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U.S. COMMISSION ON CIVIL RIGHTS

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BRIEFING UNEDITED/UNOFFICIAL

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UPDATE TO THE 2003 REPORT:  
A QUIET CRISIS: FEDERAL FUNDING  
AND UNMET PHYSICAL AND LEGAL  
INFRASTRUCTURE NEED OF INDIAN COUNTRY

+ + + + +

FRIDAY, FEBRUARY 19, 2016

+ + + + +

The Commission convened in Suite 1150  
at 1331 Pennsylvania Avenue, N.W., Washington,  
D.C. at 9:01 a.m., Martin R. Castro, Chairman,  
presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

PATRICIA TIMMONS-GOODSON, Vice Chair

ROBERTA ACHTENBERG, Commissioner\*

GAIL HERIOT, Commissioner\*

PETER N. KIRSANOW, Commissioner\*

DAVID KLADNEY, Commissioner

KAREN NARASAKI, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

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STAFF PRESENT:

TERESA BROOKS

PAMELA DUNSTON, Chief, ASCD

ANGELA FRENCH-BELL

DAVID GARDNER

GERSON GOMEZ

ALFREDA GREENE

JENNIFER CRON-HEPLER, Parliamentarian

AYAM ISLAM, OGC Intern

DAVID MUSSATT, Director, RPCU\*

MARCEL NEAL

JUANDA SMITH

TAMIKA TUCKER

MICHELE YORKMAN

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

ALEC DUELL\*

AMY GRANT

JASON LAGRIA

CARISSA MULDER

ALISON SOMIN

KIMBERLY TOLHURST

IRENA VIDULOVIC

*\* Present via telephone*

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P R O C E E D I N G S

(9:01 a.m.)

CHAIRMAN CASTRO: Good morning, everyone. This briefing and ultimately later in the afternoon meeting will come to order.

This is a briefing of the U.S. Commission on Civil Rights. It is currently 9:01 a.m. Eastern Time on February 19, 2016.

We are here at the Commission's headquarters, 1331 Pennsylvania Avenue, Northwest, in Washington, D.C.

I'm Chairman Marty Castro. Commissioners who are present at this briefing with me are myself, of course, our Vice Chair Timmons-Goodson, Commissioners Yaki, Kladney, Narasaki, and I heard Achtenberg, but I don't see Roberta. Is she here? Oh, she's on the phone.

Commissioner Achtenberg is on the phone and Commissioner Heriot is also on the phone as is Commissioner Kirsanow? So, Kirsanow is not here with us nor on the phone, but a quorum nonetheless of the Commission is present.

Is the court reporter present?

COURT REPORTER: Yes.

CHAIRMAN CASTRO: Okay. Is the staff

1 director present?

2 DIRECTOR MORALES: Yes.

3 CHAIRMAN CASTRO: Okay, so the meeting  
4 shall now come to order.

5 The first item is the approval of the  
6 agenda. I move that we approve the agenda. Is  
7 there a second?

8 COMMISSIONER YAKI: Second.

9 CHAIRMAN CASTRO: Are there any  
10 amendments? I understand that the staff director  
11 wanted to remove a couple of items from the agenda.

12 DIRECTOR MORALES: Yes, Mr. Chairman.  
13 I'd like to remove the consideration vote on the  
14 Ohio State Advisory Committee.

15 CHAIRMAN CASTRO: Okay.

16 DIRECTOR MORALES: And I'd like to  
17 remove the discussion on the revision of the report  
18 on undocumented workers taking employment of  
19 African-American workers.

20 CHAIRMAN CASTRO: Is there a motion on  
21 that?

22 VICE CHAIR TIMMONS-GOODSON: I so  
23 move.

24 CHAIRMAN CASTRO: Is there a second?

25 COMMISSIONER YAKI: Second.

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1 CHAIRMAN CASTRO: And Commissioner  
2 Kladney, I believe you had something you wanted to  
3 add to the agenda?

4 COMMISSIONER KLADNEY: Just the  
5 letter.

6 CHAIRMAN CASTRO: Why don't you make a  
7 motion?

8 COMMISSIONER KLADNEY: Yes. I have it  
9 here, actually.

10 CHAIRMAN CASTRO: Well, we'll go into  
11 the letter later, but just a motion to add it to  
12 the agenda.

13 COMMISSIONER KLADNEY: Oh, thank you,  
14 Mr. Chairman.

15 CHAIRMAN CASTRO: You're welcome, sir.

16 COMMISSIONER KLADNEY: I will wake up  
17 eventually. I'd like to make a motion to amend the  
18 agenda to add a letter I've sent around to all the  
19 Commissioners, I think it was Tuesday regarding the  
20 Fair Act to children regarding representation of  
21 unaccompanied minors in asylum hearings.

22 CHAIRMAN CASTRO: Is there a second?

23 VICE CHAIR TIMMONS-GOODSON: Second.

24 CHAIRMAN CASTRO: Okay. Any other  
25 amendments? Hearing none, let us vote on the

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1 agenda as amended. All those in favor say aye.

2 (Chorus of aye.)

3 CHAIRMAN CASTRO: Any opposed?

4 (No response.)

5 CHAIRMAN CASTRO: Any abstentions?

6 (No response.)

7 CHAIRMAN CASTRO: In the opinion of the  
8 chair --

9 COMMISSIONER HERIOT: I abstain.

10 CHAIRMAN CASTRO: Oh, okay. And that  
11 is Commissioner Heriot abstaining. Other than  
12 that it passes with one abstention. The balance  
13 were voted yes.

14 So, now we begin the briefing portion  
15 of our meeting. I want to welcome everyone to an  
16 update of our 2003 report, "A Quiet Crisis:  
17 Federal Funding and Unmet Needs in Indian Country."

18 As many of you know, the Native American  
19 community has used our 2003 report quite  
20 extensively in working both at the federal and the  
21 state level to obtain policies and programs to  
22 address the deeply challenging issues that are  
23 outlined in the report, and many that have  
24 developed since our 2003 report which has been over  
25 a decade.

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1                   So we've been requested by numerous  
2 Members of the Congress and the community to  
3 consider revising this report. And we felt that  
4 was an important thing to do so that's why we are  
5 here today.

6                   Before we get into the program more  
7 formally I'd like to ask Commissioner Karen  
8 Narasaki to say a few words regarding the project.

9                   COMMISSIONER NARASAKI: Thank you, Mr.  
10 Chair. Good morning to everyone.

11                   I first would like to start by thanking  
12 the Commission staff, particularly the OCRE staff  
13 and our contract writer and editor David Gardner  
14 for their hard work in preparing for both this  
15 briefing and in the work that they're doing to  
16 update the Quiet Crisis report.

17                   I'd also like to thank all of our  
18 witnesses for coming to help us to assess how the  
19 federal government is honoring its longstanding  
20 and special relationship with the Native American  
21 people, and what more can and should be done.

22                   Since the current Commission does not  
23 have an expert on indigenous issues on the  
24 Commission itself I've made it a priority to reach  
25 out to American Indian, Alaska Natives and Native

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1 Hawaiian leaders to ensure that the significant  
2 civil rights issues facing these indigenous  
3 peoples continue to be tackled by the Commission.

4 As the chair noted, over a decade ago  
5 we released the Quiet Crisis report finding that  
6 in exchange for land and in compensation for forced  
7 removal from their original homelands the  
8 government promised through laws, treaties and  
9 pledged to support and protect Native Americans.

10 We found at the time funding for  
11 programs associated with these promises had fallen  
12 short, and that Native people continued to suffer  
13 the consequences of a discriminatory history.

14 This report has been very important and  
15 Members of Congress have agreed and asked us to take  
16 the time to assess over a decade later how well the  
17 government has responded to the recommendations  
18 made in that earlier report.

19 There has been some movement.  
20 President Obama established the White House  
21 Council on Native American Affairs to ensure that  
22 agencies coordinated and worked in partnership  
23 with tribal governments and their communities.

24 His administration also helped to push  
25 for reauthorization of the Indian Healthcare

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1 Improvement Act as well as the Tribal Law and Order  
2 Act.

3 Unfortunately as we will hear today  
4 many other challenges remain -- dilapidated  
5 schools, underdeveloped infrastructure, barriers  
6 to economic development, unemployment, severe  
7 health disparities and high rates of crime, all  
8 undermining the well-being of American Indians and  
9 Alaska Natives, especially their youth.

10 I hope that today's briefing results in  
11 an understanding of what is working and where the  
12 opportunities are for improvement and greater  
13 commitment to make a critical difference in the  
14 lives of our nation's first peoples. Thank you,  
15 Mr. Chair.

16 CHAIRMAN CASTRO: Thank you,  
17 Commissioner Narasaki. Obviously we have lots of  
18 challenges that we are going to address today, but  
19 I think it's worth noting that yesterday there was  
20 a historic event.

21 The Senate confirmed President Obama's  
22 nominee who is now the first Native American woman  
23 to serve on the federal bench. She's going to be  
24 serving in Arizona. And her name is Diana  
25 Humetewa, a Hopi Native American. And that's

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1 significant. So we do see some changes in the  
2 positive direction.

3 I was fortunate last week to spend some  
4 time at the Wind River Reservation in Wyoming  
5 meeting with tribal leaders from both the Eastern  
6 Shoshone and Northern Arapaho tribes.

7 And I got to see firsthand some of the  
8 challenges that those communities are facing.

9 Two Native nations on one reservation  
10 with two tribal governments is a challenge in and  
11 of itself, but then to have to engage as sovereigns  
12 and have challenging relationships with the  
13 municipal government surrounding it, or in the  
14 reservation, and the state governments, fighting  
15 battles that I thought should have been resolved  
16 long ago.

17 And seeing that many of the same needs  
18 that we outlined 13 years ago remain very viable  
19 and real challenges on these reservations, whether  
20 it's access to treatment centers, juvenile  
21 treatment centers.

22 Whether it's issues related to  
23 healthcare access, economic development. There  
24 are virtually no Native-run economic engines or  
25 businesses other than the casino on Native land.

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1 So there's a huge opportunity.

2 And I'll ask some more specific  
3 questions about what I learned from those two  
4 tribes when we talk to the panelists and  
5 particularly with the federal officials who we're  
6 going to be seeing.

7 But there's clear needs and challenges.  
8 But I think if we do this right there's some supreme  
9 opportunities that we can use to help these  
10 sovereign nations really do something with the  
11 promises that we've made to them for generations.

12 So, before we get going I'm going to  
13 give everyone a little housekeeping tool. You're  
14 going to see that we have a series of warning  
15 lights.

16 And when each panelist speaks you're  
17 going to have seven minutes to do so. The green  
18 light means start. The yellow light means speed  
19 up and get ready to stop. And the red light means  
20 stop.

21 Once we've gone through all the  
22 panelists then the Commissioners will begin to ask  
23 you questions. So, if we do end up cutting you off,  
24 don't worry. You are going to have an opportunity  
25 to speak much more to us when we begin to question

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1 you.

2 Today we have two panels. The first  
3 panel consists of Native American advocacy groups,  
4 and our second panel will be federal and state  
5 government officials.

6 And once we go through that we will at  
7 the end conclude and provide you with information  
8 on how you can send public comments to the  
9 Commission.

10 So with those bits of housekeeping out  
11 of the way let me introduce our first panel.

12 Our first panelist this morning is  
13 Jacqueline Pata, executive director of the  
14 National Congress of American Indians.

15 Our second panelist is not here,  
16 hopefully en route, Ahniwake Rose, executive  
17 director of the National Indian Education  
18 Association.

19 Our third panelist is Stacy Bohlen,  
20 executive director of the National Indian Health  
21 Board.

22 Our fourth panelist is Dante Desiderio,  
23 executive director of the Native American Finance  
24 Officers Association.

25 And our sixth panelist -- actually, I'm

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1       sorry, Sarah Deer is here with us. She is -- yes,  
2       you're our fifth panelist. You're a professor of  
3       law at the Mitchell Hamline School of Law.

4               And our sixth panelist is actually via  
5       telephone, Terry Anderson. Are you on the phone?

6               COMMISSIONER YAKI: He is.

7               CHAIRMAN CASTRO: He is? Okay.

8               MR. ANDERSON: Yes, I am.

9               CHAIRMAN CASTRO: Okay. And he is a  
10       William A. Dunn Distinguished Senior Fellow in  
11       Property and Environment Research Center.

12               I will now ask each of the speakers to  
13       raise your right hand and swear or affirm that the  
14       information that you are about to provide us is true  
15       and accurate to the best of your knowledge and  
16       belief. Is that correct?

17               (Chorus of yes.)

18               CHAIRMAN CASTRO: Okay, thank you.  
19       Ms. Pata, you have the floor. Please proceed.

20               MS. PATA: (Native language spoken.)

21       In my own language I must introduce myself. I'm  
22       Jacqueline Pata. My Tlingit name is Kus'een. I  
23       come from the Raven/Sockeye Clan from Haines,  
24       Alaska.

25               I serve, as was noted, as the executive

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1 director of the National Congress of American  
2 Indians, the largest and oldest Native American  
3 advocacy group representing the interest of tribal  
4 governments across the nation.

5 I also serve as the elected tribal  
6 leader as the sixth vice president of my tribe, the  
7 Tlingit-Haida Tribes Central Council of Alaska.

8 I too would like to thank you guys for  
9 the Quiet Crisis report that you produced several  
10 years ago.

11 And it was indeed a pivotal report for  
12 our advocacy efforts within Congress, and really  
13 was able to showcase and to talk about some of the  
14 critical issues that were facing tribal  
15 communities.

16 And we deeply appreciated that, so much  
17 that we are a strong supporter and advocate of the  
18 congressional request and other requests to be able  
19 to update this report, and want to be as helpful  
20 as possible.

21 Because as you said, and as Ms. Narasaki  
22 said in her opening remarks, that the federal  
23 government has a fundamental responsibility to  
24 tribal governments to provide the resources  
25 necessary to meet their civic and governmental

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1 responsibilities of their citizens.

2 And of course, tribal governments serve  
3 like any other government. Who is their first and  
4 utmost responsibility is to make sure that their  
5 citizenry, their essential needs are taken care of.

6 Since 2003 we've seen that Congress has  
7 given a lot of -- and the administration has  
8 increased their and been upholding their federal  
9 trust obligations. And they've increased  
10 incrementally the budget.

