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Tribal Consultation Meetings: Vol. I 04-12-2012

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TRIBAL CONSULTATION MEETINGS

APRIL 12, 2012

VOLUME I

8:20 a.m.

Miccosukee Resort and Gaming
500 Southwest 177th Avenue
Miami, Florida 33194

Reported by: Martha Sutherland-Vidal

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1 A P P E A R A N C E S

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3 Paul Tsosie, Chief of Staff for Larry Echo Hawk Mike
4 Smith, Deputy Bureau Director for Field Operations

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5 Bruce Loudermilk, Acting Deputy Assistant Secretary for
6 Management

6 Keith Moore, Director of the Bureau of Indian Education

7 Bryan Drapeaux, Chief of Staff at Bureau of Indian
8 Education

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9 David Talayumptewa, Assistant Deputy Director for
10 Administration at Bureau of Indian Education

10 Bryan Rice, Deputy Director for the Bureau of Indian
11 Affairs Office of Trust Services

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12 Everett Bad Wound, Education Line Officer, Minneapolis,
13 Bureau Indian Education

13 Beth McGarry, Director of Federal Services for the
14 Bronner Group

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15 Kitcki Carroll, Executive Director, United South and
16 Eastern Tribes

16 Marie Osceola-Branch, Hobbs, Straus, Dean & Walker

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

2 MR. TSOSIE: Let's get started here. I want
3 to make sure that we use everybody's time effectively.

4 Right now we have -- come up here, Mike -- we
5 -- basically, I'm Paul Tsosie; I'm the -- the Chief of
6 Staff for Larry Echo Hawk. And we're here for this
7 consultation and -- and right now, obviously, we only
8 have two people from Indian Country that are not
9 Federal Government employees here to -- to talk about
10 these issues, but I really want to use this time
11 effectively, so I know both of you showed up on time,
12 so let's just get started.

13 If -- if anybody else shows up, we'll
14 definitely accommodate them, but with that being said,
15 I'm going to make certain changes to this agenda real
16 quick.

17 The agenda you have, obviously, David Hayes
18 is not here, the -- the Deputy Secretary. And Larry
19 Echo Hawk is not here. So I'm going to substitute in
20 there, Mike -- Mike Smith; the Deputy Director of the
21 BIA. Keith Moore with the BIE; Bureau of Indian
22 Education. And then we also have Bruce Loudermilk

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1 here; the Deputy Assistant Secretary for Management.

2 We will be the ones representing the Federal
3 Government on this first issue, the administrative
4 assessment.

5 And with that being said, I hope that we can
6 still go through all of the issues that we need to go
7 through and use this time effectively and we'll
8 probably be able to finish even earlier.

9 And with -- with that being said, I'm just
10 going to have each person here introduce themselves.

11 Okay.

12 MR. LOUDERMILK: Again, my name is Bruce
13 Loudermilk; I'm the acting Deputy Assistant
14 Secretary for Management out of Washington, D.C.

15 MR. TSOSIE: Mike?

16 MR. SMITH: Mike Smith, the Deputy Bureau
17 Director for Field Operations and I'm based on
18 Washington, D.C.

19 MR. TSOSIE: Keith?

20 MR. MOORE: Keith Moore, Director of the
21 Bureau of Indian Education in Washington, D.C.

22 MR. TSOSIE: Beth?

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1 MS. MCGARRY: Good morning, my name is Beth
2 McGarry and I'm the Director of Federal Services for
3 the Bronner Group and I'm the project manager for this
4 engagement and I'm also in Washington.

5 MR. MOORE: Paul, if I could, we have a
6 couple other senior administrators in the BIA. Bryan
7 Drapeaux is my Chief of Staff here and David
8 Talayumptewa is the Assistant Deputy Director for
9 Administration for us as well in Albuquerque.

10 MR. TSOESI: And then we also have Jeanette
11 Hanna here who works in the Assistant Secretary's
12 Office.

13 And Bryan, did you --

14 MR. RICE: No, I didn't. Sorry. Bryan Rice
15 and I'm the Deputy Director for the BIA Office of
16 Trust Services in Washington, D.C.

17 MR. TSOSIE: So right now, you have a lot of
18 high level officials from Indian Affairs and we'll be
19 able to answer questions.

20 And just so we know, can you introduce
21 yourselves too?

22 MS. OSCEOLA-BRANCH: I'm Marie Osceola-Branch

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1 with Hobbs, Straus, Dean & Walker out of the
2 Washington D.C. office but I run the Florida
3 Division which is me, at my house, and I'm here on
4 behalf of Hobbs, Straus, Dean & Walker for Miccosukee
5 Tribe.

6 MR. TSOESI: Okay.

7 MR. CARROL: Kitcki Carroll, Executive
8 Director,
9 United Southern and Eastern Tribes.

10 MR. TSOESI: All right. Well, let's go ahead
11 and get started. And just like I said, we have a lot
12 of people here. Well, not a lot of people here, but a
13 significant group here from the federal government, and
14 we'll be able to answer any questions you have.

15 Before we get started, I just wanted to say
16 that you both have -- have probably seen in -- in the
17 press that the Assistant Secretary, that his last day
18 will be April 27th; Larry Echo Hawk's last day will be
19 April 27th. And I came in with the
20 Assistant Secretary so I'll -- I -- I -- I will also be
21 leaving with him but this administrative assessment
22 that we have going, we're going to put it in the hands

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1 of -- of -- of Bruce Loudermilk and other people here
2 so that it continues forward.

3 So we are working on a smooth transition here
4 at this time and if either of you knows the
5 Assistant Secretary it was, it was really a good
6 decision for him. He will be moving up to a -- a very
7 high level position in the LDS church and it?s a --
8 it?s a lifetime appointment for him and he?s very happy
9 with the decision.

10 So, just like I said, his -- his last day
11 will be April 27th.

12 Do -- do either of you have a question about
13 -- about what he?s doing or anything and -- and Del
14 Laverdure Laverdure will be -- who is right now the
15 Principal Deputy Assistant Secretary will be taking
16 over after that point through the end of this
17 administration.

18 With that being said, thank you both for
19 coming and let?s -- let?s get started.

20 The purpose of this consultation are three
21 different things, from a broad -- a broad perspective.

22 The first issue here is the Administrative

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1 Assessment.

2 The second issue are the BIA and the BIE
3 streamlining plans. These are -- these are two
4 different issues.

5 The third issue which I -- which I group them
6 all together are education issues, and that -- and
7 that?s tomorrow.

8 We may be able to -- to cover those today,
9 but we?ll just see how it goes. There might be people
10 that come specifically tomorrow for the education issue
11 so --

12 MR. MOORE: If it was okay with you, I think
13 we could -- it would be great if we covered them today,
14 we can show up here tomorrow and if other folks show
15 up, we can go through them again.

16 MR. TSOESI: Okay.

17 MR. MOORE: But it would be nice if we could
18 -- with this few of folks, get it done today and then
19 we could just do -- do it again tomorrow if we have
20 other folks show up specifically for those.

21 MR. TSOESI: Okay. Okay. So those -- those
22 are the three main issues for this consultation.

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1 This is a very aggressive timeline. There is
2 this plus other consultations set up over the next
3 seven weeks throughout Indian Country, because if you
4 look at what's happened over the past three years, with
5 this Assistant Secretary, there's been a lot of
6 movement in Indian Country.

7 You're talking 100- -- over 158- or around
8 158,000 acres of land in a trust. You're talking the -
9 - the Cobell Settlement. You're talking there was an
10 event yesterday on Tribal Trust litigation.

11 You're talking -- I think we have the best
12 consultation policy across the Federal Government that
13 we rolled out last November. You have the -- the White
14 House Tribal Nations Conference. We have a lot of big
15 things going on that -- that we've done during this
16 administration.

17 And this administrative assessment is going
18 to be one of the biggest, if not the biggest thing that
19 -- that we'll be able to accomplish, by the end of this
20 year.

21 I realize that this is -- this is an election
22 year and we may have a -- we may have a change in this

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1 administration, but only time will tell.

2 But this Administrative Assessment, what it
3 focuses on is the provision of services to Indian
4 country. How we, as the Federal Government, are
5 providing service to Indian Country.

6 From day one, this Assistant Secretary,
7 myself, and everybody here heard what Tribal leaders
8 were saying.

9 From day one, we walked in and the Tribal
10 leaders told us that we take too long to hire people
11 for law enforcement. We take too long to hire
12 teachers. I mean, we heard stories about the
13 Teacher of the Year out of New York. The Teacher of
14 the Year out of New York was going to work at Zia
15 Pueblo. We had that person ready to go. I mean, at
16 Zia Pueblo, the teacher of the year out of New York but
17 we took too long to hire that person, took way too
18 long, and we lost -- we lost the Teacher of the
19 Year. We were not able to hire that person.

20 We have our kids in -- in the BIE school
21 system, our Indian kids, which Congress has said that -
22 - that children are the most resource for

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1 Indian Tribes, and our kids are getting their school
2 books months late, if -- if ever, they're getting their
3 school books late, months. And if -- if you were to
4 put that situation in a non-Indian school, that would
5 be completely unacceptable. That wouldn't ever happen
6 at all.

7 But we have people -- we have kids in our BIE
8 school system that are not given their school books
9 because of the way our system is set up. And I'm
10 talking about our administrative system.

11 Our administrative system that -- that --
12 that provides HR, contracting, acquisitions, finance,
13 budget, all these different issues, our -- our whole
14 admin system is set up to -- in a whole different
15 organization to provide services to the BIA and to the
16 BIE.

17 Now, to completely understand this, we need -
18 -

19 I'm just going to give you a little bit of
20 background here.

21 Back in '99 there was a NAPA study; the
22 National Association of Public Administrators. They

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1 did a study on -- on -- they looked at our
2 administrative structure and other issues and they came
3 up with a series of recommendations back in 1999. And
4 these recommendations basically sat dormant. They
5 looked at Indian Affairs and said, okay, you guys, you
6 know, they looked at admin, they looked at law
7 enforcement, they looked at -- at -- at our structure
8 to see how we were providing to
9 Indian Country.

10 Those sat dormant until 2004 and in 2004,
11 under the last administration, they picked that up,
12 dusted it off and created the DASM; the Deputy
13 Assistant
14 Secretary for Management, and the Assistant
15 Secretary's Office went from -- from 200 people; and
16 you're talking admin people, you're talking the
17 Assistant Secretary's Office, you're talking Gaming,
18 IEED, Self-Governance, it went from 200 people to 650
19 people overnight, in -- in 2004.

20 The last administration -- essentially what
21 they did, is they reached down in the BIA and BIE,
22 pulled out their admin functions, pulled out HR,

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1 finance, budget, you know, all these different sub-
2 areas; contracting, acquisitions, they reached down and
3 basically pulled these functions from the field and
4 centralized everything in Washington, D.C.

5 They took the NAPA study as justification and
6 basically centralized all of the admin functions.

7 They took the NAPA report, used it as a base,
8 and actually went farther than the NAPA report. They
9 went a lot farther than the NAPA report was ever
10 recommending and we'll get into more specifics later.
11 But they took that as justification to say that Indian
12 Affairs, you guys have bad internal controls, we're
13 going to pull up. We're going to centralize all of
14 your admin functions and we're going to create a system
15 that we have now.

16 And from the get go, we heard from Tribal
17 leaders from -- from Federal Government employees, that
18 this system is not optimal for the provision of
19 services to Indian Country.

20 It centralized all of the admin functions so
21 after eight years of this, I mean, we're in 2012 right
22 now. After eight years of this, we heard from

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1 Tribal leaders, so we took a step back and said we need
2 to look at the situation. So we hired the -- the
3 Bronner Group, a third party consultant to look at the
4 situation as it stands right now.

5 And they went out, throughout Indian Country,
6 the went all over the nation, they talked with
7 Tribal leaders, they talked with low level BIA, BIE
8 DASM staff, they talked with midlevel staff, midlevel
9 managers, to senior level managers, people from the
10 Secretary's Office. They did surveys, they looked at
11 IAM's; Indian Affairs Manuals, departmental manuals,
12 they looked at budgets, they looked at PD's, they
13 looked at workloads. They went all across the nation
14 gathering all of this information. And they gathered
15 all this information in this -- this administrative
16 assessment which is posted online, the entire
17 assessment.

18 We are being as transparent as possible.

19 We posted the whole thing online so that
20 Indian
21 Country could see it. It's -- it's over 200 pages.

22 There is an executive summary. We -- we

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1 broke it down in -- into PowerPoint, we want to make
2 this as transparent as possible, because this
3 Administrative Assessment came down and said that in
4 2004, when these changes happened, based upon the
5 NAPA report, that it was poor implementation of the
6 NAPA report. And people in Indian Affairs; employees
7 that were working at the time, said that, you know, we
8 have a more intimate group here, they say that it was
9 essentially shoved down their throats. That it
10 happened overnight. That they didn't have much input
11 on it, that all of a sudden there was a Deputy
12 Assistant Secretary for
13 Management office created and it was very poor, the
14 implementation. They didn't think out all of the
15 issues that could happen.

