see where the need is, and there's lots of
12 need, and there's unmet need -- unmet need in every
13 region. So we have to take a look at that.

14 MR. JESSE TAKEN ALIVE: You see, one of the
15 reasons why we push for tribal solutions as tribal
16 governments, we don't have to follow -- there's no
17 mandate for us to say that we've got to follow the DOD
18 pay scale, Department of Defense pay scale.
19 Everybody's so far away, and I'll use Standing Rock as
20 an example. Out in D.C., all the silos, levels of
21 bureaucracy, whatever, you know, our people are
22 saying, you know, people get paid to be bureaucrats.
23 In the meantime, the quality of life on reservations
24 suffers. That's the message. So we are looking for
25 an affirmative response that says, tribal solutions

1 are part of why we're out here. We're just not going
2 to take our message out there and do the fiduciary
3 thing and say, Golly, those Indians are radical.

4 You know, we do have solutions. You know,
5 people are dying because of quality-of-life issues out
6 there. I've been saying that all morning. And I'm
7 looking at this in all due respect. And it's another
8 episode of how can we save our jobs in D.C.? What can
9 we do if people like Kasem (phonetic) -- you know,
10 maybe the Indians won't find out if we get rid of him,
11 et cetera, et cetera. This is why the mistrust, not
12 trust. And incidentally, trust is not a treaty issue
13 for us in Indian Country. Trust is the United States
14 Government's way of answering issues.

15 In fact, we understand that the Snyder Act
16 is now being discussed. I don't know if it's by your
17 entity, but it's being discussed to take a look at
18 modifying it.

19 But I don't mean to get too far off track.
20 But as a tribal member, we really get headaches, I do,
21 from listening to all of this. And I think back about
22 how the little children are suffering back home,
23 elders are suffering back home. And we've got the
24 solution. We don't have the resources. And the
25 resources are being put into streamlining like this.

1 Give us the resources. We know what to do. Say time
2 and time and time again. If I was younger, I'd
3 probably tattoo that on my forehead. You know, but it
4 just -- I don't know how else we can press upon you.
5 And we're waiting for some kind of answer, yes, we'll
6 wholeheartedly implement them, and allow us to show
7 you how. Because we know how.

8 So again, sorry for taking so much time.
9 But it's really frustrating, my relatives and friends,
10 to see this. And I know you get paid for it. But I
11 need to interject that. And more and more items you
12 need to cover. So thank you for listening.

13 MR. BRYAN RICE: I appreciate those
14 comments. And I appreciate them much more than just,
15 you know, thank you for your comments. I appreciate
16 them in the sense that your -- when I hear you say,
17 let's -- let's find a champion for tribal solutions
18 and how do we implement that, I'm there. I'm ready.
19 The challenge that I'm going to ask and send back to
20 you and to the other tribal leaders here is: What are
21 they? And that's what I'm trying to tease out through
22 this -- through this set of slides, through the
23 narrative that goes with it.

24 MR. JESSE TAKEN ALIVE: Well, why don't we
25 do this then? We all got this. We're all pretty good

1 readers. Why don't we stop talking about time frames
2 to present these solutions to you all. Let's do that
3 then. Let's talk about, if you present the solutions
4 to our issues by this time frame, we'll do another
5 follow-up discussion and see how we can implement
6 those with the dollars that you all have available to
7 you. Why can't we do that now then?

8 MR. BRYAN RICE: There's nothing that says
9 we can't do it. And I think that's where we're going.
10 We're -- we're sort of on the periphery of really
11 tying into this. This document, the narrative that
12 goes with it, the maps, the discussion, that's all
13 meant to be the first step. You know, we're working
14 off the new consultation policy. And for the Bureau,
15 this is the first, really the first go at it since
16 it's been in effect.

17 And when you go through it, I don't
18 remember, I think it's on the second page, there's
19 three bullets. And I'm sure there's probably multiple
20 copies floating around here with it. But, you know,
21 there's three elements to it. And the first piece
22 says: Let's discuss, let's talk about it, let's put
23 these topics on the table and start having a
24 discussion. Then from there comes proposal. After
25 the proposals, the final decision or implementation.

1 And when we had that historical slide up
2 there, basically that was showing, in the past, we
3 didn't have any steps. It was, here's the proposal;
4 take it or like it; you know, this is what we're
5 doing. And, you know, we have the next regional --
6 retired regional director here who can attest probably
7 to much more of this than, you know...

8 MS. CORA JONES: You know, a quick way to
9 save money -- and I understand by just kind of Kasem
10 (phonetic) going that way, is he on contract to the
11 Department of Interior and the BIA?

12 MR. MIKE SMITH: As far as I know, not the
13 BIA.

14 MS. CORA JONES: But with the Department of
15 Interior?

16 MR. MIKE SMITH: I don't know. I really
17 don't.

18 MR. BRUCE LOUDERMILK: Not with Indian
19 Affairs. Not with Indian Affairs.

20 MR. DION KILLSBACK: Not with Indian
21 Affairs.

22 MR. MIKE SMITH: Not with Indian Affairs.

23 MR. DION KILLSBACK: And, you know, we --

24 MS. CORA JONES: At one time he was the
25 Deputy for the Department of Interior. So my

1 suggestion would be: Implement that five-year rule
2 and make sure he has nothing to do with Interior.

3 MR. JOHN YELLOWBIRD STEEL: My name is
4 John Yellowbird Steel, Oglala Sioux. And I am the
5 Vice Chairman of the Great Plains Tribal Chairman's
6 Association. On behalf of the Great Plains, I would
7 like to submit to you, to counter your plan, our ideas
8 on your BIA. We'll probably give you a few days, and
9 we'll call you to tell you we're coming up. You can
10 consult with us on our plan. This is what you should
11 have done, sir. I'll give you these to go over. Give
12 us feedback on -- on our plan, what you should do with
13 the BIA. We're all jumping to Obama's tune when he
14 cuts the budget. But I'd like to submit these for the
15 record.

16 MR. BRYAN RICE: Okay.

17 MR. JESSE TAKEN ALIVE: And I will guarantee
18 you they didn't cost \$649,000.00. It's probably less.
19 And it's going to be something that's going to be
20 effective. I know I'm sounding somewhat facetious,
21 but it's frustrating to hear this. And I really do
22 appreciate your words, young man, about this is why
23 you're here, this is why you want to do this.

24 There's two things I would add, and maybe
25 you can continue on with this. One is in our language

1 when you said that, I'm ready to respond to you and
2 say, hoka hey, which is, let's do this then. And in a
3 white, non-Indian thinking, I would borrow words from
4 a Beatles' song. Probably don't know it. It's called
5 "Don't let me down."

6 So if you're ready to do that as partners,
7 I'm not dragging you down anyplace. You know, you
8 already know where to go. And with your Federal hat
9 on, let's walk down that together and let's do this.
10 I mean, it has to be done. It's got to be done now.
11 Too many times, too many decades, too many generations
12 we're listening to this verbiage. So, you know, in
13 all due respect, you know what I'm talking about. So
14 let's do this. Once you get done with yours, let's
15 sit down and give us a response and a time frame to
16 what my good friend has given to you from the Great
17 Plains Tribal Chairman's Association, our plan. Okay?
18 Thank you so much.

19 MR. BRYAN RICE: Thank you. And my valet
20 ticket for the Yellow Submarine is probably going to
21 pull up outside here in just a second, so...

22 Another comment?

23 MR. JESSE TAKEN ALIVE: Is it BIA purchased?

24 MR. BRYAN RICE: No, it's not.

25 (Laughing.)

1 MS. SHARON TWO BEARS: Thanks, Cora. I am
2 Sharon Two Bears. I'm from the Standing Rock Sioux
3 Tribe. And it's interesting here that, you know, you
4 guys are coming in probably three years too late with
5 this plan. And I would have rather have seen you
6 spend the \$650,000.00 on meeting with the tribes on
7 what they would like to see. Because you look at your
8 mission within the Bureau, you know, you're supposed
9 to be working with American Indians and Indian tribes.
10 And I've been around long enough to -- I went through
11 the re-org, the restructure. Now you're streamlining.
12 And each time it's happened, it, you know, causes more
13 confusion. And through all of those, I think the last
14 ones that you ever went to for any kind of comments
15 and your so-called consultation is, you know, the
16 tribes. And here you're at the last hour. And I hope
17 it's not that half hour that Jandreaux was talking
18 about. But, you know, you're here late again. And
19 I'm saying you're three years late because I think,
20 you know, Obama went into this administration
21 realizing that, you know, the deficit is so
22 outrageous, we've got to do something. So we knew
23 that budget cuts were going to come. Back in 2010 we
24 were already talking about it. So something should
25 have been done then.

1 And it's good to see now that, you know,
2 we've got Native Americans sitting at a lot of the
3 D.C. offices. But you -- but up there you need to be
4 advocates for the enrolled members of the tribe. We
5 sit here as elected members of the people. And we are
6 the first ones -- and I've said this once before at a
7 so-called consultation. They are -- we are the first
8 ones that they come to to address their needs and
9 their problems they're having with the Bureau, but we
10 are the last ones you listen to.

11 And you again -- and like I say, I've spent
12 almost 20 years within the Bureau. I know how all of
13 the red tape you've got to -- you've got to wrangle
14 through over the years when trying to work with them.
15 Now you're looking out again at a new financial
16 system. That caused chaos for schools. Because my
17 background was education, but I know one of the
18 systems caused chaos for the schools. But I don't
19 think -- I don't know if you put enough time in at the
20 local level to really see what kind of impact you can
21 have if you put the resources at the local level.

22 This last one that went through, I was
23 amazed at how many deputies were put in place. And
24 when I commented the last time, I said, what you're
25 doing is you're putting so many deputies in place that

1 all they do is pass the buck. Because we don't -- you
2 call in somewhere. And well, that's not -- that's not
3 within my field; you have to talk to a different
4 deputy. I mean, you look at the whole organizational
5 structure. And at that time when you were putting --
6 when BIA was putting all those deputies in place, the
7 agencies weren't even on the organizational chart.

8 So, you know, this has -- this has happened
9 too many times to the enrolled members of the tribes;
10 that somehow you need to become more advocates. I
11 hate to see when you mentioned, you know, eventually
12 this is going to cause a 30 percent, you know, cost
13 reduction. Are you going to sit there in Washington
14 and advocate, saying that, well, we cut our expenses
15 by 30 percent so we don't need any more money? When
16 we all know that we've been underfunded for years and
17 years and years.

18 It's almost -- I had the opportunity to work
19 with high school students. And I almost think that
20 this goes back 120 years where, you know, you come out
21 and you give us -- spend a day or two with us. And
22 the only thing that's missing nowadays is the gifts
23 that you bring with the wagons and buy us off. But
24 that shouldn't be in place anymore. This mentality
25 has got to change where -- you can see. You've come

1 from reservations where, you know, our education
2 systems have grown over the years. We've got more and
3 more professional Native Americans, where a lot of
4 these things can be handled at the agency level
5 because that's who we need to be working with.

6 And what I'm talking about -- I know, I
7 realize now, you see all of us sitting here. We all
8 have got -- we all have some kind of gadget in our
9 hand, and we're communicating with people. In this
10 day and age of technology, take a look at that. And
11 that's where a lot of this can take place. All of the
12 reports that need to be done, why not e-mail them?
13 Sure, we can do away with a lot -- a lot of positions.
14 But don't say that just because we cut this much in
15 funding -- in funding positions, don't take it away
16 from the program. Leave it so we can have it at the
17 agency level. Like my comrade here, Mr. Taken Alive,
18 is saying, we need those services at the agency level.

19 Over the years, agencies have been cut
20 to where we -- like we said, we have a skeleton crew
21 working at the agency level. No wonder we can't get
22 anything done because they no longer have any kind of
23 authority. And that's where all the authority should
24 be because they are working hand-in-hand with the
25 tribe in trying to help the enrolled members of our

1 tribes.

2 And for the record-keeping, this time when
3 you put my name in there, please put it as Two Bears,
4 not two beers. Thank you.

5 MS. PHYLLIS YOUNG: I'm going to jump
6 in here. My name is Phyllis Young, Standing Rock
7 Tribal Council.

8 (Native language.)

9 I have great respect for you young
10 Native people in government positions. Many of us
11 have been prior government employees. And I believe
12 that you as Native people have to give up much, much
13 more than any other ethnic group in government
14 positions. You literally have to give up your
15 identity and your connection with Indian Country or
16 else it's a conflict of interest because we have our
17 people in government there that cannot look upon us or
18 contact us or work. You know that in your positions.
19 So I have great respect for your strength and your
20 tenacity to be in the position that you are in. Thank
21 you for coming to Lakota Country, to come into our
22 sacred Black Hills. We still own them.

23 The treasury has a billion dollars that we
24 have not accepted. Historically, the position of the
25 government has been termination by appropriation.

1 Whether it's been by executive order or legislative
2 fiat. We understand what we're doing here today. And
3 I believe that until the BIA is changed to the SIA,
4 which is socially -- a social impact assessment that
5 creates a new methodology for Indian Country and that
6 dictates the funding cycle that is based on our
7 resources, that we can adequately support ourselves.
8 We would not need the government to subsidize us, to
9 give us money to take away, to downsize.

10 Other government agencies historically have
11 added the Indian problem to their budgets. For
12 example, the Bureau of Reclamation, we fought them
13 because they -- they had the Indian problem. And they
14 needed to expand their budgets. And we tamed their
15 employees. With the Army Corps of Engineers, the same
16 thing: They expand their budgets based on the Indian
17 problem. We understand our place in this country. We
18 understand that we are the last great resource and
19 that we have always been in the forefront to defend
20 our homelands. And we understand what is happening
21 here today is merely an exercise that you are dictated
22 to perform on behalf of President Obama. And he has
23 been a good -- a good President. But it is an
24 American system that has dominated by their capitalism
25 and have kept us in poverty as Native people.

1 So, you know, we have to go on record to
2 oppose the Administration's downsizing and termination
3 by appropriation.

4 So my recommendation, besides opposing all
5 of this process, is to create that new methodology in
6 Indian Country, based on social impact assessment for
7 every region, particularly this region. And why do we
8 have to be the poorest people in America when we own
9 the greatest resources here, the Missouri River that
10 creates the hydropower to light -- to light up
11 America, in Las Vegas, that creates the electricity?

12 You know, we had an Act of Congress that
13 passed our legislation in 1992. And it was under
14 President Bush, who was very anti-Indian. But we were
15 successful in getting that legislation because it was
16 based on our treaties. Article 11, Proviso 2 says
17 that any time there is a utility created on our lands,
18 that there has to be a presidential commission to
19 assess the damages and to pay. And that commission is
20 comprised of disinterested commissioners, including
21 one who will be the head man or chief of that tribe.

22 We exercised that treaty right in 1984. And
23 it culminated in an Act of Congress in 1992. It's
24 called the Joint Tribal Advisory Committee for Fort
25 Berthold and Standing Rock.

1 And so today we are embarking upon a request
2 or petition to President Obama because of the three
3 pipelines that are being built. And I apologize for
4 getting off the subject. But when you're talking
5 about appropriations and money to support our schools
6 and our people, we -- we need to share in the
7 resources that come off the profits of our own
8 property.

9 So that's my position. I'm fairly new.
10 I've only been on Tribal Council for -- for six
11 months. But many of you know me. I'm the most -- the
12 most radical Indian woman that ever roamed the Great
13 Plains. And I speak my mind, but my positions are the
14 same. We are a treaty tribe. Our appropriations
15 should come directly from the Congress, nation to
16 nation. Our appropriations should come directly to
17 the tribes, and that the BIA should not have to be the
18 paternal holdover back in the day.

19 You know, it's -- it's a hundred years
20 overdue. It's time that we stand up for ourselves as
21 tribes because, you know, the BIA -- if the tribe ever
22 goes into receivership, the BIA is not going to be
23 there to oversee us as they would be in receivership.
24 And for heaven's sake, the United States of America is
25 not in any position economically, financially or

1 otherwise to take receivership of the tribes in this
2 country.

3 So I just make my -- I have some further
4 comments on the schools that I hope I can make
5 tomorrow at a later time on the initiatives that are
6 unique to our people, and that we should not have
7 schools that -- that operate on planting season as the
8 European concept anymore; that we have our own
9 traditional ways and systems that are based on the --
10 the four sacred seasons, the solstice, and the respect
11 of Mother Earth. So I urge you to oppose this -- this
12 position of the Administration. Opila (phonetic).

13 MR. MIKE SMITH: I'd like to respond, if I
14 could, Phyllis. I didn't get your last name.

15 MS. PHYLLIS YOUNG: Young forever,
16 Y-O-U-N-G.

17 MR. MIKE SMITH: I appreciate the comments.
18 Very eloquent. I think you stated your mind. But I
19 want to understand, hopefully if I can, that you're
20 saying you oppose any streamlining; is that right?
21 Any reduction of dollars, that line item that says
22 streamlining, which is roughly \$20 million dollars,
23 you oppose that. But is that a consensus of the
24 tribes at this point?

25 MR. JESSE TAKEN ALIVE: If you would look at

1 that document that Mr. Steel gave you, --

2 MR. MIKE SMITH: Okay.

3 MR. JESSE TAKEN ALIVE: -- it may --

4 MR. MIKE SMITH: Okay. We will.

5 MR. JESSE TAKEN ALIVE: -- it may answer
6 your question.

7 MR. MIKE SMITH: Okay. Thank you very much.
8 And while I have a chance, since I have the mike here,
9 I do have an answer. For the Solicitor's Office, it's
10 just under a million dollars that we spend on what we
11 call RSAs. These are service agreements that we
12 provide for the Solicitor's Office, a variety of
13 attorneys for legal advice and so forth. But it's the
14 Solicitor's Office salaries. And most of them are not
15 a full salary. They're probably a half a salary, a
16 third of a salary. A couple of them, probably about
17 four or five of them, are a full salary. But it's
18 just under a million dollars.

19 MR. CURTIS POITRA: That's throughout the
20 whole BIA and BIE.

21 MR. MIKE SMITH: Indian Affairs.

22 MR. CURTIS POITRA: Indian Affairs.

23 MS. JOYCE COUNTRY: Good afternoon. My name
24 is Joyce Country, and I'm from the Sisseton-Wahpeton
25 Oyata, and I'm a Councilperson for the Long Hollow

1 District. I have a couple of questions. And the
2 first one is, is that this is May, the beginning of
3 May. And according to your plan here, October this is
4 going to take effect. So I have a couple of
5 questions. Number one is that: Why so late in the
6 game? And is this plan going to take effect whether
7 or not the tribes all agree to this or not?

8 I want to remind you that we are the first
9 Americans on this land. We're the first Americans.
10 And we should not have to beg for services and for
11 money that our people need. And I agree with the
12 Tribal Chairman, is that you should have asked us at
13 the beginning, because we know our people. We know
14 what our needs are. And we're all treaty tribes. And
15 under those treaties, there are certain things that
16 the government is supposed to be doing for our people,
17 that we have not held them to the fire. So I think
18 that, you know, this coming out late in the game here
19 to do this is terribly wrong, and it's terribly
20 disrespectful of you to come and to ask the tribes to
21 hurry up and write a report back to your office in
22 June. That to me is insane.

23 The other thing I just wanted to leave you
24 with is: A desk is a dangerous place from which to
25 watch the world. And you have to get out. You have

1 to get out and come to our -- where we live. We
2 shouldn't have to be running to where you live. You
3 should come because you're a servant of us. You're a
4 servant of us people. And like I said earlier, we are
5 the first Americans. And that's what we're going to
6 stand by. Thank you.

7 MR. BRYAN RICE: Did you want to add on --

8 MR. CURTIS POITRA: No. If you're going to
9 respond to that, I just -- I got a comment.

10 MR. BRYAN RICE: Yeah. Let me -- let me
11 make a couple comments here, respond to a couple
12 different topics.

13 Let me go back to Ms. Two Bears. So I want
14 to clarify just a couple things. So \$650,000.00: As
15 far as the BIA and what we've done for this document
16 and the work that we've put forward involved in
17 looking at the organization, the capabilities, the
18 program, this is how much we've spent (indicating),
19 zero, in terms of anything outside of personnel costs.
20 And so the team that's working on it is comprised of
21 several regional directors, several superintendents,
22 of which are from this region, and then line staff
23 throughout the country. So we have a group that's
24 involved in doing that.

25 So I just wanted to clarify that because I

1 know that, you know, there's -- we've talked about it
2 a couple times. There's the different pieces to this.
3 There's the Administrative Assessment Streamlining for
4 both BIA/BIE. So I just wanted to clarify that.

5 Then the other piece, the 30 percent: When
6 I was talking about if we looked at a potential, the
7 30 percent reduction, I was talking about staffing
8 numbers. It represents who's eligible to retire or
9 who's eligible to separate from Federal service. So I
10 was talking strictly about staffing numbers. So 30,
11 roughly 30 percent of the BIA population minus law
12 enforcement would fall into that 30 percent, just to
13 make sure.

14 And then the last piece talking about
15 timelines: I share the frustration. Don't hold me to
16 the date. I think it was Valentine's Day, wasn't it,
17 that the budget was presented or released? And so
18 that day is when we started working on it. On that
19 day is when the majority of us were privy to any of
20 that information. So if you look at --

21 MR. MIKE SMITH: It was actually seven days,
22 a week before.

23 MR. BRYAN RICE: A week before, okay. So
24 February 7th. So then the dear tribal leader came
25 out, Dear Tribal Leader Letter, and the notice on the

1 BIA website, all the -- all the different areas of --
2 or the lines of communication we have come out
3 March 6. And so now here we are in May. So we're
4 roughly -- it's been 30 days, 30 days. So what we put
5 together, what we looked at, took about a month. The
6 comment period for this we started, basically we have
7 six weeks for the comment period.

8 So, I mean, I realize, and I completely
9 empathize with the tight time frame. And we're
10 sharing it as well. So I just want to put that out.
11 And I know you had a comment, so...

12 MR. CURTIS POITRA: You said you've got a
13 short time. But you hired the Bronner Group back in
14 June? Yeah. That's --

15 MR. BRYAN RICE: Those are the -- those are
16 the --

17 MR. CURTIS POITRA: That's what was stated
18 earlier.

19 MR. BRYAN RICE: Those are the different --
20 so the Administrative Assessment. And we're talking
21 about streamlining. So I'm talking strictly about the
22 streamlining.

23 MR. CURTIS POITRA: We're talking the same
24 thing, is cuts to our people. No matter what you're
25 talking about. Whether it be the Bronner Group or if

1 you're talking about the streamlining, in the end,
2 it's the cuts to our tribal members. So someone was
3 aware of it back in June.

4 MR. BRYAN RICE: I think we're talking about
5 a couple different things though. Because we're
6 talking about administrative functions in the Bronner
7 assessment. So those are -- those are comments that
8 come into -- when Assistant Secretary Larry Echo Hawk
9 was in office and his staff, that came forward and
10 said, listen, this -- you know, historically through
11 the NAPA Study and -- you know, which predates me. So
12 if I make any small mistakes on it, please, please
13 don't hold me to it. But, you know, that was put
14 forward. There were changes that came. And, you
15 know, Mr. Echo Hawk's staff had listened to it and
16 said we want to correct this, or we want to figure out
17 how -- how to correct it. So that's the
18 administrative function. That deals -- and so now
19 we're talking about the streamlining piece, which was
20 part of the President's proposed budget.

21 MR. MIKE SMITH: Yeah, the Bronner report
22 was awarded -- or the Bronner study was awarded well
23 before the budget was rolled out in February. It was
24 quite a bit before.

25 But there is one other piece of information.

1 And I think everybody knows this, but let me just
2 reemphasize it. And that is the reason that we're
3 under such a tight time frame is because 2013 starts
4 October 1. And this streamlining line item is in that
5 proposed budget.

6 MR. JOHN YELLOWBIRD STEEL: Obama --

7 MR. MIKE SMITH: That could change,
8 Mr. Obama's budget. Yes, sir, Mr. Chairman. And so
9 things could happen between now and October 1. Things
10 could happen even after October 1. But there's a lot
11 of uncertainty. Normally at this time of the year,
12 you would have parts of Congress meeting together and
13 going into conference on many of the line items that
14 we're talking about, the whole budget, in fact. But
15 because it's an election year and because the two
16 parties are not getting along very well, there hasn't
17 been much conference.

18 So October 1 -- most people in government
19 are thinking that there will not be a budget passed
20 before October 1. Most people are predicting that
21 there won't even be a budget until after the election.
22 So in the first quarter of 2013, you may be looking at
23 continuing resolutions; in other words, the same level
24 of funding as we have today in 2012. But definitely,
25 if Congress doesn't get together, and if they don't do

1 something with the budget prior to January 11th, then
2 we're faced with across-the-board cuts. Those cuts
3 are a lot more than what's being predicted in the
4 streamlining plan. So it's just something else to
5 think about. The time line we're up against is
6 October 1, but there are a lot of other variables.
7 And it could result in even deeper cuts.

8 So no matter how you look at it, we're
9 looking at a small amount, in my opinion, \$20 million
10 dollars, although that's a lot of money. In the whole
11 budget, that's not, you know, that much. We're
12 looking at a \$2.5 billion dollar budget. But \$20
13 million dollars today versus, let's say, a ten percent
14 cut in January would be significant. It would be
15 horrible.

16 MS. CORA JONES: Mike?

17 MR. MIKE SMITH: Yes.

18 MS. CORA JONES: This is Cora Jones from the
19 Santee Sioux Nation. One of the problems that I have
20 with this is the -- in the cutting of the budget is
21 the fact -- and I go back to IT. \$68 million dollars
22 is going to be big in the Bureau of Indians Affairs
23 going into the Department of Interior. Wouldn't it be
24 cheaper just to keep IT intact within BIA and not let
25 that money leave?

1 MR. MIKE SMITH: Yeah. But you're probably
2 talking to people that don't have control over that.
3 Whether Bruce wants to weigh in on this or not, I just
4 don't think, you know, we're the people that are going
5 to be making that decision. That decision is way
6 above us. It's in the Department.

7 MS. SARA CRAZY THUNDER: Okay. Let me
8 speak -- address that. My name is Sara Crazy Thunder,
9 and I'm a member of the Oglala Sioux Tribe. And I've
10 been twice retired from the Assistant Secretary for
11 Indian Affairs. I began my career with the Assistant
12 Secretary of Indian Affairs in 2003, well before any
13 of you guys, except for Mr. Smith. I was in the
14 Assistant Secretary for Indian Affairs. And I was the
15 Director of the Office of Information Policy.

16 And at that time we had Brian Burns as our
17 Deputy Assistant Secretary for Information Resource
18 Management. And from that, after Debbie Clark
19 slam-dunked him because -- and because he wanted to
20 put all of the \$68 million dollars into Indian
21 Country, and he promised Indian Country that a hundred
22 percent of our contracting dollars would be by Indian
23 contracts by the year 2005.

24 Okay. Then after they slam-dunked him, they
25 placed Jim Anderson, who was a former IRS agent, and

1 he was a Chief of Staff for IRS. He became then our
2 Chief Information Officer. And then after Jim
3 Anderson had 20 EEO or MSGB complaints against him, he
4 decided, I've got to get out of Dodge because these
5 Indian people are eating me up. So he left to work
6 for the NIST, the National Institute of Science and
7 Technology.

8 Then we got Sonny Bhagowalia as our CIO, and
9 he was an Indian, but not our kind of Indian. He was
10 an Indian, and he became our CIO. And that's when the
11 transformation plans began. He wanted to -- oh, and
12 by that time, Hord Tipton had left. And Hord Tipton
13 was the CIO for the Department of Interior. However,
14 if you knew Hord Tipton, you knew that his wife, Nina
15 Hatfield -- and that was her name, from the Hatfields
16 and McCoys. But Nina Hatfield was the control of the
17 budget. So you had Nina Hatfield married to the CIO,
18 which is Hord Tipton. And so money for the Chief
19 Information Officer was always reviewed and approved
20 by Nina Hatfield, who was married to Hord Tipton.

21 Okay. Then you had Sonny Bhagowalia, who
22 started the process of edging out the IT from the --
23 from the Bureau of Indian Affairs. And all of a
24 sudden, Indian preference was no longer required for
25 hiring of the positions. So we got about 40 GS-15s

1 and 14s, which averages about \$6 million dollars in
2 salary going to all non-Indians, all non-Indians
3 (emphasis).

4 In between time, I was slipping in an IT
5 intern program, okay, to be able to -- when I left,
6 then I wanted Indian kids in IT that we could pay for
7 their education, give them a job as an IT intern so
8 they could earn their GS salary and become GS -- you
9 know, we brought them in as 3s, 4s, 5s. So they would
10 end up replacing us as we went out the door.

11 Okay, here's the next story. Let me tell
12 you about Sonny. I told you Sonny worked for the FBI.
13 Well, as he was transitioning then to be the CIO of
14 the Department of Interior, he let a contract. And
15 the contract was with this agency called Barling Bay.
16 Of course, it was non-Indian. And I think it was in
17 the tune of about, what, a hundred million dollars or
18 something like that. Not a hundred million. About \$2
19 million -- or two or \$3 million dollars. Okay. And
20 that, of course, went to the Inspector General's
21 Office because, lo and behold, the "old boy" system
22 came out. And we found out that the President of
23 Barling Bay was Sonny Bhagowalia's former boss at the
24 Federal Bureau of Investigation.