11 But I just want to bring to your  
12 attention that even though we've experienced some  
13 increases in those budgets, that we still have  
14 during the intense budget battles of Congress we've  
15 also been subject to some of those heated budget  
16 disagreements of the Budget Control Act, for  
17 example, in 2011, how it critically hit the tribes  
18 in the Great Plains area during that snowstorm  
19 where they were unable to be able to provide some  
20 basic services.

21 And it wasn't just their tribal  
22 citizens calling their tribes to be able to know  
23 where and how they were going to get their energy  
24 assistance checks for their elderly and their TANF  
25 support, or their other support for just their

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1 essential governmental services that needed to  
2 happen.

3 The governments fell, and it was a very  
4 difficult crisis for tribal governments when  
5 there's inconsistency of the funding that's  
6 necessary for those essential services and to meet  
7 that treaty obligation.

8 And that's just an example of how  
9 dependent many of the tribal nations still are on  
10 the federal government responsibility in  
11 fulfilling their treaty obligations.

12 This authority to fund the federal  
13 trust responsibility is founded in the  
14 Constitution.

15 And of course through American history  
16 Indian tribes lost millions of acres of land  
17 through treaties and agreements, causing  
18 devastating losses and displacement of tribes, and  
19 disruption of our culture and religion.

20 Tribal nations continue to remember  
21 this treaty and the agreements that were made by  
22 the United States and which emanate from the U.S.  
23 Constitution, various acts of Congress,  
24 Presidential executive orders, and numerous  
25 treaties.

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1                   And at the very most basic level the  
2                   economic success of the United States was built  
3                   upon the land and natural resources that originally  
4                   belonged to tribal nations.

5                   Like other governments, tribes have a  
6                   responsibility to their people to provide  
7                   governmental services of not just their lands, but  
8                   education, law enforcement, judicial systems,  
9                   healthcare, environmental protection, natural  
10                  resources, basic infrastructure, and the list goes  
11                  on and on.

12                 And of course when those treaties and  
13                 obligations are broken the most vulnerable are  
14                 affected, and particularly those of our children  
15                 and our elders.

16                 In my testimony I go into more detail  
17                 with all of the stats and data and everything that  
18                 you need to know about the budget analysis for years  
19                 and years, decades and decades so I won't go into  
20                 detail about that.

21                 But I do want to just highlight one  
22                 piece which was since Fiscal Year 2003 BIA's  
23                 funding was increased in nominal dollars by 24  
24                 percent.

25                 But when you look at that and you adjust

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1 it for inflation, for example, this budget is below  
2 the Fiscal 2003 level by about 5 percent.

3 And I think we have to be realistic when  
4 we look at that because we may see the federal  
5 dollars looking like they're rising, but in reality  
6 when tribes are having to implement those dollars  
7 it's less and less.

8 And some of the crises that tribes --  
9 I just want to quickly list some of the crises that  
10 tribes are dealing with right now.

11 So, for example, in Alaska where I come  
12 from the education systems are in crisis. And the  
13 state government doesn't know how they're going to  
14 fund that. They're asking for the tribes to look  
15 on how they're going to provide education to the  
16 rural parts of Alaska.

17 You mentioned school construction. We  
18 have hearing after hearing in Congress talking  
19 about school construction.

20 Our children can't learn in an  
21 environment that's substandard. In fact,  
22 compared to the Department of Defense schools, the  
23 other federally funded school, we have such a lower  
24 percentage of children who are graduating from  
25 school, and part of it is the environment that they

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1 learn within.

2 We talk about Indian child welfare, an  
3 important part of our system. But yet what we know  
4 happens is that when Indian child welfare in the  
5 states were eligible for Title IV-E they were able  
6 to get the resources to build their systems, the  
7 systems of support and infrastructure for our  
8 children.

9 In Indian Country we didn't get that  
10 same kind of resource. And we're building our  
11 systems from the ground up in the same way, in the  
12 same mannerisms.

13 And so when we see the challenges that  
14 are happening with tracking and being able to  
15 monitor the health and well-being of our children  
16 today that's one of the challenges that the  
17 systems, the basic systems and the resources for  
18 them are lacking.

19 Including systems of support around  
20 transportation. Transportation and death by --  
21 safety caused by transportation continues to be in  
22 the top four issues in Indian country, particularly  
23 as it affects our children.

24 And we all know that infrastructure and  
25 roads is the key to economic development. So, if

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1 we want to urge economic development in Indian  
2 Country we need to be able to address those  
3 transportation issues.

4 I won't go into healthcare and others  
5 because I see my counterparts here, but I do want  
6 to thank you so much for allowing us to be here  
7 today.

8 (Native language spoken.)

9 CHAIRMAN CASTRO: Thank you. And we  
10 all read the report so if you don't get to something  
11 in your remarks, feel comfortable that we've read  
12 them. But we will also be asking questions  
13 regarding that. Please proceed.

14 MS. BOHLEN: Good morning. My name is  
15 Stacy Bohlen. I'm the executive director of the  
16 National Indian Health Board here in Washington,  
17 D.C.

18 I'm an enrolled member of the Sault Ste.  
19 Marie Tribe of Chippewa Indians in Michigan. And  
20 my Native name is Mukwanike (phonetic) which is  
21 turtle one (phonetic).

22 And I'm very pleased and honored to be  
23 here today.

24 I'm speaking on behalf of 567 federally  
25 recognized tribes who our organization serves.

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1 Our organization was founded by the tribes in 1972  
2 for the sole purpose of creating one voice  
3 affirming and empowering American Indian and  
4 Alaska Native peoples to protect and improve health  
5 and reduce health disparities, to ensure that the  
6 federal government upholds its trust  
7 responsibility to the tribes for the healthcare of  
8 our people.

9 As you're aware, all the branches of the  
10 federal government, including Congress,  
11 acknowledge the nation's obligations to the tribes  
12 and this special trust responsibility and  
13 relationship that exists between the United States  
14 and Native people.

15 As Ms. Pata, as Jackie testified, we  
16 exchanged 400 million plus acres of land, and our  
17 way of life, and our very lives for peace, and for  
18 the provisions that are provided for in the  
19 treaties, and a basic human dignity of having basic  
20 services for American Indian and Alaska Native  
21 people.

22 When Congress renewed the Indian  
23 Healthcare Improvement Act as part of the  
24 Affordable Care Act in 2010 they affirmed, quote,  
25 "It is the policy of this nation to ensure the

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1 highest possible health status for Indians and  
2 urban Indians, and to provide all necessary  
3 resources to effect that policy," end quote.  
4 We're standing on that.

5 The report that this Commission put  
6 out, the Quiet Crisis, was monumental in raising  
7 awareness of what was going on in Indian Country.

8 We are so grateful for that. And we say  
9 (Native language spoken) for doing this today as  
10 well.

11 Devastating challenges face Indian  
12 Country every day from historical trauma, poverty,  
13 to a lack of adequate resources and treatment  
14 options, our communities continue to be plagued.

15 American Indians and Alaska Natives  
16 have life expectancy of 4.8 years less than other  
17 Americans, but in some areas it is even lower. For  
18 instance, white men in Montana live 19 years longer  
19 than American Indian men, and white women live 20  
20 years longer than American Indian women. That is  
21 an entire lost generation.

22 Across almost all spectrums of health,  
23 diabetes where we are 177 percent more likely to  
24 die, 450 percent more likely to die from  
25 tuberculosis, 520 percent more likely to suffer

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1 from alcohol-related illnesses, the disparities of  
2 Indian Country are a race to the bottom that we are  
3 unfortunately continuing to win.

4 Suicide rates are nearly 50 percent  
5 higher compared to non-Native non-Hispanic whites,  
6 and it still remains the number two cause of death  
7 of our children and young.

8 These staggering suicide statistics  
9 remain disturbingly unchanged since your 2003  
10 report.

11 The Indian healthcare delivery system  
12 in terms of budgeting is the other disparity that  
13 of course there's a relationship between the two.

14 We face significant funding  
15 disparities as evidenced by per capita spending  
16 between the Indian Health Service and other  
17 healthcare programs.

18 For example, about \$12,000 was spent on  
19 each Medicare patient last year, \$5,500 on Medicaid  
20 patients, and the Indian Health Service spent about  
21 \$3,100 per capita on Indian peoples' health.

22 The Fiscal Year 2016 budget, IHS was  
23 funded at \$4.8 billion, but the tribes estimate  
24 that full funding would be more like \$30 billion.  
25 And I can talk later about the loss of revenue over

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1 time in real fiscal dollars.

2 To make matters worse, in 2013 Indian  
3 health programs were subject to the 5.1 percent  
4 automatic across the board sequestration cut.  
5 That means a staggering \$220 million left the IHS  
6 system.

7 We were left with an impossible choice:  
8 either deny services or subsidize the federal  
9 government's trust responsibility. In fact, many  
10 did close their doors for several days per month,  
11 or laid off staff.

12 Other federal health agencies like the  
13 Veterans Administration were exempt from the full  
14 sequester.

15 Sequestration should not apply to any  
16 Native programs, particularly health.

17 Access to health insurance has  
18 increased because of the Affordable Care Act.  
19 That's a positive.

20 There's marginal improvements in that  
21 area. Healthcare coverage since 2003 had been 55  
22 percent for American Indian and Alaska Natives.  
23 It's now 18.2 percent since 2014, and that's  
24 largely because of the Indian Healthcare  
25 Improvement Act, Affordable Care Act.

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1                   Several       sections       of       the       Indian  
2       Healthcare Improvement Act that we fought 17 years  
3       to have reauthorized have not been implemented.

4                   It's       almost       six       years       later.  
5       Significant parts of the law remain unfunded,  
6       representing another broken promise to our people.

7                   Quality of care in the Great Plains is  
8       of course perhaps the most disturbing. And these  
9       are the tribes that largely receive their care  
10      through the direct provision of healthcare from the  
11      Indian Health Service, not the self-governance  
12      tribes in this particular case.

13                  The Centers for Medicare and Medicaid  
14      Services at several hospitals in the Great Plains  
15      area has revoked its certification to provide  
16      third-party billing, or to have Medicaid/Medicare  
17      services provided at those hospitals.

18                  At the Omaha Winnebago hospital at  
19      least five patients have died due to staff  
20      mismanagement and incompetence according to CMS.

21                  At the Rosebud Indian Hospital NIHB  
22      knows of reports of patients giving birth on the  
23      hospital's bathroom floor while they waited to be  
24      seen.

25                  Patients       with       highly       contagious

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1 disease were not being isolated. Patient death as  
2 a direct result of the hospital's ER closure and  
3 frequent misdiagnoses or lack of any diagnoses at  
4 all continue.

5 As one tribal leader said at a recent  
6 Senate hearing, "It's been said in my community  
7 that the Winnebago Hospital is the only place you  
8 can legally kill an Indian."

9 It is 2016 and our people are still  
10 suffering at the hands of the federal government.  
11 Recent reports indicate that the situation in some  
12 areas isn't getting better and likely affects other  
13 areas across the Indian Health Service.

14 In January the National Indian Health  
15 Board created a task force that would investigate  
16 the situation at IHS-operated facilities across  
17 the country and embark on a path toward finding real  
18 sustainable change within the Indian Health  
19 Service.

20 As part of this work NIHB will conduct  
21 listening sessions with tribal leaders, patients  
22 and medical professionals to determine new policy  
23 steps that might be possible at IHS. And IHS is  
24 supporting that task force.

25 I see that my time is expired. I have

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1 more to say, but if you get to know me I always have  
2 more to say, so, thank you.

3 CHAIRMAN CASTRO: Well, then you have  
4 something in common with the rest of us. We'll  
5 have a good conversation in a little bit.

6 MS. BOHLEN: Thank you.

7 CHAIRMAN CASTRO: Mr. Desiderio, you  
8 have the floor.

9 MR. DESIDERIO: Thank you. My name's  
10 Dante Desiderio. I'm a member of the Sappony  
11 Tribe, or (Native language spoken), place of the  
12 people of Sappoi (phonetic). And Sappoi was one  
13 of four Indian women who started our race of Indian  
14 people.

15 I want to talk today about economic  
16 development. The report that was done in 2003, a  
17 lot's happened since then.

18 And I think we can take some lessons  
19 learned on what's happened in between and see how  
20 we move forward with some policy recommendations.

21 I want to focus on three key areas that  
22 happened since the last report. One is the Great  
23 American Recession. And some of the things that  
24 the federal government did there that worked and  
25 didn't work for Indian country.

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1 I want to talk about the budget  
2 constraints and I also want to talk about a  
3 challenge to growth that I think is really  
4 important to discuss. So hopefully I'll get  
5 through those.

6 But first on the American recession.  
7 We look at the unemployment rate going up to eight  
8 percent. It was higher among African-Americans  
9 and military.

10 But when you look at tribal  
11 communities, and especially as Chairman Castro  
12 pointed out in Wind River you see unemployment as  
13 high as 50 percent. The average of over 23 percent  
14 puts us in an unemployment rate that is equal to  
15 the Depression, not the recessionary rate.

16 So, what worked for the federal  
17 government in trying to address this? Our  
18 rallying cry became we can't afford to have the rest  
19 of America recover without Indian country this  
20 time.

21 So, we really worked hard to try to make  
22 sure that Indians were included, or tribal  
23 governments were included in the Recovery Act.

24 And the reason this is important, we  
25 knew that the first Bush administration stimulus

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1 of getting money out to individuals would be  
2 short-lived so we really started to work  
3 immediately and started to reframe the  
4 conversation on include tribes as other  
5 governments in any kind of stimulus.

6 And when Congress did that they  
7 allocated about \$3 billion in funding. This is  
8 twice the actual BIA budget.

9 So what happens when you have funding  
10 three times the normal levels in Indian country?

11 So, a lot happened. We really had a lot  
12 of impact from the recession. Timber industries  
13 and housing-related industries were down.  
14 Construction was down. Gaming went down for the  
15 first time with consumer spending. So did tourism  
16 and the arts.

17 When that spending came in projects  
18 were being developed, healthcare was being funded,  
19 health facilities were being built, schools were  
20 being built. But this was all short-lived.

21 In fact, that stimulus, that direct  
22 stimulus actually worked for Indian country and we  
23 saw what would happen if Indian country was funded  
24 at not an adequate level, but an increased level.

25 So, we have the idea here that stimulus

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1 works and we should really start thinking about  
2 what a stimulus would look like for Indian country.

3 And also we keep talking about getting  
4 increases in funding. I had a conversation about  
5 the budget yesterday with the Indian Affairs  
6 Committee.