16 So as a result, say, we're taking way too
17 long to hire people. We're taking too long to get our
18 textbooks, because you have a system where you have the
19 BIA, the BIE and then a third organization that -- that
20 provides the admin services.

21 I mean, I was talking with -- I mean, we did
22 a presentation with the Deputy Secretary and in -- in

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1 one of our internal meetings, he was like I don't know
2 how you've been operating for so long under this
3 system. I don't know how you're able to conduct
4 business. There's no other place in the
5 Federal Government that would -- that would operate
6 like this. And it was done because allegedly Indian
7 Affairs had a lack of -- lack of internal controls.

8 Now, here we are eight years later and I can
9 tell you, we have internal controls now. We have clean
10 audits. Our admin system is moving along.

11 We've -- we've -- we've accomplished quite a
12 bit in our admin system, so now here we are eight years
13 later and this report says that eight years ago, the
14 changes were -- were implemented poorly.

15 And it also said that it created silos; that
16 there's a lack of communication. We have people out on
17 the field in Oklahoma and Albuquerque, employees that
18 sit like this. There may be a -- a divider, but
19 employees that sit together day to day out in the
20 field, that are supposed to work together, but are not
21 required to work together.

22 And these people that are -- are required to

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1 work together are Contracting Officers and a BIE
2 employee. Employees in two different, in -- you have
3 someone from the BIA and someone from the DASM, two
4 different organizations sitting right next to each
5 other, that are supposed to work together to buy school
6 books and if they have an issue, they got to go all the
7 way up the flagpole to the -- to the top leadership and
8 that takes time in the federal government, and then
9 their leaders got to get together, solve the issue and
10 then -- and then the issue got -- has to make its way
11 back down. And that's unacceptable. That just creates
12 a -- a poor working environment.

13 So you have this system that's set up as --
14 as it is, and this administrative assessment looked at
15 it, and it came up with, I estimate, around 26
16 recommendations. Some of them big, some of them small.
17 Some of them can be changed with a stroke of a pen.
18 Other ones, we're going to need bigger changes.
19 Twenty-six recommendations and I -- I need to stress
20 that, that those are recommendations.

21 Those are just recommendations from the
22 Bronner

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1 Group to the Assistant Secretary's Office. And under
2 this consultation policy, we have a duty, now that we
3 have these recommendations that are on the table, we
4 have a duty to consult with Indian
5 Country.

6 So as a result, we're going all over the
7 nation, we're starting here and we're going to end up
8 in Alaska, at that end here, and we are getting input
9 from Tribal leaders, on the recommendations because we
10 know that at the end of the day, the end recipient of
11 our services is the Indian Country, and these services
12 are affected by the way we conduct ourselves with
13 respect to our admin portion.

14 So this has 26 recommendations and over the
15 next year, after consultation, we will be in an
16 implementation phase. We will be taking the input from
17 this Tribal consultation and we're going to post all of
18 this online. We're going to post all the comments from
19 Tribal leaders online, we're going to group it into
20 this -- these certain areas, and that part will be
21 transparent also. And we are creating implementation
22 teams.

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1 Because just like I said, some of the changes
2 are big, some of them are small, but we're going to
3 have teams to make sure that -- that the federal
4 government implements this effectively. And we have
5 our employees, all over the nation, that want to be
6 involved, because they told us last time, we didn't
7 have any say. So I've been -- I've been going around
8 the country; I think I'm up to around 1200 or 1300
9 employees, that I've met with and we will continue
10 this. And -- and we will continue or meetings with the
11 Indian Country.

12 And these implementation teams, we're --
13 we're putting together the framework, the measurable,
14 the -- the deliverables, the timelines. We'll be
15 putting that also out to Indian Country so you can see
16 that. And that will happen over the next year.

17 Now, some of the specific recommendations
18 that -- that I want to highlight are, for example,
19 budget.

20 MR. CARROLL: Can I ask a question --

21 MR. TSOESI: Yes, go ahead.

22 MR. CARROLL: And I know you've already

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1 commented on this here within the Bronner report as
2 well, but I do want to ask and also state for the
3 record, to what extent, you've mentioned as far as
4 regional staff, what extent are regions involved in
5 these discussions?

6 And the reason why I ask that, as the report
7 comes out; we know that there is a lack of
8 communication going on with the current structure.

9 Our Tribes are facing that on a day to day
10 basis.

11 The question that I have though, from that
12 last restructure that took place in '04, '05, what
13 resulted from it to the remarks that you were making
14 was poor communication about those changes and the
15 implementation of those changes. So what's left was
16 Tribes in a position of not being fully aware of what
17 was happening and who to go to.

18 So on a day to day basis, what that turned
19 into as they would normally have previously contacted
20 their regional contacts to make the inquiries, that was
21 no longer a resource and they were getting pushed off
22 to Central Office. And that caused lots and lots of

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1 frustration.

2 There?s even some -- some -- some remnants of
3 that even going on today about confusion about what
4 does the Central Office do versus what did the regional
5 office do.

6 So if that?s the case, and we?re still doing
7 some clean up from the last restructure and people are
8 just getting up to speed on what those changes were
9 seven years ago, here we go again, we?re about to do a
10 shift again and -- and cause people to relearn where to
11 go.

12 So if that?s going to be the case, the third
13 other component of this discussion between -- besides
14 Central Office and Tribes, should be regional, to the
15 same extent that we?re sitting here at this table,
16 there should be that regional representation as well,
17 because they?re the ones that are going to be able to
18 offer the real clear and insight about functions that
19 they can fulfill and those that they cannot.

20 MR. TSOESI: That?s true, and -- and in our
21 plan, what we have is, we have a process. And in this
22 process, one of the main steps is training our own

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1 employees; going out to the regions, laying this out
2 for everybody, telling everybody how it's going to
3 work, breaking out our org charts, breaking out our
4 budgets, looking at everything and -- and we realize
5 that -- that it's -- it's going to be a big learning
6 curve for our -- our -- our employees, and we are going
7 to involve the regions.

8 Do you have anything on this one, Bruce?

9 MR. LOUDERMILK: You know, it's one of those
10 things that, and I'm -- my -- my permanent job is
11 Regional Director out of the Great Plains Region, so
12 I mean, one of the things that we've heard from the
13 Tribes through the TIBC meeting through, you know, in
14 Great Plains, we've heard from the Great Plains
15 Tribal Chairman's Association, we've heard from other
16 Tribal Chairman's Associations, is to localize a lot of
17 these functions back to the regions.

18 A lot of the tribes that we've dealt with are
19 very vocal about that aspect of it so as we're going
20 through this process, these are one of the things that
21 they want to do is to get the services back to the
22 lower level to where tribes and agencies and regional

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1 staff have folks that they can talk to.

2 Paul brought up one issue about losing the
3 hiree; we have one region where we have six HR people
4 that all report to different supervisors throughout the
5 nation. The admin functions are so fractionated, we
6 have a budget officer here in
7 Eastern Region, that also has supervisors throughout
8 that then report up to D.C., so I mean, it?s -- it?s --
9 it?s one of those things where it?ll be more localized,
10 it?ll be more -- it?ll be better communication with the
11 field; not only the agencies but with the Tribes too,
12 to where if they go to their Regional Director, the
13 Regional Director is going to have more input, more
14 direction, more communication as far as those functions
15 are being rolled out and how they?re being operated.

16 MR. CARROLL: The only -- the only follow up
17 comment that I would make on you guys, you know,
18 there?s a part of me that believes in centralization
19 because it promotes consistency, so if you?re moving
20 from a centralized to a decentralized model, which also
21 offers many benefits to Tribes that it wants, the one
22 caveat to that though, is to make sure that whatever

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1 regional controls and authorities are in place, are
2 consistent across the BIA regions. So we're not
3 dealing with one situation from the east and getting
4 certain responses and certain processes, and then we
5 hear that out in, you know, the Plains or the Southern
6 Plains or somewhere else, that it's a different
7 process.

8 Not saying which one is right or wrong, but
9 just making sure that they're in accord to whatever is
10 happening, consistency across those regions, if
11 authority is going to be pushed back down to them.

12 MR. LOUDERMILK: And -- and that's one of the
13 things that hasn't -- hasn't happened so much in the
14 past but will be happening more.

15 A lot of things since functions have been
16 centralized, there have not been a whole lot of policy
17 direction that is coming out -- has come out from
18 Central Office from contracting to you name it, budget,
19 you name it. It's all been kind of a tight hold.

20 So one of the things that I envision Central
21 Office doing as we start going forward is getting more
22 into the policy, procedure, processing and then rolling

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1 that out to where it is consistent throughout the
2 regions and throughout the nation.

3 MR. TSOESI: Yes, Central Office should be
4 policy oriented so that everything is -- is consistent,
5 just like the budget example, that I'll -- that I'll
6 lay out in a second here, I'm -- I'm -- that's what we
7 want to do in D.C. is just stick to policy and push the
8 functions back out to the field that belong in the
9 field.

10 MR. SMITH: I'd just like to weigh in. I
11 appreciate the question and I don't know if you got an
12 answer exactly to the question and of course, your
13 comments because I think you've got a -- a heavy
14 responsibility on you today representing the 26 or 27
15 tribes in Eastern Region. We appreciate you being
16 here.

17 But you asked about the regions being
18 involved and they are involved.

19 All of the employees are being encouraged to
20 provide comments, recommendations, and so forth, not
21 only on the Bronner report but on everything else
22 that's going on in this consultation process.

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1 So it's a -- it's a process in the works
2 -- works, and we're gathering information as we go that
3 will lead ever more dialog between the regions and
4 Central Office and the agencies and everybody else
5 because basically aside from the Bronner report, I
6 think everything about streamlining is going to be on
7 the table except possibly the inherent Federal or
8 government responsibility that's required to be carried
9 out by Federal employees and we're not sure exactly
10 what that is at this point, but that will be, you know,
11 that will be forced out, if you will.

12 And going back to you said '04, '05, it was
13 actually '03, '04 and that was a top down
14 restructuring. There was little or no communication at
15 the bottom part of the organization or even the middle
16 part and every region is unique.

17 I mean, every region likes to talk about how
18 unique they are and every region is unique. They all
19 have their uniqueness, region to region.

20 So it's going to be a little bit different as
21 to, you know, what their recommendations might be and
22 the final analysis of how we provide services because

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1 as you know, in Eastern Region, we don't have a lot of
2 agencies. You used to have maybe three or four, or
3 four or five agencies that they've whittled down to
4 two, three, four man operations in some cases and even
5 done away with.

6 In other regions, they have 12, 13, 14
7 agencies that provide administrative support, that
8 carry out the services in programs to Tribes in their
9 region, so it's -- it's going to be different in each
10 region.

11 Again, I think the key is what you just said,
12 consistency. If we're going to do anything, we should
13 be consistent because we have not been in the past.

14 MR. CARROLL: Can I respond to that real
15 quick?

16 MR. SMITH: Sure.

17 MR. CARROLL: Just a couple of things.

18 Whenever you're dealing with process and
19 systems, you know, you bring your own understanding as
20 to what's currently going on specific to that process,
21 as well as your own bias? and your own perspective to
22 the process and I fully acknowledge and appreciate that

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1 you guys are making the opportunity available to lower
2 level BIA regional folks, to participate and offer
3 comments to the process, but one suggestion that I
4 would make, in a forum such as this, we were talking
5 about that.

6 Yes, you're bringing to the table comments
7 and suggestions that have been made to you, but they're
8 going to be presented in a filtered way because your --
9 some of you are not regional.

10 So no -- the best way to have a conversation
11 about systems and processes about what's going on is to
12 be sure that all perspectives are part of that dialog,
13 and to my point, what's missing right now, is that
14 regional representation, to get that perspective of
15 process, respective about this moving forward.

16 To the last point that you made about the
17 East, specifically to the regions and the operations of
18 those regions and the manpower of those regions, and
19 I know it -- it gets to be sounding like a broken
20 record as far as from the East, but as part of this
21 process, we are looking at resources, which I will have
22 questions on as far as how you plan to shave off the

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1 fat where there's no fat already to begin with, but
2 I'll leave that part for the BIE, BIA streamlining of
3 this discussion.

4 But, you know, the -- the argument that we
5 are always making from this side of the table is, yes,
6 it's different here, yes, the makeup of Tribes is
7 different here, yes, the land basis, land sizes and
8 populations are different here, that Trust
9 responsibility is no less than anywhere else. So as
10 you're looking at streamlining and looking at
11 resourcing, to make sure that you are adequately
12 providing an appropriate level of resources to a
13 Tribe in the East, even though it's a -- it's a whole
14 different ballgame, I mean, you guys know that. But --
15 but Trust responsibility is nonetheless the same.

16 So as you're looking at that restructuring,
17 you want to make sure that that's adequately addressed.

18 MR. SMITH: And if I could respond just for,
19 you know, two minutes.

20 We do have regional representation whether
21 you believe it or not.

22 Mr. Loudermilk is a Regional Director. Who

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1 work in seven of the 12 regions, actually held
2 positions in seven of the 12 regions --

3 MR. CARROLL: I mean, for our own.

4

5

6 MR. SMITH: -- and your Regional Director is
7 supposed to be. He was invited and he should be here
8 at some point. So he is involved.

