

2008 ANNUAL SELF-GOVERNANCE CONFERENCE
20th Anniversary of Tribal Self-Governance: Celebrating Excellence
Riviera Hotel & Casino; Las Vegas, Nevada
Thursday, May 1, 2008
BREAKOUT SESSION 1:
BIA MODERNIZATION INITIATIVE

Moderator: Chris Johns, Self Governance Coordinator, Oneida Tribe
Recorder: John Mojica, Self Governance Coordinator, Mille Lacs Band of Ojibwe

Panelists: ~~Majel Russell, Principal Deputy Assistant Secretary—Indian Affairs, DOI~~
Sharee M. Freeman, Director, Office of Self Governance, DOI
W. Ron Allen, Chairman, Jamestown S’Klallam tribe

Summary: This session will include participants who are representatives in the BIA Modernization who will provide an update on the Modernization activities and meetings. This will also be the time for Tribal input in offering direction for the process as it moves forward and includes a review of Self Governance.

Highlights: Handout summarizes the issue of barriers to tribes participating in Self Governance, one of the issues identified in the Modernization initiative.

Chris Johns, moderator, provided a summary of some of the meetings and issues discussed.

He reiterated the purpose of the session which included, providing an update on the Modernization Initiative and also highlighting that this breakout session was an opportunity for self governance tribes to provide input on the process including the Modernization Initiative’s self governance focus group.

Chris also provided some background, starting with a letter sent out in August 2007 to tribal leaders from the Assistant Secretary of Indian Affairs, Carl Artman relating his concerns regarding the aging BIA workforce, the fact that approximately 40% of the current workforce will be eligible for retirement within 5 years, the competition for experienced and skilled employees, and the availability of budget resources.

In the Fall of 2007, dialogue meetings were held in each region that were moderated by either Majel Russell, Principal Deputy Assistant Secretary of Indian Affairs, and/or Bob Middleton, the Director of the Office of Indian Energy and economic Development. These meeting provided an opportunity for tribes to discuss the Modernization Initiative.

At the national convention last November in Denver, Colorado, NCAI passed resolution #DEN-07-004 which supports a tribally driven initiative to improve the effectiveness and efficiency of the BIA with the following conditions;

1. The process is tribally driven,
2. the process respects the government to government relationship;
3. the purpose is to improve the delivery of services at the local level;
4. the process will be inclusive of all the tribes;
5. tribes will have the opportunity to do initial organization and planning without interference;
6. the process and the result will reflect the diversity among tribes (needs, land bases, government structure, cultures, and treaties).

A tribal leader's meeting held in Washington, DC in January of 2008 establish a framework and the priorities for continued discussion. A Tribal Management Advisory Council (TMAC) consisting of all tribal leaders who attended the meetings was formed. Regions were encouraged to send at least one representative and one alternate to meetings, but the meetings would be open to all. Tribes should be prepared to do their own analysis of regional issues. Five priority (focus) areas were identified, with overall budget issues being coordinated with the tribal budget advisory council;

1. BIA staffing
2. Law Enforcement
3. Indian Lands(realty transactions, fractionation, OST)
4. Self Governance and 638 Contracting
5. Education

On March 3, 2008, a meeting was held again in Washington, DC at the NCAI Executive Committee meeting. The focus was on the Office of Special Trustee, and Ross Swimmer and others provided information.

On March 17 and 18, 2008, a TMAC meeting was held in Denver, Colorado. Mary Jane Miller, Director of the Indian Affairs Office of Management and Budget, provided an overview of the budget. Vicki Forest, Director of Trust Services, profiled the area. Breakout sessions were held on each of the focus areas. In addition, federal representatives were identified for the TMAC.

The break out session Self Governance focuses on the following question: "What are the issues and barriers that prevent more tribal governments from engaging in the self governance program?"

And, last week, on April 24 and 25, the ITMA hosted the first of several listening session in cooperation with the BIA in Albuquerque, New Mexico. This session focused on land management and fractionation issues. The ITMA will be hosting additional session on land issues in the coming months.