7 But we're not even close to meeting the  
8 need for Indian country. So, three times the  
9 amount actually gives people hope for the future.

10 And one of the things that happened was  
11 one of the White House domestic policy advisors  
12 said she almost wished from the complaints that the  
13 stimulus would have never happened for Indian  
14 country because when it was taken away you sort of  
15 get a taste of what things would be like, and having  
16 that opportunity.

17 So, those are some of the lessons  
18 learned for the stimulus and some of that spending,  
19 and the impact for Indian country.

20 And it was a real-time experiment for  
21 us to see this. So, in the recommendations going  
22 forward we can target direct programs. We can  
23 think about stimulus because our unemployment  
24 rates are still extremely high.

25 And we can also think about what would

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1 happen if we actually got serious about talking  
2 about the budget.

3 Right after that, adding insult to that  
4 was the austerity that happened. So, in the budget  
5 discussions for coming off of a stimulus and then  
6 looking at sequestration and budget cuts really  
7 took the wind out of Indian country. And we're now  
8 struggling to get back up to where we are.

9 So, on the budget discussion there's  
10 been talk here today about some of the funding.

11 But one of the things we need to look  
12 at when you're bringing up treaty rights and  
13 federal policy is that we're still under  
14 discretionary funding.

15 These benefits or these programs are  
16 based on the highest law of the land, so we  
17 shouldn't be in discretionary funding.

18 What happens when the federal  
19 government shuts down, when they start getting  
20 budget cuts? All of our people start to try to  
21 figure out how do you make health spending go  
22 further.

23 When the budget shuts down we really try  
24 to figure out how to take care of our people. It's  
25 almost inhumane to have to think about, one, how

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1 to take care of healthcare of our people, and then  
2 two, trying to figure out even on school funding  
3 when you look at the state of affairs with our  
4 education system, I don't know if the rest of  
5 America would feel safe sending their children to  
6 some of these schools.

7 So, I say that in an effort to try to  
8 encourage action that's a lot more dramatic and a  
9 lot more bold for meeting the demands of the budget.

10 And the other thing, the final thing I  
11 wanted to cover was what happened on the funding.

12 So, the states started to get really  
13 competitive because they needed to balance their  
14 budget on some of these other open programs.

15 And that was -- tribes were really  
16 sidelined on some of these other open programs.  
17 So, we're still trying to work our way back in.

18 And the other thing that happened is  
19 states started to reach in to try to tax Indian  
20 country.

21 So, we will never have a diversified  
22 economy. As long as states are coming in and  
23 imposing sales tax, tax on leases that are on trust  
24 lands, and other taxes.

25 So, we're trying to work through this

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1 and this is one of our issues of a generation.

2 And it really goes to the idea of  
3 colonialism and doctrine of discovery where every  
4 state and local and county feels a right to our  
5 revenue.

6 And these are the revenues that are the  
7 margin. So, we're looking at businesses that are  
8 -- if you get a margin of 5 percent you're doing  
9 really well. And the state's coming in and taxing  
10 that, and taking our money.

11 So, even if we're not getting federal  
12 spending and we're moving towards economic  
13 development we can't afford to have the states  
14 coming in when we're finally doing well and taking  
15 the money that we use for programs and services.

16 We rely on economic revenue to fund our  
17 programs and services. That's a different model  
18 from other governments and we need to have that  
19 considered when we're doing these recommendations.

20 States rely on tax revenue. So, we  
21 have to support the idea that anything that happens  
22 on tribal lands and in our jurisdiction should stay  
23 within the tribes themselves.

24 And finally, I have a bunch of other  
25 recommendations in moving forward but I can talk

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1 about those in either discussions or in the written  
2 report. So, thank you.

3 CHAIRMAN CASTRO: Great. Thank you.  
4 Ms. Deer, you have the floor.

5 MS. DEER: Thank you very much for this  
6 opportunity, Commissioners.

7 I'm here to talk about something I think  
8 was perhaps lacking in the Quiet Crisis report, and  
9 that has to do with victims of crime. And I'll  
10 explain the connection to health and well-being in  
11 a moment.

12 But, Quiet Crisis in terms of the  
13 chapter on the Department of Justice focused on  
14 policing, courts and corrections, which are  
15 absolutely fundamental for a justice system to  
16 function on tribal lands.

17 But I want to encourage the Commission  
18 to consider adding to its portfolio of inquiry  
19 victim services.

20 And that really has to do with the fact  
21 that most victims of crime, particularly Native  
22 people do not report their crime to police. So,  
23 the funding that goes to courts, policing,  
24 corrections, et cetera, does not reach these  
25 victims of crime.

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1 And I mention in my written report here  
2 a number of statistics, but just to emphasize a  
3 couple of things.

4 The most recent Centers for Disease  
5 Control data indicates that over half, or 55  
6 percent of Native women will experience some form  
7 of sexual violence in their lifetime.

8 I think when President Obama signed the  
9 Tribal Law and Order Act he spoke of 1 in 3 Native  
10 women being raped in their lifetime, but the most  
11 recent data as of 2014 is that 55 percent of Native  
12 women will experience sexual violence in their  
13 lifetime.

14 Another data point that I'd like to  
15 emphasize is the rate of posttraumatic stress  
16 disorder in the lives of Native children which is  
17 the same rate as veterans returning from Iraq and  
18 Afghanistan, and triple the rate of the general  
19 population.

20 In another study we found that the PTSD  
21 rate in Native American adults is 4.4 times the  
22 national average.

23 Now, this data tells us that victims of  
24 crime in Indian country are not receiving the  
25 services they need.

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1 I think it's also important to sort of  
2 -- in addition to some of the health disparities  
3 already discussed to understand that PTSD, which  
4 is largely caused by violent crime, leads not only  
5 to things like mental health, addiction and  
6 suicide, but has now been linked by medical science  
7 to include disorders such as liver disease, heart  
8 disease, lung disease, things that once upon a time  
9 medical science did not see a connection to trauma,  
10 but now the data is showing that it does.

11 So, that sort of lays out some of the  
12 challenges faced by victims of crime.

13 But what I'd like to do now is just focus  
14 on one aspect of funding and that is the Victims  
15 of Crime Act.

16 The Victims of Crime Act was created by  
17 Congress in 1984. And the idea here is that when  
18 the federal government collects funding from  
19 people who have been fined as a result of  
20 convictions in federal court, that that money  
21 should be used to help those victimized by crime.

22 And so fines paid go into this fund, not  
23 taxpayer dollars. But Congress has imposed a cap  
24 on how much is available for crime victim services.

25 In recent years distributions from the

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1 Crime Victims Fund have been about \$700 million  
2 even though collections were at \$2.8 billion,  
3 leaving a balance in the fund of over \$13 billion.

4 Now, these funds are a vital link for  
5 a victim to find safety because they can fund things  
6 like emergency housing, transportation, child  
7 care, food, basic provisions that are needed by the  
8 victim of crime, especially perhaps one that has  
9 to flee her home due to the abuse that she's  
10 experiencing.

11 But more concerning is that unlike  
12 state and territorial governments who receive an  
13 annual formula distribution from the Crime Victims  
14 Fund, Indian tribes are currently only able to  
15 access these funds through pass-through grants  
16 from the states, or by competing for these funds  
17 administered by the Department of Justice.

18 According to the Department of Justice  
19 from 2010 to 2014 state governments passed through  
20 less than 1 percent of available funds to programs  
21 serving tribal victims.

22 So there is a significant unmet need for  
23 crime victim assistance in most tribal  
24 communities.

25 In October of 2014 of course National

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1 Congress of American Indians unanimously adopted  
2 a resolution urging Congress to recognize this  
3 great need and create an annual tribal distribution  
4 out of the Crime Victims Fund.

5 Again, this is not taxpayer dollars.  
6 This is funds that should already be available to  
7 tribes but currently are not available.

8 As someone who has worked with advocacy  
9 programs in Indian country for the past 20 years  
10 I wish to stress the critical role that victim  
11 advocates play.

12 And right now funding for these victim  
13 advocacy programs is competitive. What that means  
14 is that somebody who works 24/7 to respond to crisis  
15 on the reservation may make about \$35,000 or  
16 \$40,000 a year which ultimately leads to less than  
17 minimum wage for these victim advocates.

18 The other problem is, of course, that  
19 the competitive funding ends at three years, so  
20 victim advocacy programs are not guaranteed that  
21 they will even exist from year to year.

22 What this sends a message to victims of  
23 crime in Indian country is that it's not safe to  
24 reach out for help.

25 Victim advocates are the link between

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1 safety and in some cases murder, death, as a result  
2 of domestic violence.

3 And so we need to find a way that these  
4 victim advocates can find sustained funding so that  
5 they can focus not on writing grants, and not on  
6 figuring out how they're going to make the budget  
7 stretch for another year, but on how to help the  
8 victims of crime so that we can lessen the rate of  
9 PTSD in tribal communities, and therefore decrease  
10 the suicide rate as well as the rates of mental  
11 health, addiction, and other physical ailments.  
12 Thank you for the opportunity.

13 CHAIRMAN CASTRO: Thank you, Ms. Deer.  
14 Mr. Anderson? You can proceed, Mr. Anderson.

15 MR. ANDERSON: Yes. Will someone  
16 please let me know when the light turns orange since  
17 I can't see it?

18 CHAIRMAN CASTRO: Yes, I will let you  
19 know.

20 MR. ANDERSON: Thank you. Well, thank  
21 you for this opportunity and thank you all for the  
22 time you put into this really important issue.

23 My experience is not that of a tribal  
24 member. I grew up here in Montana near the Crow  
25 Reservation and had the good fortune of spending

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1 summers living on the Blackfeet Reservation where  
2 my uncle managed a ranch.

3 My hero then was Francis Calf-Looking,  
4 a Blackfeet tribal member. And I didn't realize  
5 as a child just what the huge gap was between his  
6 standard of living and that of others off the  
7 reservation.

8 Since then I've grown up and part of my  
9 research has taken me to examining why this poverty  
10 gap exists.

11 It started when I met a member of the  
12 Salish & Kootenai Confederated Tribes on the  
13 Flathead Reservation here in Montana.

14 This member had no poverty gap. He was  
15 clearly living the kind of life that all Native  
16 Americans deserve and should have.

17 When I asked him how he explained this  
18 he told me in quotes, "I own this place," end quote.

19 That was my first clue that the poverty  
20 gap was due to really an institutional gap, an  
21 opportunity for Native Americans both as  
22 individuals and as tribes to control their own  
23 destiny and to control their own resources.

24 If I can quote from two scholars who  
25 have contributed immensely to this discussion,

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1 Stephen Cornell and Joseph Kalt, the institutional  
2 gap is due to, quote, "an absence of defective  
3 governing institutions."

4 It's an absence of a set of rules that  
5 can allow tribes and individual tribal members to  
6 prosper from the wealth they have which includes  
7 both human capital, physical capital and natural  
8 resources.

9 The institutional gap for Native  
10 Americans is really one that should focus on the  
11 property rights that they should have and the rule  
12 of law that could be improved on American Indian  
13 reservations.

14 And that requires not just the kind of  
15 infrastructure that money for health, and  
16 education, and roads provides, but an  
17 institutional infrastructure is crucial if the  
18 Indian nations are to unlock the wealth that they  
19 have and deserve.

20 If I can use the words of Manny Jules,  
21 the former chief of the Kamloops Indian Band of  
22 Shuswap Nations in Canada, he said, quote, "All we  
23 are asking for is the same right that other Canadian  
24 citizens have: the right to own property."

25 American Indians, Native Americans in

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1 the United States deserve that same right.

2 It first became obvious to me when I  
3 started my research in this effort when I found that  
4 the lands on reservations are a mosaic including  
5 both privately held lands and trust lands, both  
6 individual and tribal.

7 That research revealed that the tribal  
8 trusts and individual trusts were far less  
9 productive than the private lands.

10 This doesn't mean that land should all  
11 be privatized, but it does mean that there is an  
12 institutional infrastructure necessary to support  
13 those trust lands if they're to be as productive  
14 as they might be.

15 This also exists in Canada and there has  
16 been research to document that which I include in  
17 my written testimony.

18 The trusteeship problem on American  
19 Indian reservations is made all the worse by the  
20 fractionation of those lands with multiple owners  
21 of individual parcels that are tiny. That has  
22 further reduced the productivity of those lands.

23 The good news is that there are some  
24 bright spots in Indian country and one of this is  
25 here in Montana on the Flathead Reservation.

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1                   The Salish & Kootenai Confederated  
2 Tribes have managed to get control of their tribal  
3 timber resources and as such are not only managing  
4 them for the environmental quality that Native  
5 Americans are noted for, but also for revenues for  
6 the tribe.

7                   This brings me to task one for the  
8 Commission, and I think that is to assist Indian  
9 nations in breaking the bond of trusteeship if the  
10 nation wishes to do so.

11                  Breaking that bond ultimately means the  
12 federal government must stop treating Native  
13 Americans as incompetent wards of the state and  
14 give them the full rights of every U.S. citizen,  
15 including the right to own property individually  
16 and collectively free from the bureaucratic  
17 constraints that now exist.

18                  CHAIRMAN CASTRO:       You have two  
19 minutes.

20                  MR. ANDERSON:   The poverty gap is made  
21 even worse by the lack of a rule of law on  
22 reservations.

23                  Again, my research has focused on the  
24 extent to which that rule of law not just for  
25 criminal law, but for civil law has made it

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1 difficult for tribes and individuals to secure  
2 funding for the kind of investments that will be  
3 necessary if tribes are to experience the growth  
4 that the rest of the nation has.

5 This brings me to task two which is to  
6 assist tribes in developing an institutional  
7 infrastructure conducive to the necessary  
8 ingredients for entrepreneurship and business  
9 development.

10 That infrastructure will vary from  
11 tribe to tribe because each tribe has its own  
12 cultural heritage.

13 But it must include, one, a stable  
14 judiciary system, two, separation of powers within  
15 tribal governments, three, taxation authority  
16 enabling tribal governments to provide their own  
17 public goods, and four, administrative procedures  
18 such as the Uniform Commercial Code under which  
19 tribal economies can operate and interface with the  
20 economies outside.

21 The bottom line is that it is time for  
22 Native Americans to get the rights that all other  
23 Americans have, and that includes the right to  
24 dignity and prosperity.

25 Ultimately following this path

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1 requires sovereignty, something that nearly all  
2 Indians say they want, and something that nearly  
3 every politician and bureaucrat in Washington pays  
4 lip service to.