9 MR. CARROLL: That's good to hear.

10 MR. SMITH: Okay.

11 MS. MCGARRY: And -- and our vision for the
12 implementation teams is that there is wide
13 representation from all the regions on the teams,
14 nonsupervisory and supervisory, because that is one of
15 the comments we've gotten back from employees, just
16 don't pick managers, pick people that do the work every
17 day.

18 And so that's our goal, is to have wide
19 representation on the implementation teams.

20 MR. TSOESI: Okay, so with that being said,
21 I'm -- unless there's any other questions on that or --
22 or comments, I'm going to move on to the specifics of -

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1 - of the recommendations and I'll just turn it over to
2 Beth on the specifics.

3 MS. MCGARRY: Okay. Following up with --
4 just to put everything in perspective, so in 2004 for
5 the
6 DASM, if you've downloaded your slides, I'm starting on
7 17.

8 So this was the -- the structure. DASM's
9 Assistant Secretary and five main blocks.

10 Then this is what it looks like today.

11 So it has expanded. We have IT, CFO,
12 planning management, internal, you can see across the
13 board.

14 So it really grew over the last several
15 years.

16 As we -- so what -- exactly what you were
17 talking about, finding that balance, going forward
18 between having -- when we have the complete
19 decentralization, we -- it was all -- all the
20 administrative support services were run by BIA.

21 BIE did not -- was serviced by BIA. So that
22 was, they weren't controlling their own hiring,

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1 finance, budget.

2 There was audit findings in that time period
3 where Indian Affairs was not having strong financial
4 statements and was getting into audit opinions with
5 severe problems on the financial side.

6 As Paul said, those have been corrected.

7 For the last several years Indian Affairs has
8 had un- -- you know, unqualified audit opinions has
9 done very, very well. It's been a great achievement
10 for the CFO office. And as I said, there was this
11 disparity of services.

12 So then we go the complete other way, total
13 centralization and this is where we've had a perceived
14 program disconnect, because the folks that are working
15 in support services, were not directly communicating,
16 weren't assigned to programs, they -- they're all
17 generalists, they don't have a client base. So there's
18 not a strong commitment and identity with the client.
19 And there's no organizational identify.

20 So all these 600 people were made to be in
21 this
22 DASM organization but when we did our survey and we

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1 split the survey and sent one survey only to DASM
2 employees and another survey to everyone else, when we
3 asked where did you work, who do you identify with?
4 Over, what, 90 percent of the DASM employees said that
5 they worked for BIA.

6 So they have never, over the six years, you
7 know, eight year time period, have come to an identity
8 of who they are and where -- where they work and where
9 they -- who they are servicing, because they're
10 servicing both BIE and BIA.

11 So what we've recommended is this balanced
12 approach; that's there's shared responsibility. For as
13 much that can be, localized service, that that be done.
14 And, but that there be central policy oversight because
15 you do need consistency and every region and -- and --
16 and BIE, has to do core functions the same way, so that
17 there's not favoritism, mistreatment, that everyone's
18 clear on what the policy and procedures are and the
19 execution is done locally, so it's faster. That the
20 local staff be supervised locally, new policies and
21 procedure and that there be a new focus on BIE needs.

22 This is a school system being run by the

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1 federal, you know, bureaucracy, and there has to be
2 adaptations so that it -- it will run at its most
3 efficient.

4 So this is what we've recommended. I will --
5 I will tell you that the information technology piece
6 is already under a Department of Interior
7 transformation, so that function for IT is being
8 centralized across Department of Interior.

9 And we've recommended that for the chief
10 financial officer, they have financial management which
11 is accounting, currently the, you know, when we first
12 started, acquisitions which is contracts and property
13 were together and they were -- the major complaint was
14 everything was slow.

15 So one of our recommendations is that they be
16 split and that's already happened.

17 Also, to pull out budget from the CFO and
18 really have it be a direct reporting relationship to
19 the -- to the assistant -- Deputy Assistant
20 Secretary because budget is so critical, it is policy
21 creation and it can't be buried.

22 Internal controls, HR facilities, so really

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1 streamlining, getting rid of a lot of those extra
2 offices that somehow migrated into DASM.

3 So as a big summary, this is our
4 recommendation over the next 12 months. That these --
5 all these field employees, who are currently located in
6 the field, but do not report to a supervisor in the
7 field.

8 So if Bryan and I are both working in the
9 Eastern region and he's doing contracts but I'm working
10 a program, you know, I'm working a program for the, you
11 know, Eastern region, I report to the
12 BIA Eastern Regional Director, where Bryan reports to
13 somebody somewhere else in the country, maybe
14 Reston, maybe Nashville, maybe Spokane, I mean, so when
15 the regional director --

16 MR. MOORE: Don't call me that guy's name.

17 MS. MCGARRY: Sorry.

18 MR. MOORE: I'm just kidding.

19 MS. MCGARRY: Keith, I'm sorry, that we --
20 there's no, you know, there's no continuity, so
21 Keith could, you know, do whatever, I'm the Regional
22 Director, Keith could you -- we really need this

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1 contract done. Can we get it done. Well, I really
2 don't report to you. So that has to stop. I mean, we
3 really have to have people locally having local
4 supervision.

5 So what we're looking for is 26 people that
6 do budget, 40 that do finance and accounting, 33 for
7 facilities management, 28 property and there is 19
8 currently HR specialists in Albuquerque that work --
9 that support BIE but do not report to David.

10 And so that's our recommendation is that they
11 report to BIE so that we can really try to solve this
12 problem of hiring teachers timely.

13 So currently, you know, DASM is a big fish.

14 We're trying to shrink it and put more
15 accountability and improve services back to BIA and
16 BIE.

17 So quick changes already which we talked
18 about was splitting acquisition and property and trying
19 to streamline those -- those efforts already in the
20 DASM organization and then we would further streamline
21 it, by getting the field people reporting locally.

22 The Homeland Security and Emergency Services

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1 was in DASM, and we suggested that it be moved to
2 BIA and that's already happened.

3 So it's been really great working with Indian
4 Affairs because nobody waited for change during, you
5 know, wait for our study to be done in eight months but
6 as things were happening and we were communicating,
7 change was happening throughout the process.

8 So our finding is that the budget formulation
9 process is very reactive and our suggestion is that
10 these budget folks that are generalist, be made into
11 specialists because formulating a budget, getting a
12 policy, doing -- is -- is a unique skill.

13 Execution is, you've already had the budget,
14 you're paying the bills, you're doing the invoices,
15 you're -- you know, you're -- you're balancing, you're
16 working with accounting to make sure there's enough
17 funding to pay. So those are different skills.

18 Performance management was its own office and
19 we've suggested that that be moved into the budget
20 office because in the Federal Government, performance
21 management is looking at data to see if the programs
22 are reaching the goals that have been established for

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1 them when they were created and that needs to inform
2 budget decisions.

3 If a program is not performing, then, you
4 know, look at the reasons, but should it continue to be
5 funded, or should funding be shifted to a program that
6 is reaching or exceeding its goals.

7 So that information needs to be shared with
8 the formulation group and right now, they're very
9 separate.

10 MR. CARROLL: That's a slide that you had
11 approved, see that was showing the different components
12 being -- how they were being reached -- pushed out from
13 Central Office --

14 MS. MCGARRY: Yes, okay.

15 MR. CARROLL: What -- what factor or factors
16 are you guys using to determine the ratio to region of
17 where those resources are going?

18 MS. MCGARRY: A very good question. We are
19 going to drill down in these implementation teams for
20 the As Is, to try to get better data on quantity of
21 work that is being performed in each of these regions
22 and the staffing and I, you know, I have to be honest,

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1 we -- the -- the data is -- has not been completely
2 uniform, so part of the implementation is looking at
3 the As Is, the To Be of where we want to go and what's
4 the -- what's the gap analysis to get there.

5 And that's part of what we will be doing in
6 these implementation teams, is drilling down.

7 Because the folks are already out in the
8 field, but what is their absolute balance of workload
9 analysis, we have to drill down further on that.

10 MR. CARROLL: And the other question I have
11 and this is more for clarification, you mentioned with
12 your opening remarks that the Bronner report made these
13 recommendations, no doubt you are all at the stage of
14 sharing this with Indian Country, but it sounds like
15 some of these changes are already moving forward. So
16 are there specific pieces that are reserved for --

17 MS. MCGARRY: Just those two. Just those
18 two.

19 MR. CARROLL: Just those two, are the ones,
20 all right.

21 MR. TSOESI: And just one comment on those, I
22 mean, those were things that were so commonsense, that

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1 we're already starting even before this even began and
2 Bronner just thought as a common sense fix that should
3 be happen, so yeah.

4 MS. MCGARRY: Yeah, and those are the only
5 two,
6 I would say quick fixes, and frankly the splitting of
7 contracts and property, they're still in the DASM
8 organization. Whether those folks get moved to local
9 supervision, that's what this is about, is getting
10 peoples feedback on that.

11 So in addition to recommending that we have
12 this three part budget process, we're also recommending
13 that each budget person in each of these circles, be
14 assigned a program so that there is a -- a closer
15 identity between the support budget folks and the
16 program and so that they know their program and can
17 really be responsive.

18 Right now, it's really whoever picks up the
19 phone.

20 So we would -- we've provided some detail
21 which is one of the appendixes to the report on how to
22 really manage the Federal budget process on a three

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1 year cycle, you really need to work on three budgets at
2 the same time, but you do different things.

3 So we really want to get -- recommend that
4 Indian Affairs start out early, consult with TIBC, give
5 -- give good guidance templates, make thoughtful budget
6 decisions, then do lessons learned and then just keep
7 this up year after year.

8 So as I said, what -- because budget is so
9 important, we really would like it to have a more
10 focused attention and reporting directly to the DASM
11 director.

12 Budget is something that is a centralized
13 process. You get budget information from the field,
14 but actually putting together is a central function.

15 But we see it important to have really that
16 direct line communication.

17 So this is realigning the reporting
18 relationships and as I said part of the implementation
19 teams, you can't just flip the switch, because as we
20 learned from it in the last reorganization, that
21 doesn't work. And you want -- everybody wants instant
22 gratification, but we -- it's a process and it's going

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1 to take some time and work together to do it right.

2 So same with financial management, to have

3 some -- to have local supervision and more control.

4 That said, to -- order to maintain the good financial

5 audits, it's critical that certain functions remain

6 centralized and those are to do with the financial

7 statements, the high level portion allotments; really

8 that core policy procedures to be controlled centrally.

9 But more of the execution of the financial work to be

10 done locally and that involves currently 41 field

11 operation employees.

12 So many complaints about the slow acquisition

13 contract process and not being customer focused, same

14 as realigning the field employees.

15 This is where we have to do quite a lot of

16 data collection because we really don't have a good

17 handle on the workload.

18 The data is not collected centrally and it's

19 very region specific. So this is an area where we have

20 our work cut out for us, but it's achievable.

21 Property, same thing, the Regional Directors

22 are lacking authority for the folks in charge of

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1 property management in their region and it's just not a
2 good business practice, so we would want to realign
3 those field property. So there's about 36 people now,
4 realign those.

5 Facilities, maintenance, tough topic.

6 There's, you know, really have to be -- have
7 some innovative practices from our perspective to
8 realign these facilities, managers, to more local
9 supervision. I mean, these are often crises situations
10 and the local management has to be able to direct the
11 work, and not have the delay of going to Washington and
12 then coming back, it's too critical.

13 On the -- on the funding side, we're
14 recommending some specifics about changing how
15 facilities management is -- is budgeted and that's
16 going to be a more long term solution, but we wanted to
17 put it out on the table.

18 HR is a -- is a -- is a problem as -- as Paul
19 mentioned in the hiring timelines. It's not very
20 responsive to programmatic needs. It's diffuse across
21 the country, as Bruce mentioned, people can be
22 supervised by someone, you know, 400 miles away, who

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1 then reports back to Washington, it's -- it's -- this
2 is another one that's going to take us a little while
3 to untangle and we've been working closely with Bruce.
4 It's doable, it's just going to take, I think, a little
5 more time.

6 And that the -- there's not a good employee
7 development program for the employees, it's not -- it's
8 not coordinated, it's not encour- -- it's not, you
9 know, encouraged, it's disorganized, so that's another
10 area where we think there could be more consistency.

11 Because every year the government sends a
12 survey to employees and asks a lot of questions about -
13 - about their satisfaction with their work environment
14 and with their supervision and unfortunately Indian
15 Affairs ranks very low.

16 In 2010, out of 224 polled agencies, they
17 were 179, and they're 189 in 2001 out of 228. So
18 there's a lot of work to do to improve employee
19 satisfaction.

20 We're hoping by getting employees very
21 involved in these changes that, that they will have
22 that connection with their work and empowerment and

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1 decision making and that that could help improve these
2 numbers.

