

OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS

TRIBAL LISTENING SESSION

Executive Order 13781

Reorganization of the Executive Branch

June 1, 2017

Phoenix, Arizona

8:45 a.m.

Prepared for:
Department of the Interior

(Original)

Prepared By:
Kimberly Portik, RMR, CRR
Certified Reporter
Certificate No. 50149
CANYON STATE REPORTING
RRF Number R1031
2415 East Camelback Road
Suite 700
Phoenix, Arizona 85016

1 MR. JANSSEN: All right. I think we're
2 going to start.

3 So at this time I'd like to call the
4 listening session to order. As a way of introduction, my
5 name is Miles Janssen. I work for the Assistant Secretary
6 of Indian Affairs as one of his counselors. I've been in
7 that position for going on two years now, since May of
8 2015.

9 So I'd like to thank all the Tribal leaders
10 who are here in attendance today. We have a lot of
11 important matters to discuss, matters that need your
12 guidance and your leadership and your wisdom. And you'll
13 know, you know, many of -- the two other people sitting
14 next to me here today, senior career level employees we
15 have worked with for many years. So we're here to listen
16 to you today, to work with you on the questions being
17 presented by the Trump Administration.

18 So right now I will provide an overview of
19 today's listening session and then ask my colleagues to
20 introduce themselves.

21 So the purpose of this listening session
22 today, the Trump Administration has issued two executive
23 orders that we'd like your input on. The executive orders
24 instruct DoI, under the Department, to take certain
25 actions, and it's critical that we get your insight for

1 their implementation.

2 First we'll be discussing Executive
3 Order 13781, Comprehensive Plan for Reorganizing the
4 Executive Branch. We will do that until about noon. Then
5 we will take a lunch break, and then we will switch focus
6 to Executive Order 13792, review of designations under the
7 Antiquities Act. That deals with national monument
8 designations and also includes the Bears Ears National
9 Monument.

10 Today's listening session is for Tribal
11 leader input and comments as part of the nation-to-nation
12 relationship between tribes and the federal government.
13 We are here primarily to listen and to ensure that your
14 views are considered as part of the record for the
15 Administration's next steps moving forward.

16 Today is not the only listening session.
17 There's going to be a total of six reorganization
18 listening sessions. A few of them have already taken
19 place, one in Portland and I believe in Billings, and
20 there will also be four national monument listening
21 sessions throughout the month of June. I believe the
22 schedule is online. We might have a copy of the schedules
23 for you as well.

24 The listening sessions are going to be
25 recorded and transcribed. The transcriptions of the

1 listening sessions will be made available at www.bia.gov.
2 Any kind of transcripts and written comments will be
3 analyzed, and the recommendations will be reported to the
4 Assistant Secretary of Indian Affairs as well as to the
5 Secretary of Interior, who will then make reports and
6 recommendations to the White House.

7 So, again, the first listening session today
8 is on the reorganization of the executive branch, and then
9 we'll transition after lunch to the national monuments and
10 Bears Ears discussion.

11 So at this point in time, I'd like to turn
12 to my colleagues for their introductions. Thank you.

13 MS. ORTIZ: Good morning, everyone. My name
14 is Hankie Ortiz. I'm a member of the Kiowa Tribe from
15 Oklahoma. And I am the Acting Deputy Bureau Director for
16 Field Operations, which means that I am acting as a
17 supervisor for all of the regional offices, and I work
18 with the BIA Director, Bruce Loudermilk.

19 MR. DEARMAN: Good morning, everyone. First
20 of all, I really appreciate all the Tribal leaders for
21 taking the time to come here today. We really look
22 forward to hearing your comments.

23 But my name is Tony Dearman. I'm the
24 Director of Bureau of Indian Education. I've been on
25 board since November. And I'm a member of the Cherokee

1 Nation of Oklahoma.

2 MR. JANSSEN: Thank you.

3 So we'll turn now to Executive Order 13718,
4 Comprehensive Plan for Reorganizing the Executive Branch.

5 As a little bit of background, this
6 executive order was issued on March 13th, 2017, and
7 directs agency heads to send proposals to the OMB, the OMB
8 director for the reorganization of their agencies, if
9 appropriate, in order to improve the efficiency,
10 effectiveness, and accountability of that agency. So
11 that's what we are here for today.

12 You may have heard the Secretary, Ryan
13 Zinke, talk about taking authority and moving it to the
14 front lines. You also might have heard him talk about how
15 the organization, the structure was formed 100 years ago
16 and to think about what will Indian Affairs look like
17 100 years from now. The way that it is structured now,
18 does that meet your needs for Tribal sovereignty. So
19 there's also -- more information about the executive order
20 has been provided on the handouts that we've given to you.

21 And some of the questions that might be
22 helpful today, for today's discussion are do the
23 structures of the Department of the Interior and Indian
24 Affairs currently meet Tribal needs?

25 You can see the structure of Indian Affairs

1 on the org charts that we passed out today. There's three
2 of them. One is the Office of the Assistant Secretary of
3 Indian Affairs, one is the BIA, and then one is the BIE.
4 And we'll go over those org charts in just a little bit.
5 If you have any questions regarding that -- because
6 sometimes I know it can be confusing between the BIA and
7 the Office of the Assistant Secretary, I know sometimes
8 some confusion might happen.

9 So the questions also are what changes to
10 the structure, if any, do you recommend and why? What
11 kind of structure would improve efficiency in terms of
12 possible delivery of services? What kind of structure
13 would improve effectiveness in terms of better providing
14 to meet the tribes' needs and promote self-determination
15 and self-governance? And what structure would make the
16 Department of Indian Affairs more accountable to tribes?

17 I think it's important to say, to note right
18 now there are no proposals currently on or off the table.
19 We have no plan. We want to open this up and receive
20 recommendations. So any kind of -- any kind of
21 suggestions would be helpful today.

22 So we'll start first with the Office of the
23 Assistant Secretary org chart. Obviously at the top is
24 the Assistant Secretary. Below him is the Principal
25 Deputy Assistant Secretary. So in the last administration

1 that was Kevin Washburn was the Assistant Secretary, Larry
2 Roberts was the Principal Deputy Assistant Secretary.

3 Now, most of this org chart is -- the Deputy
4 Assistant Secretary for Indian Affairs is management.
5 What that does is that takes care of HR, leasing,
6 technology, budget issues relating to Indian Affairs. And
7 most of that is based in between D.C. and Albuquerque.

8 Moving over to the left side of the org
9 chart, the Deputy Assistant Secretary for Policy and
10 Economic Development. Under the last administration that
11 was Ann Marie Bledsoe Downes who headed that. Under that
12 is -- you have the White House Council on Native American
13 Affairs, the Office of Self-Governance. So that's the
14 office that deals with self-governance tribes. And then
15 you have IEED, the Office of Indian Energy and Economic
16 Development. And there are the three divisions located
17 within them, and they're based in Denver and D.C. as well.

18 Also, if you note under the Principal Deputy
19 Assistant Secretary, there's the Office of Federal
20 Acknowledgement, dealing with the acknowledgement of
21 groups wanting to become federally recognized tribes; the
22 Office of Congressional and Legislative Affairs; the
23 Office of Regulatory Affairs and Collaborative Action,
24 that deals with regulations, promulgation of regulations;
25 and then the Office of Indian Gaming.

1 So I think it's important to note that all
2 these offices are within the Office of the Assistant
3 Secretary of Indian Affairs, not within the BIA. And so
4 right now I'll turn it over to Hankie to talk a little bit
5 about the organizational structure of the Bureau of Indian
6 Affairs.

7 MS. ORTIZ: Well, welcome, everyone. I
8 think -- I appreciate that you're here to provide some
9 comments. I think before I talk just about BIA, I want to
10 reiterate something that Miles just said in that what we
11 are talking about with regard to structure is that the
12 Assistant Secretary oversees basically, like, three
13 different branches. And one of them is directly in his
14 office, the Office of the Assistant Secretary, one of them
15 is the Bureau of Indian Affairs, and the other one is the
16 Bureau of Indian Education. And that's kind of how
17 we're -- how we're sitting here is kind of how it's
18 represented.