5 Sovereignty means having the authority  
6 to make decisions and the willingness to accept the  
7 consequences of those decisions.

8 In the short term the federal  
9 government must -- has the trust responsibility  
10 including funding for reservation infrastructure  
11 which it must live up to.

12 But in the long term it should focus on  
13 providing the institutions that promote  
14 self-sufficiency both for tribes and individual  
15 Native Americans. Thank you very much.

16 CHAIRMAN CASTRO: Thank you, Mr.  
17 Anderson.

18 Before we proceed with questions I  
19 think, Commissioners, either your phones or your  
20 tablets are not muted if you could. We just keep  
21 hearing pinging. Okay, if you could just mute  
22 that. Thank you.

23 As you know if Commissioners want to ask  
24 questions identify yourselves and I'll put the  
25 question forward.

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1 I'll open up with a question on the  
2 issue of economic development. I believe it was  
3 in your presentation, Mr. Desiderio, talking about  
4 the various ways that public-private partnerships  
5 could be better utilized in Native Country, in  
6 Indian Country, that aren't being used now that you  
7 see are successful in states and municipalities.

8 Could you talk a little bit about how  
9 private and public partnerships can be empowered  
10 to bring economic development to Indian Country?

11 MR. DESIDERIO: Yes, absolutely.  
12 That's one of the things we work on a lot with our  
13 organization in trying to develop these  
14 partnerships, both with tribes and other  
15 governments, and then tribes with the private  
16 sector.

17 One of the things I think that we can  
18 do a lot more effectively is there are programs  
19 within -- I see your list of federal speakers does  
20 not involve the Department of Treasury.

21 They should be at the table. They have  
22 an outsized role in Indian Country, including  
23 having the government capital we need.

24 We keep going back to trying to make  
25 things work as governments with five-year capital

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1 and private sector capital. And that's okay, but  
2 we still need the long-term government capital to  
3 come to the table for some of the infrastructure  
4 and some of the other pieces to develop.

5 Having said that, Department of  
6 Treasury sits on a lot of money that Indian Country  
7 doesn't have access to, like the new market tax  
8 credits, or this new CDFI bond guarantee program.

9 Those partnerships come to the table  
10 when there is more capital. Indian tribes can't  
11 raise money as equity. The tax credits from  
12 low-income housing and from new market tax credits  
13 sort of acts like that equity investment.

14 Indian Country for the last three years  
15 has gotten one allocation for new market tax  
16 credits.

17 And a lot of what happened from the  
18 Recovery Act is that this money has become  
19 incredibly competitive. And this is the money  
20 that Indian tribes need.

21 When you look at the inequity in funding  
22 the Bureau of Indian Affairs has a \$7 million loan  
23 fund. We have CDFI money that's about \$15 million.

24 And you look at the new market tax  
25 credits, and low-income housing tax credits, new

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1 markets is at \$5 billion. And we're just not  
2 accessing the big money, and everybody's okay with  
3 us playing in that small pool.

4 We can't develop our economies without  
5 access to that sort of capital that will make those  
6 partnerships work.

7 But we are seeing a lot more -- and if  
8 you look at also the budget funding if we make this  
9 mandatory we can then, you know, the federal  
10 government can actually save money and do these  
11 longer-term infrastructure projects just like the  
12 states do with these, I think it's the grantor  
13 having to leverage the future funding of these  
14 projects to do more roads and joint projects,  
15 including joint projects with infrastructure with  
16 the local communities.

17 Those all work really well if we can get  
18 the federal government to shift its view of Indian  
19 Country. Just like the World Bank, we're  
20 developing nations. We need them to shift the view  
21 to have them understand that we need long-term and  
22 tax credit or equity capital to be able to foster  
23 even the private sector to come to the table, having  
24 those incentives.

25 CHAIRMAN CASTRO: Thank you. And Ms.

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1 Deer. Then I'll ask the other Commissioners to ask  
2 some questions.

3 You talk about adding the issue of  
4 violence to our report. I'm sure we will do that.  
5 Your information is very powerful and really  
6 relevant.

7 One thing you didn't talk about and I'll  
8 ask you if maybe you can elaborate if you have any  
9 information on it.

10 According to a study last year by the  
11 Lakota Peoples Law Project if you're a Native  
12 American you're more likely to be killed by law  
13 enforcement than any other racial group  
14 percentage-wise compared to the population.

15 Obviously African-Americans in sheer  
16 numbers are more victim of police use of force, and  
17 we're doing a study on that now.

18 Do you know on that topic? And if you  
19 do, if you could opine a little bit on that.

20 MS. DEER: Sure. I don't think I know  
21 much more than what you just said which is that the  
22 data shows that per capita Native men are more  
23 likely to be killed by police than any other race.

24 I think that when we look at data like  
25 that one of the things to consider is that that may

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1 be data that applies more to urban areas than to  
2 reservation land. I don't think that we know that  
3 for sure.

4 But we also know that Native women have  
5 experienced violence by the police. There have  
6 been some anecdotal recent incidents where Native  
7 women have experienced violence at the hands of  
8 police.

9 And about a year and a half ago a young  
10 girl in South Dakota about 11 years old, a girl from  
11 a reservation was pepper sprayed. So, we do have  
12 concerns about police violence against Native  
13 people.

14 CHAIRMAN CASTRO: When I was in Wyoming  
15 a week before last apparently a similar situation,  
16 although not involving police officers, but a  
17 municipal or county employee was actually murdered  
18 and then very brutally shot Native Americans. And  
19 it was not considered a hate crime.

20 MS. DEER: Right.

21 CHAIRMAN CASTRO: So, clearly I think  
22 there's an issue of hate crimes enforcement, or  
23 even in some states lack of hate crimes. Do you  
24 know anything about hate crime access?

25 MS. DEER: I would have to defer to

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1 others.

2 CHAIRMAN CASTRO: Okay. Anybody on  
3 the panel?

4 MS. PATA: Sure, I'd love to speak just  
5 for a second about that.

6 Just recently this week there was  
7 another article that came out about talking about  
8 the prevalence of Native Americans who die at the  
9 hands of law enforcement officers. And actually  
10 Native women have a higher percentage than Native  
11 men.

12 And we also experience it particularly  
13 on border reservation areas. So that's where the  
14 prevalence seems to be very high. Certain states  
15 have a more significant racial challenges I want  
16 to say, racial biases within the state. And you'll  
17 see that hate crimes particularly arise in those  
18 areas.

19 Once again, border communities. I  
20 mean, I could mention the states. My own state has  
21 a challenge with that issue. The State of Alaska.  
22 South Dakota is another significant state.  
23 There's other states and pockets where there's a  
24 prevalence of that.

25 We're really concerned that -- the

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1 numbers, and really want to be able to make sure  
2 that we're doing a lot more cultural education.

3 What concerns me most though is if I  
4 look in the data, in the statistics, when you look  
5 at the prison-to-pipeline data, and you look at the  
6 analysis that was done I think it was by the -- I  
7 can't remember the center so I don't want to say  
8 right now.

9 But when that data was put forward the  
10 Advancement Project put out a document. And it  
11 showed that of the populations Latino Americans,  
12 Native Americans being next population of children  
13 who were suspended from school.

14 And I was concerned because the gaps  
15 were really high. It was like 13 percent for Latin  
16 Americans, 12 percent for Native Americans, and  
17 then it shifts down to 7 percent for  
18 African-Americans.

19 And to me that was an alarming statistic  
20 that there is some cultural interpretation  
21 differences that actually lead towards getting to  
22 these.

23 It could be partly an indicator of the  
24 biases that may happen, but also an indicator of  
25 what may happen to children if we don't understand

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1 the differences in our culture.

2 So, and I know I shouldn't do this --

3 CHAIRMAN CASTRO: Go ahead.

4 MS. PATA: When you were talking about  
5 economic development I wanted to be able to mention  
6 that one of the things we're trying to work on with  
7 trying to get private sector more engaged, and I'll  
8 just one example, one industry area which is  
9 energy.

10 We realize that Indian Country has 15  
11 percent of this nation's untapped energy resource.  
12 And we thought that was going to be the biggest  
13 economic boon to Indian Country. We were all  
14 prepared for that to happen.

15 We recognized that we needed to build  
16 capacity in Indian Country. And we feel like --  
17 so part of that was hopefully a federal partnership  
18 to build that capacity, bring that technical  
19 assistance into Indian Country.

20 It was really at this point an  
21 unrealized dream.

22 Where we saw success was the tribes that  
23 actually were able to partner with the private  
24 sector, learned the industry and to be able to  
25 develop it.

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1                   So like, Southern Ute, for example.  
2                   Great energy resource, tapped energy.

3                   Places where tribes, Morongo, for  
4                   example, did the alternative energy.

5                   But then what we see happening -- and  
6                   so part of that is recognizing that there is a  
7                   governmental responsibility to encourage those  
8                   private sector relationships by developing systems  
9                   that allow us to merge together.

10                  So for example, I'll use the FCC and  
11                  cell tower placements where an industry had a great  
12                  overlay over Indian Country because of course  
13                  unfortunately some of the highest peaks in America  
14                  where the best placements for cell towers are also  
15                  the most culturally significant places to Indian  
16                  Country.

17                  So we knew that we needed to have a  
18                  communication where we could understand each  
19                  other. And we were able to devise a system with  
20                  the FCC that made sense.

21                  We weren't able to do quite the same  
22                  thing with the energy companies having to deal with  
23                  things like rights of way, access, access to the  
24                  grid, evaluation, and those components.

25                  And so I do think that there is a

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1 federal, tribal, private sector partnership that  
2 actually could still be expanded to be able to make  
3 sense.

4 And I could go in greater detail, but  
5 I won't do that at this time.

6 CHAIRMAN CASTRO: Thank you, that was  
7 very relevant.

8 COMMISSIONER KLADNEY: Mr. Chairman,  
9 before we go on I was wondering if you could, Ms.  
10 Pata, if you could provide the studies on the  
11 shootings and the studies on the school to jail  
12 pipeline and do that for us within 30 days. I'd  
13 really appreciate it. Actually, as soon as  
14 possible.

15 MS. PATA: I would be delighted.

16 COMMISSIONER KLADNEY: We have a time  
17 limit on this.

18 MS. PATA: We'll give it to you very  
19 shortly.

20 COMMISSIONER KLADNEY: Thank you.

21 CHAIRMAN CASTRO: Commissioner  
22 Kladney, you have the floor. And then  
23 Commissioner Yaki after you.

24 COMMISSIONER KLADNEY: Thank you, Mr.  
25 Chairman.

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1 Ms. Pata, I know years ago in Alaska  
2 they formed tribal corporations. I think there  
3 were 12 or 13 of them.

4 MS. PATA: Yes. Thirteen.

5 COMMISSIONER KLADNEY: And I think --  
6 well, when I lived there some of them made it very  
7 well, and some of them did not make it very well.

8 So, what is the status of that now?  
9 Because some of them became very, very wealthy with  
10 their investments. And this was a long time ago.  
11 I had hair and everything.

12 And some went broke and actually were  
13 fraudulently -- some fraudulently lost their  
14 money.

15 So, can you give me a little status on  
16 that?

17 MS. PATA: Sure, I'd be glad to. And  
18 I should also qualify that I also am the vice chair  
19 of the Sealaska Corporation, Alaska Native  
20 Corporation, which resides in southeast Alaska. I  
21 have been on their board for a number of years.

22 So, the Alaska Native Corporation was  
23 an experiment. And thank you so much for the  
24 testifier from Montana about the lands.

25 It was an experiment to deal with

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1 something different than creating reservations,  
2 and the experiment worked and didn't work.

3 Part of it that worked was trying to be  
4 able to force tribes to be able to -- and tribal  
5 citizens to have to understand the economic  
6 structure of the United States to be able to have  
7 a commerce relationship in a different fashion.

8 And what I would like to say is that by  
9 that forced structure what it did was it actually  
10 separated the business entity from the tribal  
11 entity and any judicial structures as what you  
12 might have learned from Joe Coulter and other folks  
13 that say that you need to have systems that are  
14 separate.

15 Where it didn't work was it hasn't  
16 created the change that we needed, particularly in  
17 rural Alaska for the social needs of our citizenry,  
18 and that there isn't that direct relationship of  
19 responsibility to fund governmental systems that  
20 make changes in our communities.

21 And so, and you're right. There are  
22 some corporations who have done a phenomenal job.  
23 CIRI, Cook Inlet Regional Corporations is a great  
24 example of that.

25 Others who have been able to take

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1 advantage of and participate in some of the  
2 government contracting opportunities. But then  
3 others --

4 COMMISSIONER KLADNEY: But basically  
5 some are very rich now, and some are very poor --

6 MS. PATA: And some are very, very  
7 poor.

8 COMMISSIONER KLADNEY: -- as a result  
9 of market forces.

10 MS. PATA: Exactly. Exactly. And  
11 the other thing about that. It was also -- there  
12 was a revenue generation sharing component to it  
13 so that we have what we call 7(i) that meant those  
14 that had natural resources had to share with those  
15 that don't.

16 Coming from a timber tribe, or a timber  
17 corporation that means that 70 cents out of every  
18 dollar went to the other corporations through our  
19 revenue generating scheme.

20 And so that's kind of one of the ways  
21 that it works.

22 You're obviously right, some of the  
23 corporations, particularly the village  
24 corporations disbanded because of lack of  
25 resources.

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1 But the worst thing, and I wanted to  
2 talk about the land component because of the  
3 speaker that was on the phone, one of the worst  
4 things was the loss of land.

5 Forty percent of Alaska lands came  
6 through and were allocated through this settlement  
7 with the federal government.

8 And of that, when the corporations  
9 because they didn't have tribal status nor the  
10 protections in place from the Bureau of Indian  
11 Affairs, the trust, although we would have liked  
12 to have had that at that point, that of those lands  
13 that became home site lands and were distributed  
14 to our shareholder basis, our tribal members within  
15 our villages, once again we saw the same thing that  
16 we saw across America with the assimilation  
17 policies where so many of our lands were taken and  
18 lost because of taxation and other things.

19 COMMISSIONER KLADNEY: Mr. Anderson,  
20 from your testimony I understand, at least my take  
21 on it was you would prefer us to revert back to the  
22 Dawes Act. Is that correct?