3 In training and development, also very low.

4 MR. LOUDERMILK: I also want to point out
5 teamwork, if you look at that, 227.

6 MS. MCGARRY: Right.

7 MR. LOUDERMILK: That's at the bottom of the
8 barrel right there as far as teamwork.

9 MR. CARROLL: I'm curious, and I know
10 that this isn't the general BIA, BIE conversations I
11 usually find myself and it's usually on the Trust
12 responsibility side but you made the comment before
13 that you're -- you're struggling with finding data that
14 supports current workloads and it kind of varies by
15 region by region, but you know, you mentioned this a
16 couple times now, and at the end of the day, BIA, BIE,
17 is a customer service provider to the Tribal Nations
18 across the country, right, so you know that if you --
19 if you are -- if you are a BIA,
20 BIE employee, the situation where your workload is out
21 of balance, the structure and support to do your job
22 effectively, or that you are lacking in team building,

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1 organization development, professional development type
2 things, you have more--with those two things going on
3 which are poor to service provision, you got poor
4 service provision.

5 So I'm curious as to you've recognized that
6 you're going to struggle with getting that, but really
7 that's the key to all of this.

8 MS. MCGARRY: No, I understand that.

9 MR. CARROLL: And if you don't get that early
10 on, I mean, all of this is kind of for naught, if you
11 can't get that.

12 MS. MCGARRY: We'll get it. I have a whole
13 team, employees, we've got great working relationships,
14 we're going to get it, and we're going to -- you're
15 right, I mean, it all -- it all comes together and the
16 goal is to have better service to the Tribal
17 communities.

18 So Human Resources, there's some really big
19 pieces that have to be worked on first which is just
20 even having a proactive vision of who they are and - -
21 and what -- what their goals are. Having better
22 partnerships with their clients, assessing the

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1 competency of their staff and get the training that
2 they need. They need the transparent metrics. The
3 jobs page on Indian Affairs is boring to say the least
4 and that's great models even within Interior onto how
5 to get that more enticing, to come work at
6 Indian Affairs.

7 MR. TSOESI: No on that point, Beth, if I
8 can, right there, we realize that HR, in the report is
9 one of the -- one of our areas that -- that -- that we
10 need to change. We're -- it's severely underfunded,
11 not enough resources and we need a big term plan.

12 So this is one of the issues that is going to
13 take longer than a year, obviously, to revamp the whole
14 system, to come up with a vision for it, that's going
15 to take a lot longer than a year and -- and -- and
16 that'll take us into the next administration. I just
17 wanted to highlight that.

18 MS. MCGARRY: Right. But we can certainly
19 start the -- the groundwork now.

20 And then the lot of retirement eligible folks
21 on the horizon, so that necessitates having a good
22 succession plan in place.

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1 We do think though, because there are
2 And then the lot of retirement eligible folks on the
3 horizon, so that necessitates having a good succession
4 plan in place.

5 We do think though, because there are Human
6 Resources specialists located currently in
7 Albuquerque that are servicing BIE, now whether there's
8 enough, that's another question in their workload, but
9 we think that we need -- we recommend that this group
10 be worked with first, in the HR teams because we've
11 consistently heard complaints about the slow hiring
12 process for teachers.

13 So for in employment development, you know,
14 there are free courses online from DOI, that could be
15 easily marketed to employees. There's leadership
16 programs within DOI that Indian Affairs could sponsor
17 employees to attend, to build up that next generation
18 of supervisors and managers. And that there's --
19 there's always the, you know, many agencies have very
20 dynamic web based orientation programs, because one of
21 the comments and -- from several Tribal leaders were
22 that new employees do not understand the difference in

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1 the governance structure for many of the Tribes and
2 that that needs to be handled through orientation.

3 So we think if there's a -- a web based
4 orientation that includes history and information about
5 Tribal governance that we -- that could be utilized
6 anywhere in the -- in the country as new employees come
7 in.

8 So as Paul said, we know there's not enough
9 HR specialists right now to be recommending folks go,
10 just be assigned in the region where they are, so this
11 is more data collection, funding. We're working with -
12 - with Bruce, on this to get that -- get that
13 information -- get the information, see what the
14 staffing needs are and some regions don't - - right
15 now, they have no one, so they're being serviced by
16 some place -- someone other in the country.

17 MR. LOUDERMILK: You know, I -- I have Great
18 Plains Region, probably around 600 employees and I have
19 one employee relation specialist that serves the Great
20 Plains Region that's located in Aberdeen, so anything I
21 need, I'm going to Annadarko or somewhere else to try
22 and get some assistance. We have no staffing

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1 specialist, no classification specialist, and we're
2 like that at a number of different regions too, so it's
3 a challenge.

4 MS. MCGARRY: It is a challenge.

5 MR. MOORE: I think -- I think an untapped
6 area is -- again, is the BIE and the ability to
7 partner.

8 I mean, we have TCUs, we have SIPI, we have
9 Haskell, we have -- it would be easy for us to
10 designate universities across the country where we have
11 large populations of natives and -- in our university
12 systems.

13 And again, it's just a strategic ability to
14 have a strategic plan to be able to address the human
15 resource area. I don't think we've gotten to that
16 point --

17 MS. MCGARRY: Right.

18 MR. MOORE: -- where we talk across the
19 organization about how best --

20 MS. MCGARRY: Uh-huh.

21 MR. MOORE: -- to do that and then where do
22 we find the resources to do it the best way possible.

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1 MS. MCGARRY: You know, absolutely, there is
2 -- there is Federal programs for interns, that if
3 they're HR or business majors in college, can be doing
4 internships in the government to -- to learn and to
5 help out, you're absolutely right, Keith.

6 So the Equal Employment Opportunity Office
7 used to be in BIA, ran into a lot of problems. The
8 civil
9 Rights Office of Interior, put it in receivership and
10 it is now run by DOI's Office.

11 So this -- this is a problem and we have
12 recommended that there be Indian Affairs develop a
13 strategic plan so that it manages its own anti-
14 discrimination obligations. And so that we would be,
15 you know, if this recommendation is accepted, we would
16 be assisting Indian Affairs to come up with that
17 strategic plan to take back their EEO program from the
18 Department.

19 Safety is another funding issue. There is
20 insufficient funding for the safety program right now
21 and as a secondary part, the Worker's
22 Compensation claims are managed by safety officers in

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1 the field who are very overtaxed with their safety
2 obligations and so those Worker?s
3 Compensation claims aren?t being actively managed.

4 So this is really another strategic question
5 for how to reinvigorate the safety program in Indian
6 Affairs. Develop a strategic plan. We already conduct
7 an in-depth study of the safety program.

8 Fund the -- the funding for safety programs
9 is a pass through. We?re recommending that they should
10 be funded directly. Sharing resources with other
11 agencies. I mean, in areas where maybe Indian
12 Health Service or other parts of Interior are co-
13 located and they have a safety officer that you could
14 share, you know, get -- do an inner agency agreement
15 and share those resources. And then recommending that,
16 you know, there be staff and resources committed to the
17 safety program.

18 Internal controls, when there?s late single
19 audit opinions, there has to be a decision, a
20 management decision on what to do about single audit
21 opinions. Is the -- are the funds -- questioned fund
22 appropriate, not appropriate? Should they be returned

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1 to the government and if there's no decision, Indian
2 Affairs is time barred from pursuit -- proceeding and
3 then in FY10, ten million dollars was basically, you
4 know, forgone because there was no decision.

5 So our recommendation is that the Assistant
6 Secretary issue a national policy
7 memorandum across
8 Indian Affairs concerning management accountability
9 that we -- that there be meaningful performance
10 metrics, there are performance metrics now, but they
11 don't tell a clear story for the people responsible for
12 making these management decisions and that there
13 ultimately is a peer review process, where -- that you
14 -- let's say the Eastern Region would look at the Great
15 Plains Region to see how they're doing and their
16 internal controls for their management.

17 That's a little longer term, but I think, you
18 know, that that -- you want to make internal controls
19 just a natural part of your organization and I think by
20 having a peer process, that would go a long way.

21 As I said, IT is really being taken over by
22 the

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1 Department and so we are -- we didn't make findings
2 because this all happening at the same time, but it's
3 really being run by the -- the IT
4 Transformation, so we've shared the report with them.
5 They know what the findings and recommendations were
6 but this is really their responsibility. So a lot has
7 to do with Helpdesk, support, just, you know, improving
8 customer service.

9 And we do recognize that BIE, the schools,
10 need the innovative technology, just not the
11 government- issue suite of services, that they need
12 more flexibility to be able to use the education
13 software.

14 Communications, yes, we've talked about that,
15 is an issue.

16 So one of the ideas to get multiple things is
17 to -- multiple concerns is that a work life committee.
18 Let's really find out why the employees are so unhappy.
19 Ask the question, then be willing to hear the answers.

20 Get the, you know, those weekly messages that
21 Assistant Secretary Larry Echo Hawk has been really
22 great about doing messages, the employees love them,

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1 and so to increase them to -- but have them on the
2 internet site to drive the -- Indian Affairs employees
3 do not use their internet very frequently.

4 It's just been upgraded and to do things to
5 drive employees to that internet, because that's a
6 great communications source for employees that are
7 dispersed.

8 And then as part of the policy procedure
9 consistency, that when -- when -- that they -- the
10 support offices have to, at a minimum post their
11 policies and procedures on the internet, so everybody
12 knows what the rules are and that there's transparency.

13 So in the next 12 months, we're looking at
14 supervisory chain of command, policies and procedures,
15 what's the budget allocation and then the training
16 program.

17 So it's all, you know, it's as is, to be fit
18 gap, but it's -- it's -- it can be done, so this is
19 just our information of main folks that worked on the -
20 - on the program.

21 MR. TSOESI: Questions? Comments to
22 everything on this -- up -- up to this point?

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1 MR. BAD WOUND: My name is Everett Bad Wound,
2 I'm the education and provision side. There was some
3 sort of peer review that was implemented--

4 MS. MCGARRY: It's just a recommendation
5 going forward that has to be considered and whether
6 it's adopted, I don't think that is something that will
7 be done right out of the box because you have to get
8 the structure in place, the policies in place, and then
9 you can get the -- the peer review group.

10 There's already internal reviews, that's part
11 of the government process, it's called A123, you have
12 to look at your adequacies, and internal controls.
13 It's currently managed by that internal control
14 assessment evaluation office, it's just long term.
15 We're recommending that that be less centralized and be
16 more a peer review process which has oversight by the
17 Central Office.

18 MR. CARROLL: One of the slides that you had
19 up there previously was the budget slide and at the
20 time you talked about the budget you also mentioned
21 TBIC, and for those of you that are involved in

22 TBIC, one suggestion, back to the

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1 consistency comment that I made, I know that there
2 needs to be room for flexibility because each region
3 has to do what it needs to do, to the best meet the
4 needs of its constituency, however, there should be
5 some core fundamentals that drive how you go about
6 that, so you know, a suggestion specific to the TBIC
7 process since it's being leaned on for the overall
8 budget process is to establish some sort of consistent
9 methodology by how each region puts forth and develops
10 its budgets, so that, you know, because I think
11 everybody that this project sees, are going to be this
12 region does it this way,

13 MR. MOORE: That's true.

14 MR. CARROLL: --this region does it that way,
15 you know, and there's -- there's room for improvement
16 for consistency that way.

17 MS. MCGARRY: I agree. And when I talked
18 about templates, that's what I was talking about. That
19 the TBIC and the regions be given templates to say, do,
20 you know, construct your budget this way and follow
21 these guidelines so that they all look the -- they're
22 all formatted the same, and that there is some

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1 consistency.

2 MR. CARROLL: And consistency in addition to
3 format, even in the process to get there.

4 MS. MCGARRY: Yes. There -- there needs to
5 be -- definitely be more guidance around that. But on
6 the whole budget formulation process and earlier in the
7 process so it's not these last minute data calls.

8 MR. CARROLL: And can I ask, I'm not sure if
9 this is an exact fit to this particular part of this
10 conversation, but this part of that process, you know,
11 I know one of the things that Tribe leaders in the TBIC
12 forum are consistently pushing for is a needs report.
13 Where that is in the process, I'm somewhat perplexed
14 how you go through a budget process without a full
15 understanding of what needs are.

16 So somehow that has to be factored in and
17 rolled into that, same process.

18 MR. TSOESI: I think that's a -- that's a
19 great comment on there, your past two comments, because
20 I don't know if you were at the last TBIC in
21 Washington, D.C. where I least started the discussion
22 and we are going to revisit this, the next time there's

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1 a TBIC meeting; how to better the process.

2 Taking into -- into consideration this
3 report, but how -- how effective is TBIC right now.
4 How are we formulating our needs for the next three
5 years and what's our vision. I mean, we brought up all
6 those questions because we really need to sit down, as
7 -- as TBIC, sit down, as the Federal Government, to see
8 how we're doing that, so I think that's a -- that's a
9 really good -- yeah.