25 Okay. Out went Sonny and in came somebody

1 acting for the BOM or BOR or somebody like that.

2 Okay. Then we got this new guy named Bernie Mazard
3 (phonetic) -- Bernie Madoff (phonetic), somebody like
4 that. Well, anyway, Bernie -- and it could be made
5 off as well. But Bernie has been working for the past
6 two years, past two years (emphasis), to do the DOI
7 transformation. And anybody that spoke up and said,
8 okay, this has not been consulted of; you know,
9 there's been no tribal consultation. You promised us,
10 and we agreed in 2003 that we would support
11 information technology improvements, including
12 telecommunications, because it was going to be going
13 outreach all the way down to the tribes.

14 Now, I -- when I talked to some of you guys
15 up there, you said, that's a DOI, that's a DOI
16 Transformation Plan, that's a DOI Transformation Plan.
17 No, it was never consulted with. It was, there's no
18 DOI Transformation Plan without Indians' input in that
19 \$68 million dollars.

20 So where do all those non-Indians go? All
21 the non-Indians go to the Department. So they've got
22 their GS-14 and 15 salaries totaling over \$6 million
23 dollars. And so they go.

24 And where does that leave Indian Country?
25 It leaves us in a deficit of at least \$6 million

1 dollars in salaries. But it also leaves us in a
2 deficit of the \$68 million dollars because all it
3 takes to be able to operate our networks at the
4 regional -- I mean, it would be about \$10 million
5 dollars. But you've let it slip through. And all of
6 you up there said, well, when I talked to you, we need
7 tribal support because this is a DOI initiative.
8 Well, no, it's not. It's a tribal initiative. And
9 like I said, I was -- I retired twice. I retired
10 twice from the Assistant Secretary for Indian Affairs.
11 How did I get retired twice? What they did, when they
12 looked at my office, who was almost a hundred percent
13 Native Americans -- and we were located in
14 Albuquerque, New Mexico. What they did is say, Debbie
15 Clark told me that my office was, under oath, too EEO;
16 that my office was an aberrant office, and we were
17 racially skewed, and there wouldn't be an Indian
18 office in the Assistant Secretary for Indian Affairs.

19 And so she blew this off, directed us to
20 Washington, D.C. And only two people left and went up
21 to Washington, D.C. So I know how divisive -- now
22 what you're looking at is a plan in the Bush years.
23 And you're a plan in the Obama years. You need to
24 take a look -- these tribes are going to ask for
25 tribal consultation. And it's not a Department of

1 Interior initiative. It's something that you guys,
2 step back and don't -- I mean, it's something that you
3 guys are either blindfolded or have lost your courage
4 to be able to address that issue. Thank you.

5 MR. CURTIS POITRA: I just wanted to ask a
6 question on your -- couple slides back, and it
7 includes this one that you have up now. So how about
8 your buyouts? Who's going to be eligible? How are
9 you going to prioritize? And hopefully if they're at
10 the agency level, the local level and the regional
11 level, that they're not -- don't disappear through
12 attrition, that these are going to be filled. So I
13 would like an explanation on that.

14 MR. BRYAN RICE: I can start the discussion
15 on it because there's no -- there's no hard and fast
16 rules just yet. There's the -- let me go back.
17 Actually this works.

18 So within buyouts and early-out authorities
19 from -- from OPM, they want specific data that says
20 when we -- because we have to apply for the approval.
21 Let's see now. It goes up through the Department over
22 to OPM. They get the approval. Then we can start the
23 process of offering early-out and buyout authority.
24 So basically what happens is an ineligible staff
25 member -- and I'll come back to thoughts on who's

1 eligible. But the process is an eligible staff member
2 would apply. They'd send in their -- just like they'd
3 go for retirement or separation and someone was going
4 to quit their job, there's a process you go through.
5 So they go through the same process, submit their
6 paperwork. And then it would have to be approved.
7 And I believe ultimately it's approved by the Bureau
8 Director or possibly his designee. And then -- and
9 then that action takes place.

10 In terms of who would be eligible or who
11 could be eligible, you know, what we started to look
12 at was -- and actually let me jump ahead a couple
13 slides because I have another graphic in here that
14 might help a little bit.

15 So we have through 2012, which basically is
16 who's eligible for retirement now. So that's the top
17 end of -- top end of the pay scales, top end of
18 experience. I mean, there's a lot of things that go
19 into that. And then from there, we started expanding
20 and saying, okay, who would be eligible in 2013, '14,
21 '15, five years out. So ultimately you would have
22 this pool of people that would be eligible from --
23 eligible now through the next five years. Keep in
24 mind the intent behind this is this \$14.5 million
25 dollar mark. You know, it's sort of the weight that

1 we're looking at here.

2 MR. JOHN YELLOWBIRD STEEL: Is that the
3 cuts?

4 MR. BRYAN RICE: That would be -- yeah.
5 Yeah, that's the --

6 MR. MIKE SMITH: Our share.

7 MR. BRYAN RICE: Yeah, that's our share of
8 the \$20 million dollar reduction, that streamlining
9 option. So if you look just simply -- you did just a
10 simple math process, you would say it's roughly 300
11 employees, staff level --

12 MR. JOHN YELLOWBIRD STEEL: You can save
13 \$14.5 million by the 300 cuts. But how much are the
14 cuts costing you on the buyouts? Where is that money
15 coming from?

16 MR. BRYAN RICE: And that's -- we factor
17 that in. So on that last bullet, it's 225 positions
18 would be the ones that would actually be either
19 eliminated or replaced at a lower grade; I mean, a
20 whole variance of things. And the thought behind
21 this, or at least the methodology that we're going
22 with, is if we ended up -- let's take worst-case
23 scenario and we ended up head in the sand. We get to
24 October 1 and we're left with -- we have to start
25 taking that \$14.5 million out of programs directly.

1 Then that brings in other things such as severance pay
2 or other types of --

3 MR. JOHN YELLOWBIRD STEEL: You're talking
4 about our herd of cattle, not your herd of cattle.

5 MR. BRYAN RICE: It's everybody's herd of
6 cattle.

7 MR. JOHN YELLOWBIRD STEEL: Oh, it's the --
8 it's the Federal Government's. You take off that herd
9 that's supposed to reach Pine Ridge to fund
10 yourselves. That's why it's half when it gets there.

11 MR. BRYAN RICE: When we -- if you balance
12 out those two different -- those two different
13 mathematics there, you can either say severance pay
14 and, you know, cutting the positions is going to be
15 much higher. If you go through and do early-out or
16 buyouts, the cost associated with those are less. And
17 so that's -- you know, and this varies too. I mean,
18 the 300 is just a -- it's a discussion point right now
19 because if you had 200 GS-15s, which would probably be
20 almost all the GS-15s -- I think we have roughly 220
21 of them. But, you know, if you took all of those, it
22 would be higher number. So that's trying to take in
23 an average amount of cost in positions.

24 MR. CURTIS POITRA: The concern is that if
25 you don't fill those positions locally, say -- say we

1 get ten percent of the staff of the local agencies
2 that take this buyout and you don't fill them. Then
3 you're losing services to the tribe. Our people are
4 losing services.

5 MR. BRYAN RICE: And that's not the
6 direction we're looking to go with this. I
7 understand -- I mean, just looking at this, that's
8 what -- that's what it looks like. I understand that.
9 But then trying to look at all of the factors as they
10 relate together, so if you go to the maps that are at
11 the end of the document and you start looking at duty
12 stations and how many total employees there are with
13 eligible staff in each one of those spots, if there's
14 a -- if there's a duty station where there's, you
15 know, let's say over half -- let's say there's ten
16 employees and over half, or in some places there's
17 seven that are eligible to retire, and they all were
18 eligible and they all left, you know, it's not a
19 question for us -- for everyone. It's not a question
20 of, Do we just cut a position and not do it? It's,
21 what's the function and how do we continue to provide
22 that function?

23 And so that's how we're -- we're looking at
24 this and saying, you know, maybe there's some places
25 where -- like I get this example a lot. So the

1 forestry program for Aberdeen is run out of the
2 Billings office. That's just one program. That's
3 just one example. But can that be done in other
4 areas? Can that be done at an agency location? Can
5 that be done between Regional Offices? You know, this
6 can go one way or the other in terms of, it's not just
7 focusing on agencies and, you know, if it's a small
8 agency, it needs to disappear. I mean, there's a
9 whole variance of things that need to be discussed on
10 this. But these are the -- this is the starting point
11 where we're talking about it.

12 MR. KEVIN YELLOWBIRD STEEL: Kevin
13 Yellowbird Steel from Pine Ridge.

14 MR. BRYAN RICE: Yes, sir.

15 MR. KEVIN YELLOWBIRD STEEL: Within the
16 tribes, so now you're minimizing consolidating of your
17 offices and your services, deliveries to the
18 reservations. Did any of the tribes have any input in
19 these positions that you're consolidating, any of the
20 services that are being cut?

21 MR. BRYAN RICE: That's part of what we're
22 doing right now. So there's no -- there's no plan.
23 You know, let's go back to the beginning. There's no
24 plan.

25 MR. MIKE SMITH: Yeah. There's no proposal

1 to cut. This is just an example of where we have
2 employees that -- it's just something to look at.

3 MR. CURTIS POITRA: Part of the factors
4 should be what direct service they provide to our
5 tribal members.

6 MR. MIKE SMITH: True.

7 MR. CURTIS POITRA: Right?

8 MR. MIKE SMITH: True. And consider this --

9 MR. CURTIS POITRA: So this is -- this is
10 like a blanket two-thirds of the positions are not
11 going to be refilled.

12 MR. MIKE SMITH: No.

13 MR. CURTIS POITRA: Well, yeah. That's the
14 way it looks on --

15 MR. MIKE SMITH: Well, it may look that way,
16 but that's not the plan. There is no plan.

17 MR. CURTIS POITRA: Well --

18 MR. MIKE SMITH: We haven't gotten approval
19 from OPM yet. So there's a lot of other things, other
20 factors, as Bryan pointed out, that go into this. We
21 did think about sending out a questionnaire to the
22 employees to see how many people might be interested
23 in early retirement or voluntary separation. But we
24 haven't done that, and I don't know if we're going to
25 have time to do it now. But, you know, there is a

1 certain number of people that probably are getting
2 ready to retire anyway. And you're going to have to
3 pay their costs with or without, you know, this kind
4 of approval. But if we get a figure, we might be able
5 to deal with it better. We might be able to give you
6 that information.

7 MR. CURTIS POITRA: We all know if a
8 position leaves the local level, it's not going to
9 come back.

10 MR. MIKE SMITH: That's not true, not --

11 MR. CURTIS POITRA: It doesn't -- it doesn't
12 state here that you're going to prioritize people that
13 provide direct services to the tribe. When I mean
14 direct services, I can walk into the realty offices,
15 the agency, and I can see Mr. Lyndon Dejarly
16 (phonetic) or...

17 MR. MIKE SMITH: Um-hum. And if that person
18 retires --

19 MR. CURTIS POITRA: That person --

20 MR. MIKE SMITH: And if this person
21 retires, --

22 MR. CURTIS POITRA: -- provides direct
23 services.

24 MR. MIKE SMITH: And if that person retires,
25 more than likely we're going to fill that position.

1 MR. MICHAEL JANDREAU: Well, but that isn't
2 entirely true either, Mike, because there is a real
3 factor that a certain amount of those positions are
4 already lined up. And so they're not going to be able
5 to be refilled. They're not going to be there. So
6 if --

7 MR. MIKE SMITH: Why not?

8 MR. MICHAEL JANDREAU: Well, there's a
9 certain amount of FTE reductions that have got to
10 be -- got to be taken under mandate, I understand.
11 And the only option that we would have would be to
12 contract that. Well, everyone knows when you
13 contract, you lose 25 percent of the capacity of any
14 given function immediately under a contract. So, you
15 know, and it doesn't talk about anything like that,
16 about the mandatory reductions and FTEs that have to
17 occur throughout the Bureau.

18 MR. JESSE TAKEN ALIVE: This is Jesse, Jesse
19 Taken Alive from Standing Rock. Again, we're talking
20 about jobs. But there's nothing in front of us that
21 says because if we're going to do this, it's going to
22 impact services at home. And I agree with Chairman
23 Jandreaux and others that say, yeah, we are losing
24 positions at home. We were forced to contract our
25 Roads Department because they only had one or two

1 people in it. So when positions leave, FTEs are gone,
2 they're gone. So I don't know otherwise as far as
3 Standing Rock goes. I mean, it's becoming a less and
4 less staffed department, the BIA. So unless they're
5 on leave all the time or they're out in the field all
6 the time, they're not around. So that's -- that's not
7 a true statement either, you saying that those
8 positions get filled. It's not -- not at Standing
9 Rock.

10 MR. BRYAN RICE: One of the -- one of the
11 opportunities that we have here in looking at this --
12 like the discussion that I'm hoping that this really
13 generates is the look or the view at the programs and
14 what the programs actually do. Because this is
15 strictly a staffing operation. This is strictly a --
16 and I think we had some HR folks in here. I mean,
17 that's all this is. This is just looking at staffing
18 numbers and dollars and cents. To really run these
19 programs effectively and put together the services
20 that need to happen, we need to have that other
21 parallel complementing component that says, This is
22 the work that needs to be done. If there's a realty
23 function that needs to be completed and that person is
24 eligible to go and they retire or they separate,
25 whatever it is, how do we -- how do we capture that

1 function? Is it a matter of utilizing IT -- IT
2 functions? I mean, there's -- we have -- we're still
3 faxing, scanning, e-mailing, printing, signing,
4 scanning. You know, that cycle, we're still doing it
5 with title documents. We're doing it with realty
6 documents. I mean, that's happening all over still.

7 And those are areas where we can capture
8 efficiencies. Not only can it make accountability an
9 issue in terms of increasing accountability, we can
10 see -- you know, I'll give you an example. Let me say
11 one story, quick story here. So one of the things
12 within the IT Shop that has happened within Interior
13 is they've been deploying the SharePoint sites. And
14 so SharePoint's a Microsoft product. It's a common
15 workspace. So basically a lot of people in remote
16 locations, geographically disbursed areas, can log
17 into a site. It's like having your own website where
18 you can upload your documents. The team can work on
19 it.

20 So we started using some of these SharePoint
21 tools for -- in the Fire Program. And we did it for
22 fire funding transfers for the documents.
23 Historically what was happening -- you know, this is
24 going back to when we were off-line and we had all the
25 challenges. We had documents that were being printed

1 and then signed, and then faxed. You know, we had
2 just this mass amount of paper. And you never knew
3 where something was at. You didn't -- you couldn't
4 track it. Well, in the SharePoint site -- which
5 doesn't cost us anything. It's just an enterprise
6 solution that comes, you know, with the Microsoft
7 package. Within that, you put a document in. You're
8 logged in. So it says, you know what, Bryan Rice
9 logged and uploaded this document at such and such a
10 time on this day.

11 And what we did is we cut down the process
12 in terms of -- it went from weeks to just a couple
13 days to get things done. It went from, you know,
14 hundreds of dollars in consumables in terms of
15 printing and printers and toner cartridges and all
16 that stuff, we cut that out of there. And that's a
17 real simple -- that's a very simple example.

18 But what I'm hoping what we can find and the
19 discussion we can have is say, you know what, if that
20 example is applicable or scalable even, if that's
21 something we can start doing across the board, doing
22 in other programs -- I mean, there are certain things.
23 If we're going to plow a road, yeah, I mean, that's --
24 you know, obviously there's no comparison there. But
25 are there other areas that we can actually start

1 looking at that?

2 MS. BEVERLY TUTTLE: Can I interject
3 something here?

4 MR. BRYAN RICE: Please.

5 (Inaudible, unidentified comments.)

6 MS. KALLIE HANLEY. Do you want to come
7 up --

8 MS. BEVERLY TUTTLE: Maybe I'm not --

9 MS. KALLIE HANLEY: -- to the podium?

10 MS. BEVERLY TUTTLE: -- supposed to talk.

11 MS. KALLIE HANLEY: All right.

12 MR. BRYAN RICE: Third time is the charm.

13 MR. DION KILLSBACK: There's another --
14 there should be another mike around here.

15 MS. KALLIE HANLEY: You can use the podium
16 if you want to.

17 MR. JESSE TAKEN ALIVE: Even the mikes are
18 being cut back.

19 MS. KALLIE HANLEY: Yeah, that one's
20 working.

21 MR. BRYAN RICE: Oh, oh, the podium.

22 MS. BEVERLY TUTTLE: This is Bev Tuttle
23 again, Tribal Council Representative from the Oglala
24 Sioux Tribe. You know, I'm just sitting here
25 listening, and I was kind of visiting with the

1 audience back there. And, you know, they're saying,
2 this is -- has been echoed 20 years ago. We have some
3 ex-tribal Presidents back there. But I said, the
4 scary part is I think this is probably the last
5 chance, our last-ditch effort, because we are going to
6 be facing termination. That's a fact. I heard that
7 from my grandfather way back, way back, back in the --
8 50 years ago when I was growing up.

9 I think that -- I just want to kindly ask
10 our tribal leaders, you know, we've got so much at
11 stake here. I'm really concerned about what's
12 happening to our local control. And I think I want to
13 share that, you know, that this is not consultation.
14 It's -- and we just need to express our information.
15 And I'm really concerned about our local control being
16 taken away with our tribal grant schools. That's at
17 the forefront. And I think just looking at, you know,
18 this process, you know, whether or not they do -- they
19 are doing it, I want to share something with you.
20 Some of my tribal constituents went to D.C. And it's
21 already implemented with the Justice Department. We
22 went up there to speak with Mr. Pruzan on some issues
23 we had with law enforcement. Again, it's about local
24 control. And there's a lot of politics being played
25 up there.

1 When we got there, you know, it was a
2 skeleton crew. We weren't even repected (sic) in a
3 really good, hospitable way, for one thing. We were
4 treated very rude. And I think that's what's coming
5 forth here. We will be experiencing those things when
6 everything gets moved to D.C.

7 So I think we as tribes, we should really
8 put our hearts and our minds together because it's not
9 even about us now. It's about our future. I'm
10 thinking about, as somebody mentioned, generations to
11 come. President Jandreaux mentioned we've got some
12 very serious things here. So we could be talking, you
13 know, about their process and stuff. But I think too,
14 we need to really look at moving to some other issues
15 too. Thank you.

16 MR. JESSE TAKEN ALIVE: Jesse Taken Alive.
17 You know, I echo what my relative from Oglala said.
18 This is not consultation. We say that all -- all day.
19 And hopefully as we -- in respect to the dialogue
20 we're having, it's not perceived that we're relenting
21 and saying it is consultation. It absolutely isn't.

22 To me, there's only two options right now
23 that we're -- that we're looking at. One, we do
24 compacting. Okay. Two, we initiate a temporary
25 restraining order on -- our voices need to be heard

1 somehow through the Administration. And again, no --
2 absolutely no disrespect to any of you, you know,
3 relatives that sit there. And I hope that you
4 understand or can recollect where you came from. I'm
5 assuming that you all grew up on a reservation
6 someplace.

7 But those are the only two options that are
8 left, it appears, because it's going -- it's going to
9 happen. We've got buyouts that are occurring right
10 now as we speak. People are, you know, being offered
11 buyouts.

12 I just wonder if the Bronner process was
13 used on any other Federal entities, or if it was just
14 used on trees, rocks, plants, animals and Indians. I
15 just -- it's really frustrating. And no disrespect to
16 you. I've heard this -- 21 years I've gotten an
17 opportunity to serve on our tribal government. Same
18 old, same old. But I appreciate the work that you're
19 doing. But I have to go back. And tomorrow after the
20 meeting, I'm going to tell relatives that, don't
21 expect changes at all. Expect less and less people to
22 perform these duties, to help improve quality of life
23 on Indian communities. So at least on the Bureau
24 side, unless we do compacting.

25 We truly want to see our solutions. If you

1 could say yes, we'll sit down. Let's put your
2 suggestion aside. Let's look at tribal solutions.
3 That's the -- that's another thing that I hope we
4 can -- we can see. Otherwise, we're just going to
5 continue this process. So I, again, thank you for all
6 your work. But it's just really frustrating. And
7 it's not consultation.

8 MR. DION KILLSBACK: I received a couple of
9 inquiries on whether or not we're going to be getting
10 to the Bureau of Indian Education. And the answer is
11 yes, as soon as we finish this portion. We will take
12 a short break and reconvene. So for those in the
13 audience that are curious about that, I just want to
14 make sure that we're clear. That's part of the
15 agenda. I know we're past. As Bryan stated at the
16 beginning of his presentation, that, you know, we're
17 going -- I know we're not within the time frames as
18 the agenda presented. But, you know, we want to make
19 sure that, you know, we are respectful to hear all the
20 comments and discussion here from the tribal leaders.
21 So time -- time is as it -- as it goes on, we'll be
22 here no matter what. So, Bryan, you can continue.

23 MR. BRYAN RICE: Okay.

24 MS. CORA JONES: Bryan?

25 MR. BRYAN RICE: Yeah, Cora.

1 MS. CORA JONES: Just a couple of quick
2 comments, very short. You know, have you all looked
3 at following the law as far as OSP goes and closing
4 that office down, you know, making it sunset, bringing
5 it back into the Bureau and getting rid of a lot of
6 those -- those positions there? Is that a
7 possibility?

8 MR. BRYAN RICE: It is, and it's being
9 addressed through the trust commission, the
10 Secretarial Commission on Trust Reform in
11 Administration. I hope didn't butcher that name,
12 but -- and it's being -- there should be a paragraph
13 at the end of the document in the narrative that
14 addresses that because that's an area --

15 MS. CORA JONES: I didn't see it.

16 MR. MIKE SMITH: It was not considered in
17 this streamlining presentation, but it is being
18 addressed. And as you probably know, Tex Hall sits on
19 that Commission.

20 MS. CORA JONES: Who sits on it?

21 MR. BRYAN RICE: Tex Hall.

22 MR. MIKE SMITH: Tex Hall.

23 MS. CORA JONES: Oh.

24 MR. MIKE SMITH: He's one of the
25 Commissioners.

1 MS. CORA JONES: Okay. No. I haven't seen
2 anything on it --

3 MR. MIKE SMITH: But it wasn't taken into
4 consideration in this PowerPoint presentation because
5 they're doing something separate at the direction of
6 the Secretary.

7 MS. CORA JONES: Because then the follow-up
8 on that, of course, would have been like law
9 enforcement, you know, moving that back into the
10 Bureau so -- and, you know, getting shared
11 administrative duties out there so that we can take
12 care of everybody rather than all these separate
13 positions that we have.

14 MR. MIKE SMITH: And the basic answer for
15 law enforcement is they have their own statute and
16 they have their own chain of command. So it would be
17 pretty hard to do it, you know, administratively.
18 We'd have to go back to the statute and change that,
19 Tribal Law Enforcement Act.

20 MS. PHYLLIS YOUNG: I want to clarify my
21 statement for the record, that I appreciate this
22 process of streamlining. But I have to clarify that I
23 oppose the cuts, which is the consensus of our tribe
24 and our people. So for the record, I want to clarify
25 that. Thank you.

1 MR. BRYAN RICE: I don't -- I want to be
2 respectful because I know there's -- there's more
3 slides in this presentation. But as Dion alluded to,
4 we want to also provide time for the Bureau of Indian
5 Education. And so many of the slides here that I have
6 clicked through, as we've been talking, we've touched
7 on these through the discussions.

8 What I wanted to throw out, here's the last
9 schedule. This would -- the only -- there's an
10 asterisk next to Anchorage, because that poten- --
11 that might be different than what's in your handout
12 because that was changed by a day. And this is the
13 correct date. The 23rd is the correct date for
14 Anchorage.

15 And then as far as the comments and the due
16 dates, if you're providing written or electronic
17 comments, please send them to me. And so we have --
18 as far as communication goes, there's three avenues
19 that we've been working through. One is posting on
20 the BIA-dot-gov website. And there's a Consultation
21 tab. And when you navigate to that tab, you'll see
22 all the documents. Comments, any follow-up from any
23 of these consultations, the transcripts, all those
24 things will be posted on that site. We'll also have
25 the normal flow of communication that anything from

1 D.C. will also go out through the Regional Directors,
2 who then typically contact their respective tribal
3 counterparts. And then the last one, you know, please
4 contact me directly. I'm -- I always say from dusk
5 till dawn and every time in between. It seems like
6 we're always -- we're always ready and willing.

7 Yes. Yes, ma'am.

8 MS. PATTI DUVELL (phonetic): Thank you.
9 I'm Patti Duvell (phonetic) from Rosebud Sioux Tribe.
10 I was looking at this slide on the national fields.
11 And it says there's 5,000 employees. Is that 5,000
12 employees in the Department of Interior, or is that in
13 the Bureau of Indian Affairs, or is that in the Indian
14 Affairs Office? Or where does that go? Because
15 according to what I'm reading right here, the
16 two-thousand -- 2013 proposed budget for Indian
17 Affairs is \$2.6 billion dollars. And that decreases
18 \$4.6 million. And that amount can sustain full-time
19 employees of 8,126 employees.

20 MR. BRYAN RICE: Correct.

21 MS. PATTI DUVELL (phonetic): And --

22 MR. BRYAN RICE: Let me just interject. For
23 all of Indian Affairs, the \$2.6 billion budget that
24 you're talking about, there's 9,800 employees.

25 MR. DION KILLSBACK: I think it's ten.

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1 MR. BRYAN RICE: Almost 10,000 employees for
2 Indian affairs completely. So the five --

3 MS. PATTI DUVELL (phonetic): Throughout the
4 country.

5 MR. BRYAN RICE: Correct. So the 5,000
6 employees there are just the Bureau of Indian Affairs.
7 It's not Education. It's not Law Enforcement. It's
8 not Asia. So those are the -- the 5,000 is the Bureau
9 of Indian Affairs.

10 MS. PATTI DUVELL (phonetic): Bureau of
11 Indian Affairs. And that also would include the 12
12 Regional Offices and the 85 agencies and the 185 duty
13 locations.

14 MR. BRYAN RICE: Correct. Yeah, when I went
15 through, the one caveat would be the 185 duty
16 locations because there are a few duty stations where
17 you have a mix of those employees. So 12 regional
18 offices, 85 agencies, absolutely is Bureau of Indian
19 Affairs, and then there's a few more of the duty
20 locations.

21 MS. PATTI DUVELL (phonetic): Okay.

22 MR. MIKE SMITH: It's almost 50/50 with
23 Education. Education has about 5,000, and we have --
24 the BIA has about 5,000 employees. And it goes up a
25 little bit in the summertime with summer hires, mainly

1 for Fire.

2 MS. PATTI DUVELL (phonetic): One thing that
3 I was thinking was that when we went to D.C. for the
4 TIBC conference up there, the Great Plains had a
5 PowerPoint presentation that we submitted. And we
6 only had ten minutes. Everybody had ten minutes to
7 get that. And that was well more than ten minutes of
8 information that we needed to be given, which I think
9 was really important. And we didn't get to get
10 everything on there. So if you could include that
11 with the packet that was given to Great Plains, you
12 know, include that with that, that would help us, you
13 know, make sure that, you know -- and make BIA and
14 Indian Affairs realize that we don't want to
15 prioritize. We don't want to put the top ten things
16 on the list as a priority because everything is a
17 priority to us, you know. And another thing too --

18 MR. MIKE SMITH: So was this -- let me
19 clarify. This was your presentation for 2014?

20 (Multiple simultaneous unidentified speakers.)

21 MR. MIKE SMITH: That right?

22 MS. PATTI DUVELL (phonetic): Yeah.

23 MR. MIKE SMITH: Okay, okay. We'll add
24 that.

25 MS. PATTI DUVELL (phonetic): Bruce

1 Loudermilk has it. So he can get you a copy of that.

2 Another thing too, and I believe you -- you
3 know, the BIA has created a huge bureaucracy to keep
4 people employed. And one of the main themes is that
5 the government-to-government consultation, as was
6 stated here, is that the Federal decision-makers
7 should be sit -- one sitting at the tables. Do any of
8 you have the authority to make a decision right here
9 and now to say that what you are requesting is going
10 to get done? Can you say yes, it's going to get done?
11 Because, you know, like they were saying, that's not
12 true consultation. Because we, as a government,
13 should be talking to the decision-makers of the
14 government.

15 Another thing too, the Regional Offices I
16 believe are a bureaucracy. We're talking about monies
17 that are filtering through from the Federal Government
18 to the Department, to the Regional Office, to the
19 agencies, to us. And that by the time it gets to us,
20 we get less than 20 percent of what we fight for when
21 we go to DC. For example, we went to D.C. The tribes
22 went to, you know, advocate for money for law
23 enforcement. And it did -- law enforcement did get
24 increased. But none of that came to our local level.
25 It stayed at the higher levels. It stayed at the

1 regional level. It didn't come down to us. So, you
2 know, we get less than crumbs from the piece of pie
3 that's been given to you and sprinkled down to us.
4 And getting rid of these Regional Offices I think
5 would help in getting rid -- getting rid of the
6 bureaucracy that has been created.