23 MR. ANDERSON: Oh, hardly.

24 COMMISSIONER KLADNEY: Isn't that part  
25 of what you're talking about, about taking lands,

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1 Native tribal lands in Indian Country and dividing  
2 them up among the tribal members, and giving them  
3 the real property, rather than letting them leave  
4 the tribal nation and buy property within this  
5 country.

6 MR. ANDERSON: It's very clear and my  
7 research has documented even more than some earlier  
8 research that the Dawes Act resulted in an enormous  
9 taking of land and other resources from Native  
10 Americans.

11 And that heritage has left them  
12 stripped of those resources for too long.

13 COMMISSIONER KLADNEY: Well, it was my  
14 understanding that what they did was they provided  
15 -- they divided the land up among some tribal  
16 members, and tribal members would wind up selling  
17 their land.

18 And now you have that patchwork of  
19 tribal land and ownership by non-tribal members.

20 MR. ANDERSON: You're absolutely  
21 correct. And again, that's my point. That's how  
22 that land was taken out of tribal and individual  
23 Indian control.

24 The lands on reservation that remain in  
25 Indian hands that are privately held by Indians are

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1 very productive and that's the case that I  
2 mentioned of the Salish & Kootenai Confederated  
3 Tribal member.

4 My point is not that privatization is  
5 the answer. My point is that Indian control of the  
6 reservation and the lands therein is important.

7 The reservations are not treated like  
8 counties. They are not sovereign governments.  
9 They are riddled with holes where these private  
10 lands exist. And those are taxed by the states or  
11 the counties, not by the tribes. They should be  
12 put under the jurisdiction of the tribes.

13 If tribes wish to increase the amount  
14 of private lands on their reservation that should  
15 be their decision, not the decision of the federal  
16 government as it was with the Dawes Act.

17 So, I emphatically am not saying that  
18 we should return to the Dawes Act.

19 What I am saying is that tribes should  
20 have more sovereign authority over the lands within  
21 the boundaries of those reservations.

22 That will help them not only achieve  
23 greater productivity as the Salish & Kootenai have  
24 done, as the Southern Ute have done with their  
25 energy resources, but it will also give them the

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1 ability to manage those lands, or to tax those lands  
2 and use the taxation for the kind of infrastructure  
3 that the federal government now is responsible for  
4 and should step up to, I should emphasize.

5 But it will give them a chance to use  
6 the sovereign powers of tribal governments in the  
7 same way that sovereign counties do or sovereign  
8 states do.

9 CHAIRMAN CASTRO: Would anybody on the  
10 panel here like to comment?

11 MR. DESIDERIO: Yes, thanks,  
12 Commissioner Kladney. I do want to comment and  
13 it's very appropriate to bring up the Dawes Act in  
14 that it really has the same underlying intent.

15 So, whenever somebody starts talking  
16 about breaking the trustee relationship their view  
17 of what success would be like in Indian Country  
18 instead of our cultural view of success, and then  
19 talking about private ownership, we rightfully get  
20 concerned.

21 We've seen this experiment before and  
22 it hasn't played out too well for Indian Country.

23 So, I think it's really appropriate for  
24 some of us to comment. And if you are doing a  
25 report that it's not shared widely in Indian

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1 Country, those recommendations.

2 But I also want to talk about this in,  
3 steer this in a different direction.

4 Jackie and I are on the Center for  
5 Indian Country Development which is a product of  
6 the Federal Reserve Bank of Minneapolis.

7 The private land ownership, I think we  
8 are working on ways to try to have that sort of  
9 vested ownership through secure transactions  
10 rather than going into the same experiment of  
11 private ownership.

12 So, on some of these things when you're  
13 looking at separation of government, this idea that  
14 we're not taking -- it isn't working in all tribes,  
15 but most tribes are going down the path of creating  
16 their own governance and own economic systems that  
17 work for them. So there isn't one size that fits  
18 all and we have to keep that in mind when we're  
19 moving this forward.

20 One thing that I do want to add finally  
21 is that self-determination does work,  
22 self-governance does work when you're looking at  
23 having our own taxes.

24 And we are sovereigns. I'm not sure --  
25 just as other governments are. So we want to make

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1 sure and make that point and elaborate on that.

2 COMMISSIONER KLADNEY: May I just have  
3 one more question, Mr. Chairman?

4 CHAIRMAN CASTRO: Yes, go ahead.

5 COMMISSIONER KLADNEY: Ms. Bohlen, did  
6 I pronounce that correctly?

7 MS. BOHLEN: Yes, you did.

8 COMMISSIONER KLADNEY: Thank you. I  
9 have actually a compound question for you because  
10 I told him I would only ask one question.

11 CHAIRMAN CASTRO: You always do that to  
12 me, Commissioner Kladney.

13 COMMISSIONER KLADNEY: I'm interested  
14 in tribal recognition --

15 MS. BOHLEN: Tribal recognition.

16 COMMISSIONER KLADNEY: -- and the  
17 issues that have gone on with that.

18 You mentioned, and I didn't get the  
19 exact figure, 570-plus.

20 MS. BOHLEN: Sixty something.

21 COMMISSIONER KLADNEY: Sixty-five,  
22 okay. And there are many groups that are seeking  
23 additional recognition from the government. And  
24 there's conflict with existing tribal governments.

25 And I've read several articles on it and

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1 I still don't have clarity on that.

2 And then I also wanted to ask about you  
3 mentioned that the ACA is just adding marginally  
4 to healthcare on Indian Country.

5 But it's my understanding now that  
6 instead of sending a Native to the local hospital  
7 and the hospital only being able to charge for one  
8 charge, some tribes can charge 5 and up to 10  
9 different procedures per visit now.

10 And that sounds pretty good to me, at  
11 least much better than it was when they could only  
12 charge for one. So if you could explain that as  
13 well I would appreciate it.

14 And then I will have no more questions  
15 for a while.

16 MS. BOHLEN: Oh, okay. Well, let me  
17 answer the second one first because the answer to  
18 the first one is I don't know. So, I guess I  
19 answered the first one first.

20 Jackie will know the answer to that  
21 question. That's not an area that I'm an expert  
22 on. And while I can talk about it, I took the oath,  
23 you know. So.

24 So, the Affordable Care Act, I want to  
25 clarify my comments. My comment that it was

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1 marginally improving healthcare was not what I  
2 said. If it's what I said it's not what I meant  
3 to say.

4 What I meant to say is that it's  
5 improving the number of American Indians and Alaska  
6 Natives who are insured. That's what's marginally  
7 improving.

8 Now, I'm not sure if the statistic that  
9 you're talking about in terms of multiple billing  
10 is a construct of the Affordable Care Act, or if  
11 it's a construct of the success of self-governance  
12 which is rightfully so, when the full spectrum of  
13 what is possible can be exercised through a  
14 business model then multiple billing can be  
15 achieved, but it depends on what your billing, what  
16 your third party billing scenario is.

17 These are usually pretty complex and  
18 include Medicare, Medicaid, some form of private  
19 insurance.

20 And so the business incentive and the  
21 incentive of tribes to care for their people in the  
22 greatest way possible I think really achieves its  
23 potential in a self-governance science.

24 Because the people running the health  
25 system are the people who are in the health system.

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1 They are the tribal members who are looking out in  
2 the best way, to the best of their abilities,  
3 stepping into the shoes of the federal government  
4 and providing healthcare for their people with the  
5 same limited resources.

6 COMMISSIONER KLADNEY: So, taking away  
7 the Obamacare ACA would hurt -- taking away the ACA,  
8 doing away with it would hurt coverage for many  
9 Native Americans.

10 MS. BOHLEN: Absolutely. Absolutely.  
11 And I'll assume that that was a comment earlier and  
12 you just were continuing.

13 But no, the Affordable Care Act has  
14 created many, many new opportunities for American  
15 Indians and Alaska Natives.

16 And I think it's really important to  
17 make the point that the federal government's trust  
18 responsibility does not begin and end with the  
19 Indian Health Service.

20 The federal government's trust  
21 responsibility is however it can be achieved  
22 through the systems in place.

23 We are very, very clear that the  
24 Medicaid expansions alone have provided tremendous  
25 opportunity for Indian people under the Affordable

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1 Care Act.

2 The ability to be in health insurance,  
3 some for the very first time in their lives, and  
4 have the additional spectrum of care that's  
5 available because of that. Those are life-saving  
6 improvements. They've made tremendous  
7 differences in Indian Country.

8 And I think that the marginal success  
9 that we've really achieved in terms of enrollment  
10 is a matter of very limited funds to do outreach.

11 I mean, our organizations,  
12 particularly NCAI, the National Indian Health  
13 Board, the National Council of Urban Indian Health,  
14 we are out there every day.

15 I have a team of four people who are out  
16 in the field every day educating our people about  
17 the opportunities in the Affordable Care Act.

18 And we would need, you know, if we had  
19 40 people doing it then we might be seeing the kind  
20 of improvements that are right there waiting to be  
21 experienced.

22 There are still problems with the  
23 Affordable Care Act. There are some issues that  
24 Indian Country is desperately working to address  
25 and correct, like the employer mandate and

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1 alleviation from that, and a uniform definition of  
2 "Indian" that will assure that all American Indians  
3 who are able to get these services can get them.  
4 So, I hope that answered your question.

5 MS. PATA: Quickly answering your  
6 question having to do with federal recognition,  
7 federal recognition processes and maybe some of the  
8 opposition.

9 So, this is, you know, Congress through  
10 their plenary power gave secretarial authority to  
11 the Department of the Interior to develop a  
12 process, the process that our organization has been  
13 working on for a number of years to make sure that  
14 it is fair, it's equitable, time-sensitive, et  
15 cetera.

16 But there's an actual federal  
17 recognition process. People know for numerous  
18 years when you went to grade school that there were  
19 tribes -- and Virginia is a great example. As of  
20 today only one tribe in Virginia has been  
21 recognized through the process.

22 So, there's 365, -66 tribes every day  
23 there's some that are in debate under the  
24 recognition.

25 States also have recognized tribes.

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1 Some states have a formal mechanism of recognizing  
2 those tribes. A lot of states don't have a formal  
3 recognition.

4 And so there's federally recognized and  
5 non-federally recognized tribes which some states  
6 recognize as being tribes within that state.

7 The challenge -- and then some of the  
8 challenges come when, you know, there was a great  
9 removal, and there was a number of relocation  
10 efforts, and there was a lot of other things that  
11 actually kind of separated tribal communities.

12 And so sometimes some of the  
13 controversy comes to where was their origination,  
14 and how can we follow our origination through this  
15 process.

16 COMMISSIONER KLADNEY: The tribes  
17 fighting --

18 MS. PATA: Yes, historically and today  
19 tribes fight each other. And one of the more  
20 common and unfortunate current issues has to do  
21 with since so many of our tribal lands have been  
22 taken to us, our original lands might have a city  
23 on them today.

24 So, what do those alternative -- when  
25 we get recognition, or when we are trying to deal

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1 with alternative receiving of our lands there may  
2 be controversy over what lands get selected by a  
3 tribe under a recognition process, or under a  
4 authority of the federal government to restore  
5 lands that might have been taken away to a tribe.

6 And we have a lot of restoring lands.  
7 And that land may not have had a direct historic  
8 connection or not. And that's where some of the  
9 controversy happens.

10 CHAIRMAN CASTRO: Thank you.  
11 Commissioner Yaki followed by Commissioners  
12 Narasaki and the vice chair.

13 COMMISSIONER YAKI: Thank you very  
14 much, Mr. Chair. In contrast to my esteemed  
15 colleague Commissioner Kladney I have a very short  
16 question, but I'm going to preface it with a longer  
17 statement. So I'll balance it all out.

18 I've been on this Commission long  
19 enough to have been fortunate to have served with  
20 the last two Native American Commissioners,  
21 Commissioner Elsie Meeks who was on the Commission  
22 at the time the Quiet Crisis report was done, and  
23 my good friend Commissioner Arlan Melendez,  
24 Chairman of the Reno-Sparks Colony.

25 And we did a briefing at that time on

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1 discrimination in border towns.

2 And what's interesting to me when we  
3 deal with the issues affecting Native Americans is  
4 that we tend to do it all at one time. It's sort  
5 of our only chance to deal with a Native American  
6 issue is that with one shot, with one report, and  
7 get it all in.

8 And I think that's unfortunate because  
9 it's a diverse community with many diverse  
10 challenges.

11 One of the interesting things that we  
12 saw from the reservation border town briefing was  
13 that even though it was specific to just that one  
14 issue about the discrimination among Native  
15 Americans with bordering -- where reservations and  
16 towns border on each other, it brought up a whole  
17 slew of other issues.

18 It brought up the issue of voting rights  
19 by the fact that state officials often try and put  
20 additional burdens on Native Americans who may have  
21 a tribal enrollment card that doesn't meet their,  
22 quote/unquote, criteria for being able to vote on  
23 election day.

24 It brought up issues of resource  
25 allocation for Justice where you have one U.S.

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1 attorney for a 5,000-mile stretch of reservation.

2 It brought up issues of healthcare. It  
3 brought up issues of school discipline where Native  
4 American kids going to schools in the border towns  
5 had a much, much higher rate of discipline and  
6 school-to-jail pipeline than any others.

7 And I think that it's incumbent upon us  
8 I think to think more about in terms of these  
9 discrete issues because they are important.

10 And when they come together with other  
11 communities it's important to make sure we bring  
12 that viewpoint as well.

13 It's not just -- voter ID is not just  
14 an African-American issue, it's not just an elder  
15 American issue, it's also a Native American issue.  
16 It's an Asian-American issue, and we should make  
17 sure we have those kinds of things on there.

18 So I just wanted to say that in tribute  
19 in large part to both Elsie and Arlan for doing what  
20 they did, and hope that we can do the same here.

21 My one question, my one question goes  
22 to really the issue of something I think that you  
23 brought up, Ms. Pata.

24 And that is -- and actually probably  
25 it's all of you -- is the budget, the federal

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1 budget.

2 And why is it not possible given that  
3 this is a state-to-state relationship, given that  
4 there are so many constitutional reasons you could  
5 do it, why couldn't we move funding from  
6 discretionary to non-discretionary? So that it's  
7 not subject to the Budget Impoundment Act, so it's  
8 not subject to yearly rescissions, so it's part of  
9 essentially I won't say entitlement, but the  
10 non-discretionary part of the United States  
11 budget.

12 Because if we grant all these rights and  
13 we say that we have special relationships, surely  
14 we can decide constitutionally to say this pot of  
15 funds from DOT, DOE, whatever it is, gets put in  
16 a lockbox away from this and into the  
17 non-discretionary part of the budget.