19 And so within the Bureau of Indian Affairs,
20 we have -- in central office, we have four deputy bureau
21 directors. The first one oversees field operations --
22 that's the position that I'm acting in right now -- and
23 works with all of the regional offices. There are 12
24 regional offices across the country, and I'm pretty sure
25 you all know where your regional office is located. But

1 also within the regional offices there are agencies that
2 fall under those regions.

3 We also have a deputy bureau director for
4 justice services that basically oversees all of the law
5 enforcement issues, and tribal courts is also located in
6 justice services. And you can see all the different
7 divisions that we have here for the police; land mobile
8 radio; emergency management, which is in case of any kind
9 of emergency, they kind of do the planning for all of BIA,
10 all of Indian Affairs; internal affairs. And so that's
11 all within justice services. And of course, like I said,
12 tribal courts, working with the Tribal courts and doing
13 the evaluations and helping them with training issues and
14 things like that.

15 The deputy bureau director of Indian
16 services, that's my permanent position. That's the job
17 that I normally do. There are five divisions under Indian
18 services, including human services, tribal government,
19 transportation, self-determination, and workforce
20 development.

21 And then the last deputy is the deputy
22 director of trust services. And within trust services
23 there are these eight different divisions: real estate
24 services; probate services; forestry and wildland fire
25 management; Indian energy service center; land, title and

1 records; natural resources; water and power; and then
2 program management and coordination.

3 So that's the overall central office
4 structure. And then, of course, within the regions you
5 have the regional office with a regional director, and all
6 the regions have one or two deputy directors. A lot of
7 that depends on the size of the regional office. They
8 might have a deputy director for Indian services and trust
9 services or just one deputy director. And then there are
10 agencies located throughout the country that relate to
11 different regional offices as well.

12 So that's kind of the overall structure of
13 the Bureau of Indian Affairs, and I hope that's helpful.
14 If there are any questions that you need to help clarify
15 kind of what we're talking about to better respond and
16 provide your comments, I'd be happy to help you after
17 Tony's presentation.

18 MR. DEARMAN: In the copy of the org chart
19 that you have from the Bureau of Indian Education, we've
20 also included the positions and locations of the offices.

21 And going back to what Secretary Zinke has
22 really been pushing is he wants to strengthen the front
23 lines. And so we felt like it was important to make sure
24 that the locations of the offices and the positions were
25 on the organizational chart.

1 As you can see, we have deputy director of
2 school operations in Washington, D.C., and that position
3 oversees -- works with BIA in school construction,
4 repairs. And many of you in the room, we've met with you
5 in the office and you know that we have to have our
6 brothers and sisters from BIA to come in and help us take
7 care of our schools and our kids. Without them, we
8 couldn't -- we wouldn't be able to do it.

9 Associate deputy director for division of
10 performance accountability, that's located in D.C.
11 Sovereignty in Indian education -- I'm not going to go
12 through each one of the boxes, but you do see the
13 locations.

14 The one -- when we get down to the education
15 resource centers out in the field, what we would call
16 front line services that actually work with the tribes
17 that are embedded into the field, they're down in the --
18 below the associate deputy directors. And tribally
19 controlled has seven, BIA operated has three, and
20 associate deputy director for Navajo has five.

21 And we look forward to the comments that you
22 are going to provide today.

23 MR. JANSSEN: So I think we'll open it up to
24 comments from tribal leaders. Again, there's nothing on
25 the table and there's nothing off the table in terms of

1 what a reorganization would look like.

2 So I know for probably most tribes, you deal
3 primarily with the superintendent for the regional
4 director and then, you know, sometimes the issue comes up
5 to D.C. So that -- you know, that might be a framework
6 where you're coming from. But if there's -- if you have
7 any kind of ideas of what you would like to see changed,
8 that's what today is for.

9 And so I forgot to ask. Is there any press
10 in the room today at all? Okay. Then we don't need to
11 worry about that issue.

12 So at this point in time I'd invite tribal
13 leaders to come up to the microphone, or we can pass the
14 microphone around to receive comments. I'd ask that you
15 just state your name and your tribe before making your
16 comment. Thank you. And also if you could spell your
17 name for the court reporter as well, that would be
18 helpful.

19 Or if you have any questions regarding the
20 org chart in terms of location of where the office might
21 be, what the office does, we can also answer those
22 questions as well if that would help guide discussion.

23 MR. BEGAYE: Russell Begaye, Navajo Nation.
24 I think this is on; right?

25 First of all, thank you for providing

1 opportunity for us to make comments on the possible
2 restructuring of the Department of Interior, specifically
3 Bureau of Indian Affairs.

4 This is a great opportunity to improve the
5 federal agency that impacts the lives of Native American
6 people across this country. The Navajo Nation, like other
7 Indian nations, has a long-standing
8 government-to-government relationship with the federal
9 government. The central piece of this relationship is the
10 trust responsibility that exists between the United States
11 government and the Navajo people and all tribal nations
12 across the country.

13 I also have some concerns about this
14 process, the timeline, and what exactly we're gathered
15 here to comment upon, the fact that BIA isn't just another
16 federal agency. There is a federal trust relationship
17 that goes back to the founding of this country on Indian
18 land. This Administration needs to understand the BIA
19 plays an important role in administering and fulfilling
20 the statutory treaty-based and policy-based trust
21 obligation that the United States has to Indian tribes.

22 The BIA just -- isn't just another federal
23 entity to be downsized. We have a treaty with the United
24 States. This is very different than the Department of
25 Labor, the EPA, or other federal agencies. Depending on

1 how much BIA's reduced, there is a risk that there will be
2 inadequate staff available to fulfill the trust duties the
3 United States has to tribes generally and to the Navajo
4 Nation specifically.

5 The BIA is unique to Navajo. The BIA
6 manages 17 million acres for the Nation, or about
7 32 percent of all Indian trust land, and we need true
8 consultation and adequate time. No other group or entity
9 has a trust responsibility to the original Americans. As
10 such, 120 days is insufficient when we are discussing
11 matters of a critical nature such as public safety,
12 education, and other services through the BIA. It is
13 impossible to have adequate time for such a sweeping
14 review in short notice.

15 As for BIA's welfare, 40 percent of our
16 membership, Navajo Nation, lacks access to broadband
17 Internet, let alone access to the knowledge that the BIA
18 will be reorganized and restructured.

19 Tribes must also be part of the
20 decision-making process on these critical matters.
21 Oftentimes tribes comment on already drafted policy after
22 the decisions are made, and we provide comments to ensure
23 needed changes are included in these matters. It would be
24 more prudent for tribes to be at the forefront and not at
25 the end.

1 We need the plan to comment on. Generally
2 we are concerned the nation is putting forth comments
3 without receiving anything of substance to comment on.
4 This will have the effect of making our comments appear as
5 requests for changes, and the intention of the
6 Administration in seeking the downsize of BIA are dubious.

7 With that background, I believe this
8 reorganization and review is much needed in this century,
9 the 21st century. BIA in the 21st century, first I'd like
10 to put our recommendation for a name change. Office of
11 Indigenous Nations is what we are putting on the table to
12 say that needs to be considered in terms of a name change,
13 Office of Indigenous Nations.

14 Secondly, there's a need for modernization.
15 The BIA was created more than a century ago and was
16 originally housed under the War Department. Then it
17 updated and moved under the Department of Interior. Now
18 it is time to modernize again to support tribes in this
19 century, 21st century, and we have new challenges and new
20 opportunities.