7 And I hear today saying some -- I'm not too
8 sure which one of you said that, you know, we tried to
9 get rid of the Regional Offices, and it didn't work.
10 But that was 20, 30, 40 years ago. We're highly
11 educated now, and we know how to deal with our tribe.
12 We know what we want and what we need. And --

13 MR. MIKE SMITH: Excuse me. Did you say
14 you're from Rosebud?

15 MS. PATTI DUVELL (phonetic): Yeah.

16 MR. MIKE SMITH: Okay. I have to disagree
17 with you that the money didn't get down to the lowest
18 level in law enforcement. Rosebud is one of our
19 high-priority project -- those locations.

20 MS. PATTI DUVELL (phonetic): Yeah, we
21 had --

22 MR. MIKE SMITH: So there is money that is
23 getting to the tribal level.

24 MS. PATTI DUVELL (phonetic): I'm not just
25 talking for my -- my tribe. As a tribal leader, I'm

1 talking for all the tribes.

2 MR. MIKE SMITH: Okay. I was thinking maybe
3 you were talking about Rosebud. But money for law
4 enforcement has gotten to that local level.

5 MS. PATTI DUVELL (phonetic): Yeah, it has.
6 But not every tribe has gotten that.

7 MR. MIKE SMITH: I agree.

8 MS. PATTI DUVELL (phonetic): So and, you
9 know, if we're talking this, I'm talking about the
10 bureaucracy that you created. And streamlining, you
11 should come to us first. As my colleague had said,
12 you know, we're the ones who know how to fix things.
13 So if you would come to us and let us tell you how
14 things need to be fixed because we know what needs to
15 be done. Thank you.

16 MR. MIKE SMITH: Thank you.

17 MR. DION KILLSBACK: Chairman Steel.

18 MR. JOHN YELLOWBIRD STEEL: I want to --

19 MR. BRYAN RICE: Oh. Let me do the last
20 one, Chairman Steel.

21 MR. JOHN YELLOWBIRD STEEL: I gave you on
22 behalf of the Great Plains our written
23 recommendations. I don't have it in writing now. But
24 verbally, on behalf of the Great Plains, I am giving
25 you till May 18th to get us back written comments on

1 our recommendations to you. Thank you.

2 MR. BRYAN RICE: How would you like those
3 comments?

4 MR. JOHN YELLOWBIRD STEEL: Give you 15
5 days.

6 MR. MIKE SMITH: In writing, by e-mail?

7 MR. JOHN YELLOWBIRD STEEL: That would be
8 fine. E-mail to Gay Kingman, Executive Director,
9 Great Plains Chairman's Association.

10 MR. BRYAN RICE: I have it. Okay.

11 MR. DION KILLSBACK: Okay. I think we're
12 going to take a break here before we get into the
13 Bureau of Indian Education portion. But what I want
14 to do is I do have a couple of answers for the
15 questions that were raised first.

16 On the Human Resources questions with
17 regards to the Indian preference hiring and whether or
18 not Indians preference hiring would stay with that
19 employee in doing a transfer or doing another hire
20 within the Bureau, yes, Indian preference status
21 remains with that employee throughout his or her
22 career, unless obviously --

23 MS. CORA JONES: Unless new hires.

24 MR. DION KILLSBACK: Oh, with new hires as
25 well. Yes, with new hires as well. The new hires, `

1 when they're hired, that stays with them.

2 MS. CORA JONES: And they have to prove that
3 you're Indian --

4 MR. DION KILLSBACK: Yes. As long as -- as
5 long as their status as a member of a
6 federally-recognized Indian tribe remains, that
7 then -- that remains with them as well throughout
8 their career no matter if they change --

9 MS. CORA JONES: Well, once they --

10 MR. DION KILLSBACK: Now the second answer I
11 have is with regard to the information technology.
12 The Office of Chief Information Officer, we just
13 received word that they are planning meetings to have
14 consultations directly with tribes on the BIA portion
15 aspect of the funding. And we've raised a concern.
16 Bruce and I have raised a concern in Washington, D.C.
17 that tribes are concerned about that portion of money
18 in BIA and the ability to provide those information
19 services out in Indian Country. And so those meetings
20 will be held next -- you know, in the coming weeks.
21 But that among that conversation will be, you know,
22 consulting with Indian Tribes directly on that aspect,
23 with the Office of Chief Information Officer in that
24 office. And also Indian preference, whether or not,
25 you know, that is going to remain an aspect of that

1 throughout, even though it's no longer going to be
2 within the BIA. It's going to be within the Office of
3 Chief Information Officer. So yes.

4 MS. CORA JONES: Regardless of where it's
5 located.

6 MR. DION KILLSBACK: Yes. Yes. That's
7 going to be the topic of discussion. And the concern
8 that we're going to advocate for, the Secretary of
9 Indian Affairs and BIA, when we have those
10 conversations, and that also consultation needs to be
11 conducted as well.

12 So with that, I'm going to go ahead and
13 excuse everybody for a five-minute break. Then we'll
14 come back and we'll deal with the BIE portion of this.

15 (Recessed at 3:29 p.m.)

16 * * *

17 (Reconvened at 3:44 p.m.)

18 MR. DION KILLSBACK: We're going to begin
19 our last session here for the meetings here today and
20 BIA Streamlining. So we'll give everybody a minute to
21 find their seats. And if you have a conversation, I
22 know that is important, and I would ask that you have
23 the -- if you continue the conversation, if you could
24 bring the level down or if you could take the
25 conversation to the lobby or the hallway, I'd sure

1 appreciate it.

2 So right now, we are continuing this last
3 portion of the BIA Streamlining, and this last portion
4 is going to be discussing the Bureau of Indian
5 Education. So right now, I'd like to turn the floor
6 over to Keith Moore.

7 MR. KEITH MOORE: Want me to start it off?

8 MR. DION KILLSBACK: Yeah. I'd like to turn
9 the floor over to Keith Moore, who is the Director of
10 the Bureau of Indian Education. And we have other
11 folks up here too, that we are going to have
12 introductions. But right now I'm going to turn the
13 floor over to BIA Director Keith Moore.

14 MR. JOHN YELLOWBIRD STEEL: I need to lay a
15 basis for your presentation. Name is John Yellowbird
16 Steel, Oglala Sioux Tribe. Once again, I do say that
17 this is not consultation; that our recommendations are
18 not in the discussion today that you're addressing,
19 presenting to us. Consultation is a two-way street.
20 You're presenting to us your plan, once again. And I
21 have to say that the laws of specific applicability
22 override those laws of general applicability. Your
23 presentation should have our treaties in consideration
24 and the Indian Self-Determination Educational
25 Assistance Act and the Tribally Controlled Schools

1 Act, these should all be in your presentation to us.

2 I would like to say that the treaties that
3 we talk about, each and every one of our tribes has an
4 education section in it. I don't know if you reviewed
5 those before you did what you're presenting to us.
6 But I would like to say that in applying the canons of
7 construction to the promise of the United States
8 Government, construing this as our ancestors would
9 have -- ancestors would have understood the language
10 of the treaty, and construing all ambiguities in favor
11 of the Indian Tribes who are signatories. Tribal
12 education is an enforceable obligation of the United
13 States Government in the Great Plains because of these
14 treaties.

15 I would also like you to know that the
16 Congress of the United States declares its commitment
17 to the maintenance of the Federal Government's unique
18 and continuing trust relationship with and
19 responsibility to the Indian people for the education
20 of the Indian children through the establishment of
21 meaningful Indian Self-Determination Policy for
22 education that will deter further perpetuation of
23 Federal bureaucratic domination of programs. That
24 should have been of utmost importance in your
25 presentation today.

1 So with that, I do say that this is not true
2 consultation. Thank you.

3 MR. JESSE STANDING ALIVE: (Native
4 language.)

5 My friends and relatives, as I've said in
6 our language, it's imperative that we -- that we speak
7 the truths. It's imperative that we do that so that
8 we're the benefactors, at home our children will feel
9 the impacts of the truths that are going to be spoken
10 here as we continue this discussion of streamlining
11 with the Bureau of Indian Education. My name is Jesse
12 Taken Alive, for the record. Sorry I didn't say that
13 to the court reporter.

14 But I've got, I guess, two questions at the
15 onset, and to ask one to the BIA and BIE: Has the
16 money already been awarded for FY13? We're hearing
17 that. Is that the truth, for BIA and/or BIE?

18 MR. DION KILLSBACK: No. Fiscal year 2013
19 does not begin until September 1st. So no awards --
20 no budget has been formally adopted. And that's all
21 contingent upon Congress, on whether or not they adopt
22 the budget.

23 MR. JESSE TAKEN ALIVE: Okay. So there's
24 been no awards made. There's nothing like that been
25 issued.

1 MR. DION KILLSBACK: The budget that we --
2 the budget handout is a proposed budget. It's a
3 budget that was formulated in accordance with the
4 procedures that always have been. But no
5 appropriations have been adopted or passed by
6 Congress, and no awards have been awarded --

7 MR. JESSE TAKEN ALIVE: Okay.

8 MR. DION KILLSBACK: -- to BIE or to BIA.

9 MR. JESSE TAKEN ALIVE: Thank you for the
10 response. Second question I have is: On
11 January 20th, we had an education consultation
12 meeting. And we made some -- collectively there were
13 a huge number of awesome solutions brought to that
14 table. And we haven't heard any kind of response from
15 the January 20th meeting. Here it is May 3rd. When
16 are we going to be able to hear a response to the
17 solutions for Indian education?

18 Again, as I said back on January 20th, we
19 have a wealth of knowledge in the room from educators
20 that have been working with our children on the
21 reservation for a number of years. They have the
22 solutions. They have the keys. And those were
23 articulated, if not put in writing, waivers,
24 suggestions of putting the money in tribal education
25 departments. I'm afraid that we're not going to hear

1 that today. What we are going to hear is how can we
2 save positions. We do know that some line officer's
3 positions, from the information that we did get, are
4 going to be eliminated, and only from the Great Plains
5 area.

6 Again, for the record, this is not -- this
7 is not consultation. All the information hasn't been
8 received. For the record, we just got the proposed
9 budget, as all of you were holding up a few moments
10 ago. And we're going to be asked to consult on that.

11 So having said that, there are
12 recommendations that have been forwarded to us. And I
13 would ask that -- that some of the folks in the
14 audience be given an opportunity to offer these
15 recommendations, such as those suggestions that are
16 saying that positions that are abolished, that the
17 funds be disbursed to grant schools for Facilities
18 operations so we can continue on the work of educating
19 Native children in our communities. But this is only
20 one of many.

21 But I am very much disappointed in the fact
22 that we haven't had any kind of follow-up to the
23 consultation meeting on January 20th; a host of
24 awesome solutions with zero response. And as was
25 indicated, and I am hoping that's how we are going to

1 try to approach it, this is equal. But it's starting
2 off to not be equal because there's been no response
3 given to any of us -- I'll speak for Standing Rock
4 only. There hasn't been any response given to us to
5 our requests at all.

6 MR. DION KILLSBACK: Okay. To address the
7 second question, which is the follow-up meeting to the
8 January 20th meeting that you had. I believe that was
9 a listening session that was on education, and it was
10 done with the BIE as well as the Department of
11 Education and the White House initiative. To follow
12 that up, a Dear Tribal Leaders Letter went out on
13 April 16th. And the formal consultation has been
14 scheduled to take place at four different venues:
15 May 18th is going to be in Lincoln, California.
16 May 24th is going to be in Flagstaff, Arizona.
17 May 31st is going to be in Bloomington, Minnesota.
18 And June 5th will be in Nashville, Tennessee. All
19 this information has been provided on the BIA website,
20 and the actual Dear Tribal Leaders Letter is on there,
21 as well as the information on which those
22 consultations are going to be discussing as well, are
23 going to be there as well. So that's the answer to
24 the second question on the BIA.

25 In terms of substantive information for this

1 meeting today, it's going to be along the same lines
2 of what was -- what the meeting was after lunch today,
3 which was with regard to the BIA Streamlining. This
4 is going to be the Bureau of Indian Education's
5 version of that. And so I want to turn the floor over
6 to Keith Moore right now as the Director of BIE to
7 begin -- to begin that for us.

8 MR. JESSE TAKEN ALIVE: But you understand
9 that that Dear Tribal Letter didn't even address any
10 of the solutions that we brought to the table at the
11 listening session. Now, if listening sessions are
12 just going to be that, that you listen to the Indians,
13 and you went back to D.C., you need to tell us that
14 because we've got a lot of work at home, not only in
15 education -- education is important. But right above
16 that, of course, is health. So if listening sessions
17 are just going to be that, then please let us know.
18 Because we can't even get the transcripts of that
19 listening session. We've asked for them. We can't
20 even get those. And the schedule of meetings that you
21 just outlined, thank you for doing that, is just to
22 talk about the MOA and BIE -- MOA between the BIE and
23 Department of Ed. And we'd like to know how that is
24 going to fit into streamlining, if you've already --
25 if you're already suggesting how that's going to work

1 and posturing a position where it's going to be the
2 tribes trying to get the solutions implemented versus
3 the Department of Ed and BIE under the heading of the
4 United States of America, then we need to know that,
5 that kind of posture, so we'll be able to operate from
6 that. Because we haven't gotten the transcripts. You
7 know, we haven't gotten anything other than that Dear
8 Tribal Leader Letter. And I haven't seen it. I
9 apologize. Like I say, we're extremely busy. So if
10 there's going to be no substance coming out of this,
11 we need to know that. If this is going to be the way
12 it's going to be, this budget, we need to know that.
13 And I know that the talk is going to talk. You know,
14 but I just -- it's very disappointing. Nothing other
15 than the Dear Tribal Letter that you reference has
16 come out of the January 20th meeting. Very, very
17 disappointing in that whole process. It's like, let's
18 let the Indians talk, and we'll do what we're going to
19 do anyway. We'll give them a little Dear Tribal
20 Letter and proceed. Again, just like the BIA, we've
21 got the solutions for BIE.

22 In fact, I would challenge BIE to show us
23 their record as to how they're dealing with dropout
24 rates, how they're dealing with low graduation rates,
25 how they're dealing with culture issues. Show us the

1 curriculum that they're using to help with those
2 successful ones. We do know that the responsibility
3 of testing was abandoned and given to the states. We
4 talk about sovereignty? You know, that colonization
5 is ever so apparent. And we understand that's the
6 American dream, and we respect that. But we are in a
7 position of Lakotah indigenous dream. And we're ready
8 to show you how that can be done. But if the
9 January 20th meeting is going to be the same as today,
10 please let us know. Otherwise, it's going to be
11 another disrespectful proceeding and a disrespectful
12 act that took place on January 20th, which I will get
13 to later. So thank you very much.

14 UNIDENTIFIED FEMALE VOICE: Excuse me. I
15 have to leave. And I have been sitting here quietly
16 all day waiting for this. And your realignment or
17 your proposal affects Cheyenne River Sioux Tribe. And
18 then your mikes work. Council calls me very loud as
19 the council rep, and I don't need a mike. I'm very
20 loud. My voice carries. I don't know if anybody can
21 hear me back there.

22 But I would just like to state that in
23 March 2012, the Cheyenne River Sioux Tribe and the
24 Oglala Sioux Tribe both provided the Bureau of Indian
25 Education with notice of the information required in

1 order for the tribe to consult on a government-to-
2 government basis with the BIE about reorganization.
3 And the BIE never responded to either of the tribe's
4 requests for this information. And the tribes both
5 requested that BIE reschedule this meeting in order to
6 meet the requirements of 25 U.S.C., Subsection 211.
7 But those requests were never responded to. The
8 critical elements of consultation as required by the
9 Yankton Sioux Tribe decision has not been met, so this
10 is not consultation. And because BIE has not provided
11 the information necessary for Tribal Nations to be
12 informed of the substance of the Federal actions
13 proposed, the rationale for those proposals and
14 information needed for tribes to evaluate
15 alternatives, the BIA has not -- the BIE has not
16 provided the critical elements for the tribes at this
17 meeting to engage in consultation. Tribes are here to
18 inform BIE that we need information in order to
19 consult and to ask four questions.

20 For these reasons, the tribes respectfully
21 request state -- respectfully state for the record
22 that we are not here to engage in government-to-
23 government consultation, but we are here to inform the
24 BIE of the information needed in order to fully
25 consult, and to have those requests of ours for

1 information responded to so that government-to-
2 government consultation can be scheduled prior to any
3 Federal action.

4 And we ask the BIE to answer four questions.
5 What government-to-government consultation meetings
6 does BIE plan to schedule and when? Well, you listed
7 four of them. But, as you noted, none of them are in
8 the Great Plains area.

9 And the second one is: Who in BIE and DOI
10 will be reviewing these comments made here today
11 regarding BIE?

12 And I guess the third question is: When
13 will the Great Plains Tribal Chairman's Association
14 Tribes receive a response from BIE on the questions
15 raised here and the positions that we're taking?

16 And the fourth question is: What form will
17 the response to the tribes as provide -- be provided
18 in? Will it be a written response? Will it be
19 publication in the Federal Register of all the
20 comments?

21 Tribes need the following information, which
22 was not provided on the reorganization in order to
23 engage in a government-to-government consultation: An
24 organizational chart showing each office within the
25 BIE from Washington, D.C. through the Education Line

1 Offices. And for each of these offices, we need
2 provided a list of employees' positions and titles
3 that are currently funded. BIE only provided these
4 positions funded about BIA funds and did not provide
5 information on DOE funds managed by BIE of
6 approximately \$10 million dollars. The information
7 provided does not match the Bronner -- Bronner report,
8 which specifically states that there are 19 Human
9 Resource positions in the DPMA office, which are not
10 listed on the information provided. BIE needs to
11 respond fully and accurately to this request about
12 positions funded from DOE funds and BIE funds.

13 For each of these offices, provide the major
14 five functions performed by this office. This
15 information was not provided. This is in a letter
16 that we had sent to the BIE. We sent it to Keith
17 Moore. We sent it to Larry Echo Hawk, and we sent a
18 letter to President Obama from the Cheyenne River
19 Sioux Tribe.

20 For each of these offices, provide the total
21 budget for that office -- office that includes all
22 sources of funding and specifically, BIE funds and DOE
23 funds and a breakdown of the total amount per office
24 spent on salaries, employee benefits, travel,
25 equipment and supplies, land leases or building

1 maintenance and facility expenses. This information
2 was not provided.

3 For each of these offices, list the names
4 and locations of all BIE-funded schools and grant- and
5 contract-funded schools under the jurisdiction of the
6 ELO and Regional Office, the number of students served
7 by each of those schools, the total amount of BIE
8 funds and DOE funds administered by BIE provided
9 directly to those schools.

10 BIE did not provide the number of students
11 served or the amount of funds allocated to these
12 schools.

13 For each state in the nation, the total
14 number of BIE-operated schools and Tribally Controlled
15 Schools Act and contract schools located in that
16 state, and the total amount of BIE and DOE funds
17 administered by the BIE that were awarded in FY2010
18 and FY2011.

19 Until accurate and complete information is
20 provided, it is not possible for the tribes to engage,
21 and I speak on behalf of the Cheyenne River Sioux
22 Tribe, in government-to-government consultation and
23 provide alternatives based upon factual information to
24 meeting budget cuts while improving education.

25 Mr. Steel, would you like to say anything

1 in response, or just like to say anything?

2 MR. KEVIN YELLOWBIRD STEEL: Let me add a
3 little bit more to this.

4 MR. JOHN YELLOWBIRD STEEL: John Yellowbird
5 Steel, Oglala Sioux Tribe. What I presented to you is
6 the position statement from the Great Plains Tribal
7 Chairman's Association on the streamlining of BIE.
8 I'd also like BIE, we'll give you 15 days to respond
9 to us in writing to Ms. Gay Kingman on our
10 recommendations. Also, I'd like that copy that
11 Mr. Moore has to be put into the record, please.

12 MR. KEVIN YELLOWBIRD STEEL: Also in that
13 statement -- my name is Kevin Yellowbird Steel. And
14 this would be on page 9 of the statement that was
15 given to you. On speaking about the goals, I asked
16 that this morning within the BIA and the goals and
17 what was being done with them. And this is a
18 continuation of that within the BIE part on the
19 goals -- the goals of the BIE efforts of reorganizing.

20 The BIE needs to answer these questions now.
21 To date, BIE materials have varied in the stated
22 objectives of the reorganization of saving money.
23 Some statements say \$8 million. Some say \$3 million
24 from saving money. Some statements -- the BIE
25 PowerPoint which states the goals are to meet

1 budgetary constraints and improve the quality of
2 education for students, to the Bronner Report, which
3 states the goals are shared responsibilities, central
4 policy oversight, better communications, and a new
5 focus on BIE needs.

6 What are the goals of the reorganization?

7 We believe the goals must be consistent with the
8 mandates of treaty and federal law. Our goals in any
9 federal action in Indian education must be tribally
10 determined under federal law. Until we start from the
11 beginning with setting the goals of a reorganization,
12 we cannot begin to look at how to attain these goals.
13 Specifically, BIE needs to answer the following
14 questions now:

15 One, How does this help the graduation
16 rates? As we know, any of it has never been
17 determined or even talked about. Our graduation rates
18 are low and need to be addressed.

19 Two, How does it help with attrition?

20 Three, How does it foster fulfillment of
21 strengthening tribal nations?

22 Four, How does this reorganization foster
23 understanding of actual learning processes for
24 indigenous people? How does this change the focus
25 from teaching to the test back to actual strategic

1 thinking skills? Any reorganization geared at cutting
2 money without addressing actual performance goals is,
3 as the Bronner report referred to, a "smack-down."
4 That is what this is. This is about nothing more than
5 money, not performance.

6 How does this reorganization improve BIE
7 ability to meet its inherent trust responsibilities?

8 How does this reorganization plan meet the
9 objectives and recommendations in the Bronner report?
10 The Bronner report recommends a hybrid model which
11 returned control to the regional and local level with
12 clear chains of command. It also recommends full
13 consultation with tribes and local agency level
14 personnel. Not only did the Bronner report not
15 consist (sic) with or hold any focus groups in the
16 Great Plains, they did not speak to a single education
17 line office level staff person. Even without this
18 identified vital input, the Bronner report recommended
19 consulting and taking the time to do this before
20 actually making any changes to centralize functions
21 further.

22 Today we have a lot of our school people
23 here. And I just want to recognize many of our tribal
24 schools who are here today. Because under the Tribal
25 Organization and Self-Determination and Education

1 Assistance Act, 25 U.S.C. 450B, and which are
2 controlled, sanctioned or chartered by the tribe and
3 therefore are part of our tribal government, many of
4 our schools receive grants under the Tribally
5 Controlled Schools Act, but they are still tribal
6 organizations under federal law, and should be
7 accorded legal status here to consult with the BIA and
8 BIE. In fact, a significant finding of the United
9 States Congress when it passed the Indian
10 Self-Determination and Education Assistance Act, that
11 was parental and community control of the educational
12 process, is of crucial importance to the Indian
13 people. That finding is still enshrined in federal
14 law and has not been replaced by any subsequent
15 findings.

16 I have a lot of other pieces here from our
17 schools that I want to present to you today. They are
18 press releases that were released back in 1986 that
19 our tribe took a stand in opposing these plans and
20 cuts. Like they said, these have been in the works
21 for years. And these talks are not new. They've been
22 going on for a long time.

23 And with this, back in 1986, did come about
24 that we do hereby inform you that these meetings are
25 to oppose this plan. That would be still in place.

1 It definitely states the fact that the treaties are
2 not, you know, with the state. These are the Federal
3 Government.

4 So with that, I have these, and I just
5 wanted to make those comments because your goals here
6 are not focusing on our children or our communities
7 within our schools. Thank you.

8 MR. KEITH MOORE: Real quick. Keith Moore,
9 Director of the Bureau of Indian Education. Thanks
10 for your opening comments. Thanks for the great
11 turnout of tribal leaders. We appreciate the chance
12 to consult with you and have a dialogue about the
13 pieces that are going on here around the front, our
14 assessment, our FY13 budget, and all of the steps
15 forward around that. So we'll address a number of
16 your questions and a number of the pieces here that
17 you brought up.

18 Just some -- just some -- an opening thought
19 about the importance of you folks, tribal leaders
20 being in this discussion. Let's take the states'
21 rights and that our treaties aren't with states, and
22 turning the testing over to states. Back in the day
23 when NCLB rolled out and negotiated rule-making was
24 had on that process with tribes and tribal grant
25 schools and the process, it was agreed upon to

1 negotiate the rule-making to follow the goal of state
2 standards and assessment in agreement with tribes.

3 I think that's a -- that was a poor decision
4 for us going forward. I feel that folks like you are
5 in those discussions, and we have a great relationship
6 with tribal leaders. We would be where we are today
7 with a unitary set of standards and assessment that is
8 culturally relevant and that we would have implemented
9 across the BIE.

10 So those are the kind of -- those are the
11 kind of issues that I think are vital, they're
12 important; that you folks should be helping set the
13 direction and the tone for as we go forward. And
14 that's why it's so important to work directly with
15 tribal leadership.

16 Our schools -- with all due respect to all
17 of us that have worked in schools and have done the
18 work, schools exist because of our sovereignty and
19 tribal leadership. And so we want to make sure that
20 you have all the knowledge you need to have on
21 policies, on budget, on the discussions we have. We
22 need to be -- we need to do a better job, there's no
23 doubt, of directly communicating with tribal
24 leadership. It's one of the directions we're trying
25 to take today. And we're going to work harder and

1 better to get better at it as we go forward so that
2 you know very much about what's going on from the BIE
3 to our tribal schools and the education process that's
4 happening.

5 It's just, again I'll say, very important.
6 So that's what we're -- the direction we're trying to
7 take in the BIE, is this direct consultation and
8 conversations with you folks.

9 I do want to let folks introduce themselves
10 and give them the opportunity here, and then Brian
11 will answer some questions. I'd like him to go last.
12 And then David and Roxanne will lead our process for
13 the BIA Streamlining. And then we can have a great
14 consultation and dialogue about all of the pieces here
15 that you --

16 MR. JESSE TAKEN ALIVE: Mr. Moore, if I
17 could, Jesse Taken Alive from Standing Rock. From the
18 tribal perspective, this is not consultation. In all
19 due respect, you've said that two or three times,
20 consultation. This is not consultation. So I just
21 want to state that for the record, that we are not
22 consulting. It's a dialogue because of the history of
23 consultation.

24 Now I don't know who was -- who was at the
25 meetings where the BIE abandoned the testing process.

1 As a result, we have Dakota STEP in South Dakota
2 throughout our tribal schools. I don't know if
3 anybody was in the room, anybody who was there that's
4 in the room right now. Because if that was a
5 consultative process, I would beg to question if -- if
6 the tribes agreed to them. I know we were adamantly
7 opposed to that when we first heard that at Standing
8 Rock, that this is abandoned to the states. It's
9 absolutely wrong because states don't carry the
10 sovereignty that Tribal Nations do.

11 So I don't know. I would call -- if there's
12 any educators, anybody in the room that was at that --
13 at that process or knows otherwise. I'm saying that
14 the tribes opposed this abandonment of tribal schools
15 to the state with this testing. I don't know if
16 there's anybody here that would want to step forward
17 and elaborate on that from a tribal school's
18 perspective.

19 MR. DAVID TALAYUMPTWEA: Yeah. Excuse me.
20 My name is David Talayumptewa. I'm a member of the
21 Hopi -- Hopi Nation from Arizona. But I was -- I
22 attended some of those meetings where the Bureau of
23 Indian Affairs had tribal negotiated rule-making. And
24 they had about 25 tribal representatives sitting on
25 the committee, and then they had five BIA

1 representatives, when they started talking about
2 adequate yearly progress, testing, what standards the
3 BIE-funded schools would follow. And I know that Deb
4 Bordeaux was a part of that negotiated rule-making.
5 And I'm not sure who else from the Dakotas was on that
6 group. But it was a process where the BIA, OIEP back
7 then, negotiated with tribes. And the consensus was
8 that they were going to follow state standards.
9 Whatever state the school was located in, they would
10 be using their standards and assessments. So that's
11 how that came about.

12 MR. DION KILLSBACK: With regard to the --
13 you know, this afternoon we had our Deputy Director of
14 Field Operations, Mike Smith, and he was here. And,
15 you know, he stated that on behalf of the Department
16 of Interior, the Bureau of Indian Affairs, we
17 understand and respect the tribes' position that this
18 is not consultation. And the Deputy Director
19 essentially laid out that accordingly, through the
20 Department of Interior and executive order, or
21 Secretarial Order, sorry, excuse me, 3317, that the
22 Department-wide consultation with Native tribes, which
23 was developed over a three-year period beginning in
24 2009, is a policy that -- that we're following, and
25 that many tribes throughout the development of that

1 process were involved with, including tribes within
2 this region. And that's what we're doing. But we
3 understand and respect that, you know, the tribes here
4 don't consider this as a consultation. And we respect
5 that. I just want to make sure that we're going
6 according to the Department of Interior policy which
7 was developed.

8 MR. JESSE TAKEN ALIVE: So your position
9 then is that it is consultation. Is that what you're
10 saying?

11 MR. DION KILLSBACK: Yes.

12 MR. JOHN YELLOWBIRD STEEL: I laid out
13 specific laws, treaties, the fact that we didn't have
14 input into the discussion in your agenda. It's all
15 your point of view, all your Bronner report, nothing
16 from our end. That's not consultation. I said this
17 is not the end of it.