The first speaker, Sharee Freeman, Director of the Office of Self Governance, talked briefly about the initiative but wanted the time for the session to be used for any comments from the audience. Her main suggestion was that tribal leaders needed to take over this initiative and develop some of the solutions to these issues

The second speaker, W. Ron Allen, Chairman of the Jamestown S'Klallam tribe, provided insight into the issue of how the Modernization Initiative was developed. The current Assistant Secretary of Indian Affairs, Carl Artman, realized the Bureau of Indian Affairs had problems and wanted to go about finding the solutions. Ron stated that the "chalkboard is blank" and tribal leaders needed to come up with some of the issues that are now listed as focus points in the modernization initiative, and ASIA Carl Artman was open to any and all ideas. Some people thought this was another reorganization, but that was not the case. ASIA Artman realized there were a number of problems, but reorganizing would not address those issues.

An example of one of the problems was the stovepipe issue of management that happens at the regional level regarding some budget staff people. They do not have to report to the regional director, but rather to the central office, so this created a situation where regional staff were not under the direction of the regional director.

Currently, Chairman Allen is the focus group leader, and it was suggested that Jim Gray, Chairman of the Osage Nation, or another tribal leader take over this position.

There were a few comments from the attendees and these are listed below;

Cyndi Ferguson, Jamestown S'Klallam tribe, stated the overview of the topic was a good initial draft of the issues and added three other issues;

1. How to improve Self Governance implementation;
 - OSG Staffing,
 - Budget Advocacy,
 - Timely transfer of funds,
 - Placement of the OSG with the Indian Affairs office.

2. Improve Self Governance Communication and Education
 - Self Governance Workshop at the BIA Regional Managers meeting,
 - Partnership with the SGCE TC on education materials,

3. Provide support and coordinate issues with the Self Governance advisory committee and technical workgroup

Edwin Tafoya, Self Governance Director for the Santa Clara Pueblo, asked the question about keeping the relationship with the ASIA Director, in the context that he is resigning. Ron answered that question, stating that Majel Russell may be interested in that position.

Mr. Tafoya also provided a little history about BIA training, and he stated that back in the 70's there were BIA training facilities; you were there 30 days, got across the board training. Now, you get information on some of the courses the bureau offers. The Bureau is losing people now because of the training. ITMA, NCAI are taking the lead in this, but are they knowledgeable, they have a small staff. Mr. Tafoya is concerned that if we move this forward, are the people going to stand by us, and is the bureau going to react negatively or positively?

Brent Simkosky, exec director skokomish tribe, We have to change BIA culture, right now they have a culture of control and regulate, not a service culture. Mr. Simkosky provided an example of the Confederated Tribe of the Salish and Kootenai digitizing their system, which consequently sped up the delivery of checks to three days, rather than the weeks it took the regional office

Londa Moore, Self Governance Coordinator, White earth Indian reservation, commented that tribes are in a good position, now we need to put this on the agenda now, publicize our concerns with the problems with the Bureau. We keep doing things over and over and get the same results, stuck in the department of Interior, fighting for money with parks and wildlife. We have treaties, and with the new political arena, this may be the time to address these issues.

Ron responded stating that this is a bigger debate than modernization. Right now NCAI is addressing this issue, is this an issue we want to put all our eggs in one basket? How do you get consensus in Indian country.

Ms. Moore responded that we should put it on the agenda now before any new candidate is in office and tell them here is the problem, and she also suggested that the media should be involved, and she also reminded us that the self governance initiative was fueled by early newspaper reports.

Donovan Gomez, Tribal Programs Administrator, Taos Pueblo, stated that 19 pueblos never entered into treaties with the US. We are going to have language that's also inclusive to our history.

Dennis Smith, Duck Valley tribe, stated that Kevin Gover's presentation was great. Trust responsibility should be on the front burner, modernization fits right in it.