21 First, energy leadership. 24 percent of
22 natural resources are on Native lands. BIA should help us
23 become energy powerhouses so we can build our economies
24 and supply energy to the world. If tribes develop energy,
25 we can also rely less upon Russia, Saudi Arabia, and other

1 nations.

2 Technology. Tribes have changed in what we
3 need and how BIA can help. Now we need technical
4 assistance. We don't need someone to hold our hands, but
5 in negotiating with Microsoft, Boeing, Raytheon, and other
6 industry leaders in various fields is that we need that
7 technical assistance in making deals with and negotiating
8 with these companies. So we need BIA to become a
9 technological leader.

10 Workforce development. In the 21st century,
11 there's opportunity to develop a workforce. We are
12 opening doors. BIA needs to be there to help us open
13 doors with colleges, state, private colleges and
14 universities so that we can develop our own law schools
15 and medical schools and other types of educational
16 institutions.

17 Also we need BIA to be an advocate, to play
18 an advocacy role across all federal agencies, not just be
19 housed under DoI, but become an extended arm of Indian
20 nations like Navajo. So we need the BIA to go -- to
21 advocate for us with other agencies like EPA, HUD, and BLM
22 and other agencies.

23 BIA should have the ability to fight for us
24 and uphold the trust responsibility over Department of
25 Justice, EPA, and others. If the BIA is restructured, it

1 should be done so in a way that will help them better
2 serve as liaisons between the two sovereigns of the U.S.
3 and tribes. They help understand -- they need to help the
4 United States understand its treaty obligation and trust
5 responsibility. That's a role they need to play.

6 Also, best practices. BIA should be a
7 leader in best practices, filled with experts. And we
8 need experts to -- they need to bring in economists,
9 technology experts, cutting edge energy and resource
10 engineers and others. Economic development and energy
11 support is what we need from the BIA in the 21st century.
12 Help us develop the 20 percent of natural resources we
13 own. We want to help build America.

14 And we don't want to become corporations as
15 part of this reorganization, restructuring. We want to
16 maintain the trust status of our land as it is today on
17 Navajo.

18 Funding in the 21st century. Don't cut our
19 budget by 12 percent when funding for Indian Country is
20 already grossly underfunded.

21 Opportunity for BIA to build expertise. BIA
22 reorganization should be -- should not be done in a
23 vacuum. This is an opportunity to deal with the silos
24 that we know exist at Department of Interior because of
25 the many hurdles we had to jump through when dealing with

1 various issues, including Fish and Wildlife, BLM, and
2 others on SMCRA regulation. The BIA shouldn't have to run
3 through other DoI subagencies. It is more efficient to
4 manage approvals and reviews within the Bureau of Indian
5 Affairs, or the Office of Indigenous Nations.

6 Also, transfer oversight on oil and gas to
7 the Navajo Nation from BLM and also transfer relevant
8 functions of the National Park Services to Navajo Nation.
9 We have Monument Valley, we have Canyon de Chelly, we have
10 other national parks, but we need those functions to be
11 transferred to the Navajo Nation.

12 And opportunity for more tribal
13 self-determination, but we need -- but need to ensure
14 funding for programs remain level -- remains level. We
15 generally support tribal programs, self-determination such
16 as our 638 contracts for public safety and general
17 assistance. The more we can take on these programs and
18 run them on our lands with our laws, the better. But if
19 we transfer these programs, the tribes must ensure that
20 fundings remain at the same level.

21 TBIC needs reorganization. The current TBIC
22 structure is inefficient and does not provide efficient
23 delivery of resources to where they are needed.
24 Specifically, TBIC, or its successor, should have
25 proportional representation. The Navajo Nation is

1 approximately 19 percent of the BIA on-reservation
2 population, a third of trust land, and half of the BIE
3 population. The Nation should have proportional influence
4 in decision making and allocation.

5 Regional prioritization should be developed,
6 not a national priority list. To ensure decisions are
7 made at the local level, the Navajo Nation, for example,
8 should not have to bend and negotiate budget priorities to
9 meet the needs of other tribes, other regions, and D.C.
10 bureaucratic priorities. So it should be regionally based
11 rather than nationally based.

12 Funding. Faster and more efficient funding
13 distribution is needed. All tribes can testify to the
14 inefficient process of getting funds to regions after a
15 budget or CR is passed. It can take weeks. This can have
16 drastic impact to public safety, health, and education.
17 In extreme cases, this has directly resulted in
18 scholarships not being offered and students having to drop
19 out of college. The BIA has already studied this problem,
20 but with retirements and shuffling of staff, little action
21 has taken place. This inefficiency must be addressed by
22 automating funding distribution directly to regions and
23 away from Washington as soon as it is available.

24 Annual funding should be granted and not
25 piecemealed through the year as it is today. Small budget

1 modifications and disbursements spaced out over the course of
2 the year does not help with planning or doing large
3 projects. Regional priorities should mean something.
4 Regions should receive their funding as they prefer and as
5 they know best. For example, the eastern region should
6 not have preferences be determined in part by the Great
7 Plains region. And then ability to transfer tribal
8 priority allocation, TPA, line items that cover shortfall
9 in other line items, that needs to be put in place.

10 In terms of lands, right-of-ways, approvals,
11 the driving principle should be the Navajo Nation and
12 other tribes should have full authority over all lands.
13 That's surface, subsurface. This should be DoI's driving
14 principle with regards to our lands. If we need federal
15 approvals and sign-offs, that should be transferred to our
16 authority. This is our land. It's simple.

17 This means we support this Administration's
18 review of limited waivers of the time-consuming NEPA
19 process on tribal land, and any and all funding for
20 approval should be contracted and authority returned to
21 the Navajo Nation. Under NEPA, NEPA compliance should be
22 managed by the people on the ground, in this case Navajo
23 Nation EPA. Our people are qualified, and we should be
24 given contracts to comply so we speed up the NEPA process.

25 Also, we are recommending that another land

1 status designation be created called restricted fee land.
2 This means the land that's under this restricted fee land
3 would be, one, tax exempt similar to tribal trust land,
4 and that under the restricted fee land we should apply
5 tribal laws and regulations with no approval or review by
6 the Secretary, and also delegate the ability to convert
7 land into restricted fee through the Secretary if approved
8 by a tribe and not requiring congressional approval.

9 Remove restriction and red tape that
10 prohibits development of secretarial lands. We request
11 that secretarial orders be lifted on our lands.

12 Secretarial land reform, under that reform we currently
13 cannot approve leases on secretarial lands.

14 Mineral and energy leases, we need authority
15 over mineral approvals, Navajo's authority expanded to
16 include energy and minerals. We don't need the existing
17 patronizing setup. Any new structure should treat tribal
18 land as tribally owned land, not like other BLM or
19 federally owned land.

20 Structure. Looking at the structure that
21 was passed out, we are asking that AS-IA be elevated to
22 the Department of Interior undersecretary position. To
23 more directly serve tribal nations, the Assistant
24 Secretary for Indian Affairs should be elevated to this
25 position. This is already authorized by the Indian Trust

1 Asset Reform Act; it just needs to be implemented.

2 Then the opposition to move administrative
3 support to D.C. The region should keep acquisitions and
4 other administrative support locally as opposed to
5 centralizing in Washington.

6 And then transfer -- nearly 40 percent of
7 BIE students are on Navajo Nation. We need all
8 management -- all management transferred to our people.
9 We don't need DoI operating our schools from Washington.

10 And also we're asking that the Department of
11 Interior increase its authority to directly contract with
12 Navajo Nation using water from any surface water like the
13 upper and lower basin of the Colorado River, as they have
14 done with NGS, by providing them 50,000 acre feet of water
15 by directly contracting with them. We are asking that
16 that authority be increased so that they can have -- so
17 DoI can make contracts with Navajo directly in these -- of
18 these surface water.