18 MR. BRIAN MOORE: Dion, if I could, and you
19 correct me if I'm wrong, but all of these pieces,
20 nothing has been implemented. Nothing's been put on
21 paper in terms of steps forward. The Bronner report,
22 the final draft that was given to the Assistant
23 Secretary was a list of recommendations knowing that
24 the next steps were consultation with tribes on that
25 final draft to let -- go across the country and have

1 consultation and get input. So there's nothing
2 implemented in terms of the Bronner assessment.

3 Same here with the FY13 budget. Nothing has
4 been implemented. We're just looking at the numbers.
5 We're sharing the numbers to get feedback in terms of
6 what -- you know, what we should do.

7 For instance, for a quick example, the BIA,
8 we're going -- in our Education Program Management,
9 which is our administrative line item, we're going
10 from approximately \$21 million down to \$11.8 million.

11 MR. JOHN YELLOWBIRD STEEL: You're saying
12 this is a dialogue like Jesse Taken Alive is, but
13 Killsback over there says he considers this
14 consultation. And it is not, not the process.

15 MR. DION KILLSBACK: Well, as I -- as I
16 stated, the process that we're -- that we're
17 following, that we're under, is consistent with the
18 policy that was signed into -- you know, by the
19 Secretary of Interior, Ken Salazar, as well as the
20 Assistant Secretary of Indian Affairs, Larry Echo
21 Hawk. And that was -- that was a process that was --
22 involved all -- all tribes and was a process that took
23 three years, and according to the Federal Register of
24 the notices, as well as dissemination of information
25 to the regions and the agencies. We understand that.

1 And then also, as I stated this morning --
2 and I apologize if you weren't able to receive the
3 information. From my understanding, in speaking with
4 our Regional Directors, Diane and Alice and Ed
5 Parisian, particularly those regions here, all that
6 information was available and made available to the
7 agencies as well. And we have direction from
8 Washington, D.C., the Central Office, to make sure
9 that we get confirmation from our regional folks and
10 our agency folks so that all the information that we
11 have at the time and when it comes available, it's
12 disseminated.

13 And as I just stated, that this is the
14 fourth consultation of the seven, and that the
15 information is that we have, if it wasn't brought --
16 or if it wasn't made available, is available now.
17 It's here in hard copy form. And as we go through the
18 process, the court reporter, for the record, will also
19 have those -- those consultations that were conducted
20 in Florida, in Phoenix, and Spokane and as well as
21 here, available as well on the Internet.

22 MR. JOHN YELLOWBIRD STEEL: We just gave you
23 our recommendations just now. We will call you in for
24 our consultation.

25 MR. BRIAN MOORE: If we could, Dion, go on.

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1 I would like to finish my example of what we aren't --
2 what we have done is we're going from \$21 million in
3 our Education Program Management down to \$11.8
4 million. And just to pay salaries and benefits in
5 that line item which funds the line officers on up to
6 the Director of Interior, mind you, we would have to
7 have \$14.8 million dollars just to pay salaries and
8 benefits if we stayed structured the way we are today.

9 So you can see we're \$3 million dollars
10 short just to pay salaries and benefits. That's no
11 operating costs. That's nothing. We haven't
12 implemented anything. We haven't designed anything to
13 put on paper. Obviously, as a Director and a person
14 that's been in educational organizations for over a
15 decade now, I have my ideas in my head about how we
16 think we should move forward. But we're here --
17 obviously, the big part of it is to get your input on
18 what the numbers are and what we're looking at, the
19 situation we're going to be in in just a few short
20 months, and how do we move forward to do the best job
21 we can to meet treaty and trust responsibility down to
22 the schools to do the best job that we can with the
23 resources that we're going to be appropriated by
24 Congress for, which obviously, you know, we live with,
25 like everybody, what we get appropriated from

1 Congress.

2 So those are the kind of things that I want
3 you to understand. We haven't -- nothing's been
4 implemented. Nothing's been put in place. We're out
5 doing -- in the best time lines that we can. When the
6 FY13 budget is rolled out and the President signs it
7 and says, here's my budget, we do the best job we can
8 to get a Federal Register drafted, put it out for 30
9 days, get dates on the calendar, and then come out and
10 do what we're doing now. We can't do it any quicker
11 than we currently have. We feel like we've done the
12 best in meeting time lines to get out and do it, and
13 then try to get a good plan put in place with the
14 dollars that we're going to have appropriated. Yes,
15 President Steel.

16 MR. JOHN YELLOWBIRD STEEL: You've got
17 self-governance tribes. You got direct service
18 tribes. I see the whole \$20 million coming out of
19 direct service tribes. Now, they took their shares.
20 And what you're taking the money out of the
21 administrative section of BIE, those are our shares,
22 our money. Are they contributing to the cuts? Are we
23 bearing the brunt of the cuts?

24 MR. BRIAN MOORE: David, will you hold
25 that -- write that question down and hold it in your

1 head? Just, I want to get through introductions here
2 real quick so everybody knows who everyone is. And
3 we'll come back to it.

4 MR. JEFF HAMLEY: Just a moment. Brief
5 introduction: Jeff Hamley. I'm Associate Deputy
6 Director, Division of Performance and Accountability.
7 I'm a member of Turtle Mountain Chippewa Tribe, North
8 Dakota. But I just have to say that, you know, the
9 questions that -- on attrition, dropout, graduation
10 rates, academic performance, eventually, you know,
11 those are the important issues. So I'm glad to hear
12 them here. When all this discussion is through, we'll
13 come back to those issues because those are the issues
14 that are bringing down Indian education. And we need
15 to work together to resolve those. So I'm glad that
16 those issues were brought up. Thank you.

17 MS. ROXANNE BROWN: Good afternoon. My name
18 is Roxanne Brown. I'm the Associate Deputy Director -
19 East with the Bureau of Indian Education. And as Jeff
20 just said, I'd like to just reiterate what Chairman
21 Steel brought up and the questions that were asked.
22 Those are the questions that we are asking you to take
23 into consideration in your input and recommendations
24 to us in the formulation of our structure so that we
25 can serve Indian children effectively. I hesitate to

1 use the word "efficiently". But with the resources
2 dwindling and the proposed 2013 budget before us, we
3 really have to work smarter. And that's what we're
4 asking you to assist us with, provide us your input,
5 your thoughts, your expertise.

6 I work with a lot of the people in this
7 room. And I know we have a lot of expertise,
8 knowledge, skilled people in the room, dedicated
9 educators. And we work every day with the line
10 officers with our focus on Indian children.

11 MR. JOHN YELLOWBIRD STEEL: Who's going to
12 answer my question?

13 MR. BRIAN DRAPEAUX: I'm the final
14 introduction, John. Then we'll get to your question.
15 Brian Drapeaux, Chief of Staff, Bureau of Indian
16 Education, Yankton Sioux Tribal Member.

17 MR. DION KILLSBACK: I'm going to make sure
18 that you can be heard. So I'm going to run over here
19 and get you a mike. I know that there are people in
20 the audience. And there isn't a mike up here right
21 now for our folks here on the left, your right. So
22 I'm going to get them a mike. What I'm going to ask
23 is that if you have a comment, wait until we can get a
24 mike to you so that we can make sure we get it on the
25 record, and also remember to say your name and where

1 you're from and who you represent, if you're
2 representing anybody. And also, be cognizant that,
3 you know, we're here in a capacity. And it's
4 difficult. It's frustrating. But I would ask that we
5 remember to remain respectful to everybody here when
6 we address -- address each other. So I'm going to
7 grab a mike for you.

8 MR. RANDAL WHITE: Before he grabs that
9 mike -- before you grab that mike -- before you grab
10 that mike, I guess I was wondering, the person that
11 came here on January 20th, I guess, I mean, you're
12 hearing the concerns of the tribes back on
13 January 20th, and we're repeating ourselves. And it's
14 really sad that we have to come forward and tell you
15 over and over and over, and give you what the tribes
16 want over and over, and you know what their needs are
17 out there. I mean, geez, Rock Creek needs a new
18 school, Standing Rock. We told you that on
19 January 20th. Some of you guys should open your ears
20 and listen and look at all the things that we talked
21 on January 20th. Take those in consideration.
22 Because, I mean, those come from our children's needs.
23 And it's really sad that January 20th was -- was not
24 even a meeting, it sounds like. Because I'm glad
25 today we have a court reporter, because at least there

1 will be a record so we can reflect on all these needs,
2 that we repeat ourselves again. Thank you.

3 MR. DION KILLSBACK: Is that mike working?
4 Make sure.

5 MR. KEVIN YELLOWBIRD STEEL: Yes.

6 MR. DION KILLSBACK: Okay. So I'm just
7 wondering.

8 MR. JOHN YELLOWBIRD STEEL: My question
9 was -- John Steel, John Yellowbird Steel for the
10 Oglala Sioux Tribe. Now, the self-governance tribes
11 took their shares out of the Agency, Regional and
12 Central Offices. We had one pot of money there. We
13 got a \$20 million dollar cut we're looking at. You
14 say you're taking it from -- within the BIE. That's
15 our herd of cattle. Those are our shares. They have
16 to share in the cuts. I see all of it reflected in
17 just our shares. We're taking the brunt of the cuts.
18 They are not getting their shares cut. Or are they?
19 That's my question.

20 MR. DION KILLSBACK: I can try to address
21 some of that question. The one-and-a-half percent
22 cuts that we're talking about, as Bryan Rice indicated
23 in the BIA presentation earlier, the \$14.5 million is
24 for BIA, and then that corresponds with the BIE to be
25 in addition to \$20 million. Now the --

1 MR. JOHN YELLOWBIRD STEEL: My question
2 would also be to you also. Is the BIA also cutting
3 these self-governance tribes? Are we taking the brunt
4 of that also?

5 MR. DION KILLSBACK: Well, I think that
6 there's a point of clarification that we can make.
7 And I think I understand -- if I understand your
8 question correctly, the direct service tribes
9 obviously receive funds through TPA and through 638
10 contracts and --

11 MR. JOHN YELLOWBIRD STEEL: So did the
12 self-governance they compacted.

13 MR. DION KILLSBACK: Yeah. The
14 self-governance compact. But when we get into the
15 realm of education, education is kind of a
16 different -- different category. The BIA is where the
17 cuts would be, and it would be -- affect both
18 self-governance tribes and direct service tribes.

19 MR. JOHN YELLOWBIRD STEEL: How much are
20 they getting cut, that self-governance office you
21 made? Do you have a direct service tribes office?
22 Are you specialty to self-governance office only?

23 MR. DION KILLSBACK: The self-governance --
24 there is a self-governance office.

25 MR. JOHN YELLOWBIRD STEEL: Yes, there is.

1 MR. DION KILLSBACK: But the direct service
2 tribes have agencies and regions. And there's the 12
3 regions and 84 -- correct me if I'm wrong, Bryan.

4 MR. BRYAN RICE: 85.

5 MR. DION KILLSBACK: 85 agencies. And
6 that's all direct service money for direct service
7 tribes.

8 MR. JOHN YELLOWBIRD STEEL: And those are
9 our shares. We could compact for those.

10 MR. DION KILLSBACK: We could compact for
11 those.

12 MR. JOHN YELLOWBIRD STEEL: Like they did
13 theirs.

14 MR. DION KILLSBACK: Yes.

15 MR. JOHN YELLOWBIRD STEEL: That's why you
16 don't have a region office there.

17 MR. DION KILLSBACK: Yes.

18 MR. JOHN YELLOWBIRD STEEL: You have the
19 inherent federal functions.

20 MR. DION KILLSBACK: Yes. The --

21 MR. JOHN YELLOWBIRD STEEL: But you don't
22 have -- they compacted for their shares. They got to
23 take the same cut as we do.

24 MR. DION KILLSBACK: And I just want to make
25 sure that I'm clear, point of clarification, is that

1 the BIA, in the previous presentation, that's where
2 the cuts would be coming from, would be coming from
3 both the self-governance pot as well as --

4 MR. JOHN YELLOWBIRD STEEL: It's not
5 reflected here that way, your presentation to us
6 today.

7 MR. DION KILLSBACK: Well, I really
8 apologize for the confusion, because we're going to
9 get into the education aspect of it. Education is a
10 different realm, not necessarily directly dealing with
11 direct service tribes or compact tribes. Nonetheless,
12 it does affect tribes in the regions, but this would
13 be education realm.

14 MR. DAVID TALAYUMPTEWA: Yeah. The document
15 that I handed out, everybody at this table should have
16 a copy of this. This is the FY13 proposed budget for
17 the Bureau of Indian Education, and does not address
18 all of the funding for the Department -- or for Indian
19 Affairs. Only BIE dollars you're looking at right
20 here. The self-governance issue that you're asking
21 about is in the BIA portion of the budget.

22 MR. JESSE TAKEN ALIVE: Was that -- was that
23 budget sent out to the agencies, the one --

24 MR. DAVID TALAYUMPTEWA: This -- this one is
25 made available to the public (indicating). The

1 President released this budget back on February 20th.
2 So this is public information. I mean, you can get it
3 off of the BIA Internet website or you can just look
4 up Indian Affairs and FY13 budget. It's on the
5 website. I mean, this is available to everybody.

6 MR. JESSE TAKEN ALIVE: So officially, was
7 that sent to the agencies?

8 MR. DAVID TALAYUMPTEWA: The line officers,
9 we would have line officers. I don't know if it was
10 officially sent to the line officers or not. But
11 we've talked about it through teleconferences, about
12 the FY13 budget.

13 MR. JESSE TAKEN ALIVE: So you don't know if
14 it was sent to agencies or not.

15 MR. DION KILLSBACK: It wouldn't necessarily
16 be proper to send them to the agencies because the
17 agencies are responsible for the BIA budget. The BIE,
18 through the educational line officers, would receive
19 this budget because it's a BIE budget.

20 MR. JESSE TAKEN ALIVE: So it was sent to
21 the line officers.

22 MR. DION KILLSBACK: Yes. The line
23 officers --

24 MR. JESSE TAKEN ALIVE: Officially.

25 MR. DION KILLSBACK: Yeah. The line

1 officers would have access and would have knowledge of
2 the FY2013 budget proposal.

3 MR. JESSE TAKEN ALIVE: The reason I'm
4 asking these detailed questions, and hopefully they're
5 being received respectfully, because we're frustrated
6 out in Indian Country. We went through an exercise on
7 Standing Rock to try to come up with ways to deal with
8 any kind of budget cuts that were coming. Now I don't
9 know if we got these officially, this budget that was
10 held up. But nevertheless, we proceeded with the
11 understanding that we didn't get the Bronner report.

12 But anyway, did our exercises, all our
13 educators on Standing Rock. We spent a day and put
14 together some solutions, some recommendations. And
15 the pending question is: How is -- oh, many. How is
16 the MOA between BIE and the Department of Education
17 going to affect the streamlining process?

18 We couldn't -- we didn't know that because
19 there's no Bronner report. And yet here we are with
20 your interpretation of consultation, you know, going
21 through this process. Again, so that -- you know,
22 these major issues need to be put on the record so we
23 can continue with what you're going to tell us you're
24 going to do, because that's what this is about. It's
25 about us. It's not with us, from our history and

1 experience. January 20th is a prime example of it,
2 like my colleague said. You're saying, tell us what
3 you want. We already told you on January 20th.

4 MR. DAVID TALAYUMPTEWA: Let me -- those of
5 you that have this in front of you, the reason we're
6 doing the streamlining, if you'll look at this
7 document and look at the line item called Education
8 Program Management, look at where -- look at where we
9 were in terms of funding. In 2011, we had \$22.7
10 million. In 2012, we went down to \$15.2 million.
11 What's proposed for '13 is \$11.8 million. So
12 regardless of what -- we're going to have to look
13 different than we look right now because of the money
14 that's being proposed for 2013. We're losing over \$6
15 million -- or between five and \$6 million dollars from
16 2011 to 2013.

17 So we're asking you, can you help us figure
18 out what we should look like and still continue to
19 provide educational services to the Indian students
20 which we're charged with educating?

21 Now, if you'll look further up, you'll see
22 funding for the schools. You'll notice ISEP. Those
23 are the direct instructional dollars that goes out to
24 our schools. The whole amount goes to our schools.
25 The Program Management line item I just spoke to is

1 the dollars that fund line offices up to the Director.
2 That's what we got -- that's the money we use to fund
3 our line offices, administration, and the Director's
4 Office.

5 But if you'll go all the way up to the top,
6 look at ISEP Formula Funds, the Director has worked
7 hard to try to maintain funding that goes directly to
8 the schools. However, we could not -- we ended up
9 with ISEP taking a \$1.3 million dollar cut from '12 to
10 '13. And then you can see ISEP Program Adjustments,
11 the Education Program Enhancements. That's our math
12 and reading program. That got a \$30,000.00 increase.
13 Overall, the money that goes to the schools looked
14 better than the Program Management line item. And
15 that's -- again, that's the money that's used to pay
16 line officers all the way up to the Director.

17 And we're taking the biggest hits in
18 management, trying to save funding for the schools.
19 And that's reflected throughout this budget that has
20 gone to -- it's going before Congress for approval.
21 So what we're asking you is help us figure out what we
22 should look like and provide services with the kinds
23 of cuts that we're taking to Education Program
24 Management.

25 And that's what this streamlining is all

1 about. It's not about direct services to schools.
2 That is remaining pretty much intact, as you can see
3 when you look at the budget. But it's Program
4 Management that we need your help with.

5 MS. DOROTHY BOES: I want to ask you a
6 question on that, okay, if I can?

7 MR. DAVID TALAYUMPTewa: Sure.

8 MR. DION KILLSBACK: If you can come up.
9 And can someone hand her the mike?

10 MR. BRIAN MOORE: Real quick, if we could,
11 Dion. And I would like -- there are about three
12 other, four other questions still hanging out there.

13 MR. DION KILLSBACK: Okay.

14 MR. BRIAN MOORE: So with all due respect --

15 MS. DOROTHY BOES: Okay. You're saying
16 that --

17 MR. DION KILLSBACK: Excuse me. Excuse me.
18 Let me address these questions first. But hold on.

19 MS. DOROTHY BOES: Thank you.

20 MR. DION KILLSBACK: We'll come right back
21 to you.

22 MR. BRIAN MOORE: Yeah. So we can get some
23 of these things clicked off here, --

24 MR. DION KILLSBACK: Right.

25 MR. BRIAN MOORE: -- get those off the

1 docket. First of all, the January 20th meeting that
2 we had, the listening session was -- we brought up
3 school construction. We brought up a number of
4 things. On January 20th, we had a listening session
5 on the new Executive Order that the President had
6 signed on American Indian and Alaska Natives. It was
7 to have a listening session about the new Executive
8 Order. And the transcripts, I'm sure they were run
9 through -- it was a White House initiative on American
10 Indian and Alaska Native education that runs through
11 the White House. I know they're working on the
12 transcripts to get those uploaded and out. I do know,
13 because we got feedback that 35 percent of the
14 response that we had on those listening sessions was
15 directly on the MOU, which is what we were out to
16 listen on. 65 percent of the comments would have come
17 on a number of other broad topics. But we are only
18 focusing the responses that we received directly on
19 the M- -- excuse me, on the new Executive Order
20 because that's what we were out to take the listening
21 session on, is its implementation, what was in that
22 new Executive Order and how to move forward with it.

23 So I wanted to address that. I know some
24 folks, maybe they're not getting response, or you
25 don't feel it's been quick enough. But I know Bill

1 Mendoza has been doing all that he can to get the
2 transcripts. I know that we've worked through, I
3 don't know how many thousands of pages that our people
4 as well, looking at the listening session information.
5 And that those will be up, I know, relatively soon. I
6 had a conversation with Bill about that on the
7 listening -- listening session transcripts.

8 But I want to be clear that that was
9 specifically on the new Executive Order. And that's
10 what we're focusing, that we listened and heard on,
11 and not the 65 percent of the other comments that we
12 got on a broad array of topics. We were solely
13 focused on the new Executive Order.

14 I know Brian is going to answer a few
15 questions here as well.

16 MR. BRIAN DRAPEAUX: Brian Drapeaux, BIE.
17 I'll speak to the 65 percent of the items that were
18 not pertaining to the MOU. And it's important to
19 understand because those comments didn't just go into
20 the wind. In the last year, the U.S. Department of
21 Education held 11 listening sessions in Indian
22 Country. And they compiled an enormous document and
23 thousands of pages of comments, and they put out an
24 executive summary of those comments. What we plan to
25 do with the 65 percent to see if we can align those

1 comments that were made that didn't pertain to the
2 M- -- to the Executive Order, to what the U.S.
3 Department of Ed is looking at, and see if we can
4 start combing through all the data to start looking
5 for policy directions, management suggestions, so on
6 and so forth. So that stuff just didn't go into the
7 wind, and we will be looking at it. We will be
8 attempting to address it, and then try to align it to
9 a number of other activities, including the budget
10 formulation process.

11 I appreciate what David was talking about
12 here. As I stated earlier today, one of the exciting
13 things that we look forward to this streamlining
14 discussion was not necessarily to have to talk about
15 streamlining and its impact, but we will do that. But
16 to really talk about this budget, the 2013 budget.

17 President Steel alluded to the TPA Program
18 and the process for 638 and to take in those, service
19 by tribes. And I stated earlier today that only three
20 percent of our budget is addressed in that process,
21 which means that the other 97 percent of our budget is
22 discussed, but discussed in a patchwork approach.
23 Someone may talk about ISEP. Someone may talk about a
24 reading program. Someone may talk about O&M. They
25 may talk about, you know, an array of different

1 things. But tribal leadership is not getting the
2 opportunity, that we can see, in a formalized session
3 to talk about the billion-plus dollars that we have
4 sitting on the table that we formulate out to Indian
5 Country. So this is really important to us in terms
6 of the Federal Government because we -- we want to
7 create a new day in terms of transparency in what the
8 budget process looked like, how we formulate it, how
9 we prioritize it, and your role in that as well.

10 And I don't know that that's been available
11 previously to this extent. But we think it's
12 important to do that on a much expanded basis. And
13 the reason we say that is, is there was a December 1st
14 meeting with a group of tribal leaders. They met with
15 Secretary Salazar and Duncan, and they talked about a
16 number of different items. The next day President
17 Obama met with tribal leaders in the White House. And
18 again they talked about an array of issues.

19 What we see missing in the budget discussion
20 for Indian Education, including the U.S. Department of
21 Education, is tribal leadership approach, their
22 priorities. And it's -- in the TPA process, we may
23 get -- they ask for a ranking, because you guys rank
24 all your activities that you want to see. Each region
25 does it. And education is always somewhere up near

1 there.

2 But what's interesting about that education
3 discussion at that tribal leader TIBC discussion is
4 that they only talk about three programs. That's it.
5 They're not talking about anything else, just three
6 programs. And that's been disturbing for us, quite
7 frankly.

8 In addition to that, I want to try to
9 clarify, if I can, two things. One is the Bronner
10 study. I know that it seems a little convoluted, to
11 say the least, about what the Bronner study means in
12 regard to this streamlining, in regard to the budget,
13 in regard to the new Executive Order, the MOU, and
14 all these -- all these pieces that were mentioned
15 earlier. We hope to bring some clarity.

16 As you know, the Indian Affairs is really
17 broken into four areas. You have the Assistant
18 Secretary's Office. You have the BIA. You have the
19 BIE, and then you have DAS-M. What the Bronner Study
20 is really focused in on is the DAS-M portion of the
21 organization. That holds a number of different
22 activities that are supposed to provide services to
23 the BIA and the BIE.

24 What we have found disturbing in the DAS-M
25 structure, and what our complaint has been since the

1 minute we walked in the door, is that we felt that the
2 BIE was not receiving equitable service, equitable
3 attention to the needs that we have in terms of
4 contracting, acquisitions, HR, IT, so on and so forth.
5 And so as a result of our complaining, I guess, or
6 bringing this issue to light, the Assistant
7 Secretary's Office supported a Bronner study, or this
8 study that eventually is known as the Bronner study,
9 which we're really excited about because there's
10 philosophical debates that have to go on about how
11 Indian Country is served by these entities, and what
12 role should the DAS-M play in providing those services
13 or providing support to the entities that support
14 services.

15 Everybody said, we don't do -- we're not
16 trees and rocks. That's true. We serve people.
17 That's what we do. We serve children. We serve
18 communities. We understand that. So our belief as
19 well is that we should look at the structure.

20 And I have to say too that back in the early
21 2000s, I was part of a tribal group that was in
22 opposition to the current structure, and really could
23 see that -- and fought against this centralization of
24 these functions because we thought then, as we think
25 now, that that structure would perhaps limit their

1 ability to provide succinct services to Indian
2 Country, to the entities that provide services to
3 Indian Country.

4 And so we're -- I'm personally excited about
5 what the Bronner study is proposing. I think that, as
6 you look at the study and you start looking at the
7 breakout of the study, that you'll come to your own
8 conclusions about what it should look like. And we
9 look forward to those comments.

10 How the Bronner study relates to the
11 streamlining is, is eventually they will come together
12 at some point. Okay? The streamlining process for us
13 has been described in -- by both David and Director
14 Moore, is that we have less money to work with. Our
15 structure cannot support the current FTEs or functions
16 that we currently are involved in. The Department's
17 looking at a number of different activities right now
18 to address ways to reduce overhead, reduce costs.
19 We're monitoring travel to a very high degree.
20 We're asked to not spend money on areas that are not
21 top priorities within each Bureau. We're asked to do
22 a lot of different things that are really
23 administrative decisions to be made by the Directors
24 of each Bureau, by Program Directors of each Bureau.
25 What we're excited about though is that

1 you're all here today, quite frankly, and the
2 opportunity for us to have an open dialogue about our
3 budget, the Bronner study, the streamlining, and the
4 implications that it could have to you in terms of
5 receiving services from the BIE specifically. The
6 difficulty is, is that decisions are going to have to
7 be made. And that's why we're here, is because we
8 look forward to your input to help us guide us, to
9 help guide us in our decision-making process. It's
10 important to us. It's paramount to us.

11 And this is the fourth of seven of these
12 consultations that we'll hold. And -- or not
13 consultations, but dialogue in this case. So the
14 consultation policy that we have to adhere to we're
15 following, but in terms of the relationship to you, no
16 consultation. And we look forward to very specific
17 recommendations and suggestions about the structure.
18 And if you need more data, we're happy to provide it
19 if we can about what we fund, how we fund it, where we
20 fund it at. Because all of that may be impacted at
21 some point as decisions are finalized.

22 MR. JESSE TAKEN ALIVE: So when can we talk
23 about turning these duties and functions over to our
24 tribal education departments? That was a strong
25 suggestion made on January 20th. Don't see it in the

1 Bronner report. You never mentioned it. Again, we're
2 back to how can we save positions. Understandably,
3 it's a budget cut (indicating). But we believe that
4 we have that ability. We honestly believe that. And
5 when can we get you to agree with that in writing and
6 sign off to it?

7 Before I continue, there's a lady that
8 wanted to talk about the budget issues. I hope she
9 can come back up here, wanted to ask her questions or
10 comments.

11 MS. DOROTHY BOES: Well, let me say what I
12 have -- let me get it off my chest. I'm going to
13 argue with you about this budget when you say that the
14 schools are not being hurt. My name is Dorothy Boes.
15 I'm from -- I work with the Rosebud Sioux Tribe,
16 Milk's Camp Reservation, Bonesteel-Fairfax School. We
17 won't even talk about all the titles I carry. That's
18 enough to tell you where I came from.

19 You said in 2012, it was \$15.2 million. In
20 2013, it's down to 11.8. I'm going to tell you that
21 the ones you are hurting are the kids. 100 percent is
22 the kids. Okay? I'm also going to say something
23 else. In nine -- excuse me, something-'95, I think it
24 was 19 -- two-thousand -- well, anyway, I got the
25 paper back there. That was the last time we did a

1 complete count on our kids. It was always based from
2 that time on with our money. Now they're coming back,
3 we have 180 days to enroll all those children. So
4 that means we're going to get more kids, which we know
5 we're having more kids on the reservation. But are we
6 going to get more money? No. We're getting cut. So
7 that is going to hurt education. That is going to
8 hurt all kinds of programs, not just one. Thank you.

9 MR. DAVID TALAYUMPTEWA: Can I --

10 MR. DION KILLSBACK: David.

11 MR. DAVID TALAYUMPTEWA: Can I respond
12 briefly?

13 MR. BRIAN MOORE: But first of all -- the
14 second, I think, was JOM, which we'll address
15 tomorrow.

16 MR. DAVID TALAYUMPTEWA: Yes.

17 MR. BRIAN MOORE: So let's hold that -- you
18 know, that --

19 MR. DAVID TALAYUMPTEWA: Right, right.

20 MR. BRIAN MOORE: -- discussion tomorrow.

21 MR. DAVID TALAYUMPTEWA: Right. Okay.

22 MR. BRIAN MOORE: Then you can address the
23 administrative dollars, the cuts that she's talking
24 about.

25 MS. BEVERLY TUTTLE: I have comment. Thank

1 you. This is --

2 MR. DAVID TALAYUMPTEWA: Can I respond to
3 her first? Your statement about what you were talking
4 about is really Johnson-O'Malley funding. That's
5 going to be tomorrow. Now, that's not -- that is in
6 here in terms of the cut. But you'll notice it's
7 being cut \$18,000.00, Johnson-O'Malley, okay? And so
8 in terms of your question, that money goes to fund
9 public school -- Indian students in public schools and
10 also Head Start programs at the tribes.