10 MR. CARROLL: From the, you said, Eastern
11 region standpoint vantage, we are -- we continue to be
12 appreciative that there is a forum for Indian
13 Country to come together with BIA to have these
14 discussions, but we still hold serious concerns about
15 the efficiency of the TBIC as it exists right now and
16 whether it is ultimately accomplishing its initial
17 intent and vision of how it will be functioning
18 together. So we -- we are fully agreeing that there is
19 room for improvement, TBIC, but in saying that, we are
20 in no way suggesting that it should go away, but we
21 should definitely be taking steps to make it stronger
22 than what it is right now.

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1 MR. TSOESI: I agree and -- and what I'll do
2 is, I'll -- I'll email you the notes that we've put
3 together, the BIA, the BIE, and DASM, have all -- all
4 come up with recommendations all the way from procedure
5 to substance and the whole spectrum in there of -- of
6 how do we make TBIC better, so that's -- that's going
7 to be a major point of discussion at the next TBIC
8 meeting and -- and -- and we invite you to weigh in.

9 MR. CARROLL: Yeah, I mean, yeah, that's a
10 huge resource on your end as well as on the Tribal
11 leaders end --

12 MR. TSOESI: Yes.

13 MR. CARROLL: -- you know, to be doing that.

14 MR. MOORE: Frankly, my opinion real quick,
15 I'll do it quick, is that, you know, for us to -- we
16 talk about three percent of our budget, less than three
17 percent of our budget regularly at TBIC; adult ed,
18 higher ed and JOM.

19 We don't talk e about the 97 percent of the
20 other money that makes up the BIE and we're 40 percent
21 of Indian Affairs budget, but we only talk about three
22 percent at TBIC.

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1 And then you have to look at the
2 representation of TBIC in terms of ensuring that 40
3 percent of that budget in Indian Affairs has adequate,
4 you know, seats at the table when we -- design TBIC as
5 well, so that we can talk further about BIE budget.

6 Frankly, I think if you -- if you structure
7 that well and the process was done well, there is --
8 there are further resources available to Indian ed in
9 the BIA if we could get down the road talking about it,
10 because oftentimes we talk about all those other monies
11 that go into states and other areas on behalf of Indian
12 Education and there?s -- there?s resource development
13 there through the U.S.

14 Department of Ed and other agencies directly
15 for
16 Indian Education, but we?ve got to -- we?ve got to have
17 a better process, we?ve got to have, you know, think
18 about the seats at the table and at the end, what is it
19 that we?re really trying to do to make sure that we do
20 the best job at TBIC that we can to get the best
21 outcomes.

22 MR. TSOESI: Mike?

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1 MR. SMITH: I'd like to comment also and
2 appreciate the way you structure that comment,
3 Kitcki, because going back in time, we used to do an
4 unmet needs report or formulation as part of the budget
5 formulation as part of the budget justification but it
6 got a little out of hand, because, as you know, there's
7 need and then there's need.

8 And the unmet needs of part of it, became
9 kind of a blue sky, you know, wish list type of thing
10 and with regard to the TBIC, you know, it was hard for
11 them -- here's a national forum -- hard for them to
12 regionalize some of the needs, so maybe there is a
13 better way of doing this region by region and that
14 ought to be entertained, I think that's a good point.

15 MR. TSOESI: Any other questions, concerns,
16 comments?

17 MR. DRAPEAUX: I have a comment. One of the
18 -- one of the areas on the education side that we see,
19 but I think also reflects itself to all Indian
20 Affairs, is that we'll spend an enormous amount of time
21 talking about budget, budget formulations, budget
22 execution and so on, but the area that we're not

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1 spending, the Tribes aren't spending a lot of time on
2 are policy, because all the pieces that support the
3 budgetary items and opportunities.

4 So policy development is either lax or not
5 really focused on through the TBIC process which I
6 think is perhaps part of the missing link to
7 opportunity for Tribes because as we look at the
8 education budget, as Keith just talked about, what
9 we're -- what we're recognizing on the education side
10 is that -- is that if we have the right structure in
11 place and the governance pieces in place, than what
12 that does, of course, is open us -- open up the
13 opportunity to have -- to -- to start moving forward in
14 the policy development to enhance education outcomes
15 for kids, look at new resource and development for
16 Indian Country and -- and to start addressing some of
17 the -- some of the issues related to Tribal concerns
18 such as dropout rates and -- and graduation rates and
19 those types of things.

20 But what I see in the -- in the TBIC
21 process is really just talking about existing money,
22 not new policy that supports perhaps new money to move

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1 the
2 Tribes in a different direction.

3 And so, I don?t -- I -- I said that on the
4 side earlier today that I don?t know the last major
5 policy initiative other than self-governance that
6 created a structure within the organization that --
7 that moved more resources toward -- towards Tribal
8 control and not all Tribes embraced that -- that
9 policy, but my point is that the -- the idea should be
10 and the concept by Tribes should be moving towards
11 policy development in addition to understanding the
12 budgetary process and the funds available.

13 MR. CARROLL: Well, we?re right there with
14 you.

15 I mean, I think you guys, you?re aware that
16 we were involved in the effort to -- in the writing of
17 the
18 Native Class Act. I think you talk -- I know it?s not
19 all on BIE?s shoulder BIE deals with Indian schools,
20 but we know that the majority of Indian kids aren?t in
21 Indian schools; they?re in public schools on and off
22 res.

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1 So from our standpoint, that's very important
2 to us here at East, because the majority of our kids
3 are in public schools, so but nonetheless, making sure
4 that our Indian youth are appropriately taken care of
5 is a priority for us as well, which is why we're
6 involved in already writing that language, but again,
7 we will -- in the context of TBIC -- in the context of
8 TBIC, it doesn't get a lot of play, there isn't a lot
9 of space and room especially when you look at how
10 Tribal leaders elevate the importance of educating
11 youth and how much time it actually gets in those
12 discussions.

13 So it's really moving around the cards that
14 you have right now, which are insufficient.

15 MS. OSCEOLA-BRANCH: One of the questions
16 that was raised is when you talk about BIE, are you
17 talking about the BIE funded schools or are also
18 including your tribal community colleges?

19 MR. MOORE: The TCUs are funded through us as
20 well, yes.

21 MS. OSCEOLA-BRANCH: So that's a yes? So the
22 changes that are being proposed here in the

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1 recommendations, when they refer to BIE, you're talking
2 about the global BIE as opposed to just the
3 BIE funded schools, elementary and secondary.

4 MR. MOORE: It's more -- yeah, it's more K-12
5 than it is TCU's. The TCU monies flow through the
6 BIE but goes out to directly to TCU's.

7 MS. MCGARRY: And -- and our administrative
8 support function is really just dealing with the
9 Federal employees of BIE.

10 MR. MOORE: Yeah.

11 MS. MCGARRY: Ours is a very, much more
12 narrow.

13 MR. MOORE: Yeah.

14 MR. TSOESI: Any other questions, concern?

15 If not, what I'm going to do is just
16 emphasize something, is that as -- if you look at our
17 budgets right now, our budgets are not getting bigger.

18 Last year was a .2 percent cut for Indian
19 Affairs and that was considered a win for us.

20 In our internal budget meeting with the --
21 with the Secretary, when the Secretary came in with our
22 budget, he came in with all the Assistant

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1 Secretaries, the Directors, they came in and
2 Secretary Salazar came in and said, you know, I?m --
3 well, I?m probably telling this story, you know, I
4 mean, Larry tells it, so I can tell it -- he -- he
5 comes in with the budget and Secretary Salazar says
6 I don?t want to hear any whining.

7 He started passing out the budget numbers and
8 Indian Affairs was almost held harmless, while the
9 other departments or the other bureaus were getting big
10 cuts, and this was because this Secretary has made it
11 an issue to protect our budgets, that we?re not fish,
12 wildlife, parks, Federal lands, we?re -- we service
13 people.

14 And as a Federal Government, our budgets
15 are not getting any bigger, so in the -- in the bigger
16 picture, the Federal Governments -- all across the
17 Federal Government is looking at ways to streamline, to
18 make things better without a huge influx of money, and
19 this is just part of the piece, the -- the IT
20 transformation, all these -- all these different things
21 going on right now, this is just one piece how, we as
22 the Indian Affairs, stepped back and looked at how are

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1 we providing services to

2 Indian Country under these budget times.

3 This is just one -- one piece of the pie and
4 -- and later on the BIE and the BIA, we'll get into
5 their specific issues, but with these recommendations,
6 some of them we will implement, some of them may not
7 make sense, some of them, we may start to implement and
8 then as the implementation teams goes, some of them may
9 not make sense, we may tweak it here, you know, the
10 Tribes may give us other information, and in the end we
11 hope to have a system that works better for Indian
12 Country, because right now, just like the Deputy
13 Secretary said, is -- is -- he doesn't know how we've
14 been operating under the system for so long, when --
15 when we provide services to so many Indian people.

16 So in the end, we hope to have a lot better
17 product and we will, we will.

18 So with -- with that said --

19 MR. CARROLL: May I comment --

20 MR. TSOESI: Yeah.

21 MR. CARROLL: You -- you are exactly right
22 and -- and -- and we've made that comment as well as

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1 far with this particular part of Interior, you are as
2 well as these other things and first, I want to say
3 that we are extremely appreciative that Mr. Echo
4 Hawk has done and you all, as his staff, supports and -
5 - and carrying that out.

6 I think though that the other part of the
7 discussion that we need to factor in is that, and know
8 that it comes across as a joke, but there?s only,
9 really, there?s only so much fat you can trim off of a
10 structure. You know, at the end of the day, you need
11 some fat, you can?t just survive off the skin and
12 bones, and I think that?s really what we?re looking at
13 in the totality of the structure.

14 It needs to be ramped up so it has the
15 capacity and resources to carry out those very
16 responsibilities that we talked about.

17 We can talk about them until our face turned
18 blue, but if the structure isn?t there to support it,
19 all the way down to making sure that employee morale is
20 -- is high, you?re not going to get a good service plan
21 at the end of the day.

22 You know, so it?s very important that he?s

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1 advocated for that, you know, as far as holding it
2 harmless. We always advocated for -- that's just the
3 start, BIE needs to see a day where it realizes
4 significant gains for it to -- to be able to accomplish
5 the vast responsibilities that it has on its shoulders.

6 MR. TSOESI: I agree with you, I mean, I
7 mean, the argument is always made hold us harmless, but
8 the goal should not be hold us harmless, it should be
9 fully fund everything that -- that we need,
10 Contract Support, Tribal Grant Support.

11 I mean, I mean, all of these -- all of these
12 different issues need -- need to be fully funded and --
13 and right now that's, I mean, honestly, I mean, it's --
14 it's not looking really good.

15 MR. CARROLL: It's depressing.

16 MR. TSOESI: Yes, it is, I agree.

17 MR. CARROLL: It's lacking.

18 MR. TSOESI: So with that being said, if
19 there's no other comments or -- or concerns, we can
20 take a short break and then move into the streamlining
21 plans.

22 Thank you.

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1 (Thereupon, a brief recess was held at 9:42
2 a.m. and meeting resumed at 10:00 a.m.)

3 MR. SMITH: This is going to be the BIA
4 portion of streamlining and again, my name is Mike
5 Smith,

6 I'm the Deputy Bureau Director for Field Operations.

7 I supervise the regional directors in the 12
8 regions and I'm a second line supervisor for all of the
9 superintendents, approximately 85 superintendents
10 nationwide.

11 We are -- and with me is Bryan Rice, he
12 introduced himself and will again, because I'm going to
13 turn this over to him and he's going to go through most
14 of this.

15 I just wanted to say a few things before we
16 get started with our part of the presentation and that
17 is about the consultation itself, and the consultation
18 policy that's in effect right now.

19 As most of you know or all of you should
20 know, we do have a consultation policy in the
21 Department of the Interior and this was set forward in
22 writing under a Secretarial Order, December 1st, 2011

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1 so it's not that old, several months.

2 And this is a bit of a test, at least, in my
3 opinion, of how we are going to go forward in the
4 consultation of the Tribes, primarily the Tribes, but
5 in some cases it could be Tribal organizations or
6 Tribal members, contracting, compacting entities, if
7 you will, and we do have a portion of the consultation
8 policy that's still being worked on as an addendum for
9 the Alaska corporations under ANCSA and so under
10 Secretarial Order, following the executive order,
11 13175, that was established by the president --
12 President Clinton back in that administration, we do
13 have a department consultation policy that was tribally
14 driven.

15 We, in fact, I think the last time we've been
16 to this kind of a forum, we were talking about the
17 consultation on consultation, as I recall, up in
18 Rhode Island.

19 Anyway, the tribal membership consisted of
20 two official members from each region and we had
21 alternates and then we had a handful of government
22 employees from each bureau, and I believe we had a

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1 primary and an alternate from each bureau, so that
2 would have been another 50, 60 people.

3 I participated in that group and in the end,
4 I think we've come up with a policy that's workable and
5 of course, like I said, this is a bit of a test.

6 The primary part of this, I think, is in the
7 purpose, if you look at the consultation policy, it is
8 available on the web.

9 But the consultation and the words under the
10 purpose, is supposed to be built on government,
11 government exchange of information, promotes and asks
12 communication that emphasizes three things; trust,
13 respect and shared responsibility.