19 And Ramah and for -- this is specifically
20 for Navajo, that we need all Navajo land and communities
21 to be put under Navajo region. This includes Ramah. At
22 the same time, we need funding with these communities that
23 come to the Navajo region remain so that the region isn't
24 doing more with less. And right now, Ramah, which is
25 Navajo land, Navajo community, addresses our -- or is

1 supervised in a sense by another region outside of the
2 Navajo region.

3 ONHIR, again specific to Navajo, any
4 reorganization must consider and include funding
5 obligations if the BIA -- if ONHIR is transferred to the
6 BIA for management. You cannot ask BIA to run ONHIR with
7 less.

8 Then talking about police and Office of
9 Justice Services, there is redundant training. Under
10 current BIA requirements, the Navajo Police Department has
11 to submit itself to training and operation regulations
12 that are redundant. Specifically, the annual 40-hour
13 training requirement and the background checks are
14 presently being done by our police officer standards and
15 training certification under Arizona. Adhering to the
16 different requirements is redundant and duplicates the
17 services performed by our police department.

18 Unfunded mandates is another one. Under
19 current BIA requirements, there are unfunded mandates that
20 impact our service efforts. Critical components are not
21 funding but are required. Communications specialists are
22 required for the radio communication component of the
23 contract, but they are not funded in the annual personnel
24 budget. Additionally, emergency management components are
25 not funded by the BIA.

1 Competition for basic public safety
2 resources. Navajo PD has to compete with the vast array
3 of 638 law enforcement entities despite being the largest
4 638 contract entity for public safety. This leads to
5 disparity of officers providing police services on the
6 Nation. This competition does not facilitate or encourage
7 the equitable sharing of resources when compared to the
8 needs of the Nation.

9 Police need authority over all crimes and
10 all criminals on our land. This includes not Indians.
11 Under the current BIA requirement, despite the increased
12 focus on Indian Country violent crimes under the Tribal
13 Law and Order Act, there is no increase in police officers
14 on our Nation. Using the BIA as a funding mechanism does
15 not increase the authority of the Nation in attempting to
16 resolve violent crime if the Nation is not empowered to
17 act beyond historical limitations placed on it.

18 Under BIA and Office of Justice Services
19 audits, the BIA Office of Justice Services yearly audits
20 need to be done on time and on schedule. Currently,
21 detention services deal with BIA personnel who start the
22 review and oftentimes never complete the process.

23 Training, one-on-one training as opposed to
24 web training under federal financial management systems
25 for grants and program services. Under the funding best

1 practices, we want language in PL -- Public Law 93-638
2 applied to all grants and agreements with all federal
3 agencies. Again, let me repeat that. We want language
4 that is in Public Law 93-638 be applied to all grants and
5 agreements with all federal agencies.

6 In closing, this great opportunity to bring
7 the BIA into the 21st century is much appreciated;
8 however, the federal government needs to continue to
9 provide consultation, collaboration with tribes, and
10 adjust the schedule for this review. Sometimes we must
11 move slowly and deliberately to handle long-term impacts.
12 Specifically, we would ask this initial comment period be
13 extended, and we ask that the DoI share an initial plan
14 prior to finalization for tribes to comment upon. If we
15 as tribes and Department of Interior work together, we can
16 improve the BIA's operation, efficiency, and help take a
17 step forward, fully meeting the federal trust
18 responsibility.

19 So thank you, Department of Interior, for
20 holding this listening session, and now we're asking that
21 all other agencies that have trust responsibilities should
22 also consult with us likewise, including Indian Health
23 Services, Veterans Affairs, Department of Energy, USDA,
24 HUD, and other federal agencies.

25 So, again, thank you.

1 MR. JANSSEN: Thank you.

2 MR. FROST: Good morning. My name is
3 Kevin R. Frost. K-e-v-i-n, R., F-r-o-s-t. I'm a
4 councilmember from the Southern Ute Indian Tribe out of
5 Colorado. On behalf of the Southern Ute Indian Tribe and
6 personally, it is an honor to speak here today.

7 I understand Secretary Zinke's idea to want
8 to reorganize the executive branch, particularly the
9 Interior itself, so for today I'll be providing some
10 comments. And as far as more detailed explanation, my
11 tribe will provide written comments for that as well.

12 Reorganization should only be undertaken
13 after comprehensive and meaningful consultation with
14 tribes. BIA should give tribes as much notice as possible
15 before consultations are scheduled and share proposed
16 plans as soon as practicable. The Southern Ute Indian
17 Tribe appreciates that BIA is trying to consult early in
18 the process, but without a proposal it is difficult to
19 comment.

20 The BIA should consult with tribes before
21 submitting any proposal. We recognize that the Bureau's
22 proposal is due soon, in June, but the Bureau should not
23 underestimate the level of tribal interest in a proposal
24 to reorganize the Bureau. The Bureau should consult again
25 before submitting a final proposal in September.

1 Tribes rely heavily on the Bureau. The
2 Tribe is supportive of a more efficient Bureau if it
3 results in improved services. But the Bureau is different
4 from other federal agencies, and any move to reorganize
5 should be undertaken carefully with an eye toward
6 preserving the federal trust responsibility toward tribes.

7 The Bureau has been underfunded,
8 understaffed, and undertrained for years. While a
9 reorganization may be in order, an across-the-board
10 downsizing is not appropriate. The Bureau has been
11 undergoing a de facto downsizing for decades through
12 attrition and neglect.

13 Before submitting a reorganization proposal,
14 the Bureau should consider, one, whether program goals for
15 Indian Country are being met with the current federal
16 workforce; two, whether existing federal appropriations
17 are adequate; three, the extent to which constant funding
18 shortfalls undermine the achievement or limit the
19 achievement of tribal goals for Indian Country; four,
20 whether 638 contracting and other delegation tools are
21 being used to the fullest extent possible; five, whether
22 federal streamlining goals to improve the delivery of
23 services and programs to Indian tribes can be
24 realistically achieved through consolidation of Department
25 offices and the downsizing of the Department's federal

1 workforce; six, how federal -- how Department
2 reorganization or a recommendation to reduce the
3 Department's federal workforce may impact program services
4 to tribes; and, seven, the logistical and practical impact
5 to tribes of closing or consolidating field/agency or
6 regional offices and downsizing the federal workforce.

7 As it relates to energy development, tribal
8 lands are different from public lands. In attempting to
9 address the multiple interests of federal taxpayers and
10 interest groups in the use of federal lands, many laws and
11 regulations fail to recognize the drastic differences
12 between public lands and Indian lands. The legitimate
13 stakeholders in decisions affecting Indian lands are
14 dramatically different from those related to public lands,
15 and laws, regulations, and policies should reflect the
16 unique interest that tribal constituents have in those
17 outcomes.

18 The decisions of tribal governments about
19 their lands are entitled to greater deference. Each of
20 the 567 federally recognized Indian and Alaska Native
21 governmental entities has its own set of priorities and
22 cultural needs. Some tribes favor energy development as a
23 means for funding their futures; others do not. Although
24 federal laws generally prevent the use of tribal lands and
25 resources without tribal governmental consent, required

1 federal approvals at many stages delay and impede the
2 power of tribal governments to act affirmatively to use
3 their lands.

4 The Tribe encourages the BIA to review the
5 federal regulations applicable to Indian tribes and their
6 lands and to modernize them by permitting electing tribes
7 to make and assume the responsibility for decisions
8 without the necessity for federal approvals except where
9 absolutely necessary.

10 Application of the -- of NEPA to tribal land
11 decisions is strangling tribes. As reflected in the
12 HEARTH Act, the Navajo Nation Trust Leasing Act and the
13 Energy Policy Act of 2005, Congress has taken initial
14 steps to remove tribal land use in energy development
15 decisions from the procedural constraints of NEPA.
16 Congress and federal agencies should move decisively to
17 exempt from NEPA those federal actions needed to implement
18 tribal land use and energy development decisions. The
19 expense and delay imposed upon tribes due to federal NEPA
20 compliance requirements is staggering and prevents or
21 impedes economic development on Indian lands.