11 MS. DOROTHY BOES: We are getting less. We
12 are not getting more.

13 MR. DAVID TALAYUMPTEWA: But we'll talk
14 about Johnson-O'Malley tomorrow, if it's --

15 MS. DOROTHY BOES: That's still --

16 MR. DAVID TALAYUMPTEWA: -- okay with you.

17 MS. DOROTHY BOES: But that's still
18 education.

19 MR. DAVID TALAYUMPTEWA: Yes it is,
20 absolutely. Agreed.

21 MS. BEVERLY TUTTLE: Okay. Thank you. This
22 is Bev Tuttle again, Tribal Council Representative
23 from the Oglala Sioux Tribe. I disagree with you,
24 Mr. Talayumptewa, that it's not just JOM. Because as
25 I heard two days ago, some of our tribal grant schools

1 are getting hit with this enrollment process and ISEP
2 problem. I just want to mention that, and not go into
3 deep discussion because we still have a lot of that to
4 deal with at our own local agency with our tribal
5 education agency.

6 So I have a real concern here. The
7 historical data, we have a BIE Education Management
8 chart here from FY07 to FY13.

9 The historical data below shows the actual,
10 enacted, and proposed BIE Education Proposed
11 Management Budgets. Source was the BIA Green Books.
12 Appropriated to the Bureau of Indian Education. This
13 does not include an additional estimated state
14 administration funds available from the Department of
15 Education of \$10 million dollars. Approximately \$7
16 million dollars of this amount is for Information
17 Technology. In FY11, the total BIE Education Program
18 Management funds was estimated to be nearly \$40
19 million.

20 And I just want to ask, Where is this going?
21 And I also have another concern. And I'm going to
22 hand it over to one of our audience. About the local
23 control, nothing is mentioned at all. And I'm really
24 leery of the fact that our Indian Self-Determination
25 Act is not being strengthened with supporting local

1 control of our education.

2 And another question I have is, why is the
3 BIE just now working on an MOU with the tribe when
4 this should have been back when the No Child Left
5 Behind Act was enacted. We never -- we never did a
6 MOU with you guys, never. It was done directly to the
7 state. We were overlooked. So that's a real problem
8 for me.

9 And so again, this is not consultation. I
10 want to say we have so much work to do on the why's
11 and the Q's. I think we really need to -- we really
12 need to take a good look with just our tribal -- our
13 tribes here. Because there's so much details here
14 that, you know, we talk about transparency. You know,
15 I have -- I have a bad taste in my mouth. I'm going
16 to have to tell you that, historically, about
17 nontransparency, about things that were done to us.
18 But I just want to mention that we'll air those out
19 when the time comes with true consultation on why
20 we're taking the positions that we're taking.

21 So with that, I would like to hand the
22 microphone over to Tracy Zephier. Thank you.

23 MS. TRACY ZEPHIER: Thank you, Council
24 Representative Tuttle. I just -- I want to add a
25 couple of questions. I'm from the Cheyenne River

1 Sioux Tribe. I'm an attorney for the Cheyenne River
2 Sioux Tribe. I'm not speaking on behalf of the
3 Cheyenne River Sioux Tribe in any form at all. I'm
4 not consulting. So please don't take what I'm saying
5 as consultation.

6 I just have a few questions regarding this
7 budget that was handed down. And I'm hoping that you
8 will, in addition to the questions that my -- that my
9 leader, Mary White Bull Miller, asked you earlier,
10 that you respond to these questions as well in your
11 response to Cheyenne River Sioux Tribe.

12 One of them regarding this budget: I'm
13 wondering, kind of related to what Council
14 Representative Tuttle asked earlier as well as
15 Representative Steel, this budget, can you get us
16 information about Department of Education funds? Are
17 they utilized in functions that are utilized to
18 support the functions that BIA has a fiduciary trust
19 responsibility to provide to these schools? As
20 Council Representative Tuttle said, we've been told
21 that this line item that you are referring to,
22 Mr. Talayumptewa, about \$29 million dollars, almost
23 \$30 million dollars in Education Management, that's
24 BIE funds. But if there's an additional \$10 million
25 of Department of Education funds that are used there,

1 we would like to know, I guess, what's that used for,
2 where's it going, what functions is it supporting, and
3 are there any other similar situations in this -- in
4 this budget? Are there any other line items that are
5 supplemented with DOE funds? That's one question that
6 I had. We need that -- we'd like that information
7 broken down by line item by these functions here as
8 you have it listed in your BIE budget, not only 2011
9 information, but 2012 and the proposed 2013
10 information if you have that.

11 The other question that we had was related
12 to what President Steel said earlier. I see in the
13 footnote down here it says that BIE activities for
14 self-governance tribes, about \$17 million dollars, can
15 be seen in Appendix 8. And I'm wondering, it goes to
16 what President Steel said. The \$3 million dollars
17 that you're talking about that needs to be cut from
18 the BIE budget, it seems to me like if this \$3 million
19 dollar cut is just shown on this budget, this is just
20 BIE money that's being cut (indicating). So within
21 this budget, is any of that BIE \$3 million dollar
22 reduction going to be taken out of this \$17.4 million
23 dollar self-governance money, and if so, why not?

24 So if you can answer those questions. Thank
25 you. Thank you.

1 MR. BRIAN DRAPEAUX: I can talk to a couple
2 of different points. First of all, we can provide you
3 the information about the U.S. Department of Ed funds.
4 This particular document is in the Green Book, which
5 is our budget submission, and it's available online
6 since February 20th, so -- as well as U.S. Department
7 of Ed funds as well to deal with.

8 The interesting part about the
9 self-governance fees, Chairman Steel, President Steel,
10 is it's my understanding that self-governance can only
11 compact those programs that are available for 638. So
12 which means that there's only three programs.

13 MR. JOHN YELLOWBIRD STEEL: Not only the
14 programs, sir. You, sir, are a part of that herd of
15 cattle. You, sir, are Oglala's -- part of Oglala's
16 share. They took their shares. They took their
17 federal employees, those cattle. Those cattle need to
18 be cut when budget cuts come down from OMB. Treat us
19 all the same. There's no specials here. This could
20 get you in trouble, sir, not cutting them their --
21 their fair share.

22 MR. BRIAN DRAPEAUX: The challenge that we
23 have, President Steel, is as you look at this budget
24 and you look at each individual line item, each line
25 item is its own entity to be considered in the

1 budgeting process. Our challenge is that when we look
2 at the Education Program Management piece and the
3 reductions that are reflected in this particular
4 budget for 2013, is that there is a disproportionate
5 cut here. Over the past two years, we've seen almost
6 a 49 percent cut over these two -- over this
7 particular line item, although the BIE overall budget
8 has increased.

9 MR. JOHN YELLOWBIRD STEEL: It doesn't
10 matter. You are a part of our cattle there, sir. And
11 we get -- we're going to -- we're going to go over and
12 look at these past years to see if those cuts were
13 disproportionately given. And we took the brunt also
14 there.

15 MR. BRIAN DRAPEAUX: I can't disagree with
16 you, quite honestly. I can't.

17 MR. CURTIS POITRA: Who decided that each
18 line item -- with the decrease and increase, who
19 prepared this?

20 MR. BRIAN DRAPEAUX: Right. There's a
21 process.

22 MR. CURTIS POITRA: Well, I mean, someone
23 prepared it.

24 MR. BRIAN DRAPEAUX: Yeah, the process is --

25 MR. KEITH MOORE: David, do you want to talk

1 about the process?

2 MR. DAVID TALAYUMPTEWA: Yeah. I mean, what
3 happens is all of the numbers go up to the Budget
4 Office in Indian Affairs. Indian Affairs works with
5 the Secretary's Office. And then the budget is
6 submitted to OMB. OMB looks at it, sends it back. If
7 they have markups on the budget, it will come back to
8 the Indian Affairs Budget Office. And then we'll take
9 a look at it a second time. And then it will go back
10 to the Secretary, and then OMB.

11 MR. YELLOWBIRD STEEL: OMB is going to be
12 mad at you for doing this.

13 MR. DAVID TALAYUMPTEWA: Pardon me?

14 MR. JOHN YELLOWBIRD STEEL: OMB is going to
15 be mad at you for doing this.

16 MR. DAVID TALAYUMPTEWA: Doing what?

17 MR. JOHN YELLOWBIRD STEEL: For
18 disproportionately cutting the direct service tribes
19 and not being fair and cutting self-governance tribes
20 also and being fair and equitable about everything.

21 MR. DAVID TALAYUMPTEWA: Okay. You're going
22 to have to talk to BIA, because we don't deal with BIA
23 funding.

24 MR. JOHN YELLOWBIRD STEEL: Yeah, but you
25 got --

1 MR. DAVID TALAYUMPTEWA: This is BIE.

2 MR. JOHN YELLOWBIRD STEEL: -- self-
3 governance tribes here also. We would like to know
4 from you if --

5 MR. DAVID TALAYUMPTEWA: John --

6 MR. JOHN YELLOWBIRD STEEL: -- they got
7 their fair-share cuts out of that \$20 million dollars
8 President Obama is cutting us (indicating).

9 MR. DAVID TALAYUMPTEWA: What you see on
10 this budget page (indicating) is what money BIE works
11 with from Interior. We don't work with the
12 self-governance \$20 million dollars that you're
13 talking about. We don't work with that.

14 MR. CURTIS POITRA: But the question I
15 asked --

16 MR. DAVID TALAYUMPTEWA: That's BIA.

17 MR. CURTIS POITRA: The question I asked,
18 who put the numbers in the line items? Who has the
19 final say and who put them in there?

20 MR. DAVID TALAYUMPTEWA: The Secretary of
21 Interior -- it goes to the Secretary of the Interior
22 Budget Office, from Indian Affairs' Budget Office to
23 the Secretary's Office.

24 MR. JESSE TAKEN ALIVE: So you don't have a
25 say-so in this, --

1 MR. DAVID TALAYUMPTEWA: Well, yes.

2 MR. JESSE TAKEN ALIVE: -- BIE?

3 MR. DAVID TALAYUMPTEWA: Yes, we do.

4 MR. KEITH MOORE: Jesse, just real -- Jesse,
5 here's how it works. We put together -- we're a step
6 in the budget. We put together a budget. It moves
7 up the chain, as you -- as was detailed here. They'll
8 make all of their changes, additions, and things that
9 they would like to see, and it will come back to us.

10 MR. JESSE TAKEN ALIVE: Can you tell us what
11 numbers you put in there? Because I'm hoping that
12 you're not going to say that these are your numbers
13 that you put in there (indicating). What numbers did
14 the BIE put in there?

15 MR. KEITH MOORE: Well, I'm careful to --
16 you know, we have to be careful in this sense because
17 we -- I support the President's budget. And we carry
18 out his -- his goals, this Administration, the
19 Secretary's. So --

20 MR. JOHN YELLOWBIRD STEEL: How do you carry
21 it out?

22 MR. KEITH MOORE: So here's how we carry it
23 out.

24 MR. CURTIS POITRA: First --

25 MR. KEITH MOORE: When we get it back,

1 oftentimes --

2 MR. CURTIS POITRA: First of all, you
3 support the Indian students that this provides
4 services to.

5 MR. DION KILLSBACK: Let's -- can we --

6 MR. KEITH MOORE: First we do the -- we do
7 the --

8 MR. DION KILLSBACK: Can we -- order, order.
9 Can we make sure that we let someone finish their --
10 their response to the question first? Then we can
11 move on to the --

12 MR. CURTIS POITRA: I respect that.

13 MR. DION KILLSBACK: -- next question.

14 MR. CURTIS POITRA: But can you make sure
15 that we get an answer to a question instead of a dance
16 and going on to the next question?

17 MR. DION KILLSBACK: I think -- I think, you
18 know, in order for us to maintain decorum here, I want
19 to make sure that, you know, that we are responsive.
20 And some of our answers from the Department of
21 Interior are -- are complicated because there's not --
22 there's not a clear yes or no. And in order for us to
23 provide answers, we have to explain the process. And
24 so when there's a comment or a question that has four
25 or five different parts to it, we're trying to be

1 responsive to the first part of the question. And
2 there's three other parts that we will be responsive
3 to. But other tribal leaders are chiming during the
4 answer. And I want to make sure that we're responsive
5 to the questions as they come in. And so in order to
6 do that, I want to make sure that we address the
7 comments and questions as they come. And so as tribal
8 leaders are voicing their questions or comments, I
9 want to make sure that our court reporter has the
10 ability to hear that, and so that it goes in the
11 record. And so, you know, we can try -- we can try to
12 address the question. And if you think it's not
13 satisfactory, we can try again, but before we get into
14 the next question, line of questioning.

15 MR. CURTIS POITRA: Can I ask --

16 MR. DION KILLSBACK: So, Keith, I'm going to
17 turn it -- turn it back over to you.

18 MR. CURTIS POITRA: I respectfully ask you
19 again: Who prepares the final numbers on this paper
20 (indicating)? Who decided we were going to cut ISEP
21 funding instead of cutting more out of the Central
22 Office? That was a simple question. Who put the
23 final numbers? That's all I asked, and I asked it
24 very respectfully.

25 MR. DION KILLSBACK: The budget proposal is

1 a proposal from the Secretary of Interior. And that's
2 what goes to --

3 MR. CURTIS POITRA: The Secretary of
4 Interior did not say, I need this much for ISEP, I
5 need this -- that's a simple question, right? We're
6 talking about transparency. Who decided that we were
7 going to cut ISEP monies? That's a simple question.

8 MR. KEITH MOORE: Buck stops with the guy
9 upstairs, the Secretary.

10 MR. JESSE TAKEN ALIVE: So my question is:
11 What numbers did BIE put in? Like I said earlier, I'm
12 hoping it's not these numbers that are in front of us
13 right now. You always talk about, you can't lobby.
14 And tribal leadership can lobby. We need to know what
15 you've put in there if we want to work as partners.
16 So can somebody answer that, what numbers did BIE put
17 into this budget?

18 MR. KEITH MOORE: What I can say, Councilman
19 Taken Alive, is this: We -- I mean, that's -- I
20 couldn't do that. I mean, I'll take that buck there.
21 I can't do that because I support the Secretary's
22 budget. I support the President's budget. My
23 numbers -- I'll say this. My numbers probably
24 wouldn't look the same as this. But the process is
25 carried out. It works up through Indian Affairs, to

1 the Secretary, the whole process. And we get a chance
2 to have our input. You know, we may get it back the
3 first time. And it may be cutting all kinds of -- and
4 maybe it was cutting, you know, another \$15 million
5 out of ISEP. It may be cutting FACE Programs. It may
6 have been cutting millions from Haskell and SIPI. And
7 then we, as a team, have a very limited amount of time
8 to pour over that and justify why we don't want to cut
9 that, and why we would rather cut something else, and
10 what it was going to mean at an impact at the school
11 level, and all of the other things that they may be
12 proposing. Then it goes back up through the system.
13 And then there's a final -- you know, like I said, the
14 buck stops with the Secretary. And they work through
15 the whole process, and then I support it. I carry it
16 out, and we do the best we can.

17 MR. JESSE TAKEN ALIVE: The reason I ask
18 this question is, it appears right now, and for a long
19 time, we're doing -- and I hope you concur with this
20 and not get in trouble. It's frustrating to talk to
21 bureaucracies. But would you agree that you're doing
22 more with less right now? Is that -- this is to BIE.

23 MR. KEITH MOORE: In our Education
24 Management, which is our administrative line item, we
25 will have to do more with less.

1 MR. JESSE TAKEN ALIVE: So now --

2 MR. KEITH MOORE: Here's a --

3 MR. JESSE TAKEN ALIVE: So now what we've
4 got in front of us is you're doing less -- you're
5 going to attempt to do less with less. Where does
6 quality of education fit into this? This is why I am
7 asking the question. What numbers did the BIE put in,
8 and subsequently were cut by your supervisor? I don't
9 know if anyone is going to get in trouble for that.
10 Because if you can't say that or tell us that, all --
11 all we're hearing then is, well, education really
12 isn't an issue then. We'll just go -- go with what
13 the DOI boss says. You know, where is the -- where
14 can we find the initiative and the heart in the form
15 of offices that says, Indian education is really
16 important to us? Here's what we put in. Here's what
17 was given to us.

18 That's all we're asking. Because the
19 question is going to always remain: How do we do less
20 with less? We won't be able to answer that until you
21 can share with us how much money that you -- you put
22 in for Bureau of Indian Education issues for -- not
23 tribal leadership only, but for American Indian
24 children. That's who's on the table right now. So if
25 that can't be answered, it's very unfortunate because

1 the quality of education is being dismissed right now,
2 if that question can't be answered.

3 MR. KEITH MOORE: And it certainly isn't
4 being dismissed. I'll say this --

5 MR. JESSE TAKEN ALIVE: Well, tell us then,
6 Keith, tell us how much money you put in there if it's
7 not being dismissed.

8 MR. KEITH MOORE: What I'll tell you is that
9 the -- and it's something you're not going to want to
10 hear, and you're going to say, it's still cutting.
11 And I know your comments this morning, Jesse, about,
12 you know, we didn't -- American Indians, you know, we
13 as Lakota, Dakota, and Awkotah people didn't cause
14 this budget deficit.

15 MR. CURTIS POITRA: Nor did the Chippewa.

16 MR. KEITH MOORE: But the fact of the matter
17 is we live under the U.S. -- we live under the U.S.
18 Government. We're in a -- we're in a deeply -- deep
19 recession. We have deficits that are pushing \$18
20 trillion. I can tell you the Secretary of Interior
21 has fought hard amongst the bureaus within the
22 Department of Interior to protect Indian Affairs'
23 budgets, BIA, BIE, compared to other bureaus. I know
24 you folks don't want to hear that. I know you're
25 saying, it's still a cut. We shouldn't be losing

1 anything. We should be held harmless. We should see
2 increases.

3 I understand all that, but -- and agree.
4 But what I can say is that this Secretary, this
5 President, the Assistant Secretary of Indian Affairs
6 Office have worked as hard as possible to protect
7 Indian education, to protect it at the local level, in
8 the classroom and the school level, and take the cuts
9 administratively, even though it hinders us, and we do
10 have to do less with more administratively (sic). We
11 were going -- we're going roughly from, you know,
12 again, \$21 million to 11.8. We've had a 48, 49
13 percent cut in the administrative part of it. The
14 ISEP cut that you see here is only one percent of
15 ISEP. And we're nervous, and we're scared in terms of
16 Indian education going forward, looking at what
17 probably the budget is going to look like over the
18 next year or two.

19 MR. JESSE TAKEN ALIVE: Keith, one of our
20 sayings in Lakota Country is that it doesn't take too
21 many words to tell the truth. Okay? And if you can't
22 do it, you know, fine. I've been asking and getting,
23 how do they say that, the runaround here. But I
24 respect you for the runaround ability that you have,
25 and because it's a bureaucracy, you know. But -- and

1 I know you're nervous. But we're dealing with human
2 lives out in our communities. We're dealing with
3 hopelessness out in the communities. We're dealing
4 with those things. And we are sovereigns with the
5 United States of America. So that's the issue.
6 That's the frustration here that we feel.

7 And I'm not making this a personal issue
8 with you, Keith. I just got word about an hour ago
9 that we had, sadly, another completion of suicide on
10 our reservation. 17-year-old man, young man, because
11 of hopelessness decided that it's not worth it
12 anymore.

13 So you talk about being nervous. You talk
14 about budget issues. That's nothing compared to the
15 things that we deal with. And to hear this kind of
16 response is utterly frustrating, if not disrespectful,
17 to Indian Country from the United States of America.

18 And please, I'm glad this is part of the
19 record. This is what we're talking about: life and
20 death issues. We're not only talking about careers.
21 We're talking about life and death issues of American
22 Indian young people and children. So it's frustrating
23 to hear this.

24 Who can we ask as to what numbers that you
25 submitted? Who can give us that answer? Can you,

1 Mr. Killstack, can you tell us how much BIA submitted?

2 I don't know if you're his supervisor or not.

3 MR. DION KILLSBACK: I am not -- I am not
4 Keith's and Brian's supervisor. I am a Counselor to
5 the Assistant Secretary of Indian Affairs. And I
6 really don't know if you could request that. I
7 imagine you would get a response, but I don't know if
8 that response would be able to disclose that
9 information. The budgeting process is considered to
10 be a very protected process for budget purposes within
11 the Department of Interior. As Keith said, it's -- we
12 have to fall in line with the Secretary. The
13 Secretary, Ken Salazar, is responsible for 13
14 different bureaus. Indian affairs is just one. In
15 order to have a unified front and to be supportive of
16 the Administration, we are just one of 13 different
17 bureaus under the Interior. And --

18 MR. JESSE TAKEN ALIVE: So this is -- this
19 is another exercise and another interpretation of,
20 this is about you. This isn't with you. In fact, as
21 we ask these poignant and imperative questions,
22 relevant questions, we're being treated as the enemy,
23 because you can't know this. Even though it affects
24 our children, you can't know this. That's what's
25 frustrating about this. So, I mean, this is about us,

1 absolutely. And that's absolutely wrong if we're true
2 sovereigns and true treaty partners. And I know you
3 guys got to follow your laws and your policies and
4 procedures or you'll get in trouble with whomever. If
5 you want to know about trouble, I mean, and
6 challenges, come out to Indian Country. Give us your
7 resources as you come out. Because we have the
8 solutions. We haven't even talked about those. We
9 haven't talked about waivers. We're stuck on trying
10 to get budget numbers. And it's -- how can you
11 consult with a treaty partner if one side doesn't know
12 all the information? And that -- and that's not your
13 fault, okay. But you can hopefully carry this message
14 back to your bosses. And I don't know if the
15 congressional representatives are here yet. But this
16 is absolutely another chapter of frustration.

17 But we're going to continue to resist, and
18 we're going to continue to ask these questions that
19 need to be asked. Whether we get an answer or not,
20 the record will show that we asked. So, Keith, I'm
21 not trying to get you mad or upset or anything like
22 that. This is -- this is -- you know, this is very
23 important to our children, big time. And if you can't
24 answer it, fine. Just say yes or no, and we can go
25 on.

1 MR. KEITH MOORE: No, I want to get on the
2 record as well in saying that I respectfully disagree
3 with you that I'm being disrespectful. I'm giving you
4 the -- and I'm not dancing around. I'm giving you my
5 answer, you know, that I cannot tell you what my
6 numbers are that I put in there. It's the process
7 that I have to live under. Just like you folks do in
8 your tribal -- back home in your organizations and how
9 you do your processes, I'm sure you have pieces of it
10 that when you go through your budgeting and you go
11 through all of your policies, that there are pieces
12 that, you know, you can't just disseminate everything
13 and show everybody, you know, totally what's going on.
14 There are protected pieces of the process. And we
15 live under the -- you know, we're all Natives serving
16 in the Federal Government doing our best under this
17 circumstance that we serve under to make the best
18 difference that we can in these programs and these
19 budgets to be able to provide service back home,
20 knowing that we have a tough budget to deal with,
21 knowing all of the pieces that you talk about. But,
22 again, I disagree with you that I'm being
23 disrespectful or dancing around or anything.

24 One of the things I've said -- you said it
25 to start with. One of the things I said to these

1 folks when we started is, truth over harmony. And I
2 believe we live by it. We try to be as truthful as we
3 possibly can, knowing there are times that we all have
4 to live under systems we live under, under the laws
5 and the policies and the guidelines. And there
6 isn't -- we can't just say everything. And that's
7 what we live under. We do our best to live under
8 those circumstances and yet do a good job with the
9 programs that we're charged with --

10 MR. JESSE TAKEN ALIVE: The only thing that
11 we can't divulge -- the only thing that we can't
12 divulge and won't divulge are personnel issues.
13 Otherwise, whatever money we do have we share that
14 willingly and openly with our constituency. And I
15 thought the Federal Government would be able to do
16 that as well with their budget.

17 MR. CURTIS POITRA: Transparency.

18 MR. BRIAN MOORE: And that's what we do. We
19 do that, I believe, the best we can.

20 MR. JOHN YELLOWBIRD STEEL: You got to
21 admit, you put this document together that I got
22 before me here. And it's got the BIA Reads Reading
23 Program, the MATHCOUNTS Program. It's got all the
24 programs. It's got each school individually listed,
25 the years they participated in it, and it's got the --

1 it's a budget formulation document.

2 MR. DION KILLSBACK: Excuse me, President
3 Steel, there. We have a lady here that's been
4 waiting. And I don't want to pay any disrespect to
5 you. But she's been waiting for a few minutes.

6 MR. JOHN YELLOWBIRD STEEL: Okay.

7 MR. DION KILLSBACK: And it's been going
8 back and forth. So if we could come back to you after
9 the lady here. I'm sorry for that, ma'am. So if you
10 could please introduce yourself and tell us your name
11 and where you're from and who you represent.

12 MS. PAM KILLS IN WATER: Thank you. My name
13 is Pam Kills In Water. I represent the Rosebud Sioux
14 Tribe. I'm on the Council. I just wanted something
15 read into the record. And this is from our Sicangu
16 Owayawa Oti.

17 It is very important to remind the
18 Department of Interior that Tribes, and Tribal
19 entities, are entitled to educational opportunities
20 for our children as a part of our government-to-
21 government agreement per our treaty rights. For the
22 Lakota Tribes the treaties are the 1851 Treaty and the
23 1868 Treaty.

24 The Indian Self-Determination Act, Tribally
25 Controlled Schools Act, and the Public Law 100-297

1 were established with the treaty obligations in mind
2 to allow Tribal control over educational grants and
3 contracts awarded to Tribes and Tribal entities.

4 We have paid dearly for the right to have
5 quality education for our children and their future
6 generations. We need to continue to defend this
7 inherent right that was entrusted to us by our
8 forefathers. We believe, as Tribes and Tribal
9 Members, it is crucial that we continue to defend our
10 stand to have authority and say over the
11 administration and operation of educational grants and
12 contracts that are awarded to Tribes and Tribal
13 entities. We must continue to have self-determination
14 over our own Tribal member's education. Our Tribal
15 membership includes highly educated individuals who
16 are capable of administering, monitoring and
17 evaluating our educational systems. We have always
18 maintained that we should be in control of our own
19 destinies.

20 The Treaty obligations and public law should
21 be -- laws should supersede any acts or amendments
22 that the Department of Interior wish to place on our
23 schools. "There should be no negotiation when it
24 comes to Treaty rights and the U.S. Government's
25 obligations to our Tribes. Tribes should have

1 absolute authority over any and all policy in
2 reference to education of our people.

3 We need to have services at local levels
4 that -- local levels rather than regional or national
5 levels. The BIE has grown top-heavy and less funding
6 is reaching the local levels, where direct services we
7 offer and Training and Technical Assistance are more
8 accessible. Back in 1974 we fought hard for local
9 control (Self-Determination) and it appears that we
10 are going back to the situations that occurred prior
11 to the Self-Determination Era. We see more
12 micromanaging and putting additional conditions/
13 assurances on Tribes and schools in lieu of receiving
14 funding for the education of our children. We would
15 like to go on record to recommend moving all mid level
16 functions (DPA, Associate, Deputy and Assistant
17 Director's offices) to the 22 line offices (which are
18 mostly located on reservations). This will allow our
19 Tribes to contact these services and have more local
20 control over these functions. Pilamaya.

21 And the Sicangu Owayawa Oti Board of
22 Directors: Madonna Antoine, President; Violet Two
23 Eagle, Vice-President; Lynelle Hairy Shirt, Member;
24 Bernice Grace, Member; Keva Stoneman, Secretary; Nancy
25 Keller-Hernandez, Executive Director -- Director;

1 Patricia Busch, Business Manager.

2 We just wanted that read into record. And I
3 don't know. Me, myself, I'm getting frustrated with
4 all you guys sitting up there. So I don't even want
5 to be here anymore. I don't see anything going to
6 happen or change. But as long as it's read into the
7 record that there was a fight from all these tribal
8 leaders that are here, I just want to say thank you
9 for your time.

10 MR. BRIAN DRAPEAUX: Thank you. I'd like to
11 address a couple of issues before we move on. The
12 first issue is what's happening with the local tribal
13 education department component. It's an area that we
14 believe should be developed. There's no doubt it
15 should be developed. We have a fine example actually.
16 We're working closely with the Navajo Nation who have
17 agreed in principle to move to a single-grant concept
18 with the BIE to start running their federal schools as
19 a single school district. And they want to start
20 moving towards that by 2014. That's very exciting to
21 us because what that will mean is that they will be
22 able to consolidate their operations under a single
23 school district as opposed to having each school be
24 managed as its own. This is their own determination
25 that they want to do that. But we've encouraged it

1 because we think it's important to help the Navajo
2 Nation and any nation, quite frankly, that we can move
3 to develop their own tribal education departments.