18 MS. PATA: So, yes, I'd love to speak  
19 to that because you said our heart's desire in your  
20 sentence, and that is that we become  
21 non-discretionary.

22 And we've looked at models. And we  
23 recognize one of the reasons why it hasn't, of  
24 course. This country has a difficult time dealing  
25 with the budget anyway. And then if you look at

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1 entitlement programs and the challenges of  
2 managing entitlement programs. I used to work for  
3 HUD so I know exactly what difficulty that is in  
4 trying to advocate around those issues.

5 But I will say that the other -- so we've  
6 looked at other models where the federal government  
7 does fund something differently.

8 So, how do we give aid to other  
9 countries, for example? We give aid. Do we put  
10 a lot of strings on them? Do we have a lot of  
11 reports on them? Do we have a lot of other things  
12 on them? Not necessarily. And it's more, you  
13 know, so we do it that way.

14 We also have programs that we give to  
15 the territories, of dollars that we give to the  
16 territories very similarly the same way.

17 And so, and the United States has  
18 funding that goes directly to the territories on  
19 a regular basis. So we are looking at exploring  
20 what that looks like.

21 We're also looking at things -- I know  
22 this is really kind of out there -- but how does  
23 that look if we're even looking at the funding, you  
24 know, almost like a 51st kind of state concept which  
25 would be the tribal component.

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1                   So, one of the challenges for us even  
2 internally though is fear. We've had a lot of bad  
3 policies from the federal government. And we've  
4 risen above those in many, many ways. But we're  
5 still plagued by this ongoing relationship about  
6 funding.

7                   We have a very difficult time with OMB.  
8 We've moved into self-governance to a  
9 self-determining era, and in this self-determining  
10 era we have a lot of contracts, compacts and  
11 self-governance compacts with tribes which starts  
12 to get us into that whole place of we give you a  
13 pot of money to operate your government. You do  
14 as you see fit.

15                  But then how does the government manage  
16 and balance their federal investment, and feel that  
17 they have the oversight for that.

18                  We've engaged with OMB and we continue  
19 to engage with OMB on how can we put checks and  
20 balances in place that make them feel comfortable  
21 about that.

22                  And I think that's part of the  
23 resistance of how do you manage those issues.

24                  Fundamentally we absolutely agree with  
25 you. We just did a series on trust modernization

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1 at the museum during our State of Indian Nations  
2 earlier this year which was all about that.

3 We need to look in the 21st century at  
4 how our relationship works, and what are the  
5 mechanics behind it, and how can we make that.

6 COMMISSIONER YAKI: And it seems to me  
7 that there's still some of that paternalistic great  
8 white father stuff that's going on.

9 MS. PATA: Absolutely.

10 COMMISSIONER YAKI: Because if you  
11 think about it, when you give either block grants  
12 or what have you to a state government, or local  
13 government, it's not like, you know, we've got to  
14 make sure you don't do this, do that, whatever.  
15 Those kinds of strings aren't there.

16 There are programmatic requirements,  
17 but it's discretion to how you get it done.

18 MS. PATA: Right. Can I just add one  
19 thing?

20 When you see what tribes have done under  
21 self-determination it's mind-boggling. When we  
22 look at the healthcare, the change in healthcare  
23 delivery system when more tribes actually took it  
24 on themselves.

25 We now have culturally relevant

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1 healthcare, but we're affecting more lives with  
2 less dollars.

3 COMMISSIONER YAKI: Ms. Deer?

4 MS. DEER: I just wanted to say one  
5 quick thing. In my written statement I discuss  
6 three other reports that I want the Commission to  
7 look at, and one of them is the Indian Law and Order  
8 Commission which issued its report in November of  
9 2013.

10 And that Commission was a bipartisan  
11 Commission mandated by the Tribal Law and Order  
12 Act.

13 And they looked very carefully at this  
14 issue of sustainable funding. And they recommend  
15 that Congress should end all grant-based and  
16 competitive Indian Country criminal justice  
17 funding in the Department of Justice, and instead  
18 pool these monies to establish a permanent,  
19 recurring base funding system for tribal law  
20 enforcement and justice systems.

21 So, I just wanted to make sure that that  
22 was marked for you all and to look at the  
23 justification that the Indian Law and Order  
24 Commission looked at or established in order to  
25 make that recommendation.

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1 CHAIRMAN CASTRO: Madam Vice Chair  
2 followed by Commissioner Narasaki.

3 And let me just ask Commissioners on the  
4 phone, any questions? All right, Madam Vice  
5 Chair you have the floor.

6 VICE CHAIR TIMMONS-GOODSON: Thank you  
7 very much, Mr. Chair. And again, thanks to all of  
8 our panelists.

9 As we've talked about trust  
10 responsibilities and federal funding it's been  
11 pointed out numerous times that due to the  
12 fluctuations in federal funding and uncertain  
13 budget process that many tribes have faced  
14 continuing emergencies in meeting the public  
15 service needs of their citizens.

16 Now, implicit in that is that tribal  
17 funds, those independent federal funding, are  
18 limited.

19 Can you talk to us about the source of  
20 those tribal funds, funds that the tribes would  
21 have independent of and if there were no federal  
22 government? I don't think I have a handle on that.

23 MS. PATA: So, you know, tribes are  
24 like any other governments. And certainly with  
25 geographic diversity brings different conditions.

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1 Rural tribes versus those that are more  
2 urban-centered tribes.

3 And those tribes that have other  
4 economic opportunities. And primarily one of  
5 those economic opportunities is gaming. But  
6 gaming only really works when you're on like an I-5  
7 corridor.

8 And so the tribes that might have small,  
9 modest gaming operations in a rural part of America  
10 really is doing it to create jobs, and sometimes  
11 runs at a marginal deficit to make it happen.

12 So, I wanted to bring that up because  
13 I think there's this thought that people feel  
14 sometimes that tribes have alternative funds.

15 My tribe doesn't have -- we live in  
16 Alaska. We don't have gaming. My tribe has no  
17 alternative funds.

18 When the federal government doesn't  
19 meet its obligation and shuts down the federal  
20 government it impacts my tribe.

21 Were my tribal citizens able to get  
22 their general assistance as necessary for their --  
23 and my elders to be able to get access to their  
24 energy assistance?

25 Were we able to fulfill our need to our

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1 foster children that are in the system? And the  
2 list goes on and on.

3 And no, we don't have alternative funds  
4 to do that. And my tribe is like the majority of  
5 tribes in this country.

6 So, when you look at those that have  
7 alternative resources we're looking at probably  
8 less than one-third of the tribes that have.

9 And even those tribes, those  
10 obligations are met in so many other ways that they  
11 have -- whether they have commercial obligations  
12 that they have to continue to sustain, and they  
13 cannot continue to just only provide this.

14 But we look at the school systems, for  
15 example, and the bus drivers. The list goes on and  
16 on of those who provide governmental services.  
17 And that's what happens when we have those issues.

18 VICE CHAIR TIMMONS-GOODSON: Thank  
19 you. Mr. Desiderio, would you care to contribute?

20 MR. DESIDERIO: Yes, thank you. I  
21 think it's important to note in that question the  
22 difference in the government models and where  
23 revenue comes from.

24 A tax, you know, a sustainable tax base  
25 just isn't possible on trust lands or with a lot

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1 of our citizens.

2 There was a study done by the University  
3 of Montana for the Montana tribes. Ninety percent  
4 of the revenue coming into Indian Country is from  
5 the federal government. And just as much of a  
6 higher percentage of the employment comes from the  
7 indirect relationship from the federal government.  
8 So, when the government does shut down it impacts  
9 everything.

10 The other part of this, you just can't  
11 stress how important economic development is to  
12 that alternative model.

13 So, when we're looking at tribes being  
14 creative and trying to be successful, right now  
15 we're successful in higher-margin businesses, oil,  
16 natural gas, gaming, things like that.

17 Tribes want to move to this diversified  
18 model where they can create more employment  
19 opportunities at home and use that revenue, you  
20 know, you can create a tax base then and use that  
21 revenue for programs and services.

22 So, it really underscores the opening  
23 comments. If we're putting everything in economic  
24 development the trust relationship right now needs  
25 to be modernized to really facilitate helping

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1 tribes get to this place of economic development,  
2 both in their policies regarding obstructions when  
3 it comes to setting up economic development, the  
4 approval process, and getting the right capital  
5 into Indian Country.

6 That's the shift in the trust  
7 responsibility that we need to facilitate that  
8 model of developing economic revenue for tribes.

9 So when -- we're at this point now where  
10 tribes have realized this. We have shifted into  
11 that area. And we see that importance.

12 And to have these other governments  
13 coming in now and saying well, we'd like to take  
14 some of that revenue is really just adding insult  
15 to injury.

16 You know, what else do we have? If the  
17 federal government isn't going to meet its  
18 obligations, and we need two to three times the  
19 funding levels that we have now.

20 And we're shifting towards that  
21 economic development to take care of our own  
22 people, we really need the support of the federal  
23 government now to say that tribal jurisdiction is  
24 the jurisdiction of the tribes as sovereign  
25 entities, exactly.

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1                   And I think that we're on the right  
2 path. And if we don't get this right now it's going  
3 to impact us for generations in trying to figure  
4 out how to get the extra revenue to build the  
5 healthcare facility that we need, or the schools  
6 and other things the tribes have taken on.

7                   And just as important in this is the  
8 cultural programs and being able to continue the  
9 language and the other general and cultural welfare  
10 of our people.

11                  VICE CHAIR TIMMONS-GOODSON:     Thank  
12 you. Mr. Chair, if I might have one -- I know we're  
13 running out of time.

14                  CHAIRMAN CASTRO:            Yes, and then  
15 Commissioner Narasaki after that.

16                  VICE CHAIR TIMMONS-GOODSON:     All  
17 right. Commissioner Yaki raised --

18                  COMMISSIONER ACHTENBERG:    I'd like to  
19 be recognized as well, Mr. Chair.

20                  CHAIRMAN CASTRO:            Okay.

21                  VICE CHAIR TIMMONS-GOODSON:  
22 Commissioner Yaki raised when he spoke to us about  
23 handling Native American issues all at one time,  
24 and then leaving them and coming back years later.

25                  This question is tied to that, Mr. Yaki,

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1 so I guess you are getting another question.

2 How successful have the federal  
3 agencies been in regularly assessing the unmet  
4 needs of Native Americans, and then just a slight  
5 follow-up. Is there any agency that perhaps  
6 stands out as models in that regard?

7 MR. DESIDERIO: Can I just make a  
8 comment? And I know you want to answer that first.

9 But when I was talking with Angela  
10 French-Bell about this and she was presenting it  
11 at USET conference last week, we saw the list of  
12 things that the Commission was going to take on in  
13 this report, and you're absolutely right. This is  
14 a lot to consider. And we get one shot at these  
15 things, and we hope there's some sort of follow-up  
16 from it.

17 So we're going to be incredibly  
18 supportive to try to make things work and move  
19 forward, but I think a couple of things.

20 It would be great, just as a suggestion,  
21 if we host this next meeting out in Indian Country.  
22 We're all advocates and we're all trying to present  
23 our best cases here, but until you actually are  
24 seeing Indian Country you really don't understand  
25 the weight of some of the things that need to get

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1 done in Indian Country. So, I appreciate that  
2 comment.

3 VICE CHAIR TIMMONS-GOODSON: Okay,  
4 now, the question regards how successful federal  
5 agencies have been in regularly assessing the unmet  
6 needs, and if there is an agency that stands out.

7 MS. BOHLEN: I wanted to answer your  
8 previous question very quickly first, okay?

9 In terms of revenue brought into Indian  
10 Country, the budget for the Indian Health Service  
11 is just over -- it's cited at six-point-something  
12 billion dollars for 2017.

13 But the fact of the matter is Indian  
14 Country brings in almost \$1 billion a year in third  
15 party billing themselves, the work that the tribes  
16 do and that the Indian Health Service does at their  
17 facilities. So that's additional funding that's  
18 brought in through either private insurance,  
19 Medicare/Medicaid, and so forth.

20 One of the agencies that I think does  
21 a really exceptional job, and it's interesting that  
22 as I'm going through the thought process it's an  
23 agency that is an entitlement program, is CMS. CMS  
24 does a really good job. But the job that it's done  
25 is largely through direct, constant education and

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1 engagement from tribal leaders with the agency.

2 It's true, I see a growing -- in the  
3 field of healthcare I see a growing acuity for  
4 Indian programs and the health of our people coming  
5 about. But I would say that the Centers for  
6 Medicare and Medicaid Services are -- they're just  
7 very engaged.

8 We have, through the American  
9 Reinvestment and Recovery Act, made the advisory  
10 committee, the tribal advisory committee, TTAC,  
11 permanent. It's in the law. It's not at the whim  
12 of the agency or the will of the agency. It is a  
13 permanent advisory committee. It is not under the  
14 jurisdiction of the FACA exemptions. It is an  
15 entity that moves forward in a very powerful way.  
16 And I think that because there are constructs in  
17 place that provide very meaningful and consistent  
18 tribal engagement, that agency pays attention.  
19 And I think it does a pretty good job.

20 MS. PATA: So I want to answer by saying  
21 I agree totally with Stacy. I'm glad that she used  
22 that as the recommendation because that would have  
23 been mine too as being one of the -- I think in  
24 healthcare we have more data around Indian health  
25 needs than we do in probably any other area, and

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1 more consistent data that's being updated.

2 We've been working very closely with  
3 Census to try to be able to do better. But, you  
4 know, with our small population and the challenges  
5 of their budget, et cetera. But what people don't  
6 necessarily realize is that so many of the federal  
7 distribution models of programs and services, they  
8 utilize Census data.

9 And so that's a challenge for us. We  
10 continue to try to better the data. The data  
11 issues around Indian Country are twofold. One is  
12 of our own. We have an aversion to researchers for  
13 a lot of historically good reasons. And so from  
14 Indian Country we have a policy research center at  
15 NCAI. We've been working really hard with tribes  
16 to get us to a place of feeling comfortable about  
17 the kinds of data that we put forward.

18 And through processes and examples  
19 where tribes are sitting at the table and they  
20 understand the relevance, it makes it easier for  
21 us to give up that information.