22 The division of federal/Indian trust
23 functions among multiple federal agencies complicates
24 energy development on Indian lands. The trust management
25 federal approval processes involving Indian energy

1 development are divided among multiple federal agencies,
2 including the Bureau of Indian Affairs, the Bureau of Land
3 Management, the Office of Natural Resource Revenue, the
4 U.S. Fish and Wildlife Service, and the Environmental
5 Protection Agency. Coordination among those agencies with
6 respect to trust functions is often poor, and the
7 principal missions of the agencies are sometimes
8 inconsistent with the furtherance of tribal governance and
9 economic development.

10 The condition of Interior real property
11 records and recording system needs comprehensive review.
12 Whether tied to fossil fuels or alternative energy
13 resources, energy development typically involves
14 land-based operations for the generation and transmission
15 of energy. The Department of the Interior, through the
16 BIA and the Office of Special Trustee, has a
17 responsibility to maintain land ownership records for
18 tribes and individual Indian allottees. Those records
19 must allow for the timely and accurate determination of
20 ownership, encumbrances, and priority of liens applicable
21 to lands and associated real property interest.

22 Based on Southern Ute experiences in recent
23 years, as confirmed in a February 2016 report of the
24 Interior Inspector General, report
25 No. CR-EV-BIA-0011-2014, we are very concerned that the

1 real property record systems of the Department cannot meet
2 the modern commercial needs of tribes or Indian allottees
3 which further diminishes the opportunities for energy
4 development in Indian Country.

5 Governmental support for Native American
6 education and capacity building continues to be critical.
7 Educational challenges in Indian Country are widespread
8 and well documented. While the conditions vary among
9 Indian communities and reservations, Native American
10 educational success and achievement is often the exception
11 rather than the rule. As tribal governments assume
12 greater responsibility for the destiny of their members,
13 the need for well educated tribal members continues to
14 grow. Indian Country needs continued federal support for
15 programs that will allow Native Americans an effective
16 opportunity to develop the skills necessary to succeed in
17 a complex modern world. Particularly as related to
18 energy, emphasis should be placed on STEM subjects.

19 With that being said, the Southern Ute Tribe
20 is honored by the opportunity today to comment on this
21 reorganization, and we look to work with the Interior in
22 any manner possible to help further those goals.

23 Thank you.

24 MS. ORTIZ: Thank you.

25 MR. JANSSEN: Thank you.

1 MR. VELASQUEZ: Good morning. My name is
2 Kasey Velasquez. I'm the vice chairman for the White
3 Mountain Apache Tribe here in Arizona.

4 I'm going to speak -- I have our Tribe
5 that's going to be giving their -- pretty much a position
6 paper in writing, meaning that I'm not going to be as
7 specific as these two leaders are. But understanding from
8 White Mountain Apache Tribe, the Honorable Chairman Ronnie
9 Lupe, we will be putting a position paper in place in
10 terms of where we stand as Apaches of Arizona.

11 Earlier we talked about the consultation in
12 terms of it appears that time is really not of essence for
13 the tribe, for all the tribes in Indian Country,
14 especially in terms of the consultation processes. I feel
15 that right now, speaking for White Mountain Apache Tribe,
16 you know, the position paper for us will pretty much
17 indicate specifically what our thought process is in terms
18 of the 100 years in terms of the reorganization of the
19 Bureau of Indian Affairs.

20 Second is, as a leader of White Mountain
21 Apache Tribe, as second in command of White Mountain
22 Apache Tribe, an area that's a little bit sensitive, but I
23 also would like to put a notation specifically as the
24 sovereignty, tribal sovereignty, as it pertains to the
25 White Mountain Apache Tribe, as it pertains to all tribes

1 here in Indian Country. You know, that's one area that I
2 really want to be very keen of in terms -- this relates to
3 the Bureau of Indian Affairs, the trust obligations,
4 responsibilities, that BIA, United States federal
5 government have obligations to the Native tribes here in
6 the United States of America.

7 Another area that I want to highlight a
8 little bit more on is the strong emphasis on the United
9 States veterans, especially the Native American veterans.
10 You know, right now I feel that we need additional funding
11 for our Native vets. A lot of them right now, we've
12 recently begun to hear the post-traumatic stress syndrome
13 that plagues the Native tribes, and of course it plagues
14 all the United States of America, all the armed veterans.
15 So we -- you know, my Tribe is also looking at where are
16 we at on the veterans, how are we -- how are we appealing
17 in terms of treatment plans, financial endeavors in terms
18 of housing, et cetera, for our Native veterans. That's
19 another area that our Tribe is going to be pushing.

20 Another area that we haven't really talked
21 about, too, is substance abuse. I feel that that's an
22 area that needs to be heavily focused on. You know, as
23 a -- you know, substance abuse plagues all over the
24 country, even in -- even in non-Native tribes,
25 organizations. You know, all walks of life, regardless of

1 how educated they are, regardless of where they're at
2 financially, their incomes, you know, substance abuse
3 plagues a lot of our people also.

4 You know, that also, you know -- I remember
5 about 20 years ago, over 20 years ago when I was first
6 in -- when I was finishing my first master's degree, I
7 remember the late Dr. Dukepoo from Northern Arizona
8 University in Flagstaff said that in a couple of decades
9 Native tribes are going to be hit with depression. And we
10 as Native tribes are not going to have a clear
11 understanding of what depression means because that's a --
12 that's foreign to us Native people. Years later, I
13 reminisce back, and it amazes me how the late Dr. Dukepoo,
14 who was a -- who worked for NAU in Flagstaff could see two
15 decades ahead. So when it comes to depression, that's
16 another area. Of course, it plagues all the people here
17 in the world too.

18 Last thing I really want to hit on also is
19 the economy, the economics in Indian land. You know,
20 right now White Mountain Apache Tribe, you know, we --
21 through the -- through our Honorable Ronnie Lupe, our
22 Tribal Chairman, we've been in contention with the water
23 rights. So water rights, through his hard work, through a
24 lot of our Tribal leaders that are pretty much passed on
25 now, you know, with that in mind, that's something that my

1 Tribe is looking toward in terms of getting all the bases
2 together, understanding the premises for years to come.

3 So the economies, the economic development
4 on the reservations -- I'm speaking for all tribes -- is
5 prudent. You know, I feel that sometimes we as tribes
6 have to take a look at all of the United States federal
7 government red tape. You know, I think reading in some of
8 the paperwork here, it doesn't really emphasize a lot
9 about how -- where the red tape is at also. So the White
10 Mountain Apache Tribe is also going to go ahead and make
11 note of that in our writing when we respond, because I
12 feel standing here and talking, you know, through the
13 gadgets here, you know, I'm not a leader like that. I
14 rather have it in writing, but I also like to appeal to
15 you specifically what White Mountain is thinking also.

16 Thank you.

17 MR. JANSSEN: Thank you.

18 MR. BATES: Good morning and thank you for
19 the opportunity to be able to -- rather than make a few
20 recommendations, I will make some comments. I am LoRenzo
21 Bates. L-o-R-e-n-z-o, B-a-t-e-s, speaker of the 23rd
22 Navajo Nation Council.

23 Let me reiterate my message at the time that
24 President Trump was -- the night before his inauguration
25 to the western caucus group at that time. They were

1 speaking directly involving Indian Country at this
2 particular function, and one of the things I stated on
3 behalf of Indian Country was that Indian Country was
4 not -- was not looking to continue a handout; we are
5 looking for a hand up.

6 And what that meant -- what that meant was
7 that Indian Country, as indicated in your -- in the letter
8 that Indian Affairs has been 100 years. And when you
9 consider the sophistication that has evolved within Indian
10 Country from then until now and you hear from Indian
11 leadership, Indian leadership has advanced -- Indian
12 Country has advanced itself to the point that we know what
13 can be done, we know what is needed. And all that you
14 heard today, this morning, says that we are able to do
15 what needs to be done as it applies to meeting the needs
16 of Navajo, of Indian Country.