14 So that's in that vein that we are going
15 forward with the consultation on the Bronner Report and
16 the finance and recommendations, the BIA streamlining
17 and the BIE streamlining and we're going to be doing
18 this in a variety of locations and this is our first
19 consultation meeting.

20 So with that, I think I'll turn it over to
21 Mr.

22 Rice and he will provide the slide

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1 presentation and

2 I think with this small of group, you can stop us at
3 any time if you have questions and we are taking
4 questions, comments, recommendations, and all of that
5 as we go forward.

6 A lot of what we're doing, I think people
7 might consider to be either Trust responsibility or
8 maybe the other side, the side that I call people
9 programs, the Indian services side, but I think in
10 reality and again going back to the consultation
11 policy, it's all about Trust responsibility because no
12 matter what program, service, activity, the
13 Tribes are going to say, there are treaty obligations
14 and you have a Trust responsibility, the
15 Federal Government has an obligation to provide
16 services and benefits to Indian people -- it's in that
17 vein that we move forward.

18 MR. RICE: Good morning. My name is Bryan
19 Rice. I'm the Bureau Director for Trust
20 Services.

21 That side of the bureau, just real briefly,
22 covers all the lien management programs, it's forestry,

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1 fire, probate, real estate services, water, power, sort
2 of that land management aspect of the program.

3 I came up through the forestry program and
4 I've worked in the Northwest region and I worked in the
5 Yakama Agency for a while, also at the Alaska
6 Regional Office. I've come up through the program, now
7 I'm in this position and glad to be involved.

8 So I have a little bit of background of this
9 -- this BIA streamlining initiative was put together
10 and started with the presentation with the
11 President's 2013 project, so that's started at the
12 beginning of the year and here we are in April, so we
13 convened a short team within the bureau with regards to
14 the regional director's superintendents, other program
15 managers and staff, so it's a wide swath of people to
16 have look at the entire organization.

17 Everybody sees that, right?

18 MS. MCGARRY: Uh-huh.

19 MR. RICE: So this team took a look at what
20 was written out in the proposed budget and started
21 looking at the organization of the bureau as a whole
22 and you know, trying to identify how it matched to what

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1 was written as the budget line item and look at the
2 organization as a whole and when you hear BIA
3 streamlining initiative, that's the element that we're
4 talking about.

5 So I'll skip through a couple of the slides,
6 you know, our schedule or timeframe is limited -- we'll
7 take what we need and as Mike said, we'll also have
8 discussion and comments as we need them.

9 You know, the expectation here is, as Mike
10 said, as we saw this morning, this has been a good
11 dialog so far and great conversation.

12 So the real intent of the streamlining
13 initiative, there -- there's a handful of areas that
14 we're talking about, and see this theme reflected as
15 through our conversations, through the slides, the
16 slides he downloaded the whole document from the BIA
17 website.

18 This was all one of the PDF package of about
19 ten slides, ten page narrative document followed by
20 eight pages of maps across the country.

21 But what we were talking about the staffing
22 levels, resources and programs and then organization

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1 and duty stations and locations. Just how we're laid
2 out.

3 We can talk about realigning services with
4 reduced funding supported Tribal programs. These are
5 the different elements that are the supporting topics
6 within those broader themes, on that previous slide,
7 the mission of the bureau, that hasn't changed and
8 everything that we're doing, this has been done and
9 we're insuring that whatever we're doing, however we're
10 looking is still falls in line with the spirit of the
11 mission.

12 When we first convened this small team, we
13 started working on a streamlining initiative, we were
14 talking about what had been done in the past and, you
15 know, we have new consultation policy and this new
16 element that that we're all working under, is sort or,
17 you know, we can say same but different, but there's
18 different contexts that we're talking about here,
19 looking back at some of the historical perspective on
20 whether it was reorganizations or different time frames
21 of what happened with the bureau.

22 We can see that where we're at right now,

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1 represents a very different time in terms of having
2 more open, pre-decisional communication and dialog to
3 ensure that there's not just a one sided view or
4 opinion on how this works.

5 So the BIA streamlining initiative, there is
6 the org chart for the bureau within the Bronner piece,
7 earlier you saw the next layer up, or at least part of
8 the org chart, so this particular area that the 14.5
9 million dollars that's identified is in the
10 streamlining initiative, it affects just the
11 Bureau of Indian Affairs. It's just this piece,
12 there's the sublevels, sub-directors.

13 As a whole the organization, BIA, has -- you
14 know, I have approximately -- we have approximately
15 5000 employees, the real number is 4800 and that
16 changes as people come and go, currently or it's
17 roughly, it's approximately 5000, 12 regions, 85
18 agencies.

19 As a whole, this 185 duty station number,
20 represents Indian Affairs, so we have schools, we have
21 law enforcement -- places where, you know, and that
22 includes -- that includes the 97 offices, 12 regions,

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1 and 85 agency offices.

2 Then you can see where the regional offices
3 are located on the map.

4 To add a little more perspective on the
5 streamlining measures, it's not the bureau. What we're
6 talking about in this piece today, it's actually not
7 identified just for BIA, but 14.5 million for each of
8 the other elements, the
9 Assistant Secretary's Office, BIE, plus we all have our
10 own specific sections, but we're talking about
11 streamlining. You heard the first part this morning,
12 and that's tied somewhat to the Bronner -- to the
13 organizational assessment from Bronner 14.5 for BIA.

14 And then when you speak with Mr. Moore later
15 today, you'll talk about BIE piece of it.

16 And laid out specifically or the language
17 that goes with it in the budget, within the green book,
18 within the President's proposed budget, and I'll just
19 read it verbatim, I know it's front of you, but we'll
20 identify opportunities to improve efficiency to your
21 staffing productions, resource sharing and potential
22 consolidation of programs and offices and

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1 I'll leave it at that.

2 And really, how we're operating when we're
3 looking at this, that -- those statements are nothing -
4 -, we're taking a look at the entire organization and
5 it's not just a matter of fill in the boxes, it's a
6 matter of trying to identify what those actual work
7 functions are, what's the service requirements, and
8 what really needs to be identified-- where we need to
9 be with that.

10 MR. CARROLL: Can I ask a point of
11 clarification?

12 MR. RICE: Sure.

13 MR. CARROLL: Regarding the comment you just
14 read, the potential consolidation of programs and
15 offices, you just made the comment that everything is
16 on the table.

17 Does everything on the table include
18 consolidate, potential consolidation of the 12 regional
19 offices?

20 MR. RICE: Yes. The simple answer is yes and
21 everything is on the table, where nothing is off the
22 table --

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1 MR. CARROLL: And I understand that -- I
2 understand that, so let me just --

3 MR. RICE: Okay.

4 MR. CARROLL: -- for the record, make it very
5 clear, that you said would oppose any consolidation
6 effort that we remove a regional office from the
7 Eastern area.

8 MR. RICE: Yeah, in -- in reality we're
9 looking for comments and recommendations in that
10 regard, but about everything, that would promote
11 efficiency and effectiveness, that's primarily what
12 we're looking for.

13 Okay. So in looking at the BIA streamlining
14 initiative, we have tried to take a linear approach and
15 let me run through these bullets and make sure you
16 follow me.

17 So, we have this target of 14.5 million
18 dollars that we have to come up with before October 1,
19 2013, of the fiscal year 2013 and so what we're looking
20 at, we start with the staff levels of the organization,
21 we're looking at retirement eligibilities, the
22 compliment of range of the individual range of grades,

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1 range of position line officers, program managers, the
2 whole compliment of people.

3 From there we're looking at programs, places
4 where consolidation of programs, the centralization of
5 programs. Doesn't necessarily mean it has to be
6 centralized in the physical place, but centralization
7 of programs in place, IT programs in place, just better
8 processes in place. And then the last piece is
9 actually looking at the agencies, regional offices,
10 looking at the duty stations, which includes law
11 enforcement sites, actually, it's not law enforcement
12 sites, that's the one -- that's the one caveat
13 throughout all of this is that law enforcement is not
14 being looked at. Just two or three slides, we'll come
15 to it.

16 There's a -- law enforcement has separate
17 retirement system, we have a mission and it's very
18 specific so because of that we have decided, it seems
19 to be that they are best left out of this for now.

20 MR. SMITH: They also have a different chain
21 of command; they're out of their regional offices.

22 They have their own districts, and the deputy

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1 bureau director for the Office of Justice Services
2 reports directly to the Director of BIA, there is a
3 different chain of command.

4 MR. CARROLL: The question I have, that these
5 numbers that you're putting forward right now, are
6 reflected in the fiscal year '13, budget green book, so
7 as you guys are making your plans for streamlining,
8 it's based upon those reductions as reflected in the
9 '13 budget.

10 Are you guys also taking steps, making plans
11 for any potential sequestration, any further reductions
12 due to the potential sequestration that were taking
13 place January 1?

14 MR. SMITH: I don't think we've gone that
15 far.

16 In the green book in the 2013 budget, you
17 will see the line items, streamlining that reduction so
18 that's what we're going on.

19 MR. CARROLL: In that regards.

20 MR. SMITH: In that regard.

21 MR. CARROLL: Right, but --

22 MR. SMITH: If Congress does nothing by the

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1 end of summer -- let's say by January 11th, whatever
2 the magic day is, we understand sequestration will be
3 forced upon us and we will go into across the board
4 reductions at that point.

5 MR. CARROLL: Right, so, and the reason why
6 I'm asking this question is --

7 MR. SMITH: But we haven't analyzed that in
8 terms of this streamlining --

9 MR. CARROLL: In the terms of this
10 streamlining but is it being looked at --

11 MR. SMITH: The -- the line item in the 2013
12 budget that says streamlining.

13 MR. CARROLL: That's -- that's not what I'm
14 asking though.

15 MR. SMITH: Okay.

16 MR. CARROLL: I understand that you guys are
17 -- the effort that you're putting forth right now, is
18 consistent with the '13, I get that.

19 MR. SMITH: Yes, yes.

20 MR. CARROLL: What I am asking and this has
21 also come in the -- in conversations at TBIC, is that
22 we're all being told that whether the sequestration

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1 actually is going to happen is questionable, but what
2 we're all wondering is, if in fact, Congress does not
3 do anything and those triggers are fired, then to your
4 point is exactly correct, and that's going to be across
5 the board and we're hearing anywhere from a range of
6 eight to ten percent, it's going to be that across the
7 board reduction.

8 So when you're talking about these numbers,
9 that's nothing compared to what that eight to ten
10 percent would be.

11 So I -- I guess what I'm asking is, even
12 though the current focus is based upon what is the line
13 item within the '13 budget, are there steps being taken
14 for the potential of what might be around the corner,
15 so we don't find ourselves scrambling with further
16 reductions that weren't thought out in the same way
17 that this process was.

18 MR. SMITH: And, you know, Bryan may have
19 another opinion, but right now, I don't know that that
20 question has been raised, at least to me, it may have
21 been raised with the Director of BIA, Mr.

22 Black, we haven't had any discussion on that,

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1 but we have not analyzed anything regarding this
2 administration.

3 This is the first round and I believe after
4 we're through with this consultation period, which is
5 the next couple of months, looking at all of the
6 recommendations, the comments and so forth, surrounding
7 the streamlining, we may go into a further analysis of
8 what would take place under sequestration.

9 MR. CARROLL: Okay. And just one last
10 comment, then I'll be done with this, is -- and the
11 reason why I'm bringing this up, not the last TBIC
12 meeting but the one prior to that, the one in December
13 of last year, this was brought up as a discussion point
14 because there was a lot of time spent on this issue of
15 sequestration and the concern that was expressed and
16 put forward, was what was going to happen if those
17 automatic across the board triggers were fired, was
18 there going to be an opportunity for

19 Tribal leaders to have any input and say
20 about how that was carried out, specific to the budget
21 or was it just going to across the board and that's it,
22 and there's no consultation, because their position --

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1 the position that they were taking is even though there
2 is a -- a sequestration and there's an automatic
3 trigger, tribe leaders are taking the standpoint is
4 there still is a responsibility to consult with tribes
5 about how that affects Indian
6 Country programming, so that's why I'm asking the
7 questions I am.

8 MR. RICE: That's a good question.

9 MR. SMITH: I guess the short answer is we
10 would hope that it would be an outreach to Tribes
11 before anything actually took place--

12 MR. CARROLL: I hope for that.

13 MR. RICE: Looking at the bureau as a whole
14 and on a staffing level in areas, that we can focus on
15 and look at what we've always talked about or commonly
16 talked about, the population of the bureau is -- has a
17 high number retirement eligible with well tenured
18 staff.

19 You can see by this graph that they have a
20 large amount of full time employees that are eligible
21 for retirement.

22 And the reason why we looked at this, is one

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1 of the tools that's available to us is -- is the use of
2 VERA and VSIP, which is Voluntary Early Retirement
3 Authority and Voluntary Separation and Incentive
4 Payments, which are all through the Office of
5 Personnel Management or OPM and through that, we might
6 be able to look at different ways of managing staffing
7 members through salaries or analysis or a combination
8 sort of things which then-- target amount so just on a
9 real cursory level, if we were to do just the simple
10 math, roughly 300 positions with an average salary gets
11 us about to the 15 million dollar mark, which would
12 include incentive payouts and the dollar requirements
13 to actually implement that and then out of those
14 positions to sustain those salary savings, about 200,
15 225 positions actually--

16 So that's the -- that's the framework of --
17 of what we're looking at here.

18 So when you move -- we start talking about
19 the positions we have, you know, out of that 185 duty
20 stations across the country is large amounts that have
21 relative small number of employees.