22 So, things like -- and I'll use housing  
23 as an example. Sorry, Randy Akers. But where  
24 we've created a self-determination program. We  
25 recognize that we didn't include a need-based,

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1 regular mechanism for updating that. That  
2 actually would help us be a better advocate from  
3 tribal perspectives and understand better what  
4 tribes are doing on the ground for that. And that  
5 every decade or two that when a need-based study  
6 gets done it's just not relevant enough to be able  
7 to make long-term differences. Thank you.

8 CHAIRMAN CASTRO: Go ahead.

9 MS. BOHLEN: I also want to say that,  
10 for the gross underfunding of the Indian Health  
11 Service, which is about 50 percent, they do many  
12 things very well. And I think that there are a lot  
13 of opportunities for engagement with the Indian  
14 Health Service. I think there's a lot of outreach.

15 And I think there is a renewed vigor at  
16 the moment. And I think it will result in  
17 something positive to make change in terms of the  
18 provision of delivery of healthcare to our people.

19 But things like the outreach and  
20 education on the Affordable Care Act that  
21 Commissioner Kladney was asking about, those are  
22 some of the invisible things that IHS is supporting  
23 that you don't see. But they know that the trust  
24 responsibility has to be fully engaged on all  
25 levels. Because when you're funded at 50 percent

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1 of need and you're expected to produce 100 percent  
2 of outcome, that's just a stacked deck that's never  
3 going to change until money is forthcoming. Thank  
4 you.

5 CHAIRMAN CASTRO: Thank you.  
6 Commissioner Narasaki. And then, Commissioner  
7 Achtenberg, you have the last question.

8 COMMISSIONER NARASAKI: So, I'm trying  
9 to help out our OCRE staff, so I have questions all  
10 over the map. I'm trying to fill in some gaps for  
11 them.

12 One question is that we saw in some of  
13 the testimony submitted to us in some of the reading  
14 that we had the issue of fractionated ownership.  
15 And so one of the questions is, as it relates to  
16 Indian Country economic development, please  
17 describe the importance of land buy-backs which  
18 restore ownership of privately-held land into  
19 trust, and what more can be done to increase that  
20 if that is, in fact, desirable.

21 MS. PATA: Okay, so Land Buy-Back  
22 Program is something that tribes support  
23 wholeheartedly. You heard earlier from one of the  
24 folks that testified on the phone that there is a  
25 lot of fractionated land that came because of

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1 previous federal policies. And what the Land  
2 Buy-Back Program does, it allows tribes, with the  
3 support of the federal government, resources to buy  
4 those smaller parcels, bring them together, and  
5 then they are able to make some decisions about what  
6 they could utilize that land for.

7 Whether the tribe owns it, or whether  
8 or not -- so that's one of the elements.

9 In addition to that, I would have to say  
10 that there are other policies that we've put in  
11 place recently, like the HEARTH Act. The Salish  
12 & Kootenai model was another good example of tribes  
13 who are restoring their lands and are now being  
14 able, through their self-determination, make local  
15 decisions about the best interest and use of those  
16 lands.

17 Those policies are successful. It is  
18 a big, big initiative. The administration has a  
19 very aggressive goal which they're doing really  
20 good at targeting. However, this is a long-term  
21 issue, and one administration's solution which not  
22 make a difference.

23 MR. ANDERSON: This is Terry Anderson.  
24 I raised the fractionation point, and would just  
25 emphasize the HEARTH Act is a good example of moving

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1 forward. The Buy-Back Program is another good  
2 example.

3 The fractionation problem that isn't  
4 being dealt with and has been difficult to deal with  
5 over the decades is the continued division of  
6 individual trust lands into more and more owners.

7 The federal government has tried to  
8 deal with that. I think it will ultimately depend  
9 on tribes, again, using their service powers to  
10 help individual owners who own fractionated land,  
11 sometimes with hundreds of owners of very small  
12 parcels, to come together, put that land either  
13 back into tribal ownership, or deal with the  
14 fractionation problem by giving those multiple  
15 owners more say in what will happen to the land.

16 COMMISSIONER NARASAKI: Okay. I have  
17 a question about broadband deployment.

18 Obviously, a lot of our economy is  
19 driven more and more by access to the internet,  
20 services also. The Census Bureau, that Jackie  
21 mentioned, the next Census is going to be heavily  
22 driven, because of budget issues, depending much  
23 more on online submissions.

24 And yet there is a huge digital divide,  
25 particularly for Native Americans in particular

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1 regions, Alaska being one of them.

2 So, we know the FCC has proposed and  
3 funded some commitments on broadband deployment,  
4 but we're wondering what more needs to be done. Is  
5 enough being done? And if not, what could be done?

6 MR. DESIDERIO: Well, if I can just  
7 start, I think the idea of telecommunications is  
8 really a great thing to bring up for an  
9 infrastructure focus.

10 Tribes are really far behind as far as  
11 infrastructure development. Telecommunications  
12 has the ability to leapfrog tribes in  
13 infrastructure by participating in the local and  
14 national and global economy immediately,  
15 regardless of their location and regardless of how  
16 rural and remote they are.

17 But it also serves a lot of other  
18 functions. So, there's the emergency management  
19 component which is just starting to be rolled out  
20 with FirstNet and trying to get funding into Indian  
21 Country. We need a lot of funding. Tribes are  
22 often on the front lines when it comes to everything  
23 from tsunamis to global warming and things like  
24 that. So the emergency management piece of that  
25 is important.

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1                   The communications from a government  
2                   level are important. Us having access to spectrum  
3                   is just as important in that regard. And there's  
4                   also the importance of revenue from rights of way  
5                   and leasing. That really is another jurisdiction  
6                   issue that we're working on.

7                   So, telecommunications as an  
8                   infrastructure, I would suggest that we look at  
9                   that funding and having that separate tribal  
10                  funding to really get tribes up to speed.

11                  If we're not going to have enough funds  
12                  to really develop the physical infrastructure, the  
13                  telecommunications is really the priority for  
14                  getting tribes to participate in the global and  
15                  national economy.

16                  MS. PATA: I just want to say that if  
17                  you even look at the data that we do have, which  
18                  shows that the telephone penetration rate in Indian  
19                  Country is still very substantial underutilized,  
20                  I think the last comprehensive technology study  
21                  that was done in Indian Country was probably in 1998  
22                  or 1999.

23                  COMMISSIONER NARASAKI: The Stone Age.

24                  MS. PATA: I only recall that because  
25                  I participated in it with one of my friends who was

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1 at Commerce at the time.

2 And there's been other, different  
3 pieces. So, there's been something that's done on  
4 telehealth, and there's been something that's done  
5 about access. I think there's been some work done  
6 on education and at least the schools and what their  
7 access is. But there's not been a comprehensive  
8 study that has been done. And I think even if we  
9 would just pull together all of the studies that  
10 are out there it might give us some indicators.

11 But clearly this issue of access, and  
12 when we would want to talk about spurring to the  
13 next global economy, Indian Country is far behind.  
14 Even the centers with pockets throughout the U.S.  
15 government, I think Indian Country falls far behind  
16 those.

17 MS. BOHLEN: Thank you. When it comes  
18 to the healthcare of our people we have situations  
19 where in the Great Plains last year we spent \$72  
20 million on contract health service dollars. They  
21 were contract health service dollars. I've shared  
22 with you the statistics on mental health and  
23 suicide in our communities.

24 We have -- for dentistry we have almost  
25 a 70 percent vacancy rate in Alaska for dentists.

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1 And we've seen the creation of professions like the  
2 dental health aid therapist that is a very viable,  
3 real, and totally effective answer to the  
4 healthcare system having additional providers.  
5 You've seen the Swinomish Tribe before with that  
6 in the Lower 48 and that's another conversation.  
7 But it's very, very worthy of mention.

8 We had, I think it was, 27 American  
9 Indians graduate from medical school last year.  
10 The numbers are not improving. We need major  
11 initiatives to address an existing gap and a  
12 growing gap that is a crisis and that will not be  
13 addressed without telemedicine.

14 It is an absolute necessity to have a  
15 viable, reliable telemedicine system in place that  
16 can help for the health of our people. But in  
17 addition to that, the National Indian Health Board  
18 ran a multimillion dollar, multiyear project to  
19 advance the electronic medical record  
20 implementation in Indian Country. And the lack of  
21 infrastructure made it almost impossible for us to  
22 get the kind of penetration that we needed. And  
23 now there are penalties that are coming in place  
24 from Medicare and Medicaid Services if you are not  
25 achieving meaningful use.

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1 And if we don't do something to bring  
2 the tribes up to speed on electronic medical  
3 records they're going to fall further and further  
4 behind, and be subject to penalties that is  
5 basically a punishment for being poor.

6 The final comment on that is, at the end  
7 of the day, we attempted to move forward with four  
8 partners in Indian Country who had a  
9 tribally-driven and very culturally sound approach  
10 based on our knowledge of how our system works and  
11 how our people work, and their engagement.

12 And at the end of the day, we left almost  
13 \$3 million on the table because we could not come  
14 to agreement with the Office of the National  
15 Coordinator for the implementation of electronic  
16 medical records on how the tribes work versus the  
17 cookie cutter that works for counties, states that  
18 have tax bases, that have infrastructure, that are  
19 completely foreign to how things operate in Indian  
20 Country.

21 COMMISSIONER NARASAKI: Thank you.  
22 The Chair is giving me the eye, so.

23 CHAIRMAN CASTRO: You had another one?

24 COMMISSIONER NARASAKI: No, I know you  
25 need to get to Roberta.

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1 CHAIRMAN CASTRO: Yeah. Commissioner  
2 Achtenberg?

3 COMMISSIONER ACHTENBERG: Thank you,  
4 Mr. Chairman, and much thanks to all the panelists  
5 for a very pointed set of recommendations.

6 Mr. Desiderio, the final question that  
7 I would like to ask relates to the updating the  
8 economic development structures that are allowed  
9 to be utilized in Indian Country.

10 You made mention of accessing capital  
11 in new ways, and how access to new market tax  
12 credits and other forms of tax-exempt debt might  
13 be harnessed more creatively in Indian Country if  
14 structures were revised.

15 Could you put that forward in slightly  
16 more detail? Because I think there's a lot of  
17 opportunity there if we could understand that issue  
18 slightly more, in a slightly better, fuller  
19 context.

20 MR. DESIDERIO: Sure. The capital  
21 issues, I want to start with something that works  
22 for Indian Country.

23 The CDFI program, the Native CDFI  
24 program within Treasury, has worked for a couple  
25 of reasons. One is because we have people in the

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1 communities making decisions on capacity.  
2 There's a technical assistance component to it.  
3 And Indian Country is the most underbanked  
4 communities in America. So if we don't have  
5 banking access in Indian Country, we need to fill  
6 that gap. And CDFIs have done that for very small  
7 business loans and small development loans.

8 So, that is working in Indian Country.  
9 There is currently a \$15.5 million budget for that  
10 within Treasury.

11 But I think we can look at this a little  
12 bit differently and see how we can make that  
13 mechanism work better for Indian Country, and move  
14 into some of these mid-tier loans. We can partner  
15 with SBA on some of their additional loan funds.  
16 We can also look at the other Treasury programs.  
17 If we just have access to the CDFI bond fund  
18 program, that's \$750 million.

19 And what that will do, it serves as a  
20 primary lender. And the CDFIs can use that money  
21 to re-lend to Indian Country. So it gives us a  
22 whole additional pool of money.

23 But one of the things that happened  
24 during the CDFI bond fund program is that they made  
25 the primary form of collateral, land. So, that

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1 doesn't do anything for Indian Country. So, we're  
2 left out of that pool.

3 And I think that goes around to the  
4 funding issue that was raised earlier. We benefit  
5 and agencies work better when we have higher-level  
6 access and have that advisory role.

7 With Treasury that's about to happen.  
8 There was just a law passed last year that gives  
9 us an advisory committee that deals directly with  
10 the Secretary of Treasury. This is really big for  
11 Indian Country and we're hoping we can move some  
12 of these ideas forward. But that's just the small  
13 capital, and the capital that is coming into Indian  
14 Country because banks aren't serving that role.

15 The second capital is on the government  
16 side of things. And looking at long-term, up to  
17 30 years, the CDFI bond fund also can serve that  
18 role. It's very flexible capital.

19 And we can look at this in a different  
20 way. When you're looking at having access to that  
21 money, all we need to do is allocate a reserve fund  
22 for that and Treasury will lend that money.

23 So, looking at a \$10 million reserve  
24 fund gives us \$100 million-plus in access to that  
25 guaranteed, that bond fund.

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1                   So, you know, the other part of that is  
2                   the tax credit. And I was saying earlier that acts  
3                   as an equity investment. That, actually, we've  
4                   seen this happen in one of the projects that's up  
5                   for what we call our deal of the year, is something  
6                   that used new market tax credits. Private sector  
7                   money came in because they felt much more  
8                   comfortable. And the tribe that used those new  
9                   market tax credits is really on their way to  
10                  creating additional government revenue.

11                 So, it's not acceptable for us to be  
12                 left on the sidelines of any of this large,  
13                 long-term capital.

14                 USDA has a program for longer-term  
15                 infrastructure funding, but it's sometimes not  
16                 really that easy to work with USDA in even getting  
17                 those funds. We had a tribe just complain about  
18                 finally getting access to that. He had to deal  
19                 with two different departments within USDA and it  
20                 cost him a lot more money to do the same water  
21                 project.

22                 So, we need to get a lot better with the  
23                 programs that are out there. And really it's a  
24                 matter of access. These programs exist and if  
25                 we're looking at tight budgets let's open these

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1 programs to Indian Country.

2 The agencies want to do the right thing.  
3 But when we get a CDFI bond fund that relies on land  
4 capital, or we get new market tax credits, that the  
5 readers simply don't understand Indian Country so  
6 we don't get any awards.

7 That's the next step, beyond the  
8 budget, that we really need. If we're looking at  
9 budget money and federal money, we need to start  
10 taking -- you know, we always complain about  
11 appropriations, which we really should have that  
12 as the first order.

13 But we also have to start shifting our thinking and  
14 start investing in Indian Country. The monies are  
15 there, and if they're not there we need to create  
16 it.

17 And one last example I'll use is that,  
18 you know, talking about self-determination and  
19 sovereignty every other government gets to use  
20 tax-exempt debt to finance their longer-term  
21 infrastructure. Indian tribes, Congress sort of  
22 gives us that right, but then at the same time they  
23 hold us back.

24 So, they gave us that tax-exempt  
25 bonding authority, but then they took it back by

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1 saying it can only be used for essential government  
2 functions.