17 One shoe does not fit all. So when you
18 consider a policy or procedure through the process, it
19 will not necessarily fit in this case as applies to
20 Navajo.

21 As indicated, I support the idea of, as an
22 example, Indian Country taking more control over its
23 resources, over economic development. I represent six
24 chapters in New Mexico. I've been waiting for a
25 convenience store to go through the BIA bureaucracy.

1 Eight years, still haven't turned over a shovelful of
2 dirt. That is entirely ridiculous. When the regional
3 office has supposed final authority to be able to grant
4 permission to develop, it's ridiculous. So that's just
5 one scenario.

6 Let me give you another example. You talk
7 to BIE, BIE budget and the education process, and I'll
8 provide this with you. It's a resolution of the Navajo
9 Diné School Board Association. The Navajo NEAP basically
10 means educating the Navajo today. It talks to rescinding
11 Secretarial Order No. 3334. So when I talk to
12 sophistication of Indian Country, this is a prime example,
13 that when this secretarial order was issued it did not
14 take into consideration in this case Navajo and how it
15 would impact schools within Navajo. So by virtue of this
16 legislation, it goes against all that the federal
17 government was intended to do.

18 This resolution is going before Health and
19 Education's social services committee. When passed, this
20 is Navajo Nation's position as it applies to this
21 particular secretarial order. That is Navajo Nation's
22 position. So by based on this as an example, when Navajo
23 takes a position, no matter what it may be, resources,
24 public safety, that's the position of Navajo Nation.

25 And so with that, let me close with this

1 statement, is that given that we are -- I was only
2 notified of the hearing as of a day or so back, the 23rd
3 Navajo Nation Council will submit its written comments as
4 applies to all of what is being requested. The 23rd
5 Navajo Nation Council is the governing body of the Navajo
6 Nation and so they will make recommendations along with
7 what President Begaye has stated in moving forward.

8 But I leave you again with this: one shoe
9 does not fit all, and that needs to be taken into
10 consideration on any changes that you make.

11 Thank you.

12 MR. JANSSEN: Thank you.

13 Does anyone else have any comments on the --
14 on the proposed reorganization of Indian Affairs?

15 MR. SCABBY: Robert L. Scabby, Salt River
16 Pima-Maricopa Indian Community. I just wanted to make
17 just a brief comment. It's kind of a general
18 self-governance initiative area.

19 You know, whenever -- Salt River is a
20 self-governance tribe. We're just a small tribe and out
21 here, Scottsdale. And when we got into self -- we've
22 compacted these -- most of the Bureau functions that
23 were -- before were handled by the Bureau as operators.
24 Well, the intent of self-governance was to take the BIA as
25 day-to-day operators of federal functions affecting the

1 tribe and relegate them to technical assistance centers.

2 And in 1995 there was an effort to
3 reorganize. I remember President Clinton was in office,
4 and there was a reorganization. There was cuts at the
5 top, and the net result was the BIA was cut and the money
6 wasn't transferred to the tribes. It was transferred back
7 to the treasury. And tribes, we have to be real careful
8 that if there's a reorganization -- you know, we are
9 already underfunded -- that this funding comes to the
10 tribes. Right now we fund -- probably for every dollar we
11 get from the BIA, we turn around and put 15 to \$17 of our
12 own money to make those things work right, the police
13 services, detention services, social services, court
14 services, et cetera.

15 And so I just wanted to let -- you know, let
16 you know that it's -- that we need to take that into
17 consideration if there's a reorganization. We are still
18 underfunded. And even though Salt River, you know -- we
19 have to take care of a lot of people, and we are still
20 concerned. Our budget, we are still concerned about our
21 budget, and the amount that we can spend on the people is
22 not infinite. It's finite. And so even though we are
23 looked at as a, you know, successful gaming tribe, we do
24 need the federal dollars protected if there's a
25 reorganization.

1 Thank you.

2 MR. JANSSEN: Thank you.

3 MS. CAMPOY: Good morning. My name is
4 Antonia Campoy, C-a-m-p-o-y. I am a member of the Pascua
5 Yaqui Tribal Council, and I want to thank you for having
6 this opportunity to come up here and speak.

7 The Pascua Yaqui Tribe is a unique tribal
8 nation. We were recognized in 1978, and we have our
9 reservation in Tucson. And we also have a population --
10 our Tribal membership right now is 22,000. Out of those
11 22,000, in Guadalupe, which is about ten miles down the
12 road south of here, has a population of 35 -- 3200 Pascua
13 Yaqui members. And so one of the -- one of the issues
14 that we have is we need to find ways to support our
15 membership in the metropolitan Phoenix area because we
16 also have members in Scottsdale and in Hightown in the
17 Chandler area.

18 And one of the biggest things that our Tribe
19 is looking to is economic development. And I know a lot
20 of our nations here, that's one of the key elements of
21 providing for our members, Tribal members, economic
22 development. And so I'm here to ask to support the other
23 tribes in the economic development, which is a major issue
24 for all nations across the country, I would think. And so
25 if we can work on that issue, and also education.

1 Education is very important, as stated
2 before by other tribal member leaders here. Scholarships
3 are needed, monies is needed to continue the education of
4 tribal members. We are -- it's a big need because even
5 though our tribes are trying to support the students to go
6 to college, what we can support is not sufficient with
7 what they need. I was just attending a student
8 recognition last night here for our college and high
9 school graduates, and one of our students said that he's
10 working very hard to try to come up with the tuition to
11 ASU. He just graduated from the community college, and he
12 is -- he is striving very hard to work on his own to get
13 to ASU. And we are very proud of him.

14 But we will be submitting our
15 recommendations in writing by the due date. And I just
16 want to take the opportunity to say that I support what
17 our other tribal leaders have stated here this morning.

18 Thank you.

19 MR. JANSSEN: Thank you.

20 Any other comments regarding the
21 reorganization or any questions regarding the current
22 organizational structure of Indian Affairs?

23 MR. WHITE: I'd like to say good morning to
24 everybody in the audience as well as the staff here today.
25 It's an honor to be here. My name is Willie White. I'm a

1 councilman from the Fort Yuma Quechan Indian Tribe. We're
2 located along the banks of the Colorado River on both
3 sides, Arizona and California, and we have compact gaming
4 with both states. We have about 50,000 acres of irrigable
5 land and vast water from the Colorado River.

6 You know, I just kind of want to share my
7 insights, you know, my -- what I say, I don't mean to
8 offend anybody, so please don't, you know, take it that
9 way. But, you know, I've kind of had my feet in both
10 worlds, my grandmother likes to say, as far as the way I
11 was brought up and, you know, my teachings and, you know,
12 the experiences that I've had in business, you know, in
13 the mainstream world as well as, you know, endeavors
14 within our Tribal government and, you know, the challenges
15 that we face.

16 My heart goes out to our people always, you
17 know, our elders, our kids, our children. You know,
18 there's many struggles. And the BIA, you know, in many
19 cases has fallen short of the obligations that I feel
20 personally that, you know, that our people are entitled
21 to. You know, we have a lot to share and we have a lot to
22 give. We always are giving, you know, in almost all
23 respects, you know, to our surroundings and to the, you
24 know, communities around us. I mean, a lot of our
25 communities represent, you know, large employers and, you

1 know, economic, you know -- vast economic opportunities
2 for engagement, you know, across the borders and
3 boundaries.

4 And so I guess my -- the message that I
5 would like to convey to you folks here today is a request
6 that you do take your time in this reorganization. I
7 personally, you know, welcome it. I think that it's long
8 overdue, you know. I mean, some of the things that were
9 said here today were very enlightening, and I thank you,
10 leaders, for bringing these topics and issues forward.