22 We -- one of the things that we first started

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1 looking at was, employee -- or duty stations that had
2 ten or less employees and we didn't -- we didn't pick
3 an arbitrary number and say, you know, ten -- ten staff
4 members or 15 staff members, what we started to look at
5 was who was eligible for retirement and what kind of
6 percentage there was within each of these duty
7 stations, and so one of the common denominators was ten
8 or less and we started looking at which duty stations
9 had a high number of retirement eligibles or early
10 separation eligibles and there was a little bit of
11 subject activity in there because we couldn't really
12 say alright, if there's 40 percent or if there's half
13 of the people because in a place where there is ten,
14 that would mean five staff members are placed in duty
15 station, that had two employees and then you had one
16 that's eligible, so that would be fifty percent-- so we
17 took a little bit of a subjective look at it.

18 This was the first kind of -- of --

19 MR. CARROLL: And that reflects a variety of
20 duty stations, not -- right?

21 MR. RICE: Well, these are agencies, these
22 are particular agencies and there's other places, I

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1 mean, we start getting into the semantics of what we
2 have called agencies and field offices.

3 For example, there?s -- in Montana,
4 there?s
5 Rocky Boy, an agency, which when you look at the
6 specifics of what it?s officially titled a field office
7 and that has a high percentage, so that would fit in
8 here, so originally we just started with the agencies
9 it?s going to take a little more time and it?s a number
10 crunch, actually look at all these sites, but this is
11 the -- this is the initial, the initial group we came
12 up with.

13 So just talking about agencies for a minute -
14 -

15 MR. SMITH: And we?re also gathering other
16 information such as cost to maintain an office; rent,
17 utilities, overhead if you will.

18 MR. RICE: And those -- and those -- those
19 data elements, we have them -- we have them for this
20 grouping and a few more but we?re also developing --
21 for some of the smaller unit locations because in some
22 places we have shared space with the tribes and other

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1 places we have shared space with another -- so ideally,
2 if we had it all in one place where we could just scoop
3 it out of a centralized data base, that would be ideal.

4 Talking about the agencies, you know, as I
5 said, there's a high amount where some have half of the
6 staff that are eligible for retirement.

7 Some of those programs within those agencies
8 may be candidates for -- and -- and talking about
9 programs and having a centralized program whether it's
10 working on title, working on real estate services,
11 program function elements, if it's something where the
12 actual documents can reside in a centralized location
13 and someone can access it from anywhere, that's what
14 we're looking for.

15 And then in some other places we have offices
16 that are within very close proximity to each other and
17 that -- and that also is subjective and there's a lot
18 of history here why we have offices and where they are,
19 so that's another part of the discussion that we need
20 to add in.

21 There's eight maps that are -- are attached,
22 or that are a part of this whole document and what we

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1 did, was mapped out duty station locations, we had a
2 total of staffing members and we had two caveats or two
3 other elements in there, one of them was folks that are
4 eligible today, or eligible as of this year and then
5 folks that would be -- some of the staff would be
6 eligible through 2017, which would be five years out,
7 which would -- is part of what we're looking in the --
8 the VERA for early retirement, so then you can see from
9 that, that circle graph, and what it is relative to the
10 total number.

11 And then the other thing I need to add about
12 those visuals or those graphics, we stripped out the
13 DASM, the employees, out of those maps, we took out law
14 enforcement. There are still a couple in there so
15 those maps are still -- they're still a dynamic
16 document, a lot of the ones in particular that we saw
17 was the Midwest region, there's six law enforcement
18 officers that are at one of the duty stations, so
19 there's a couple of them that are in there, but in
20 general it's a very strong representation of what we
21 have.

22 MR. SMITH: Red lake.

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1 MR. RICE: Yeah, Red lake, that's what it
2 was.

3 When we move from regional officer to -- or
4 from agency offices to talking about regional offices,
5 there's the -- the 12 regional offices and their
6 locations.

7 The idea of talking about realignment of
8 programs or centralization of programs, is the first
9 thing that we're looking at. And this -- and this goes
10 back to some of the things that we talked about earlier
11 which is having consistency in place.

12 If we have people doing title in one part of
13 the country, that's different from somewhere else, it's
14 inefficient in terms of how documents are processed and
15 transferred, what the communication flow is, and so
16 looking at how to actually centralize that has -- has
17 been kind of a big portion of what we're looking at
18 here.

19 And then -- the other theme in this, if we --
20 we keep going in this linear fashion, if we're first
21 looking at staff members and if there's areas where
22 there is high amounts of eligibilities for assumption

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1 and we have VERA and VSIP in place, and we have an
2 agency office, let's say where there's five people and
3 all five are eligible to -- to retire and we're
4 separating, all five of them, were to take that
5 incentive, that puts us in a position where we need to
6 really evaluate how do you replace, how do you deal
7 with that function, how do you manage that program, how
8 do we provide that service ultimately, so the
9 assumption to do these from smaller offices, whether
10 it's assumption or management or centralization, there
11 are a couple of different areas that can talk about.

12 Looking across the country, we have a --

13 MR. CARROLL: So how are you going to go
14 about that process then, I mean, because those -- those
15 are drastic differences in how you would go about
16 addressing the situation.

17 In your example you have five people that
18 would accept that -- that retirement, whether you
19 assumed that duty, whether you move it somewhere else
20 or whether you roll it up top, I mean, those are
21 significantly different, I mean, so how are you --

22 MR. RICE: They're -- they're very different

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1 and I -- there's not a one size fit all answer to this
2 and that's -- that's part of what we're hoping to gain
3 of today over the next six consultations because we
4 don't have the answer for that, and part of it rests on
5 the fact that we have such a wide variance of staff
6 members that are eligible. A lot of them have voiced
7 that they're just waiting for -- you know, if there's
8 incentive to I'm waiting and I want to -- I want to get
9 it before move on and retire, early separate, and it's
10 -- it's a -- it's almost a chicken and egg story. You
11 can't push somebody out. We want the staff to be the
12 best they can, we can and we want them to be around,
13 productive, to do the service as long as they can but
14 it's their -- it's their option if they want to take
15 these incentives, so you almost get to a point, you
16 almost have to, you know, wait until somebody actually
17 pulls the trigger and says yep, I'm going, and also
18 left with any empty office or we're trying to have the
19 most options available in how we do this.

20 So there's -- it almost comes down to looking
21 at program specifics; is it a forestry program, is it
22 this office more title focused, is it more focused to

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1 probates or adjudicate probates.

2 And then we have the -- the people services,
3 Indian services, or native services up in Alaska, and
4 those -- those are the -- it?s -- it?s almost a
5 continuum of how this could actually play out.

6 MR. CARROLL: I guess just to comment then, I
7 mean, whether it?s Indian Affairs or any organization
8 for that matter, you know, the situation of having
9 retirees, offers a short term immediate remedy to
10 financial budgetary concerns but that is an entirely
11 different issue from streamlining and making a --
12 making changes based upon efficiency improvements which
13 needs to be based upon need.

14 So I hope that?s being balanced appropriately
15 because I can see how that first, the former, can help
16 address some of these things in the immediate term, but
17 it may ultimately just create a bigger problem, that --
18 that?s kind of pushed off down the road.

19 MR. SMITH: Let me explain, I think the
20 underlying principal is going to be retaining or making
21 service to Tribes and Tribal members and the way to do
22 that is you have the concept that which self-governance

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1 is, if a Tribe takes all of their share at the agency,
2 then the responsibility will goes out to the regional
3 office or at the region, and then it goes to
4 headquarters, or somewhere, that we want to retain that
5 as the underlying principal again, if we have
6 vacancies, then there's also going to be some training
7 involved so that when people that have occupied those
8 positions and they retire, and even before they retire
9 hopefully, you've trained and mentored other people to
10 go into those positions, technical ability or
11 management and supervision so that you don't have gaps
12 that you're talking about.

13 MR. CARROLL: Do you feel that with self-
14 governance and for Tribes that may be moving towards
15 self-governance, that there is an appropriate
16 adjustment made structurally from -- let me just
17 exaggerate my point -- you had a staff of a 100
18 covering a certain given responsibility, you have
19 Tribes assume that self-government -- through a self-
20 governance compact; is the -- is there an adjustment
21 made internally to offset that change in
22 responsibility?

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1 MR. SMITH: I -- I don't think there is yet,
2 but there should be on the board, because our best
3 example would be the northwest.

4 If you have 42 Tribes in the northwest and
5 you've got about 13 agencies and you had, at least half
6 or more of the Tribes in that region, they've gone in a
7 compact -- self-governance, so they've either taken
8 most of the programs or all of the programs at their
9 agency and if you look at that chart that he just had
10 on the board, of the ten or so of those agencies are in
11 the northwest because the Tribes have taken their share
12 and left only the
13 Federal inheritance responsibility of that one and two
14 person agencies.

15 MR. RICE: I had another line I was going to
16 add to it, I'll come back to it.

17 So in summary, or just the overall intent of
18 what we're talking about here, if we can -- if we can
19 implement a linear solution and that has this
20 incentive, early out to buy outs that focuses on staff
21 that we have and a progression forward in terms of the
22 development of the organizations and staffing and then

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1 look at the functions whether it's realigned,
2 centralized, consolidated, those are all options, those
3 are all points that need to be discussed and they're
4 all potential options.

5 We need to look further at the duty stations
6 and that could be duty stations, it could be agency
7 offices, field offices, regional officers, across the
8 board, nothing is off the table.

9 And then the last two pieces, you know,
10 ultimately this has to happen. The paramount task in
11 all of this is to ensure that we don't have another --
12 have a blip in terms of service areas, and if we can't
13 keep this and then all of the sudden there's no way to
14 manage probates, there's nobody that can certify title,
15 there is no one that can work with forced inventory,
16 that with that mission, ensure in that the Trust duties
17 are still carried out, still has to happen, it's a
18 balance that were going to have to strive to achieve.

19 And then the last piece is a continuation of
20 supporting self-governance and self-determination, so
21 we're going to strive to achieve what we just talked
22 about some of the agency examples with that - - that's

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1 another element in looking at the staffing of duty
2 locations, the programs and then the other places where
3 the Tribes have taken that function and started working
4 with it themselves.

5 So that's the -- well, we have one more -- so
6 we have, you know, here's -- here's the list, this is
7 all the stuff, we have a couple more weeks of this, so
8 I'm sure the comments are going to grow and develop and
9 the intent of this document is as we have comments and
10 as they come in, if there is other elements that need
11 to be reflected in there, then we can add it in, will
12 be reflected in and ensure there is an updated on the
13 website.

14 There's been a handful of people that have
15 sent requests for comments to me, I'm going to contact
16 them on this so please contact me and I can send them
17 out directly so there is a couple different avenues,
18 then the last piece will be going out to the regional
19 directors. So we have those three main channels of
20 communication.

21 And then the intent overall, after -- after
22 late May, when the round of consultations conclude, the

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1 intent is to compile of the documents and comments that
2 come up and look for -- look and synthesize the
3 different veins of topics that maybe we missed, maybe
4 we need to discuss further, where there?s a consensus
5 or whatever the range of ideas there area, and then
6 this may lead to developing some type of a plan, some
7 more robust plan.

8 It may say, you know, we need more
9 consultation on this, we need more discussion, identify
10 some of these topics further.

11 So that?s the quick 15 minutes talk about the
12 BIA streamlining initiative, if you have some comments.

13 MR. SMITH: And the date on one of the last
14 slides in Anchorage, that date has changed from May
15 22nd to May 23rd.

16 MR. CARROLL: I?m not sure if my -- this
17 question is best timed here but I?m going to ask it
18 while it?s on my mind.

19 I know that the intent and some of you have
20 mentioned already this morning that part of the
21 intention of this is to make sure, you know, the
22 foundation to all of this is fulfilling that Trust

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1 responsibility and doing that in a more efficient,
2 consistent manageable way than what's been going on
3 here recently.

4 One of the other things that's going on that
5 seems to be factored into this or would seem to be - -
6 need to be factored into this, is the Trust
7 Commission that came out of the Cobell settlement and I
8 -- the reason why I say that, is because initially when
9 that was talked about and discussed and communicated,
10 it was talked about in a very narrow sense. And what's
11 happened here, especially in the last four to six
12 weeks, in comments made by
13 Secretary Salazar and as reflected President Sharp as
14 the chair of that Commission is that Secretary
15 Salazar has the expectation that that Commission is
16 going to put forward something much broader in terms of
17 Trust, and potentially Trust reform and what that looks
18 like for the next 20 years. And that's a whole
19 different situation than what initially being touted
20 as.