4 It also calls to question about how the U.S.
5 Department of Ed funds different levels within their
6 own organization. And we're bringing that to their
7 attention as well. Because there has to be money
8 moved to allow tribal education departments, not
9 necessarily under their STEP Program, which is their
10 pilot program, but through formula funding, perhaps
11 through using local education agency money, or even
12 state education agency money, to develop tribal
13 education departments. That's something that we're
14 also bringing to their attention.

15 The final piece to this then is questioning
16 the fidelity of funds in the U.S. Department of Ed in
17 terms of looking at other monies that are dedicated
18 towards Indian education that run through them, that
19 don't -- that aren't necessarily managed by the BIE.

20 We think that those funds should be looked
21 at because they're currently managed through states as
22 opposed to the BIE or directly to tribes and because
23 the federal -- the Department of Interior is the only
24 federal agency that has self-governance 638 or a
25 mechanism for tribes to access funds directly. And we

1 think it's important that we take a look at those
2 dollars and try to create a mechanism for tribes to
3 access those through those processes if they so
4 choose, under that direct-service approach that is
5 important to folks in this part of the country and
6 other parts as well. But it's -- it's an area that
7 we're -- that we're in complete agreement with.

8 The budget process that we're talking about
9 here and everything is -- although it seems
10 frustrating for us, it's enlightening, quite honestly,
11 because you're engaged in the -- and have a look at
12 the entire budget. We're pumping almost a billion
13 dollars into Indian Country. And yet in the formal
14 process, we only talk about three percent of it. And
15 so we need to -- we need to have your engagement, full
16 engagement, as we do here. And we're -- we're happy
17 even though it's frustrating because, you know, to
18 better understand this process is to maybe not
19 necessarily appreciate it, but to learn how to work
20 through it. The new opportunity, quite honestly, is
21 the 2014 budget cycle that's happening right now.
22 It's going on.

23 And the way that works is that we've
24 received a memo from the Department about guidance on
25 how to start formulating our budget in this process.

1 And that's the guidance that we have to live with as
2 we go through this. And so it's freeing for us, even
3 prior to us even putting the numbers in the line
4 items, about what they're looking for because there's
5 some idea about what the total allocation will be for
6 the Department of Interior, total allocation by
7 Bureau, and then total allocation to Indian Country.

8 So to say that your frustration is felt, I
9 too feel frustrated at times by the process because
10 these wouldn't be numbers that I would recommend
11 personally to the Director to move forward
12 understanding the challenges that you -- that you have
13 at home.

14 I feel -- I feel terrible for your community
15 and the suicide that happened. We get word of these
16 suicides almost every day or every other day
17 throughout Indian Country; you know, schools that we
18 fund. We're keenly aware of them. And it's
19 heartbreaking, there's no doubt. And as we look at
20 this process, we definitely want to engage with you.

21 Finally, Mr. Poitra was asking about who and
22 how and when and why. Well, you all are the key
23 players in this budget discussion, quite honestly.
24 You all are the key players because your voice -- you
25 get to sit with the President of the United States.

1 You get to sit in front of Congress. You get to sit
2 with the Secretaries. We can formulate and play our
3 role, and we will. But without collaboration with
4 you, then it will be a difficult -- we'll continue to
5 have difficulty in this area.

6 So I hope that that provides a little --
7 little greater insight about the cycle. The 2014
8 budget cycle is in motion as we speak. It's important
9 that you engage with your congressional offices and
10 perhaps the Department about what that's going to look
11 like. And we'll obviously play our role in that
12 through the guidance of the Department and our role in
13 helping formulate these line items.

14 MR. CURTIS POITRA: So this is set in stone
15 (indicating).

16 MR. BRIAN DRAPEAUX: This is the 2013 budget
17 for -- that the President submitted.

18 MR. DION KILLSBACK: It's the proposal.

19 MR. BRIAN DRAPEAUX: That's correct.

20 MR. DION KILLSBACK: It's the proposal.

21 MR. BRIAN DRAPEAUX: Or the proposed --

22 MR. JOHN YELLOWBIRD STEEL: But it's the
23 budget.

24 MR. BRIAN DRAPEAUX: That's right. That
25 will --

1 MR. JOHN YELLOWBIRD STEEL: Until this --
2 what is this? It's your idea. Admit it. Don't say
3 the Secretary of Interior came up with these numbers.
4 Yes, this is the Secretary of Interior's budget
5 because you made it up. That's what the question was.
6 Who put these numbers up there and who decided on the
7 decrease of 1470 -- \$14.70 cents per weighted student
8 unit? You know, a very simple question. But we have
9 a big long answer.

10 Who cut JOM? And are the -- tomorrow in
11 JOM, there's self-governance included there again.
12 Did they get their equitable cut? I tell you we're
13 going to look into this and we're going to find
14 answers, and somebody's going to answer it. Just
15 admit it. You came up with the numbers, and the
16 Secretary of Interior said yes.

17 MR. DION KILLSBACK: Okay. We're going to
18 go with this gentleman here.

19 MR. JOHN YELLOWBIRD STEEL: Okay. Thank you
20 very much.

21 MR. DION KILLSBACK: Then after you, we're
22 going to get into the streamline presentation from BIE
23 which is up here. I know we're running past 5:00
24 right now, 5:30.

25 MR. CHRIS BORDEAUX: (Native language.)

1 Chris Bordeaux (Native word). I'm an enrolled member
2 of the Rosebud Sioux Tribe, the Sicangu Lakota, but
3 actually I'm a born-again Oglala. There was something
4 brought up earlier by Mr. -- Mr. "T", I call him,
5 about the Night Right Committee. And he's made the
6 statement about it was state standards. It was not
7 state standards. It was a definition of AYP that they
8 agreed on to do, which includes state standards. And
9 I have a question for everybody in this room. Does
10 anybody know besides my wife, Debbie, back there why
11 they chose to go with the state with the definition of
12 AYP? Who knows that?

13 (Inaudible comment.)

14 MR. CHRIS BORDEAUX: Oh, I forgot about
15 Barb. She'd know back there. Why did they do that?

16 UNIDENTIFIED MALE VOICE: Because they don't
17 have it.

18 MR. CHRIS BORDEAUX: They did that because
19 once they did that, they could ask for waivers to
20 do -- to write their own standards. That's why they
21 did that. This is just information sharing. I'd like
22 the BIA to get all your facts and your law straight
23 before you make comments. Debbie was the only one in
24 the Night Right Committee that opposed this. For two
25 days she opposed it, didn't want to do it. And she

1 was bullied into doing it. She didn't vote for it.
2 She said, I can live with it. Just in the interest of
3 information. Thank you.

4 MR. JOHN YELLOWBIRD STEEL: Thank you,
5 Chris. Because I was the one that sent Debbie to that
6 rule-making. And when they accused her of having to
7 state, I was a little disappointed. Thank you, Chris.
8 I understand better.

9 MR. DAVID TALAYUMPTewa: Let me -- I'd like
10 to clarify something. I was the one that said -- I
11 didn't accuse anybody of anything. All I said was
12 that Debbie was a member of the negotiated rule-making
13 committee when those were worked on. That's all I
14 said.

15 MS. BEVERLY TUTTLE: Mr. Talayumptewa, will
16 I still get my answer, or whoever, about the MOU that
17 was -- they gave oversight to our tribe and went to
18 the state and did the MOU without our knowledge? I
19 still didn't get my answer to that when the No Child
20 Left Behind Act was enacted.

21 MR. JEFFREY HAMLEY: What MOU is that? Is
22 that the MOU...

23 MS. BEVERLY TUTTLE: Between the BI- --

24 MR. JEFFREY HAMLEY: Those --

25 MS. BEVERLY TUTTLE: Okay.

1 MR. JEFFREY HAMLEY: Those MOUs were
2 follow-up to the negotiated rule-making process. Once
3 the negotiated rule process was done and the course
4 was set through the negotiated rule-making, then the
5 BIE, as I understand it, I wasn't around then, but had
6 to go to states and get waivers or MOUs signed --

7 MS. BEVERLY TUTTLE: But the tribe --

8 MR. JEFFREY HAMLEY: -- but then --

9 MS. BEVERLY TUTTLE: -- was around.

10 MR. JEFFREY HAMLEY: -- to be able to --

11 MS. BEVERLY TUTTLE: We were not -- we
12 should have been the first ones that you came to.
13 Thank you.

14 MR. JEFFREY HAMLEY: But negotiated
15 rule-making -- negotiated rule-making with tribes and
16 tribal grant schools, agreeing to follow that process
17 of working with states on the standards and
18 assessments set the course and charted the course for
19 the MOUs that needed to be signed from the BIE with
20 all 23 states so that we could provide them standards
21 and the testing that needed to happen within the BIE
22 to follow NCLB.

23 MS. BEVERLY TUTTLE: And for the record,
24 again, this is Bev Tuttle of the Education Committee
25 with the Oglala Sioux Tribe. Again, you know, this is

1 not consultation. I think we need to come up with a
2 better position from the BIE as to that Memorandum of
3 Agreement, which is still hanging out there for our
4 tribes on this end of town. So I just want to note,
5 for the record, that when we do come back to real
6 consultation, that we have a really good position
7 clarification. Thank you.

8 MS. PHYLLIS YOUNG: I'm sorry. I'm seizing
9 the mike. I would like to read this. I haven't
10 seized a mike since the late '70s. But I'm going to
11 read this for the record. I think it's critically
12 important, and I will leave you to discuss.

13 There are many experts in here. There are
14 many survivors. You know, everyone in our struggle is
15 here. And I appreciate this forum.

16 I'm a mother of eight children and a
17 grandmother of twelve grandchildren. Anyway, this is
18 testimony on No Child Left Behind, and it's for the
19 Standing Rock Sioux Tribe.

20 Tribes in the United States have Nationhood
21 status. This is a very well defined aspect of
22 American jurisprudence. Numerous laws explain the
23 status that is actually a gift of the Creator and
24 recognized by formulating documents of a God fearing
25 Union. The Self-Determination Act of 1975 or Public

1 Law 93-638 is so far the most explicit. Other laws,
2 such as the Indian Religious Freedom Act, further
3 defend the right of American Indian Tribes and People
4 to act sovereignly.

5 Sovereignty, this word is only a reality if
6 it is exercised. If you don't exercise it, You lose
7 it!

8 The Standing Rock Sioux Tribe has taken
9 action and has chosen to exercise their right to
10 choose and implement an education program that they
11 want. In doing so, the Standing Rock Sioux Tribe has
12 become the only tribe to stand up and exercise this
13 educational right and responsibility.

14 On July 25th, 2011, the HEW Committee did
15 approve a Resolution to request the Secretary of
16 Education, Arnie Duncan, for a Tribal Waiver to the
17 Statutes and Requirements of the No Child Left Behind
18 legislation, which as implemented, denies an Indian
19 Tribe or Indian School Board their sovereign right to
20 self-determination.

21 The Tribal Council did unanimously pass by
22 Resolution this request in 2011. On February 6th,
23 2012, Tribal Chairman Charles Murphy, HEW Chairman
24 Jesse Taken Alive, Tribal Attorney Chris Lindblad, and
25 Sitting Bull School Superintendent Dave Archambault

1 did meet with William Mendoza, Executive Director of
2 President Obama's White House Initiative on American
3 Indian Education at the United States Department of
4 Education. At this meeting, the Tribal Waiver was
5 submitted and serves as the first official request by
6 a Tribe to be allowed the freedom to develop and
7 instigate an alternative or therapeutic program of
8 education.

9 The No Child Left Behind law is currently
10 under mass scrutiny by all sectors of the education
11 establishment because the law assumes that all
12 children in the United States are all uniformly the
13 same and, as such, it presumes children should be
14 achieving at the same rate and pace. The politicians,
15 who drafted the legislation, declare it represented
16 "accountability" for taxpayer money. But as we see
17 now, everybody wants to change the law because
18 obviously it is silly, if not stupid, to actually
19 believe "One Size Fits All."

20 The No Child Left Behind law has been
21 especially devastating to Indian Country. Each year
22 since its implementation, data that the law generates
23 called Average Yearly Progress openly reveals Indian
24 Education to be in trouble or ineffective or inferior,
25 or however a person wishes to negatively describe the

1 situation. In the end, Indian children are the
2 victims. Instead of considering funding for exemplary
3 school programs, Congress looks at this AYP data and
4 are inclined to hold a level of funding because what
5 is being done in Indian Country isn't working or even
6 reduce the educational funding.

7 When will Indian children and the schools be
8 free from such federal legislative ignorance? Indian
9 children and their schools should in no way, shape or
10 form be held to American standards. Indian Tribes and
11 their children are beautifully unique in every way,
12 shape and form. Indian Tribes have a right to develop
13 this uniqueness and not be forced to conform to norms
14 of education that are not appropriate. Indian Country
15 has a set of historical circumstances that make No
16 Child Left Behind, AYP accountability information
17 completely misrepresentative.

18 The Standing Rock Sioux Tribe wants the
19 right to develop its own beliefs and values in the
20 education of its children. The United States has the
21 right to do this for its own citizens and their
22 children, but our Tribe respectfully desires the same
23 responsibility for our red children. And this is the
24 purpose of standing up and requesting a Waiver to the
25 Statutes and Requirements that restrict the right and

1 responsibility to develop an education process that we
2 choose, a program that has an indigenous AYP goal and
3 agenda.

4 I'm Phyllis Young of Standing Rock Tribal
5 Council. Illo wopila.

6 MR. DION KILLSBACK: Thank you.

7 MR. JESSE TAKEN ALIVE: Mr. Dion, I know, as
8 you said, it's late in the day. Is there a way to
9 listen to the streamlining -- because if I'm not
10 correct, we already see a budget that's going to be
11 taken forward. And to have a budget means you already
12 have a plan. You already have. So my concern is that
13 this consultation is about us again. So if this
14 budget is already going to be submitted, and we don't
15 know anything else about it, that it's only -- only
16 that it's approved by the Department of Interior. If
17 we could hear the streamlining tomorrow, so we'll be
18 told what's going to happen. I don't want to sound
19 too pessimistic about it. But that's essentially
20 what's going to happen.

21 What I would like to do is present a
22 resolution with regard to an incident that happened on
23 January 20th. And I'm going to excuse myself because
24 it's my view that things are already going to proceed
25 forward, unfortunately. So what I'm going to do -- I

1 don't know how to formally do this. And as I said in
2 my opening remarks this afternoon, that there are some
3 things that in terms of the word "respect" that you
4 used, I'm going to present this in the best way that I
5 can, but truthfully.

6 It's a Resolution, Number 135-12. And I
7 don't know who I could give this to formally. But I
8 will give it to one of you or else a copy to all of
9 you. This issue is about an incident that occurred
10 during that -- during that listening session by
11 Mr. Moore, a member of the Rosebud Sioux Tribe. And
12 having witnessed it, I still really feel bad about it.
13 I wished I didn't witness it, but I did. And it is
14 what it is. It may seem divisive for us at Standing
15 Rock to go forward with this, but my interpretation of
16 divisiveness began when this incident occurred. I
17 wished I didn't see it, but I did see it. A lot of
18 our teachings say that if you don't try to correct
19 something, you would just as well be -- be that
20 wrongdoer. And I did talk to my good friend,
21 President Bordeaux, about this. And I told him I
22 don't want to offend you, your office or the tribal
23 government that you work with and serve honorably. I
24 hope it's not divisive, but it's something that we
25 felt we needed to take. I will read from the third

1 whereas.

2 Whereas, several tribal members of other
3 tribes witnessed Mr. Keith Moore, Bureau of Indian
4 Education Director, conduct himself in a manner
5 bringing ill repute to the BIE in its image relating
6 to official interactions with tribal officials; and

7 Whereas, several tribal members of other
8 tribes and Councilman Taken Alive from the Standing
9 Rock Sioux Tribe witnessed physical threat made by
10 Director Keith Moore at the round-table discussion
11 conducted in Rapid City, South Dakota on January 20th,
12 2012. The threat was witnessed by Councilman Taken
13 Alive when Mr. Moore made the threat in the hallway.
14 Additionally, three other tribal members of other
15 tribes witnessed a threat by Mr. Moore in the hallway;
16 and

17 Whereas, bullying in our schools is not
18 acceptable, and in fact is one of the reasons why
19 young people contemplate, attempt and/or,
20 unfortunately, complete suicide; and

21 Whereas, leadership among the Great Sioux
22 Nation, slash, Ocheti Shakowin, traditionally, and in
23 modern times is expressed through leading by example;
24 and

25 Whereas, if a teacher or other personnel in

1 a school system behaved in such a manner as Mr. Moore,
2 he or she would immediately be disciplined and most
3 likely terminated; and

4 Whereas, Standing Rock Sioux Tribal
5 Councilman Taken Alive did report this incident to
6 Mr. Moore's immediate supervisor in person during a
7 trip to Washington, D.C., and since has not received a
8 return phone call or communication to his report and
9 inquiry for an update; and

10 Whereas, the Standing Rock Sioux Tribe
11 supports seeking corrective action against Mr. Moore;
12 specifically, his removal from the position of the
13 Director -- as Director of Indian Education.

14 And now, therefore, be it resolved that the
15 HEW Committee recommends to the full Tribal Council to
16 call for corrective action within 30 days from the BIA
17 or other appropriate office regarding the physical
18 threat by Director, Mr. Keith Moore, at the
19 round-table discussion conducted in Rapid City, South
20 Dakota on January 20th, 2012.

21 And be it further resolved that the Chairman
22 and Secretary of the Tribal Council are hereby
23 authorized and instructed to sign this resolution for
24 and on behalf of the Standing Rock Sioux Tribe.

25 Dated this third day of April, 2012.

1 One month later, I'm presenting it formally
2 now because we didn't know who to send it to. As the
3 resolution indicates, no return phone call from
4 Mr. Tsosie, who we understand isn't there anymore. We
5 did try to get ahold of Mr. Echo Hawk. But we got
6 word that he's leaving. So one -- one month later,
7 now I present it.

8 Previous to that, we wanted to do something,
9 but I wanted to touch bases with my relatives from
10 Rosebud, particularly the President, Mr. Bordeaux.
11 This is hard to do. It's hard to do. But it's wrong
12 what I witnessed. And there is a gentleman whose -- I
13 don't know if he's in the audience today. He made
14 mention of that. I don't see him. But this is what
15 we're bringing to the table as we have brought many
16 other things today. And it's not a personal attack.
17 But this is absolutely wrong, what I witnessed. I
18 can't and will not look away. I can't and will not be
19 a part of a process that pushes us under the rug.

20 Now, I don't know if I need to do an
21 affidavit. If I need to, I definitely will. Attached
22 to it is the article written by the gentleman who
23 received these threats (indicating). And it's in
24 article form in one of our local Native papers. So
25 it's hard to do this, but now is the time to do this.

1 So whoever is conducting this meeting, Keith or
2 whoever it is --

3 MR. DION KILLSBACK: You can submit that to
4 me. That's fine. I'll take that. And thank you.
5 What I would like to do now is I'd like to move to our
6 streamlining presentation.

7 MR. JOHN YELLOWBIRD STEEL: I'd like to
8 add --

9 MR. DION KILLSBACK: Excuse me, sir. I
10 really need to get through this. I know that we are
11 pressed for time here. And I think we need to --

12 MR. JOHN YELLOWBIRD STEEL: You don't want
13 to address this issue?

14 MR. DION KILLSBACK: No. I'm sorry. We
15 have to get with our agenda. And we have given a lot
16 of time and effort for everybody here to express their
17 concerns. And we have a presentation to go through,
18 and I know that people want to leave. People have to
19 get to dinner. And if we could get to the
20 presentation, I would be more than willing to stay
21 afterward and hear your concerns and more comments.

22 MR. JOHN YELLOWBIRD STEEL: This is --

23 MR. DION KILLSBACK: But it's important --

24 MR. JOHN YELLOWBIRD STEEL: -- in support of
25 Jesse.

1 MR. DION KILLSBACK: Sorry?

2 MR. JOHN YELLOWBIRD STEEL: This is in
3 support of Jesse.

4 MR. DION KILLSBACK: Well, that's fine.

5 MR. CURTIS POITRA: Let me speak to that.
6 One day is the allotted time that you allowed us to
7 talk about cutting the BIA and the BIE?

8 MR. DION KILLSBACK: Can you get a
9 microphone? I mean --

10 MR. CURTIS POITRA: You can't hear me?

11 MR. DION KILLSBACK: No, I can. I'm going
12 to make sure that our reporter hears you and that the
13 audience hears you.

14 MR. CURTIS POITRA: Okay.

15 MR. DION KILLSBACK: What I'm saying is that
16 he has an action. And I'm fine to take that.

17 MR. CURTIS POITRA: No, no, no. But you're
18 saying we want to rush through this and we want to get
19 this done. One day to talk about \$20 million dollars
20 that you're going to cut --

21 (Mr. Jesse Taken Alive handed to Mr. Dion
22 Killstack.)

23 MR. CURTIS POITRA: -- from how many
24 hundreds of thousand Native Americans? One day is
25 enough time? Now, you said, be respectful. You're

1 disrespecting me. And I'll speak on behalf of the
2 Turtle Mountain Band of Chippewa when you say we've
3 allotted you enough time, because you haven't.

4 MR. DION KILLSBACK: What I'm -- I'm sorry.
5 What I'm saying is that we've allotted a lot of time,
6 a lot of time for tribal leaders to express their
7 concerns before we get into the formal presentation.
8 We want to make sure that we present the information.
9 But cognizant and being respectful of tribal leaders
10 before we even got into the presentation, we've spent
11 a lot of time listening to tribal concerns without
12 going through this formal presentation.

13 We had the BIA go through their streamlining
14 presentation. And I understand there's a lot of
15 issues, but I really want to get through this
16 streamlining presentation from the BIE aspect. Now
17 I'm more than willing to stay afterwards for however
18 long it takes. I'm here from Washington, D.C. on
19 behalf of the Assistant Secretary of Indian Affairs,
20 as well as a lot of our staff is here. But this one
21 aspect is very important. And I think that, you know,
22 we've discussed a lot from tribal comments. And I
23 agree, there's not enough time. I wish there was more
24 time.

25 MR. CURTIS POITRA: You set the agenda for a

1 day and a half.

2 MR. DION KILLSBACK: I did -- I did not. It
3 was -- it was -- it was an effort done with the
4 Interior. Now, I mean, if we can move on, I mean,
5 that's what I would really like. I mean, we're
6 pushing six o'clock here. And I know we were supposed
7 to be finished at 5:30. But this is really important,
8 and this is what we're here for. And I know that
9 everybody's had their opportunity to, on numerous
10 occasions, express different issues. But what we're
11 here for, what we're wanting to engage with Tribal
12 leaders on is this aspect. And I don't want this
13 opportunity for this presentation to be lost before
14 people have to go and eat, before people have to go
15 home. I want to make sure that we get through this.
16 And afterwards, if you want to continue this dialogue,
17 I'm more than willing to stay here past 5:30, past
18 6:00, however long it takes. If I can ask that.
19 Okay? All right.

20 MS. ROXANNE BROWN: Okay. Where we sit now,
21 we're still facing a proposed \$3 million dollar cut.
22 And basically, this is what our streamlining
23 PowerPoint is addressing. And the Bureau is here
24 seeking tribal input, your input, on ways to
25 streamline its organization to meet these budgetary

1 constraints.

2 The fiscal year 2013 budget justification or
3 the Green Book, which is a page that was handed out to
4 you, states there will be a \$3 million dollar
5 reduction in the Bureau of Indian Education. So we're
6 asking all of you here, and those back at your homes,
7 to identify opportunities to improve the efficiency
8 through BIE staffing reductions, resource sharing,
9 potential consolidation of programs and offices in
10 order to meet these priorities within Education
11 looking at a reduced budget.

12 Any potential consolidation which will
13 affect services to the elementary and secondary,
14 peripheral, boarding and cooperative schools will
15 require the full support and participation of you, the
16 tribes. We want your input on how we should realign
17 services with reduced funding, streamline BIE to meet
18 budgetary constraints while maintaining responsiveness
19 to the needs of American Indian students.

20 Empower tribal education and student focus
21 programs, and empower students through learning,
22 leadership and service. And you can see, and in your
23 handout you have the organizational chart. And we're
24 actually, if you look back at that -- that page from
25 the Green Book, we're addressing Education Program

1 Management, second -- second line item from the bottom
2 of that page. And these are the offices that are
3 affected and impacted by the Education Program
4 Management Budget directly.

5 Line offices, the Associate Deputy Director
6 Offices, the Assistant Deputy Director Office, the
7 Director's Office, Central Office, Bureau of Indian
8 Education in D.C. Okay, DPA is not part of this.

9 Okay. Here we have a map where we have
10 schools located in the 23 states dispersed in the
11 central part of the country as well as the western
12 part. We have 183 elementary and secondary schools,
13 peripheral dorms, boarding schools and cooperative
14 schools; 41,000 students, approximately, on 64
15 reservations; 238 tribes that we serve in 23 states;
16 24 colleges, two BIE-operated, which are Haskell and
17 SIPI.

18 And we've outlined the Associate Deputy
19 Director - East Region, if you will. We have nine
20 education line offices, 64 schools. Nine of those are
21 Bureau operated. We have dormitories. We have two
22 off-reservation boarding schools. We have a
23 cooperative day school. We have 53 100-297 grant
24 schools in our East Region. We have three contract
25 schools, or 93-638 schools.

1 In the ADD - Navajo, there are six education
2 line offices, 65 schools. 31 of those are
3 Bureau-operated or Federal schools. 33 are Public Law
4 100-297 Grant Schools, and one is a contract school
5 under Public Law 93-638.

6 And the third region of our BIE is the
7 Associate Deputy Director - West with seven education
8 line offices, 54 schools. 19 of those are
9 Bureau-operated. 35 are 100-297 schools. No contract
10 schools under 93-638.

11 22 education line offices across three
12 regions; again, 183 schools, elementary and secondary;
13 peripheral dorms; 58 bureau-operated schools; and 121
14 grant schools or schools operated by the tribes. Four
15 of those are contract schools.

16 Okay. The streamlining initiative and
17 really the focus of the consultations today with the
18 Bureau of Indian Education, you have again that sheet
19 out of the Green Book, which is the proposed 2013
20 budget with the proposed \$3 million dollar cut.
21 Again, we're asking you to identify opportunities
22 in best ways that you, through your experience, the
23 knowledge you have, and the needs of your -- your
24 tribes' people and your students, your children, how
25 we can best structure ourselves to provide the best

1 services possible in light of this reduction or
2 proposed reduction.

3 And here's a little bit of a chronology.
4 And you saw that in the sheet from the Green Book.
5 Fiscal year '10, we had \$19 million dollars. And it
6 was slowly reduced to fiscal year '12, 15.2; and then
7 the proposed 11.8. Quite a reduction. And we're
8 facing that. That's the reality. There's really
9 nowhere to hide right now.

10 So here are some of the things that are
11 being explored: Voluntary Early Retirement Authority
12 and Voluntary Separation Incentive Payments, or
13 early-out and buyout; consolidating offices and/or
14 service delivery. And we have Education Line Offices
15 and Associate Deputy Director Offices; residual staff
16 at key sites throughout the BIE service delivery area.
17 If sufficient full-time equivalencies take early-out
18 or buyout incentives, we could reach the \$3 million
19 dollar target, potentially. A combination of savings
20 through the FTE reductions and overhead costs should
21 be used to meet budget targets.

22 So those are some of the options, some of
23 the thoughts that have been looked at.

24 And that's -- just clearly, that's the
25 presentation. And a \$3 million dollar proposed budget

1 cut in Education Program Management, and you saw the
2 offices affected by that directly. How are we going
3 to deliver effective services to the schools, to the
4 tribes in light of that reduction, and how would you
5 see us structured to best meet your needs?

6 MR. DION KILLSBACK: Rodney?

7 MR. RODNEY BORDEAUX: Yeah. Rodney
8 Bordeaux, President of the Rosebud Sioux Tribe. I
9 have some -- if they're still here, Shirley Gross. I
10 also sit on the Pierre Indian Learning Center Board of
11 Education. And there's -- they have a recommendation
12 here, a sheet. I want to read it into the record.
13 It's dated May 2nd, 2012. And it has a lot of backup.
14 So I'll just read the front sheet. Is that how you
15 want it presented, Trudy?

16 (Inaudible female voice.)

17 MR. RODNEY BORDEAUX: Yeah. Rosebud has a
18 seat, as well as 14 other tribes, on the Pierre Indian
19 Learning Center and the Dakota Area Tribal Schools.
20 So I'll read the first page, and there's a lot of
21 backup to it, lot of data. But the following is a
22 proposal for partial realignment that is believed to
23 save funding that is becoming scarce.

24 After researching and a review of the
25 Facilities portion of our BIE overseer, there are

1 several blatant possibilities that must be
2 investigated in order for our schools to reach the
3 goals that our children have set.

4 There have been many budget cuts that have
5 trickled to our schools as well as unfunded mandates,
6 due to the No Child Left Behind Act and other U.S.
7 Government priorities. All the while our overseer
8 continues to grow, adding positions that duplicate
9 services or are unwarranted. But since it's the
10 "upper management" that makes these funding
11 moves/decisions, we have no alternative but to try
12 every day to achieve these goals for our children.