11 But one of the things that's not really
12 brought up is kind of a comparison/contrast between, you
13 know, the things and the approaches that are taken toward
14 Native people through the years of the BIA and all the
15 organizational, you know, boundaries that are set and
16 guidelines that are intended to help us prevail, you know,
17 have actually in many ways limited our self-determination.
18 And so, you know, when we are approaching these
19 restructuring, you know, keep in mind that, you know, we
20 do have a very good understanding of what our needs are
21 and that we need to have less, in my opinion, less, you
22 know, hands-on from the federal government.

23 I think that, you know, the more that the
24 federal government and the BIA and all the different
25 departments try and control the interest of the Tribe, the

1 worse that it gets. And so, you know, that goes for
2 economics, goes for our cultural practices especially, you
3 know, what we do with our lands and our waters, what we
4 choose, you know, not to do with them. You know, that's
5 our right, and it should be respected.

6 You know, our -- very important, you know,
7 is our cultural identities, our languages, and so all
8 those, you know -- as opposed to trying to make us like
9 everyone else, you know, let us be independent. And, you
10 know, I hope that your plans in the reorganization and,
11 you know, the approach or the end goal is to encourage our
12 self-determination and not, you know, inhibit it.

13 So that's my statement. Thank you.

14 MR. JANSSEN: Thank you.

15 MR. VELASQUEZ: I have a question. Vice
16 Chairman Velasquez.

17 After all the reconstruction or whatever the
18 process is, once you start moving on that, when are we
19 going to have specifics in terms of -- I hear a lot out
20 there about budget cuts, about it possibly affecting
21 Indian Health Services. There's some of our Tribal
22 entities on my reservation that really helps a lot of our
23 Tribal people also. So we have series and series of --
24 there's a lot of anxiety out there, wondering where we're
25 at on this too.

1 You know, I've been researching a lot on my
2 own, but I don't get specifics. But I can -- the sense
3 sure is out there to me is the ball is moving, but, you
4 know, how -- what are the -- what are going to be the
5 significant impacts in terms of, you know -- you know, we
6 have programs out there that help subsidize our low income
7 families, food, jobs, you know, just really down to the
8 grassroots people. You know, those are the things that
9 concerns me on continuance now.

10 You know, I've been in D.C. several times.
11 I think that's where I met you. As a matter of fact, that
12 was taken care of as of yesterday. The White Mountain put
13 their word on the line, and I think it's in the
14 clearinghouse now, so you might want to let the director
15 of Bureau of Indian Affairs know that that's completed
16 from White Mountain.

17 MS. ORTIZ: Okay.

18 MR. VELASQUEZ: But moreover, the more I
19 think about this is I think as we move forward in terms of
20 President Trump's budget cuts, or whatever his thinking
21 is, you know, I believe the Bureau of Indian Affairs,
22 there's trust responsibility. You guys need to let us
23 know where this is going. You know, we have a couple of
24 lobbyists in D.C., so they're on a continuance of letting
25 us know.

1 But my concern is for the grassroots people,
2 like the people that -- you know, jobs on the reservations
3 are hard, the economy is hard. You know, I know for a
4 fact livelihood in D.C. is a totally different environment
5 than the reservation life. So, you know, about what to
6 tell our Native Americans, our fellow Native Americans
7 that work in D.C., you know, like you said earlier, you
8 come from a federally recognized tribe; therefore, my
9 assumption is you have a clear understanding of how your
10 people are, likewise with Tony there too. You know?

11 So, you know, those are just some of the
12 serious concerns that I have right now because, you know,
13 we -- as my Tribe, you know, we are in a rural area. We
14 are in a rural environment. Yes, we have -- yes, we have
15 the casinos. Right now we are also in the midst of
16 renegotiating with the -- you know, Governor Ducey, State
17 of Arizona, and I like where that's moving.

18 Second thing is also Indian healthcare, IHS.
19 You know, what -- if our budgets are going to be cut on
20 that, what are we going to face? I'm concerned about
21 third-party billing, AHCCCS, all the medical help that a
22 lot of our Tribal members look to too. But all of that,
23 of course, will be coming in our position paper also.

24 And I did see, you know, directly a lot
25 of -- more of the technicality processes of thinking, but

1 I need you to really simply, to really get down to where
2 are we at for the grassroots people, where are we at for
3 grandma, grandfather, our brothers, our sisters, our
4 aunts, our uncles that may have different multiple issues
5 that are coming, that they are facing today.

6 You know, we talked about academics, tests
7 and measurements. You know, earlier, I believe it was
8 President Begaye talked about the redundance in terms of
9 difference between state law enforcement and the Bureau of
10 Indian Affairs law enforcement. My thinking also goes
11 back to the Bureau of Indian Education in terms of tests
12 and measurements.

13 I notice that Bureau of Indian Affairs
14 also -- Bureau of Indian Education. I take that back.
15 You know, I don't know whether it's a norm, but my take is
16 that when it comes to tests and measurements, you know,
17 first thing that Bureau of Indian Education -- maybe
18 that's their thought process indirectly, reactively, but a
19 lot of that is reciprocity. If the State of Arizona has
20 this law here, well, we as BIE, we're going to go ahead
21 and acknowledge that law.

22 But the thing that bothers me is the tests
23 and measurements of our Native kids, and that's something
24 that really bothers me. I've been a board member before.
25 You know, I've been a school administrator before. So,

1 you know, that is one of my pet peeves also when it comes
2 down to the measurements of our children. You know, we
3 talk about the Headstart population, early childhood
4 development. You know? You know, when I see some of
5 their tests or whatever that's being brought up to me, to
6 me there's really no significance to what -- of how that
7 test is going to measure our Native kids also. So those
8 are just some of the things that, Tony, I'll be looking
9 towards BIE in the near future.

10 Okay. Thanks.

11 MR. JANSSEN: Thank you.

12 Just to address your question about the
13 budget, as you know, on May 23rd, 2017, the President
14 released his budget. It's \$2.5 billion in FY18 for Indian
15 Affairs. That is \$303 million below the 2017 CR baseline.
16 And I guess I can say right now, right now tribal
17 engagement is key to ensuring the tribal priorities are
18 met and the trust responsibility is upheld. It's
19 important to make sure your concerns are known to us and
20 to Congress. So if you can share those concerns, you
21 know, with the Congress and with the Department, that
22 would be helpful.

23 MR. VELASQUEZ: Yes. My response to that --
24 is it Mr. Janssen?

25 MR. JANSSEN: Yes.

1 MR. VELASQUEZ: You know, I understand where
2 your versions of thinking is. Okay? I know where that
3 is. I live in that world. Okay?

4 What I'm trying to say here as a leader of
5 White Mountain is you are talking about the lobbying
6 efforts with our senators and our house of representatives
7 here in Arizona. That ain't a problem. My thinking is --
8 my hope is that Tony, Miles, and Hankie -- uncommon name,
9 huh? -- that you three, by the time you leave here, you
10 guys will have a clear understanding of what the thinkings
11 of the leaders are here. Because who is it to say and who
12 is it not to say that -- everything that is brought here
13 is brought here. But we can't read the United States
14 Congress, too, when it comes to cutting budgets.

15 That's why my thinking is what lies ahead
16 for Indian Health Services. I understand that 300-some
17 million. I have read that. It's in here. Okay? But my
18 thinking is you guys are falling short of telling the
19 leaders where exactly, where exactly is the emphasis here.
20 But I'm thinking that in a few days or down the road we'll
21 have a clear understanding so that we know as tribes. As
22 tribes --

23 Like good example, the burial assistance.
24 You know, my Tribe, we -- you know, we can't control
25 death. You know? Only one that controls death is the

1 Creator. You know? Unfortunately, there's some
2 reservations that experience the continuance of people
3 leaving this earth.