21 So if that's the case, you would assume that
22 as part of that process, there's going to be some

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1 overlap with this effort, because any -- I would
2 imagine any Trust reform effort would put forth some
3 systemic changes to process and structure.

4 So is that -- is that effort being married
5 with this effort to make sure that you guys don't put
6 forward this wonderful plan and everybody signs off on
7 it, and all of a sudden, two years down the road, after
8 the Trust Commission is done, they have a whole set of
9 different ideas and now you're coming in and having to
10 adjust something that you just got done implementing.

11 MR. SMITH: I think the intent is to marry up
12 at some point, but right now the Trust Commission is
13 the process of a data collection and information
14 gathering and they have gotten boxes, literally boxes
15 of information that they need to go through.

16 But one of their efforts, I think, is going
17 to take note of, a hard look at OST, the Office of
18 Special Trustee and exactly what those budgets and
19 activities are in relation to the Bureau of Indian
20 Affairs.

21 So I think that first effort will probably be
22 taking a look at those functions, also taking a look at

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1 our Indian land consolidation efforts and so forth, but
2 I -- again, this is my personal opinion, but I would
3 think that at some point, the Trust
4 Commission efforts and our streamlining efforts will
5 marry up.

6 MR. RICE: And to add a little more --

7 MR. SMITH: Sure.

8 MR. RICE: So the Trust Commission, so I'm
9 working with a group that is on streamlining initiative
10 and also working with the executive team supporting the
11 Trust Initiative, and part of what the
12 Trust Commission has requested is briefings or updates
13 that -- basically an overview or recap of what's
14 happening in consultations, so part of my task is to
15 brief them on what's going on here and how that fits
16 in, so if there's any -- if there's any canaries in the
17 bird mind, whatever analogy suits you, any indicators
18 that said this is off track, the direction they're
19 going doesn't necessarily marry up, that that link has
20 been, at least created for that reason.

21 You know, really they almost have two layers,
22 not to focus too much on the Trust Commission, but the

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1 two layers, one is the broad systemic trust -- trust
2 reform and then the element is really focused on OST,
3 what that function is. And some it is going to be
4 workforce planning, some of it's going to be staffing
5 levels and how that actually -- how that actually
6 integrates and is combined with what is going on with
7 the bureau.

8 And that -- and then, if I can expand a
9 little bit more, there's -- it goes back to the comment
10 I was making a little earlier, you know, it's a really
11 comment that said, this is a great short term fix by
12 looking at staffing levels and ideally, with time and
13 resources, we would look at work load analysis, service
14 and delivery and that staffing level is tooled to
15 actually take care of the other pieces and really
16 what's happening, is it's almost all going down in
17 parallel as to whether we're trying to make sure that
18 nothing runs ahead of the other.

19 The administrative assessment that the
20 Assistant Secretary or DASM is working on, that's sort
21 of the first element, that's not all inclusive.

22 BIA is looking through the streamlining

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1 initiative, sort of on a cursory level at the work
2 force loads as we're -- as we're running through the
3 streamlining initiative again, that also is not fully
4 complete.

5 And then BIE, you know, has a similar
6 responsibility in what they're going to do.

7 MR. SMITH: I'm hoping with the benefit of my
8 personal experience, if you go back to '03 and '04,
9 there was a restructuring talked about a little bit,
10 mostly on the admin side, but we also had somewhat of
11 an emphasis on Trust Reform and the interaction of OST
12 and BIA at that time.

13 I was the Regional Director in Southern
14 Plains
15 Region and we were the pilot region, and we had two
16 pilot agencies that began to implement some of those
17 concepts that were built around Trust Reform.

18 We actually had a nationwide established
19 position of Deputy Superintendent for Trust and about
20 eighty percent of our agencies and the Deputy
21 Superintendent for Trust and Deputy Superintendent
22 Regional Director and Deputy Regional Director for

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1 Indian Services at 99 percent of our regions, the only
2 location that didn't have two in the end, that was your
3 region, the Eastern region.

4 So that started in the end of '03, calendar
5 year '03 and into 2004, and it resulted in a number of
6 policies and handbooks and decision papers, I guess,
7 and even a few white papers, but it didn't go far
8 enough mainly because it required more money than we
9 were able to get out of the budget at that time, so
10 there was an initial effort. It went past the pilot
11 stage, but was never really fully implemented in any
12 other regions other than policy directors and checks
13 and processes. One of the results, of course, was the
14 Trust handbook, then we had other Trust related
15 documents that were related.

16 MR. RICE: Any other thoughts or discussion
17 areas?

18 Going once, going twice.

19 MS. OSCEOLA-BRANCH: What's your timeline on
20 this?

21 MR. RICE: I'm sorry?

22 MS. OSCEOLA-BRANCH: What's your timeline on

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1 the next steps?

2 MR. RICE: Well, the timeline is once, I
3 mean, we can work backwards, so the end of the fiscal
4 year is when parts of this has to be implemented. It's
5 in the narrative bullets, it's in the narrative on the
6 first or second page of the summary, it says, if we
7 don't have this identified, first page of the last
8 bullet, if we have, you know, if we don't -- if we
9 don't come up with something, if we put our heads in
10 the sand, this could turn into 14.5 million across the
11 boards of working back from that, we have to have all
12 the consultations done in the end of May basically.

13 The comment period, the Federal Register at
14 the comment period ending May 25th, I believe, the last
15 consultation is on the 23rd, so we have extended it and
16 that should be reflected in either an update or -- so
17 June 1st.

18 And then from there we have roughly June,
19 July,
20 August, September, so we have four months to get all
21 this in place. The early out authority should be on in
22 the next, I want to say 30 days, but it could be 60, so

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1 don?t hold me to 30 --

2 MS. OSCEOLA-BRANCH: I?m not familiar you?re
3 your speak so what is an early out?

4 MR. RICE: I?m sorry, the Voluntary Early
5 Retirement Authority, which is also in the diagram, so
6 that approval, we have submitted all the paperwork to
7 OPM, to get that in place, we should have that in the
8 next two months.

9 The buyout incentives is also in progress,
10 but to do that, and I didn?t go into too much detail on
11 the -- on the buyout, the application, has to go to
12 OPM from BIA, basically to have buy out authority for
13 those incentives for people who are eligible to retire,
14 we have to have a very solid plan, position X that does
15 this function, is going to either be realigned,
16 replaced, demolished, whatever it is, and that?s what
17 goes over to OPM to actually have them - - so if we
18 need to have, we need to have discussions like these
19 before we can get to the point.

20 MR. SMITH: It requires OPM approval and I
21 believe we?re still on target to go out with a survey
22 to employees asking if they might be interested in

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1 early retirement or voluntary separation and that's
2 supposed to at least gather information about, you
3 know, the pool, if you will, of people that might be at
4 least, you know, interested. Whether or not they put
5 forth the final application is another story. We need
6 to have that information for planning purposes.

7 MR. RICE: Any other final thoughts?

8 MS. OSCEOLA-BRANCH: When you say synthesis
9 of messages, that's the, like a summation of your
10 comments you're receiving?

11 MR. RICE: Comments, you know, the court
12 reporter is here so we'll have transcripts of all of
13 the consultations so they'll be comments that are
14 coming in and there will be transcripts of
15 consultations.

16 MS. OSCEOLA-BRANCH: And that's going to be
17 online, you said?

18 MR. RICE: Yes.

19 MS. OSCEOLA-BRANCH: And the incorporation
20 for future steps is being done by this team that you've
21 developed, is that you said?

22 MR. RICE: Expand that a little more?

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1 MS. OSCEOLA-BRANCH: Well, earlier you said
2 you have a small team that has been working on this --

3 MR. RICE: That's right.

4 MS. OSCEOLA-BRANCH: -- so that's the group
5 that's going to be incorporating the comments into
6 future steps based on this --

7 MR. RICE: Correct.

8 MR. SMITH: But it will be provided on the
9 internet and nationwide, so that, you know, there will
10 still be the fluid discussion, if you will, among
11 Tribes or back and forth with Tribes, so we're not just
12 going to put something out there and you have to react
13 to it, although it will be the summation of what's
14 taking place in the consultation sessions, they'll
15 still be open for comment, recommendations period that
16 goes on. Aiming for transparency.

17 MS. OSCEOLA-BRANCH: Yeah. In that regard,
18 when were these BIA and BIE streamlining documents
19 posted?

20 MR. RICE: Our document was posted on Monday
21 -- either Monday night or Tuesday morning.

22 MR. SMITH: A couple nights ago.

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1 MS. OSCEOLA-BRANCH: This is where issues
2 come up, I mean, for a couple weeks I've been dealing
3 with some clients, or you know, since the, really when
4 the notice went out, what is it they're asking us to
5 respond to, what is, you know, what are these plans
6 that everybody keeps talking about and all this. And
7 so I can only provide them what I read in the budget
8 justifications and then in the Assistant
9 Secretary's letter to employees and so forth and, you
10 know, now, I find out that you did post it because I
11 got kind of busy and didn't realize that it was up
12 already, but -- or finally up.

13 So now I have to make sure everybody that's
14 been asking me for this gets that, because they don't
15 always go to these lines.

16 MR. SMITH: What we posted, in reality, is a
17 presentation and we want to emphasize that there is no
18 plan --

19 MS. OSCEOLA-BRANCH: Yeah, but I'm just
20 saying
21 --

22 MR. SMITH: -- so there's nothing --

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1 MS. OSCEOLA-BRANCH: -- you know, that they -
2 - there was an assumption that there would -- there is
3 a draft plan that they can react to, because I did
4 raise the question a few weeks ago, is there a draft
5 plan that people can react to or are you going to
6 develop the plan after you've heard comments and at
7 least what -- what is your thinking is kind of what
8 people were asking and so it makes it harder, you know,
9 like when the Department of Education wants your
10 comments on something, they really have like a final
11 document for you to react to, I mean, I guess they've
12 been planning these things way in advance, but you know
13 --

14 MR. SMITH: We have tried that before and
15 we've learned our lesson.

16 MS. OSCEOLA-BRANCH: Yeah, I know, but I
17 mean, usually there is something to react to, I -- even
18 though it's -- it's, you know, not final and you keep
19 saying it's not final and I understand it's not final,
20 but sometimes it's just easier for some people to react
21 to something.

22 MR. RICE: There's -- there's another element

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1 to this and if you go through the -- and Mike alluded
2 to this in the very beginning, to the DOI consultation
3 policy, if you go through the one, two, three,
4 basically talks about, and I think number two is the
5 proposal and the first part is actually what we're
6 doing here, so we have assimilated all of these facts
7 and ideas, some have a little more depth and breadth to
8 them, others are fairly nebulous, and there is a
9 discussion that needs to happen. We heard from USET--
10 adamantly opposed to moving a regional office out of
11 national -- so I mean, that's -- that's something that
12 we need to hear, so from these types of comments, I
13 envision us having a proposal in place would be the
14 next step.

15 So as far as a time line goes, there is no
16 set dates, one date we do have is the beginning of the
17 fiscal year, none of that is different than what's in
18 the narrative or presentation.

19 That's -- anymore?

20 MR. CARROLL: Just one last comment.

21 In the same vein that we talked a little bit
22 earlier about, sequestration and Tribal leaders not

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1 wanting to be -- to be facing a situation where it's
2 just automatic across the board reductions without the
3 opportunity to chime in on where -- even though they
4 would be opposed to it, on the -- you know, upfront
5 they would be opposed but realizing you have to deal
6 with that regardless, that they would want the
7 opportunity to identify areas that they would like to
8 see that spread.

9 I think it would be useful going forward with
10 these discussions to point out that fifth bullet on
11 this BIA streamline summary -- plan summary, the same
12 way that you just talked about it, but to highlight
13 that a little bit more, that if, yes, we're having
14 these conversations, yes, we're having this
15 consultation, but at the end of the day, if we can't,
16 you know, if comments is so all over the place and
17 there's not consistency or -- or developing them, that
18 it's just going to be across the board and I would
19 assume that they would be opposed to that, the same way
20 that they would be opposed to across the board
21 sequestration activity.

22 So to kind of put that out there, so people

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1 know that the preference is to find some commonality
2 and ways to identify how this is going to move forward
3 so we're not stuck with the situation where you went
4 through weeks of consultation and gathering comments
5 and then at the end of the day, it's just across the
6 board anyway, so what was the -- what was the point,
7 you know.

8 MR. RICE: Good comment, thanks.

9 Any last thoughts, Mike?

10 MR. SMITH: Let the record reflect that the
11 Regional Director for Eastern Regional is in the room.

12 MR. RICE: Thanks for your time.

13 MR. TSOSIE: At this point, we have the BIE
14 scheduled to go next but it's 11 o'clock, so I was
15 thinking that we could break for an early lunch and
16 come back a little bit earlier so that they can just go
17 through their -- their presentation.

18 So we'll break until 12:30, an hour and a
19 half for lunch and the BIE will be up with their
20 issues.

21 (Thereupon, a luncheon recess was had,
22 ending the morning session at 10:58 am. This

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1 concludes Volume I of the proceedings for
2 April 12 2012. After this recess, Volume II
3 will continue with the afternoon
4 proceedings.)

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