13 The Green Book shows a drastic cut in
14 Education Construction funding and the BIA "five-year
15 plan, DOI, BIA Fiscal Year 2011-2015 Plan, Indian
16 Affairs CON-SUM-12" is a plan to -- is to plan/design
17 and construct only one school. Meanwhile, our other
18 funding dwindles and the BIA is still adding
19 assistants to the assistant to the assistant positions
20 and consultants. This proposal would cut those
21 positions as drastic as the cuts have been passed to
22 us.

23 Common sense shows that these are -- there
24 are positions that can be "abolished" and that funding
25 can be dispersed to the Grant Schools, such as

1 Facility Operations has been cut to over 50 percent.
2 Then ISEP can be totally utilized for its intended
3 purpose, our children.

4 So that 52 percent constraintment, that's
5 resulted in our schools having to use ISEP funding.

6 There are positions that can be
7 reprogrammed, detailed, reassigned, realigned, and
8 moved to the Regional ELO offices where the need is,
9 or to the ELO level of this bureaucracy.

10 There are positions that can be consolidated
11 (no further duplication of services). These positions
12 can either be moved to the Regional, slash, ELO
13 offices or remain, but communication and productivity
14 must improve.

15 Once these positions have been "realigned",
16 communication can be achieved through the IAIT
17 highway, or a venue that is not as cumbersome as the
18 "experts" have made FMIS, and our schools must have
19 access.

20 There are several positions that must remain
21 intact, but productivity and compliance to the law
22 must improve.

23 This is not a personal attack, only a
24 proposed realistic remedy to improve our children's
25 lives.

1 And there's several graphs here that shows
2 the OFMC hierarchy as well as the Division of Design
3 and Construction, the Office of O&M, and the salary
4 table incorporating the different, various steps.

5 Trudy, is this what we use or the Bureau?

6 UNIDENTIFIED FEMALE VOICE: That's what the
7 Bureau uses.

8 MR. RODNEY BORDEAUX: The Bureau uses. So
9 it grades all the way up to Step -- Step 10.

10 And also in regard to the construction and
11 repair for Bureau of Indian Education schools, the
12 Rosebud School Tribe has one grant school, which is
13 the St. Francis Indian School. But also, most of our
14 kids are fund -- are educated in the public school
15 system, the biggest of which is the Todd County School
16 System. It educates probably about 24, 2,600 of our
17 students. And in the outlying districts on our
18 reservation, we have four communities: Rosebud
19 Community. They have a BIA -- BIA or BIE facility
20 there. It's a K through 5 school. It's been there
21 since 1963. We also have Spring Creek Elementary in a
22 rural area, K through 8 school. Building's been there
23 since 1938. It's a BIA school also, BIA building. We
24 have He Dog Elementary School, K5, K6, built in the --
25 around 1940, BIA school also; and Okreek Elementary on

1 the eastern part of Todd County, K through 8 school.
2 Been there since 1938.

3 So a lot of these facilities, through a
4 cooperative agreement with the Bureau of Indian
5 Affairs -- and they're in need of repair. They --
6 three of the schools, Spring Creek Elementary, Okreek
7 Elementary and He Dog Elementary, because of the
8 schools' conditions, they're so dilapidated, unsafe,
9 that all of the students had to go into outlying
10 buildings, modular units. So we have in the past
11 tried to get the Bureau of Indian Affairs as well as
12 BIE to look at that. And at one time in the early
13 '90s, we were on slate to get reconstructed, but we
14 lost that -- that place. And then they took off all
15 the -- they told the Rosebud Sioux Tribe that it
16 wasn't a responsibility of the BIA, that it was a
17 state-funded school. But there are revocable permits
18 that show that they are BIA-funded schools, owned
19 facilities yet.

20 So we've been working with the National
21 Congress of American Indians just recently. And we
22 got a position paper from NCAI that I wanted to read
23 into the record because it's very important in regard
24 to school construction. The key points that we wanted
25 to make is, all students deserve to attend safe and

1 secure schools. For Native students, it's a matter of
2 basic equity and a fundamental element of the Federal
3 Government's trust responsibilities to tribes. The
4 dire state of Bureau of Indian Education schools
5 demands immediate action. Facilities have been
6 allowed to deteriorate to the point of potentially
7 causing seriously injury -- serious injury or death to
8 the students and school staff. Addressing the Bureau
9 of Indian Education's tremendous backlog of needed
10 construction and repair would not only begin to
11 provide equitable educational opportunities to Native
12 students, but would also stimulate the economics of
13 Native Nations as well as the entire United States.

14 So the Rosebud Sioux Tribe, in conjunction
15 with the National Congress of American Indians, urges
16 BIA new school construction to be started in the
17 FY2013 budget and beyond. As of December 31st, 2009,
18 an estimated \$1.34 billion was needed to bring the 64
19 BIA schools classified as in poor condition, meaning
20 in significant need of repair or replacement, up to
21 fair condition. However, the administrators -- the
22 administration's FY2013 budget request not only
23 doesn't come close to provide enough funding to
24 address this staggering reconstruction and repair
25 backlog, but even more alarmingly, completely

1 eliminates new school construction resources. The
2 administration proposes to reduce BIA construction
3 programs to \$52.8 million, which is \$17.7 million
4 below the FY12 enacted level. We urge Congress to
5 restore funding to new school construction and provide
6 \$263.4 million for BIA school construction and repair.

7 So as a result of that, you know, the
8 Rosebud Sioux Tribe requests that also the standards
9 that were school construction, I guess, the formula
10 that was developed is in dire need of, I guess,
11 reconsidering. Because we just had St. Francis Indian
12 School, we had that built, and then we had -- we just
13 recently got the gym built. But we found out that
14 they built it based upon a formula so that it's not
15 based upon projected needs or projected growth. So we
16 have a gymnasium at St. Francis Indian School where
17 the stage is probably as wide as that part, from this
18 door to that wall (indicating), and we have 600 kids
19 over there. There's not enough room for expansion.
20 It's very limited. The seating is on one side, and it
21 just doesn't meet our needs.

22 The St. Francis Indian School is also in
23 need of, on a grade school a \$1 million dollar roof
24 renovation and repair because it's leaking. Facility
25 was made in, I think, 1990.

1 So as you see, that's the administration's
2 request for additional funding. And based upon the
3 backlog of -- or of Mr. Jack Reeve's (phonetic)
4 Office -- I can't remember what that office is. It's
5 a wordy name. But the backlog over there, it's
6 detrimental, you know, him not spending that money.
7 Him not allocating that funding out to -- out to the
8 schools where it was needed has caused Congress to
9 make the BIA to make these cuts. So we need that
10 money restored. Our children deserve better. Thank
11 you.

12 MR. DION KILLSBACK: Thanks, Rodney.

13 MS. SHERRY JOHNSON: Sherry Johnson,
14 Sisseton Wahpeton Oyata. I have some general
15 comments. Our tribe will do a written response and
16 officially turn something in there before the 24th.
17 And what I wanted to comment was in the -- back to the
18 budget, and not to say -- ask for money or anything
19 like that, but really talk about that process that we
20 have.

21 I look at the Department of Interior FY2013
22 budget request. And when you look at that and you see
23 the Bureau's two percent decline there, and you look
24 at the Insular Affairs has -- whatever that is, has a
25 15.7 percent cut, but you see the programs that are

1 increasing, in the Bureau of Ocean Energy, the U.S.
2 Geological Survey. I mean, our environmental programs
3 are actually increasing in our budget. And then
4 there's something called Department-Wide Programs,
5 took a 38.4 percent increase. And I'm not sure what
6 that is and what that funds, but that's a big increase
7 for our Department of Interior for that part of it.

8 And I look at that, and I think, well, I
9 just don't know. I just don't know what that big
10 increase is there when everything else is taking
11 pretty much a cut except for our environmental people.
12 And the history of our environmental people is they're
13 very proactive.

14 And I analyzed, looked at our budgets. And
15 I can't say I'm a real good analyst at budgets. But I
16 looked at our budgets and compared them to the
17 processes that IHS has been going through. And you
18 look at Roubideaux; she's very proactive, very
19 uplifting. And when she presents her budgets, I mean,
20 she gives a good statement, and she looks well in
21 front of Congress, and she looks well when she's
22 talking about that. She's well-founded about data.
23 And she's heavy into the Gepra, and all the reporting.
24 And she has all of her little ducks in a row.

25 And then I look at the Bureau, and our ducks

1 aren't in a row. We have vacant positions. We have
2 acting people. You know, we have key positions that
3 are missing, where people that are not strong in those
4 positions, when you analyze this. Our Bureau took an
5 increase in 2010 when Obama was elected. I mean, that
6 was our last increase. We've decreased every year
7 now. And according to the budget act or the
8 appropriation act, or whatever that's called, 2011,
9 we're going to take a decrease until probably
10 two-thousand and what, '21? Isn't that what's outlaid
11 in there? And so that's a sad state. That's --
12 that's terrible.

13 I mean, we're talking about next year's
14 budget. We're talking -- well, that's over and done
15 with. 2014 we're looking at. But according to the
16 act that's already in place, they've set -- they've
17 set some -- some processes in place that's going to
18 affect us until the year 2021.

19 So going back to that budget and that
20 process, and we talk about what we need to do better
21 as a -- as a bureau. You know, we're hashing about
22 the reorganization, I don't know what else to call it,
23 of the Bureau, because it doesn't seem like it's
24 streamlining. And stovepipes, what the heck are
25 stovepipes? I mean, let's get some lingo that people

1 understand.

2 You know, we have -- the grant schools are
3 all asking you to put the services at the education
4 line office where it directly affects and makes an
5 impact into Indian education in our children. And we
6 need to do a better job of PR-ing what we're doing
7 good. I mean, every time I turn around, there's
8 negativity all over, our Gepras. Even look at the
9 budget that has the -- what is it, the NWEA or NW- --
10 the Native data anyway. And that's the poorest
11 looking data around. I mean, why aren't we
12 highlighting what we're doing well instead of
13 highlighting what looks so negative, and why are we
14 being compared to the wasichus in that report? I
15 mean, you look at that. And that's right in one of
16 the budget request reports. And excuse me. And I
17 think that we need to address these -- these key areas
18 that are missing that -- that we need to do a better
19 job with.

20 And if we bring the Education Management
21 back into the education line office, that's a start.
22 If you look at -- you close our offices, you close
23 that Lower Brule office, you close our other offices,
24 our office is going to be in Minneapolis. That's so
25 fun to drive there. Think of how long it's going to

1 take the Pine Ridge people to go to Minneapolis. I
2 mean, is that budget effectiveness or not, or is that
3 eliminating some more services for people where we
4 need them?

5 And then -- and, Keith, you're going to take
6 a hit for this one. I'm sorry. I watched you on
7 our -- on YouTube. I hate to say that. But I watched
8 you on YouTube on the budget and your presentation to
9 the, I don't know, Congress or whoever you did that
10 budget presentation. And, you know, it was less than
11 positive. And we're out there, and we're trying to
12 do -- you know, no wonder we're taking a cut here, is
13 you hung your head. Your face was almost on the
14 table. And then -- and then what did you say? You
15 said one statement that really sticks out in my mind.
16 And that's about the grant schools. You said, all
17 they want is more money. All they want is more money.
18 And get out of our way and let us do what we want.
19 And I thought, well, yeah. But on the other hand,
20 that was said so negatively, and it was said to our
21 congressional people. And so that saddens me, that
22 that was said like that, Keith.

23 And I think it's about time that the Bureau
24 gets past this ineffectiveness, I guess you'd call it;
25 disorganized, fighting each other, fighting the BIA;

1 you know, a weak management system. There are some
2 weak areas, and there are some vacancies in there.
3 You think about all that. And the Bureau was
4 established in 1824. And if you look at all of that,
5 what was meant and what those original statements are
6 for the establishment of the Bureau, Department of Ed
7 was estab- -- I mean, the Department of Interior was
8 established 25 years later. 1824, and the Department
9 of Interior is 1849. I mean, we should be leading the
10 pack by now, not being somebody's second cousin trying
11 to get funding every time we turn around.

12 But we need to give ourselves the credits
13 where credits are due. Our schools have done quite a
14 bit with the funding we have. But we need the
15 services where they -- where they can best impact us,
16 not way up here where we can't access things or where
17 we don't get answers, because I still have not gotten
18 answers from things. And I guess I better just go
19 away. But thank you. And... (Native word.)

20 MS. BEVERLY TUTTLE: We have another comment
21 here. Thank you.

22 MR. DEBBIE BORDEAUX: Yeah, I'd like to
23 respond to some of Dr. Johnson's --

24 MR. DION KILLSBACK: I think Mr. Moore will
25 respond first, and --

1 MR. DEBBIE BORDEAUX: Yeah.

2 MR. DION KILLSBACK: -- then we'll come back
3 over here if that's fine. Okay?

4 MR. KEITH MOORE: I appreciate her comments.

5 MR. DION KILLSBACK: And then after that
6 will be one, two, three (indicating).

7 MR. KEITH MOORE: I think it's important
8 to -- you know, I would disagree about the negativity
9 of my comments on YouTube. But what folks have to
10 understand is, as well from our end, is that what we
11 deal for -- deal with on behalf of our current
12 situation in our schools across the country is a
13 continual fight every day. And, you know, to come --
14 we come out here and we take, you know, the beating
15 and we know it's part of the job, and all of this that
16 we're doing is part of the job. But we also sit in
17 Washington, D.C. where folks won't do things in front
18 of other folks, but they'll do it there to us. Like
19 major folks throw their pens in the air (indicating)
20 and tell us why, why do we keep doing this? When we
21 look at the student achievement data, we look at the
22 dropout data, when we look at all the data, it's ugly.
23 Why do -- why do we keep doing this? And we defend
24 and talk about all the things that we hear from you
25 folks, treaty rights and trust, and, you know, we

1 need -- all the things that we need to do. And as an
2 educator, we need an accountability system. We need
3 to get in line with the 21st century where education
4 is going. Everything is about data, research and
5 accountability.

6 So when I sit in meetings and the folks that
7 come forward to speak on our behalf hit the table in
8 front of congressional folks and OMB and different
9 people and say, just give us the money and get out of
10 the way, but yet we have to sit, all of us, we have to
11 sit in D.C. and listen to people say, look at the
12 data. It's here. Look at the data. We've had
13 100-297 language in tribal grant schools since 1988.
14 And Dr. Johnson is right. I've said forever since
15 I've known her, she runs one of the finest schools,
16 one of the best superintendents in the state of South
17 Dakota. But to be truthful again, and I know
18 Councilman Taken Alive is gone. And I said when I
19 took this job, truth over harmony. To be truthful,
20 those situations are hard to find in Indian Country
21 today, if you look at the data. We don't have -- it
22 doesn't show high performance. It doesn't show that
23 we're -- when we graduate students that they're
24 graduated ready for college and career readiness. It
25 shows that we have high dropout rates. It shows it in

1 BIA schools that are run. It shows it in tribal grant
2 schools that are run. It shows it in public schools
3 where our kids are at a high percentage. It's
4 truthful, hard data that we all look at. And that we
5 have to say, what should we do? What do we -- steps
6 do we take going forward? Do we keep doing this? Do
7 we keep, you know, stirring the same pot and stirring
8 the same issues, and blaming the same places, and
9 doing all the things that we've all watched for
10 decades, or do we really say that we're going to
11 provide solutions and that we're going to take steps
12 forward together?

13 It's hard. It's hard to stay positive every
14 day and in every situation, just like for you folks.
15 I know you folks, we all struggle as human beings to
16 be cheery and smile and do all the things when we're
17 living and doing what we do because it's tough work
18 with tough circumstances with tough students. We all
19 know that, and we don't need a lesson on it.

20 So I don't look at it as being
21 disrespectful. I look at it as trying to get to a
22 place that I know I was challenged when I took this
23 job, which was, we need a system of accountability
24 where we can look at real data. We need reform. We
25 need better outcomes. Why do we keep spending \$1.4

1 billion dollars, roughly, on Indian education in the
2 BIA system, but yet look at the data? Why? Why?
3 Why? What are we going to do?

4 And then we come out to the field. And of
5 course we all point the finger and get mad at each
6 other and pass resolutions to get rid of each other
7 and, you know, do all these things. But yet then we
8 want to sit at tables and, you know, I'll say what I
9 feel, act like we want to go forward together and
10 provide solutions and really do the heavy work
11 together. But all -- all across our Indian education
12 folks that we do work, from the local level all across
13 the board, we are divided. There isn't succinct
14 federal policy. We have broken up bureaus. We
15 have -- we don't have succinct policy that goes well
16 for Indian education.

17 We survive under what I'll say is a -- is a
18 tough system in the Indian Affairs. But yet, you
19 know, we come here and we want to put all the blame
20 somewhere or point the finger at everybody or do this.
21 And I want to go together. I want to go together. I
22 think we have a lot of issues to address together.

23 Like I said when we started, I'm excited
24 that we have tribal leaders here. I'm excited that we
25 have folks here. And we have -- we have tough work to

1 do together. And I'm not a negative person. I'm not
2 a bully. I have my side of the story on that. I
3 don't agree with all the facts. We can -- we can
4 focus on that stuff, or we can really focus on the
5 real issues together. But, you know, we have tough
6 issues to deal with, and we have tough things coming.
7 It's not going to get any easier. And I would love to
8 just smile and put a good face forward every day and
9 take a good, you know, step forward and act like
10 everything is okay and -- but it's not.

11 You know, we could discuss a lot of pieces
12 here. Somebody mentioned language and culture over
13 here. You know, under the ISEP formula, there are
14 three other line items under ISEP formula. They're
15 residential, gifted and talented, and language and
16 culture. The BIA gives 24 to 25 to \$26 million
17 dollars a year through ISEP on behalf of language and
18 culture. We have people who want to say to us all the
19 time that we don't do anything for language and
20 culture. And I don't think tribal leaders understand
21 that.

22 I know when I had my first meeting with
23 President Yellowbird Steel, he did not know that we
24 gave right at \$2 million dollars to the seven schools
25 on the Oglala Nation for language and culture

1 specifically. And we don't want to -- that money goes
2 out. We don't dictate curriculum. We don't dictate
3 standards. We don't dictate, implement language and
4 culture programs. That's done at the local level,
5 school board and school leaders, such as Dr. Johnson.

6 So if our -- and the statistics are clear in
7 our language. We're losing it. But yet there is
8 money allocated for schools to develop curriculum in
9 schools. I don't know what's going on. I truly don't
10 know what the standards, the curriculum, and what is
11 being implemented from K-12 on forward. But it
12 doesn't look good when you look at the statistics of
13 the loss of language and how well our kids speak our
14 languages and so forth.

15 There is a big discussion and debate that
16 needs to happen around current dollars that are
17 allocated. Do they go to what they're appropriated
18 for, from the top on down all the way to the schools?
19 Could we do better? I think we could. That's my
20 opinion. If that's negative, that's negative. Do I
21 think we can all do better together? I sure do. I
22 think -- I think we're at an unfortunate spot.

23 So you can take what I say as negative or
24 take how I go forward as negative. I don't feel like
25 I am that way. I feel like I'm trying to address real

1 issues for our kids that all of us see, that all of us
2 understand, that all of us know that we need to
3 address. We need to provide solutions rather than
4 come here and ask for people to be removed and blame
5 the system and blame -- and say that we're dancing
6 around issues and we're not transparent, we're not
7 open, and when I know that isn't true. I know we're
8 doing our best that we can to be as transparent and as
9 open and meet, you know, all the guidelines and time
10 lines that we have to do to get information out to
11 have these conversations and to take steps forward.

12 But it is frustrating some days. It is very
13 frustrating to have to sit and listen to all the
14 pieces every day, that it's all somebody's fault, or
15 it's all this person's fault, or it's all that, or
16 it's all about money; you know, and it's all about
17 give us some money and get out of the way.

18 Two-thirds of our schools are grant schools.
19 And my opinion is that we don't dictate much to
20 Dr. Johnson. I don't think she hears from the BIA
21 about what she should be doing, how she should be
22 doing it, what she should be implementing. Tribal
23 grant schools are run locally by the school board and
24 they operate their system, and they have autonomy, and
25 they have flexibility, and they can implement

1 immersion programs. They can implement and do what is
2 wanted to have happen at the local level.

3 So it's frustrating to say that we are
4 holding schools back somehow, when I don't see that.
5 I don't see that we're holding Deb Bordeaux back at
6 Loneman School or Dr. Johnson back at Enemy Swim Day
7 School or all of our tribal grant schools. I don't
8 believe we're holding folks back, and I don't think
9 we're dictating, and I don't think we're telling folks
10 how to do their business. So there's local control,
11 and there's the ability to run schools.

12 So it's frustrating. I'll say that. But I
13 don't think I'm frustrated every day. I think I'm a
14 very positive person. I know our kids are struggling.
15 We've all grown up in our local communities. We've
16 all gone through what we all have gone through. We
17 all have our stories. We can all talk about how
18 somebody isn't Indian enough, or you didn't grow up
19 here, or you don't deserve this, or you don't -- you
20 know, we can do all that to each other as well. But
21 we all know who we are as Native people. We have big
22 issues to address. I'm doing the best that I can to
23 address the issues here, and most days trying to do it
24 in what folks see as a positive manner. As we know,
25 if you slip up, that's what people like to capture and

1 they like to talk about every -- you know, your one
2 percent of the time that you may slip up. They won't
3 talk about maybe the 99 percent of the times that
4 maybe you did a decent job. We all live in those
5 circumstances as well.

6 So it's tough work. I sit here and look at
7 my President, President Bordeaux, and I think this,
8 this work that we do, is a cornerstone and one of the
9 most important pieces to sovereignty and trust. If we
10 don't educate better, if we don't face the facts that
11 we're not educating very well right now, in 25 to 50
12 years it's going to be very difficult for us to defend
13 sovereignty if we're -- when our kids are graduating
14 from high school, we hope, with a ninth-grade ability
15 to do the skills that they're graduating with. And
16 that's the fact. The fact is that's what is going on
17 right now when our kids graduate. They are prepared
18 at hopefully a ninth-grade level. And then they go on
19 to post-secondary, and we don't see success. And then
20 we have all kinds of struggles at home due to that
21 education. That is what the statistics show. Those
22 are the facts.

23 We have windows. I'm sure Dr. Johnson
24 probably has great stats on her students and what they
25 do and their ACT scores and what they go on -- but

1 those are small pieces. The broader picture is more
2 dire and needs quick attention and needs us to act and
3 needs us to do something. And I'm trying to push the
4 envelope to do that. Sometimes you get negative
5 feedback when you push the envelope, when you try to
6 raise the issue, you try to deal with the real issues.
7 And the real issue is that we have -- we have a lot of
8 heavy-duty work that needs to start today, needed to
9 start yesterday, to strengthen our communities and
10 protect sovereignty.

11 MR. DION KILLSBACK: Okay. We have over
12 here and then back over here (indicating).

13 MR. KEVIN YELLOWBIRD STEEL: Here.

14 MR. DION KILLSBACK: I think we have one,
15 two, three, and we'll come back for four, five, six,
16 if that's all right.

17 MS. DEBBIE BORDEAUX: Am I six?

18 MR. DION KILLSBACK: You're one.

19 MS. DEBBIE BORDEAUX: Oh, one.

20 MR. DION KILLSBACK: We got two, three, back
21 here four, five, six (indicating). Okay?

22 MS. DEBBIE BORDEAUX: Okay.

23 MR. DION KILLSBACK: All right.

24 MS. DEBBIE BORDEAUX: My name is Debbie
25 Bordeaux. I'm an enrolled member of the Oglala Sioux

1 Tribe and an educator and the Principal at Isna Wica
2 Owayawa, Loneman School. And I know that we've really
3 been struggling, and it's been a long day, and I was
4 hoping to be able to -- or what I'm hoping to do is to
5 talk about some possible solutions, some proposed
6 ideas, and figuring out ways to cut costs as
7 reasonably and responsibly as we can, and recognizing
8 that we have to find a way to work together and
9 collaborate on these things. And this is an
10 appropriate place to have these discussions in this
11 arena where all the people are here and have an
12 opportunity to give some input.

13 So I work with a couple of different
14 organizations. One organization is called the
15 Association of Community Tribal Schools. And another
16 organization that I work with is an organization
17 called the Oglala Lakota Nation Education Consortium.
18 And we've been working on trying to come up with some
19 ideas. And so the basis of our ideas is how important
20 local control is and being able to help the local
21 people, the grassroots people, be able to do the
22 things that Mr. Moore just talked about and being able
23 to make those changes.

24 And so our suggestion, the suggestions are
25 about eliminating middle management. And I know that

1 the Bureau of Indian Education just put in place the
2 Associate Deputy Directors for East, West and Navajo.
3 But that had to increase the amount of people at the
4 management level. And I think that those should be
5 eliminated, and that the Director for the Bureau of
6 Indian Education should be elevated to the position of
7 Principal Deputy Assistant Secretary of Indian
8 Education, and that there be three -- three offices to
9 support that position: one that focuses on tribal
10 control for both schools, tribal grant schools,
11 contract schools, and colleges in an office that would
12 be there to focus on Bureau-operated schools, and then
13 an office that provided the support. Then everything
14 should come down to the line offices that are on the
15 reservations, and build those at the reservation level
16 and help them.

17 And I think some of the services, or the
18 majority of the services, that are at DPA, and, you
19 know, DPA or DCMI or CSI, or whatever they are -- and
20 Albuquerque is not on the table. But those provide
21 those academic support programs for the schools. And
22 we need more support at the local level, and if there
23 is some way to be able to have those come out to the
24 reservations. I know that there's evidence that the
25 proximity of those services to the local people help

1 improve the services for the educational leadership
2 and the teachers in the schools to help improve. It's
3 hard doing those -- doing everything that you have to
4 do, and having somebody come and help guide through
5 that. Research has showed that when there's more
6 support at that local level, that you have more
7 success.

8 So that's my recommendation. And based on
9 conversations that we've had both in the ACTS
10 (phonetic) and with ONEC is that if we can have
11 local -- more support at the local level.

12 And Mr. Drapeaux had talked about how
13 important tribal education departments are. And I
14 have been a supporter of that since 1988 when it was
15 in the law. And I think it's very important. That's
16 what gives tribes an opportunity to develop what they
17 need to be able to develop about culture and language
18 and being able to have input for what happens at their
19 schools, even in guiding school boards. And I know
20 our school boards need more guidance, and it needs to
21 be done more locally to help them. Interventions need
22 to happen more often and not -- not be a catch you
23 getting -- finding you doing something wrong.

24 So I'm just trying to come up with some
25 ideas that might work. And I think we have to find

1 some ways to collaborate. And I think it's important
2 for you to know the definition of collaboration.
3 Thank you for listening.

4 MR. DION KILLSBACK: Thanks. Right here.

5 MR. KEVIN YELLOWBIRD STEEL: Okay, thank
6 you.

7 MR. DION KILLSBACK: After you will be you,
8 then back to you, and to here (indicating).

9 MR. CURTIS POITRA: I get to go last?

10 MR. DION KILLSBACK: Four.

11 MR. KEVIN YELLOWBIRD STEEL: Kevin
12 Yellowbird Steel, Oglala Sioux Tribe. You know, going
13 along with what Deb is saying, you know, the Oglala
14 Sioux Tribe strongly supports the local control of our
15 tribal education because it's our individual school
16 boards for our grant schools who live in these
17 communities who know the needs of our children and
18 families in these communities, and who spend a lot of
19 the time being involved with these communities. And
20 with the success of our tribal students, they are very
21 involved, and they keep our schools going by knowing
22 what the children are like.

23 Prior to becoming a member of the Oglala
24 Sioux Tribal Council, I was the Chairman of the Winabe
25 (phonetic) District School for ten years. And I know

1 how much involvement it is to be a part of these
2 boards and their issues that they deal with; you know,
3 successes and concerns of our student population and
4 their families, families whose support is needed and
5 necessary to the success of their students and our
6 children within our schools. School board members are
7 the parameters of what is happening in our communities
8 and among our students. You know, and to lose that
9 local control would be a disaster for all of our
10 little grant schools.

11 On behalf of the tribe today, I just wanted
12 to comment on the proposal that is being floated by
13 the BIA which is the subject of this consultation,
14 which it's not a consultation. You know, it's our --
15 at first, there's insufficient information within the
16 consultation notice in order to adequately comment.
17 If the BIE insists on coming up with its own idea
18 first and then sending it out to the tribes, it should
19 do so with far greater detail and with more specific
20 recommendations so that the tribe may meaningfully
21 consult on those proposals. We cannot based upon what
22 we have been given.

23 More importantly, we are greatly concerned
24 for the BIA and BIE's efforts. Under a Democratic
25 President and a Democratic U.S. Senate, to once again

1 try to float another restructuring plan that will
2 centralize BIE services to tribes and efficiently
3 reduce support services at a reservation level.

4 This proposal -- this proposal is nothing
5 more than a rerun of previous efforts, attempts under
6 several Republican administrations, beginning with the
7 Reagan Administration and, most recently, under the
8 Bush Administration. To reduce educational support
9 services and federal trust and treaty obligations to
10 the tribe, it comes on the heels of President Obama's
11 budget proposal to reduce funding to tribal education
12 by \$20 million dollars. These proposed cuts and
13 proposed restructuring, if successful, will be a human
14 tragedy for all our tribal children. What is more
15 disappointing to us is that they've come from a
16 President we all voted for and whom we placed our
17 trust in. This President has put his efforts into
18 saving two wars, the economy and saving Wall Street
19 and the banks. But he has not put any effort into
20 saving the tribes and our children and trying to
21 preserve tribal self-determination and our ability to
22 control our own programs and our own destinies.