4 But even that, my concern is they are
5 also -- because we have a lot of our tribal members that
6 are -- can't afford the funeral expenses. So there's a
7 norm -- there's that norm. There has always been that
8 norm that Bureau of Indian Affairs have a certain amount
9 of money that will help in terms of, you know, putting
10 our -- burying our people. But now even that is so
11 limited now that now my people are beginning to think,
12 okay, what do we do now?

13 So I know part of it is trying to reteach
14 our Tribal members about the likelihoods of maybe perhaps
15 discussing to go this way in terms of, you know,
16 sponsoring this in terms for our loved ones. But that's
17 another area of concern that comes to me. But a lot of it
18 is, you know, the taxations, the economy, the land, the
19 natural resources, all of that, you know. You know, to me
20 that's very important to the Apache people.

21 You know, and my son, who is also an
22 attorney at law, has given me some specific insights about
23 him telling me that I need to be very concerned about the
24 budget that's coming up. That is why I'm here. That is
25 why we cancelled a lot of our trip, because I wanted to be

1 here. You know, I want to know where we're going. I want
2 to know what's going on in terms of what -- what is the
3 thinking of the White House in terms of the lower economic
4 people, the Native people, the sovereignty, the tribal
5 sovereignty. Those are the three emphasis that I have.
6 That's why I speak what I speak and I'll continue to speak
7 what I speak also.

8 Thank you.

9 MR. DEARMAN: I want to address your
10 assessment question. I totally agree. I mean, I come
11 from being a superintendent for Riverside Indian School
12 where we had 75 different tribes represented from 23
13 different states, and I've given them the Oklahoma state
14 assessment. We do have an opportunity to have one
15 assessment, and we are going to be sending out letters to
16 our tribes asking for members for a negotiated rulemaking
17 committee.

18 MR. VELASQUEZ: Good.

19 MR. DEARMAN: And hopefully -- my wish is
20 that we come out of that committee with a recommendation
21 of one assessment for all of our schools with the
22 exception of our tribes that are -- have their own
23 accountability system. But we are working on that, and I
24 agree totally with you.

25 MR. VELASQUEZ: Okay. Thank you.

1 MS. ORTIZ: Mr. Vice Chairman, I want to say
2 thank you very much for your comments, and I'm glad that
3 you are here and you are putting your comments on the
4 record. So everything that you have stated is going on
5 the record.

6 I think at this point decisions haven't been
7 made on a lot of these issues, and that's why we are here.
8 We are listening to what's important to you. All of this
9 will be recorded and all these comments will be noted.

10 I do want to make a special note that, you
11 know, Indian Health Service is under the Department of
12 Health & Human Services, so I'm not really sure what their
13 consultation is or listening sessions are that they are
14 having. That is a separate department, so I would
15 encourage you to speak with them about your comments
16 directly related to those health issues.

17 Likewise, with the -- I know you talked
18 about Veterans Affairs, Veterans Affairs issues.
19 Different agency. So we will have all those issues
20 recorded for us, but might be important for you to
21 communicate those with the other agencies too.

22 MR. VELASQUEZ: Okay.

23 MS. ORTIZ: And as Mr. Janssen noted, the
24 budget has been published for FY18. The President's
25 proposed budget, that will be going to Congress, and they

1 will be making some decisions on that. So I think if you
2 have specific comments on that, you know, you could
3 probably put those on the record for us. Any comments
4 that you are going to submit, that would probably be
5 helpful.

6 Thank you.

7 MR. VELASQUEZ: I think the reason why I
8 said what I said in terms of Indian Health Services and
9 the Department of Veterans Affairs is because, you know,
10 you are here to facilitate. And, you know, I feel that,
11 you know, facilitation is excellent. At the same time,
12 everything that's being brought up will also be
13 disseminated to the organizations. And as tribes, we can
14 also clarify that in writing also. So I agree with you on
15 that. Okay.

16 MS. ORTIZ: Thank you.

17 MS. HAMANA: Good morning. My name is
18 Candace Hamana. Candace is spelled C-a-n-d-a-c-e, last
19 name H-a-m-a-n-a.

20 I am both Hopi and Navajo. I am not a
21 tribal leader, but I am a vigilant and concerned voter,
22 both for my indigenous community and local, state, and
23 federal elections as well.

24 For my public comment, I would implore
25 President Trump and Secretary Zinke to extend the deadline

1 to gather public comments, considering the tremendous
2 potential impacts of such sweeping reorganizations of
3 vital agencies.

4 Tribal consultations, if that's what you
5 want to call this, should not just be about checking the
6 box. We deserve more time to get this information about
7 listening sessions out to our remote tribal communities.
8 In order to truly move forward, we will require a more
9 pragmatic and inclusive approach that will result in
10 higher participation from our indigenous communities. I
11 respectfully ask that we extend the deadline for public
12 comments.

13 Thank you.

14 MR. JANSSEN: Thank you.

15 MR. BEGAYE: Mr. Chairman, maybe you want to
16 talk about your schedule, where the hearings will be from
17 this point? That might be good to know. And your
18 timeline.

19 MR. JANSSEN: So I mentioned before we had a
20 previous listening session in Portland on May 25th, at
21 ATNI, regarding reorganization. Obviously we are having
22 this one today. The next meeting for reorganization will
23 occur on June 6th at Mystic Lake Casino & Hotel in Prior,
24 Minnesota. Then there will be an additional listening
25 session on June 8th at the Rushmore Civic Center in Rapid

1 City, South Dakota. Then a reorganization listening
2 session on Monday, June 12th, NCAI, at Mohegan Sun in
3 Connecticut. And then the final reorganization listening
4 session will be June 27th at the Tulsa Convention Center
5 in Tulsa, Oklahoma.

6 So those are the upcoming listening sessions
7 on reorganization. But we are accepting written comments
8 on reorganization up until July 15th. So the times on
9 that, the June 6th one is from 8:30 to noon. It's at
10 Prior Lake, Minnesota. The June 8th is also 8:30 to noon
11 in Rapid City. The one at in NCAI is from 1:00 p.m. to
12 2:45, and then the one in Tulsa is 8:30 to noon as well.

13 MR. BEGAYE: Let me ask another logistic
14 question. Are these listening sessions for restructuring
15 also being held by other federal agencies, HUD, Department
16 of Energy, USDA, others?

17 MR. JANSSEN: I know that OMB issued a
18 federal notice in the -- issued a notice of requesting
19 that agencies hold listening sessions. I'm not sure if
20 they are, though.

21 MR. BURSON: Miles, can you repeat
22 President Begaye's question?

23 MR. JANSSEN: He asked if other agencies
24 were going to hold listening sessions, like HUD, USDA.
25 And I'm not aware if those agencies are holding listening

1 sessions at this time.

2 So if there's no additional comments or
3 questions, I'll bring this portion of the listening
4 session to a close on reorganization. We will reconvene
5 at 1:00 p.m. in this very same room to discuss the
6 monument executive order. So we'll see everyone back here
7 at 1:00 p.m.

8 Thank you.

9 * * * * *

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 BE IT KNOWN that the foregoing proceedings were
2 taken before me; that the foregoing pages are a full, true
3 and accurate record of the proceedings, all done to the
4 best of my skill and ability; that the proceedings were
5 taken down by me in shorthand and thereafter reduced to
6 print under my direction.

7
8 I CERTIFY that I have complied with the ethical
9 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
10 J(1)(g)(1) and (2). Dated at Glendale, Arizona, this 12th
11 day of June, 2017.

12
13
14 _____
15 KIMBERLY PORTIK, RPR, CRR
16 Certified Reporter
17 Arizona CR No. 50149

18 * * * * *

19 I CERTIFY that Canyon State Reporting Services, LLC,
20 has complied with the ethical obligations set forth in
21 ACJA 7-206 (J)(1)(g)(1) through (6).

22 _____
23 Canyon State Reporting Services, LLC
24 Registered Reporting Firm
25 Arizona RRF No. R1031