23 We are so insufficient that the President
24 and his Executive Branch failed to adopt Republic
25 programs, and if more, federal law (sic).

1 With these cuts that are coming, you know,
2 all the money that's supposed to be saved, a question
3 comes to mind on the contracts within the BIE. You
4 are contracting out programs within BIE to like the
5 NWEA, Northwest Evaluation Association, The Family
6 Engagement, The Native Star, and The Vanderwill
7 (phonetic) Group, which are doing assessments of the
8 schools. How much is that going to cost BIE if we are
9 doing these cuts and saving all of our, you know, the
10 funding that -- the cuts are coming so -- and here we
11 are, you doing the contracts out. How much is that
12 going to cost? That's a question that, you know, a
13 lot of them ask out here. If we're cutting all these
14 positions and everything and yet we contract out. BIE
15 are contracting these services. That's going to cost
16 some money again.

17 Well, in conclusion, I just want to -- you
18 know, the BIE needs to provide the tribes with the
19 following information that we presented today. On
20 behalf of the Great Plains Tribal Chairman's
21 Association, I would just like to mention seven to you
22 that I would like to see, you know, have question back
23 (sic). And I know Chairman Steel has given, I think,
24 15 days in a response effort time.

25 But one, When will the Great Plains Tribal

1 Chairman's Association receive feedback from the BIE
2 on the issues raised today and answers to the specific
3 requests for information and questions so we can
4 consult?

5 Two, Has the BIE already made any decisions
6 on what reorganization will include?

7 Three, Which positions do you intend to
8 eliminate and how much is saved by eliminating each of
9 these positions and offices? How much does BIE intend
10 to cut? Is BIE intending to add any new positions and
11 any offices within -- with BIE or DOE funds, and if
12 so, which ones and why? This meeting so far has been
13 about us, not with us. BIE is not doing with -- is
14 not doing this with tribes in this system, but looking
15 at this as being about tribes and tribal children.
16 This is the typical bureaucratic approach to Indian
17 Country. We have no response to tribal consultation
18 that occurred in March 2012 on Executive Order. The
19 proposed MOU did not include any of our input, and no
20 response from BIE was provided on what BIE did to
21 consider the information provided and to accept or
22 reject the recommendations. Thus, the MOU is not
23 acceptable either. When will we receive the legally
24 required response on our March 2012 meeting?

25 Five, BIE is looking at this incorrectly.

1 This does not have anything to do with improvement --
2 improving the education of our children. BIE needs to
3 show us all their successes and data indicating this
4 proposed structuring -- restructuring is effective in
5 order to implement this reorganization.

6 Six, The very nature of this proposed
7 restructuring contradicts the clear language and
8 intent of the Indian Self-Determination and Education
9 Assistance Act and the Tribally Controlled Schools
10 Act. Let the tribes dictate changes to the BIA/BIE,
11 not the other way around, if self-determination means
12 anything at all.

13 Tribes expect a written response to these
14 requests and positions within 15 days. Also submitted
15 into the record, the Great Plains Tribal Chairman's
16 Association Resolution that was presented, and the
17 Great Plains Tribal Chairman's Response to the
18 Streamlining Initiative on BIA, specific
19 recommendations.

20 All these can be, you know, presented to
21 Ms. Gay Kingman, the Executive Director and a member
22 of the Cheyenne Reservation. With that, I'll just
23 close my remarks for today. And thank you for
24 listening.

25 MR. DION KILLSBACK: Thanks. We'll come

1 over here now, and then we'll be back over here.

2 MR. RANDAL WHITE: Randal White from the
3 Standing Rock Sioux Tribe. I'm also a school board
4 member for 15 years and also a parent for 25, I guess.
5 I come before you again, like on the 20th, to give
6 some of my concerns of Chairman Murphy, forward these
7 two letters that we want to make a matter of record.
8 Also wants to keep an open dialogue so that -- I know
9 next week's council meeting I think there will be some
10 more issues coming forward that is going to address
11 this.

12 I guess I also want to say that, getting
13 back to Keith Moore's comment on January 20th, he said
14 65 percent of that was off-the-wall comments. To me,
15 attending that meeting and attending today's meeting,
16 all these comments, our Native children are worth
17 their education, worth a billion dollars that should
18 be pumped into our Native children. And I think the
19 20th and today, our Native children, to me, these
20 ain't off the record. All the tribes coming before
21 you from the Great Plains, I think our children mean a
22 lot to us and are very sacred, like these Hills are
23 sacred. So I guess with the comment of the 65 percent
24 off-the-wall, to me, I kind of feel that coming these
25 two days, I mean, our tribes are coming here and

1 showing our needs and wants and submitting all these
2 testimonies and records. To me, and to think that
3 some of these are off-the-wall, these comments.

4 Our books, our education, our teachers, our
5 kids are important. Our transportation, everything's
6 important to us. So I guess to hear that comment, I
7 mean, it really offends me. Because, I mean, to sit
8 here these two -- sit here on the 20th and to come
9 back to sit here again, and to share with you our
10 needs and wants from our tribes, and to hear that 65
11 percent of it is off-the-wall comments, to me that
12 kind of saddens me, because these are real, true
13 issues, like Mr. Taken Alive said.

14 Today we had a suicide. That's the reason
15 why I chose to fight for our people's rights because
16 our Native children are important just like anybody
17 else. And I would just like to -- with that, I would
18 just like to end the comment, and I would like to
19 thank you for giving me this opportunity. I'm glad
20 you have a court -- court, for the record so that some
21 day that we look back at this, that our children are
22 worth a billion dollars of the education would be
23 nice. But we would settle for \$200 million. Thank
24 you.

25 MR. DION KILLSBACK: Back over here.

1 MR. KEITH MOORE: Real quick. Just for
2 clarification, I said off the record. We were there
3 to consult that day, or not consult, but listen about
4 the MOU. I didn't say they were off-the-wall
5 comments. I said they were off the topic or the
6 record of us being there to consult on the new
7 Executive Order that had been out. And as Brian
8 stated, we didn't take those comments to be, I guess,
9 as Councilman White is saying, off-the-wall. We did
10 collect those, and we did send those to the U.S.
11 Department of Education to be a part of their other
12 documents. So we didn't take them as, I guess he's
13 trying to characterize my words as off-the-wall. I
14 said they were off topic or off record of what we were
15 there to listen on, which was the new Executive Order.

16 MR. DION KILLSBACK: Thanks for that
17 clarification.

18 MR. CURTIS POITRA: Curtis Poitra, Vice
19 Chairman of the Turtle Mountain Band. And first of
20 all, I'll start with, if I offended anybody, I
21 apologize. I won't take it back, but I will
22 apologize.

23 Okay. And I'm going to comment on, you said
24 a lot of tribal leaders don't understand some of the
25 things with GT and how the budgets -- well, I think

1 you heard most of us have been school board members
2 prior to -- I spent nine years on the public and the
3 grant school board. So I have a very good
4 understanding.

5 But, Keith, I'm going to ask you to -- and
6 don't be offended, please, nobody by anything I say in
7 these closing statements. I'm going to ask you to do
8 the responsible thing, and leave the local line office
9 and below alone. And I think maybe -- and you have
10 good people above. I mean, I think just about
11 everyone at the table I've met with one time or
12 several times. In the case of David, several times
13 we've met, and he's been very helpful.

14 But I think you need to start looking at
15 tribes. And I know you've been a teacher. Like an
16 IEP, one glove doesn't fit all of us. So if you leave
17 that money in the local line office and the services,
18 I think the local line officer can help that
19 individual tribe or the tribes that she works with.
20 Because you kind of sounded frustrated when you said
21 all our test scores are low, and we all know that, the
22 graduation rate. But the government has always looked
23 at us as one glove fits everybody, and it doesn't.

24 And I think from the Central Office, I think
25 the only time -- like I said, the only time you've

1 been out is when we had problems. So who knows better
2 than that local line officer of what our individual
3 school or school system needs, because she deals with
4 the tribe or he deals with the tribe. And I think you
5 really need to look at our situation when we take a
6 proactive approach. We knew budget cuts were coming.
7 We've had cooperative agreements with you for six
8 years with your office. And I know you haven't been
9 there that long. And we've still been working on
10 them. And I know since you got in, we've been working
11 on them. We need to share our resources amongst the
12 state. And I'm just speaking for the Turtle Mountain
13 Band. And the school boards have passed those. The
14 tribal council has passed those. So tell me, where
15 are they hung up? Because that helps our students if
16 we have two sources of funding.

17 So, you know, I really would like you to do
18 the responsible thing and start looking at the
19 individual tribes like you would an individual
20 education plan. Because the same thing isn't going to
21 work for all of us, and no one knows better than the
22 line office that works with that tribe or tribes. So
23 I would ask you, do what you can not to let any of
24 these budget cuts reach that level, and especially the
25 students. Thank you.

1 MR. DION KILLSBACK: Thanks. We'll go to
2 Rodney and come back to you.

3 MR. KEITH MOORE: Real quick, Dion, I'll
4 answer --

5 MR. DION KILLSBACK: Oh, okay.

6 MR. KEITH MOORE: -- Curtis' questions about
7 the cooperative agreements and where they're at. They
8 are with the Solicitor's Office under review at this
9 time.

10 MR. CURTIS POITRA: So now we're talking
11 about Solicitor's again. Now Brian, you didn't know
12 nothing about Solicitor's earlier spending any money.
13 Why are they with the Solicitor's? We have one in
14 place. We have one in place on another school on the
15 reservation. And we pretty much sent you a template
16 of that one that's been in place and approved. And
17 those have been with the Solicitor's for how long?

18 To me, the other thing is wasteful spending.
19 And, you know, I'm not angry. I'm passionate. And
20 that's why my voice sounds like this. And you've met
21 with me on other occasions. I'm passionate about our
22 people. I'm passionate about the education, like the
23 rest of the tribal leaders here. How long have they
24 been with the Solicitor's? We've been hearing that
25 for a year. We've been hearing it for two years.

1 Long before you were there, we've been hearing it for
2 six years. I can go back six years because I've been
3 on the school board for nine years. We passed that
4 over six years ago. And we have one in place, a
5 template, that is in operation today. I mean, can you
6 answer that, Keith, or...

7 MR. KEITH MOORE: No, I can't answer that.

8 MR. CURTIS POITRA: You can't or you've been
9 advised not to?

10 MR. KEITH MOORE: No, I can't answer that
11 question.

12 MR. CURTIS POITRA: I mean, isn't that a
13 practical approach -- approach by a tribe to the
14 answer to the budget cuts? We find other resources
15 for our students. And the only thing being held up is
16 the signature out of your office. I mean, I hope I'm
17 not making you angry, Keith. I'm just -- I'm like
18 you. I'm honest. And I like to tell it like it is.

19 MR. KEITH MOORE: I'm being honest with you.
20 I mean, what I can say is that it's with the
21 Solicitor's Office. And we'll do our best to get it
22 out of there and get you an answer.

23 MR. CURTIS POITRA: Okay. How about, can we
24 get your commitment that you will do everything in
25 your power to leave the cuts above the local line

1 offices?

2 MR. KEITH MOORE: We'll do everything in our
3 power to listen to you and we'll do whatever we have
4 to to get to the best solution.

5 MR. CURTIS POITRA: Well, again, if I
6 offended you, I apologize. I won't take anything back
7 I've said. You know, that's just how I am. And I
8 think most of you at that table know that I tell it
9 like it is.

10 MR. KEITH MOORE: No, no offense taken.

11 MR. CURTIS POITRA: So I have the commitment
12 that you'll do everything possible to make the cuts
13 above the line office.

14 MR. KEITH MOORE: To get to the best
15 solution I possibly can to provide good service.

16 MR. CURTIS POITRA: Thank you.

17 MR. DION KILLSBACK: All right. Let's go to
18 Rodney and then come back over here.

19 MR. RODNEY BORDEAUX: Thank you again.
20 Rodney Bordeaux, President of the Rosebud Sioux Tribe.
21 I've been given the responsibility to read the Great
22 Plains Tribal Chairman's Association recommendations.
23 I don't see any more chairmen here, but...

24 I've been in education quite a number of
25 years, working with Johnson-O'Malley parent

1 committees. I was on the Todd County School Board for
2 six years, and a Tribal Education Committee probably,
3 oh, 12 years of my duration on the Tribal Council.
4 And education has always been a top priority of mine.

5 One of the things that the Great Plains
6 Tribal Chairman's Association, they have eight
7 recommendations, seven recommendations, but I added an
8 eighth one. I didn't partake in these meetings
9 because yesterday, Monday afternoon and yesterday, we
10 had the U.N. Special Rapporteur came to the
11 reservation. And he -- Mr. James Anaya. It was a
12 historic event. And he came to the Rosebud
13 Reservation and took testimony on the rights of
14 indigenous peoples. And we had an opportunity from
15 the Rosebud Sioux Tribe, all the treaty councils. We
16 had the Anishinabe People, all Lakota, Dakota, and we
17 had Northern Cheyenne. We had representatives from
18 Oklahoma and other tribes in Montana. So I stayed
19 there. I wanted to make a presentation from the
20 tribal government perspective.

21 I know a lot of the issues when you're
22 dealing with treaty rights, indigenous people, the
23 U.N. Declaration is -- a lot of our grassroots people,
24 mainly the treaty councils are -- have been opposed to
25 the Indian Reorganization Act governments, which

1 Rosebud Sioux Tribe is. And I understand that because
2 it's a government that is basically foreign to tribes
3 anyway. But I did make the statement that we continue
4 to be that way because of the colonization of our
5 Tribal Nations. And it is up to us to throw that yoke
6 of IA off of us. So the Rosebud Sioux Tribe, we're
7 working on that to go back to a traditional form of
8 government, one that was -- we had before. So given
9 that, that is the reason why I was not here with the
10 Great Plains the last couple days.

11 So my testimony is based on the Great Plains
12 recommendations that they developed the last several
13 days. 58 of the 125 contract and grant schools in the
14 nation are located in the East Region. 21 of these
15 are North and South Dakota alone. This is over 50
16 percent of all tribal contract and grant schools in
17 the nation, yet the East Region is the only region
18 taking the cuts. North and South Dakota are the two
19 areas losing line offices, have 21 contract and grant
20 schools, or 70 percent of all contract and grant
21 schools. This will ensure continued decline, not
22 improvement, in the actual school -- services to these
23 schools.

24 And the recommendations are: Number 1,
25 Eliminate the middle management offices and move the

1 majority of performance and functions to the line
2 offices. These offices include the Associate Deputy
3 Directors of East, West and Navajo; Associate Deputy
4 Director of the Division of Post-Secondary Education;
5 and some staff positions in the Director's Office.

6 Eliminate the Division of Compliance,
7 Monitoring and Accountability, and move the majority
8 of these funds and functions to the line offices. A
9 small amount of the functions could be moved to the
10 Central Office.

11 Move line offices that are not on
12 reservation lands to reservation lands.

13 Number 4, Have the Director of the Bureau of
14 Indian Education report to the Assistant Secretary of
15 Indian Affairs and change the title to the Principal
16 Deputy Assistant Secretary - Indian Education. And
17 this would basically elevate Keith's position within
18 the Department of Interior - Bureau of Indian Affairs.

19 Number 5 is, Create a National Board of
20 Trustees who would advise the Principal Deputy
21 Assistant Secretary - Indian Education on policy,
22 research planning, facilities, evaluation and budget.

23 Number 6, Separate line functions into two
24 divisions: one for tribal education, including
25 schools and colleges, and one for BIA-operated schools

1 and colleges, and eliminate inefficient programs such
2 as BIE Reads, MATHCOUNTS, Focus Schools, Native Star,
3 NWEA, Centralized School Leadership, et cetera.

4 Recommendation Number 7, Move
5 education-related Facilities, Information Technology,
6 Capital Assessment Management, Human Resources, Legal
7 Counsel, et cetera, under the Principal Deputy
8 Assistant Secretary of Indian Education.

9 And I've added the recommendation: And
10 restore the Johnson-O'Malley Student Count and
11 increase the funding of the JOM Program, but not at
12 the expense of other elementary and secondary
13 education funding, which is basically, restore the JOM
14 Program to what it used to be. It funds students in
15 public and BIA grant and contract schools.

16 And I also wanted to make the statement that
17 Keith Moore is a member of the Rosebud Sioux Tribe,
18 and I respect the Standing Rock Sioux Tribe's
19 Resolution. However, Keith's side of the story needs
20 to be told. I did meet with Larry Echo Hawk on this
21 and gave him our position. So I think in regard to
22 the Standing Rock Resolution, Keith does deserve due
23 process. And if that ever gets to that point where
24 there is going to be a hearing, whatever, I think
25 Keith needs to be heard. I will continue to support

1 Keith until such time as our Tribal Council recommends
2 otherwise.

3 I've known Keith for a long time. He's very
4 proactive in education circles. And I know he does
5 not have the respect of some of our educators in South
6 Dakota. And I don't know why, because he has the
7 heart of the Indian kids all the time. I've seen him
8 work at the state offices and on the tribal levels.
9 He has the full support of the Rosebud Sioux Tribe at
10 this point, and I think it's going to stay that way.
11 And we'll be willing to defend that all the way down
12 because I belong to the Tribal Interior Budget
13 Committee.

14 I've gone to those meetings since the early
15 '90s, and I've been on the actual committee since the
16 last four or five years. Indian education was always
17 a low priority on that committee, hardly ever making a
18 report from the Director there. And when Keith came
19 aboard, he elevated that report. He reported it like
20 it was. Now that the Tribal Interior Budget Committee
21 is going to -- in this month, Keith is going to make a
22 major report to the Tribal Interior Budget Committee.
23 So I think we need to support him. We have a
24 representative and a member of a tribe of the Great
25 Plains that we need to support. You can work with

1 him. He's easy to work with. He's open to a lot of
2 suggestions, and he's taken on a position and a job
3 that he don't get enough money for, to begin with.
4 He's taken on a job from the previous Bush
5 Administration, Republican administrations that have
6 cut Indian programs.

7 We've seen a loss of many programs, not only
8 education, but cuts from other Indian programs. And
9 we're trying to restore that. And we need a strong
10 leader in Keith's capacity. He has bridged the gap
11 and has developed a dialogue with the Department of
12 Education, something that we didn't have before, and
13 trying to get some of that funding over to the BIE. I
14 know the public schools get a lot of that, but we need
15 that also in BIA. So we need to do that, continue
16 that dialogue. And I stand fully behind the
17 leadership of Keith Moore. Thank you.

18 MR. DION KILLSBACK: Thank you, Rodney.
19 We'll come over here now.

20 MS. BEVERLY TUTTLE: Last, but not least.
21 And because I'm a woman, I think I'm probably
22 losing audience out there. But I am going to express
23 for the record, my name is Bev Tuttle, Oglala Sioux
24 Council Tribal Member, also serving on the Education
25 Committee for the tribe, and also a 14-year-old

1 veteran of school board membership. And I too stand
2 strong on -- you know, as I first became a school
3 board member, I'm going to give you some historical
4 background in my work. I was a very enthusiastic
5 board member. I looked at -- and I also consider
6 myself very educated on what I think is appropriate
7 for our children as a school board member. And I'm
8 not going to be preaching to the choir about all this
9 data about, you know, how our children are not making
10 adequate yearly progress. I'm not going to go there.

11 I'm going to, first of all, touch on
12 something that we -- and you people sitting there as
13 tribal members from one of your tribes, we talk
14 continuously about poverty. Poverty is the driving
15 force that causes us all to be in this sense of
16 disarray. And the Indian Self-Determination Act means
17 more than that to me. It means starting to instill in
18 our minds that we aren't in poverty. We are poverty
19 stricken by systems. So we need a systemic change
20 here. But we know, and I know, you cannot change that
21 system. But I do know that we can at our local level.
22 We can change the system.

23 And I've already told the school that I
24 really support, and I represented for 14 years, was
25 Pahin Sinte Owayawa, Porcupine School. And I want to

1 reflect on Wounded Knee School's efforts, that we
2 really need to start that systemic change at our local
3 level. And I, for one, have always mentioned -- those
4 of you that know me sitting here -- I've known David
5 Talayumptewa sitting there as long as I've been a
6 school board member perhaps. I've always said,
7 holistic learning. Holistic learning is probably
8 something that we have never ever touched on because
9 it doesn't -- what we're teaching now is the academia
10 of technology. And technology does not create
11 interaction face-to-face. I'm sorry to say. Maybe
12 I'm a dinosaur in thinking that way. But I want to
13 tell you as a grassroots person, if I don't have
14 face-to-face interaction, nothing means -- whatever
15 comes out of your mouth, if I'm talking to you and I
16 don't meet you in person -- and I want to say that I
17 have to say this too, and I'm going to be honest too
18 just like everybody else has been here. I was very
19 embarrassed when I went to Rosebud when they had all
20 the intertribal meetings with the Department of
21 Education over in Rosebud. We couldn't get listened
22 to over here. We requested from ONEC to have a visit
23 with Keith, who we thought was our brother from
24 next -- the next door. He refused. He actually
25 refused us. And I called him over even -- like I

1 said, I'm a person-to-person. I went like this:
2 Keith, come here. We want to talk to you. And, you
3 know, he just ignored us. I was very embarrassed,
4 more than hurt.

5 But, you know, I think that's what I'm
6 talking about, social interaction. We need to really
7 learn how to be sociable at all costs. I have to do
8 the same. I'm just like you guys. I have to be
9 standing up in front of my own tribal people telling
10 me what's wrong with our system. But you know what,
11 because I'm from here, and I do know what's holding us
12 down is that thinking of poverty. I always reflect
13 back. Poverty thinking, like somebody called about,
14 you know, being colonized. I'm glad Mr. Bordeaux
15 brought that up. I read a lot, and I see what's
16 happening historically to our people. And you do too.
17 So how do I -- you know, in about ten years, many of
18 you who are from our area, you are going to come back,
19 and you may be teaching my great-grandchildren at a
20 meeting like this. And you're going to tell them what
21 is wrong with the system. But it's not until after
22 you get out of your jobs. That's the -- that's the
23 big piece.

24 I'm a Tribal Council Member. But I also
25 want to hold my -- uphold myself to sharing my

1 information to better my people, not to hold them
2 down. And it's not about money. It's about
3 re-collecting ourselves, our identity. That's where
4 I'm at. So I cannot connect with the academics of
5 what you're -- you know, you offer us grants. But we
6 have to agree to something. And if we don't, then you
7 don't get the money. Those assurances, those are very
8 strong in our -- and when we get down to the brass
9 tacks of why our children maybe are not making AYP,
10 maybe some of our teachers aren't informed? I'm going
11 to speak in particular to one grant school that I was
12 on board. The tribe appointed me to sit on their
13 school board. And it was not a give-and-take between
14 the system of the BIE to the school. I was reading
15 the paperwork. They were crying out for help, and
16 they actually asked the ELO to come and help. They
17 didn't get it.

18 You know, those are things that I know that
19 really mean a lot to me, when we're talking about the
20 depth, the depth (emphasis) of what we want to do to
21 make things better for our people.

22 I also want to mention, you know, the blood
23 quantum. That's a big divide and conquer. That
24 wasn't created by our tribes. That was created by
25 government. But now, you know, we're going to be

1 probably disciplined or some type of corrective action
2 on us by not recognizing our children who are not
3 enrolled through the ISEP dollars. I know that's
4 coming forward. It's already been implemented.

5 And I also want to say that, you know, I'm
6 so thankful for the Oglala Nation Education Coalition
7 who kept me abreast. It wasn't nobody else. It was
8 not an ELO. It was the Oglala Nation Education
9 Coalition leadership that kept me informed as to what
10 was going on. So I totally support the leadership of
11 our educators. Their intellect was all about serving
12 their people. And so they -- you know, they've driven
13 me with information. Because I was the President for
14 the Oglala Nation Education Coalition for four years,
15 and I know the capacity is there with the knowledge
16 and the compassion for our children to stay in school.
17 It's -- it's fourfold. It works just like the
18 medicine will. That's the way I see our educational
19 system.

20 So this is not consultation. This is just
21 my remarks to saying, we tribes in the Northern Plains
22 have collaborated with each other historically to come
23 up. And I want to say even, you know, with the
24 standard of what we want to see with our learning, we
25 were like baited. We asked to do Lakota language as

1 part of our AYP. We were baited with some money, one
2 million dollars. Then all of a sudden it's gone
3 because we couldn't come up with the assessment tool.
4 It's so expensive.

5 However, the BIE consulted with another firm
6 to do it for us. I don't know where that is. But
7 what does that tell me? You bait us so far, and then
8 you take back, without saying, hey, you know, we think
9 this is a really good idea.

10 And one more last thing is, I've been to
11 consultations. I also serve on the HHS Committee, and
12 I serve on the Judiciary Committee. Same thing. But
13 you know what, I think that with HHS, Judiciary
14 Committee, I'm really concerned about the children
15 that are going to be in need of residential care. We
16 need to get the monies back in there because they
17 themselves are being cut. They are already cut. And
18 the Department of Corrections with our children and
19 JEC, that was gone over a year ago. I went to make a
20 visit. Our Judiciary Committee with the Education
21 Committee went out to visit our Department of
22 Corrections for the JEC. It is so pathetic. They
23 don't have reading material. They don't -- they have
24 barely three computers. Those little children are
25 sitting behind bars twiddling their thumbs. You know

1 what, treated like a little puppy. Probably a puppy
2 will get caressed every now and then, you know, with
3 some TLC.

4 But that's the magnitude of what I see as a
5 tribal leader. Go in the trenches. Go visit the
6 people that work in the trenches. And they're going
7 to tell you the systemic bottlenecked areas.

8 So I just really have to express this. And
9 it's not blaming you guys. It's us all working
10 together at systemic change. You can look at Indian
11 self-determination. What does that mean to you? Does
12 it mean something different to me? So I think, you
13 know, with this -- all this talk about IT, I think
14 we're just getting so caught up that we're forgetting
15 the social aspect of person-to-person. And I think
16 that's where -- that's where I really believe your
17 unique representation to the United States Government,
18 representing President Obama, to serve your people
19 should be that unique relationship with us, not with
20 anybody else. But saying, you know what, you're being
21 sensitive to our cultural piece too, our cultural
22 competency that we Indian people like to be talked to,
23 talked with.

24 And I want to tell you, technology is never
25 going to go very far on the reservations because,

1 there again, grants have to be applied for. And I
2 also visited with J.R. LaPlante, and we started an
3 Education Summit from our Oglala Sioux Tribe. And we
4 are promoting a bigger aspect of how we want the
5 systemic change to happen. But I talked with
6 Mr. LaPlante, and I asked him this question: Do you
7 think the BIE is moving their responsibility more
8 toward the state? And he said yes. Because I see it
9 with the grants. Everything is on a competitive
10 basis, everything.

11 So I think, you know, I just want to share
12 that with you. And, you know, give us your comments
13 back whenever -- I mean, I'm not going to ask you to
14 answer me today. And I still want to know why the
15 oversight of the Memorandum of Agreement went over the
16 tribe, our tribe's head, went straight to the state.
17 That's why I said, I still have a bad taste in my
18 mouth because that was something we dealt with at the
19 ONEC level.

20 So with that, I just want to say thank you.
21 And, you know, ten years from now, we're going to see
22 each other, and you might be in different positions.
23 We're going to say, you know, wow, you know, we did
24 this and we did that, and I was probably sounding mad
25 at you. But we're going to -- I'm going to be -- I'm

1 going to be an elder by then. So that's why I say,
2 some of you -- my grandchildren are going to be
3 sitting at this table as a school board member. You
4 guys might be out there as consultants to come and
5 tell them how things should be done from the tribal
6 perspective after your experience with this. So I
7 just want to say thank you again. And this is not
8 consultation. (Native language.)

9 MR. DION KILLSBACK: Okay. Well, I'd like
10 to say thank you for those comments. And right now,
11 tomorrow's agenda, we're going to be starting at 8:00
12 a.m. in here. And it will be BIE again, and we'll go
13 into the Johnson-O'Malley, the Draft Assurance
14 Statement, and the Non-Construction Programs. So I
15 look forward to seeing everybody tomorrow. Everybody
16 have a good night, and travel safe. And we look
17 forward to having more discussions tomorrow. So this
18 will conclude our discussions for today.

19 (Concluded at 7:23 p.m.)

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1 CERTIFICATE

2 I, SUSAN A. SELIGA, a Registered Professional
3 Reporter, do hereby certify that the foregoing proceedings
4 were taken in the above matter on May 3, 2012; that the
5 proceedings herein were reduced by me in stenotype and
6 transcribed under my supervision; that the transcript is a
7 true record, to the best of my ability, of the proceedings
8 herein.

9 I further certify that I am not a relative, employee,
10 attorney or counsel of any of the parties or attorneys or
11 financially interested in the event of this action.

12 IN WITNESS WHEREOF, I have hereunto set my hand and
13 affixed my seal of office this 18th day of May, 2012.

14

15

16 _____
Susan A. Seliga, CM, RPR
Registered Professional Reporter

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