3 So, we have a different model for economic  
4 development. And if you ask a tribe what's  
5 essential government function they're pretty much  
6 going to say everything is an essential government  
7 function.

8 So, Congress never defined it.  
9 Treasury is afraid to give that sign-off, and so  
10 are the bond council. So, effectively, that money  
11 goes unused for Indian Country. We could be using  
12 it for schools, and healthcare facilities, and  
13 economic development, and tourism, just like every  
14 other government.

15 You know, we see the Yankee Stadium  
16 getting financed with tax-exempt debt, but somehow  
17 tribes can't use that money for economic  
18 development or tourism, which other entities get  
19 to do.

20 So, and even on housing, with private  
21 debt. So, we don't get to use that in the same way  
22 either. It's almost as if we just need to take  
23 these cuffs off and let Indian Country fully  
24 participate in these programs and services and  
25 looking at it as long-term capital and tax credits,

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1 and we should have access to everything that other  
2 governments have access to.

3 COMMISSIONER ACHTENBERG: I'm hoping  
4 you'll take advantage of the 30-day comment period  
5 to more carefully delineate the options that you  
6 just described. I think it would be very useful  
7 to the Commission for our additional  
8 consideration. Thank you very much, Mr. Chairman.

9 CHAIRMAN CASTRO: Thank you. I just  
10 want to remind folks that, as you point out  
11 Commissioner Achtenberg, there is additional time  
12 to submit. I'm going to actually give  
13 Commissioner Kladney a second. But I just want to  
14 let the witnesses know, Commissioner Kladney is  
15 going to ask you for some data right now, some  
16 questions that are going to be relevant to a  
17 recommendation. He made his case to me and I'm  
18 going to allow him that one question.

19 But our Office of Civil Rights  
20 Evaluation will follow up with each of you, because  
21 there are many more questions that we have and that  
22 they have that we just, in the interest of time,  
23 cannot go into, but want to go into in order to make  
24 this report strong.

25 So, please be on the lookout for

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1 additional written questions from us. And  
2 hopefully you'll be able to turn those around for  
3 us.

4 Commissioner Kladney? Quickly.

5 COMMISSIONER KLADNEY: Thank you very  
6 much, Mr. Chairman. This is very -- yes, this will  
7 be 60 seconds.

8 Mr. Desiderio, can you give us a list  
9 of states who are taxing Indian Country, or  
10 counties that are doing that, and submit them, and  
11 your solution to how to prohibit that?

12 I know where I live there is no tax and  
13 we have, like, shopping centers with Walmarts and  
14 all that kind of stuff in the colony. And they make  
15 a lot of revenue off that.

16 MR. DESIDERIO: Reno-Sparks?

17 COMMISSIONER KLADNEY: Right.

18 MR. DESIDERIO: Yeah.

19 COMMISSIONER KLADNEY: And then, Ms.  
20 Deer or anybody else who wants to do this, because  
21 DOJ is not going to be here regarding law  
22 enforcement. Oh, and Mr. Desiderio. Civil court  
23 remedies and how you handle that in Indian Country  
24 so that businesses will come and invest.

25 As far as criminal kinds of stuff, it's

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1 my understanding that the jurisdiction has been  
2 expanded from one to three years for sentencing in  
3 criminal courts on the --

4 MS. DEER: Under certain  
5 circumstances.

6 COMMISSIONER KLADNEY: Yes. And do  
7 the tribes have the money to provide criminal  
8 defense? And do they have money to pay for jails  
9 where they don't have jails in Indian Country and  
10 they have to pay the local jail? And some kinds  
11 of money for programs for drug rehabilitation.  
12 And does all this -- and lack of all this kind of  
13 enforcement discriminate against your victims and  
14 why they don't report. Thank you. And if you  
15 could get that to us in 30 days.

16 CHAIRMAN CASTRO: Okay. We're done,  
17 then? So, I want to thank this panel very much.  
18 We will be following up with you.

19 And we'll ask the second panel to begin  
20 to move forward and we'll get started with them  
21 immediately.

22 Thank you very much. I hope you'll  
23 stick around for the second panel.

24 (Whereupon, the above-entitled matter  
25 went off the record at 10:56 a.m. and resumed at

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1 10:58 a.m.)

2 CHAIRMAN CASTRO: Well, I'm going to  
3 get started introducing you all, and hopefully Mr.  
4 Black will be back by the time I have to swear you  
5 all in.

6 Thank you for being here, Panel 2. I  
7 think you were all here earlier. Hopefully you saw  
8 the presentation about the system of lights.  
9 Green means go. You'll have seven minutes to  
10 speak. Yellow, you'll have two minutes left so  
11 wrap it up. Red, you can stop when you see that.

12 Obviously, we're going to ask you a lot  
13 of questions. We're going to try to catch up on  
14 the time that we've lost, but we're not going to  
15 take it out of you. We'll take it out of our  
16 afternoon meeting.

17 But nonetheless we're going to try to  
18 keep it as tight as we can. And we will be very  
19 likely following up with you all as well with  
20 additional questions in writing.

21 Let me introduce our panelists now.  
22 Our first panelist is William Mendoza, Executive  
23 Director of the White House Initiative on American  
24 Indian and Alaska Native Education.

25 Our second panelist, Ms. Elizabeth

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1 Fowler, Deputy Director for Management and  
2 Operations at the Indian Health Service.

3 Our third panelist is Randy Akers,  
4 Acting Deputy Assistant Secretary of the U.S.  
5 Department of Housing and Urban Development Office  
6 of Native Programs.

7 Our fourth panelist, when he does  
8 arrive, will be Mr. Michael Black, Director of the  
9 Bureau of Indian Affairs.

10 And our fifth panelist is Vicki  
11 Forrest, Deputy Director of the Bureau of Indian  
12 Education.

13 And then by phone, we have a sixth  
14 panelist who's going to be joining us, Carlyle  
15 Begay, Arizona State Senator. Are you on the  
16 phone, Senator? Senator Begay? Well, hopefully  
17 the senator will join us at some point.

18 Mr. Black is now approaching the  
19 podium, so I will ask each of the panelists now to  
20 raise your right hand and swear or affirm that the  
21 information that you are about to provide to us is  
22 true and accurate to the best of your knowledge and  
23 belief. Is that correct?

24 (Chorus of yes.)

25 CHAIRMAN CASTRO: Okay, thank you.

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1 Mr. Mendoza, you have the floor.

2 MR. MENDOZA: Good morning,  
3 Commissioners. Thank you for the invitation to  
4 testify today and for your continued leadership  
5 regarding our American Indian and Alaska Native,  
6 Hawaiian students across the country.

7 Please allow me to reiterate that only  
8 about 8 percent of Indian students attend schools  
9 operated by the Bureau of Indian Education, or by  
10 Indian tribes or tribal organizations. The vast  
11 majority of Indian students, more than 90 percent,  
12 attend public schools operated by their local  
13 school districts on and off reservations and tribal  
14 lands.

15 As the country experiences graduation  
16 rates that are at an all-time high, we are  
17 encouraged that, for Native students, graduations  
18 have improved the fastest among all groups in just  
19 a few years. They are close to 70 percent, in 2014,  
20 from 65 percent in 2011. Unfortunately,  
21 graduation rates for American Indians have all but  
22 stalled at nearly 70 percent and are much lower than  
23 the national rate, as we all know, which is 82  
24 percent.

25 And, of course, as important as

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1 graduation rates are, they are but one facet of the  
2 concerning indicators in life outcomes facing  
3 Native students.

4 For example, Ed data shows that many  
5 schools rely heavily on suspension and expulsion  
6 for disciplinary actions. The use of suspensions  
7 as discipline has steadily increased over the last  
8 40 years. About 95 percent of suspensions occur  
9 over non-violent disruptive behavior.

10 Overall, students of color, including  
11 American Indian and Alaska Native students, are  
12 suspended and expelled at a rate that is  
13 disproportionately higher than their white  
14 classmates' rates.

15 Schools suspend American Indian and  
16 Alaska Native boys at more than twice the rate of  
17 white boys. And American Indian and Alaska Native  
18 girls more than three times the rate of their white  
19 peers.

20 In an effort to do our part to improve  
21 opportunities and outcomes for Native youth, this  
22 administration, through the White House Initiative  
23 on American Indian and Alaska Native Education, and  
24 the U.S. Department of Education, have worked to  
25 implement a policy of self-determination and to

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1 strengthen and honor their  
2 government-to-government relationship with tribal  
3 nations.

4 The White House Initiative and Ed  
5 understands that the best solutions for American  
6 Indian and Alaska Native students come from working  
7 with those who know their students best: the  
8 tribes.

9 In fulfillment of this goal each year  
10 Ed works to build upon its commitment to increase  
11 collaboration with tribal governments and  
12 communities. During these consultations, tribal  
13 officials have shared their ideas about their  
14 education challenges and needs.

15 Major themes include tribes continue to  
16 lack opportunities to meaningfully participate in  
17 the education of their own children.

18 Many native languages, cultures, and  
19 histories are endangered and education should be  
20 used as a means to preserve them.

21 Insufficient funding, especially for  
22 school construction and renovation, and due to the  
23 high rates of unemployment, substance abuse,  
24 suicide and crime on reservations, American Indian  
25 and Alaska Native students bring with them to

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1 school unique challenges that makes it difficult  
2 for them to learn effectively.

3 Furthermore, to improve education for  
4 American Indian and Alaska Native students tribal  
5 leaders, educators and Native students called upon  
6 the initiative and the department to collect  
7 information on their school environment  
8 experiences from teachers, parents, community  
9 members and students themselves.

10 Tribal leaders and tribal communities  
11 wanted members of the initiative to hear about the  
12 challenges these students face in gaining  
13 high-quality education with a focus on the quality  
14 of their school environments.

15 To meet this need, in collaboration  
16 with Ed's Office of Civil Rights, we worked with  
17 tribal leaders and communities across the country  
18 to design and execute a series of nationwide  
19 listening sessions regarding those environment  
20 issues.

21 In October and November of 2014, we went  
22 to nine cities across seven states, from New York  
23 to California to Alaska. The culmination of those  
24 efforts is the report that you have before you, the  
25 2015 Student Environment Listening Sessions

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1 Report.

2 The White House Initiative found  
3 feedback from these sessions invaluable in forming  
4 the enclosed recommended next steps. And in short  
5 these are their voices, their recommendations, and  
6 the story of your Native youth.

7 The findings and recommendations,  
8 although non-exhaustive, touch upon a broad array  
9 of challenges they face. And I would like to  
10 emphasize a few for you here today that address our  
11 shared commitment to the unique challenges faced  
12 by this vulnerable yet resilient population.

13 I see that I'm quickly running out of  
14 time, and one of the key issues centers around the  
15 invisibility of our Native youth and the fact that  
16 by where they are less than 10 percent of the  
17 populations in our nation's school districts  
18 nationally, the vast majority of students are less  
19 than half a percent in any given school.

20 Therefore, the core challenge to this  
21 population is the fact that they're dispersed  
22 across the country and attend schools where they  
23 are in the extreme minority population, and for all  
24 intents and purposes nearly invisible.

25 Furthermore, tribal leaders, and

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1 parents, and students convey that the very  
2 mechanisms within their schools that are designed  
3 to identify all students' needs and the  
4 interventions developed in their wake are  
5 ultimately not impacting youth, and that often  
6 population size coupled with vulnerability of  
7 personally identifiable information and cost are  
8 often cited by schools and school districts in  
9 states alongside the deferred action that they  
10 experience.

11 Additionally, Native youth, parents  
12 and community members expressed an urgent call to  
13 action to address hostile learning environments  
14 that adversely impact their opportunities and  
15 outcomes.

16 Not only do images and symbols in this  
17 sense affect teacher and leader behavior by where  
18 these students communicated that they are being  
19 treated differently and their students are  
20 limited, but students also feel that these images  
21 and symbols directly lead to bullying and being  
22 treated differently by their peers unless they  
23 comply with, adopt or use and perpetuate the  
24 harmful imagery and symbolism.

25 In closing, the culmination of these

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1 issues and the correlating research and data  
2 suggest that schools are not a place where Native  
3 American youth feel they belong or can thrive, but  
4 rather feel unwelcomed, isolated and in fear of  
5 being pushed out, particularly the further they get  
6 away from tribal centers of support.

7 The Native youth that shared their  
8 stories with us come from diverse and unique  
9 locations, cultures. But however, their shared  
10 experiences with harmful stereotypes are common  
11 and tragically normal.

12 Our collective failure to not address  
13 harmful imagery and symbolism not only inhibits our  
14 mutual responsibility to surround our youth with  
15 positive representations of who their people are,  
16 but this issue is also inextricably tied to the  
17 challenges we face in not being able to adequately  
18 address their critical issues in other life outcome  
19 areas - health, wellness, academic achievement and  
20 economic strength.

21 A conversation in examining the  
22 historical and contemporary significance of human  
23 beings as imagery and symbolism in our schools is  
24 not about personal offense or an assault on  
25 personal liberty. It's about the harm and the

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1 limiting of opportunities experienced by all  
2 students. Such analysis and hopefully action is  
3 absolutely about civil rights.

4 Thank you for the opportunity to  
5 testify and I look forward to the questions.

6 CHAIRMAN CASTRO: Thank you, Mr.  
7 Mendoza. Ms. Fowler, you have the floor.

8 MS. FOWLER: Good morning.

9 CHAIRMAN CASTRO: Good morning.

10 MS. FOWLER: I'm Elizabeth Fowler.  
11 I'm the Deputy Director for Management and  
12 Operations at the Indian Health Service. I'm a  
13 member of the Comanche Nation, which is my father's  
14 tribe, with descendance from the Eastern Band of  
15 Cherokee Indians, which is my mother's tribe.

16 I appreciate the opportunity to appear  
17 before you today to discuss unmet needs in Indian  
18 Country and federal government activities as it  
19 relates to Indian healthcare. Thank you for the  
20 invitation.

21 Providing access to quality medical  
22 care is a top priority for me and for the Indian  
23 Health Service. The federal government has a  
24 special relationship with American Indians and  
25 Alaska Natives, and in recognition of the special

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1 relationship between the U.S. government and  
2 tribes, Congress created healthcare obligations  
3 through statute.

4 The Indian Health Service, part of the  
5 U.S. Department of Health and Human Services,  
6 remains a key component of how the federal  
7 government delivers services and upholds its  
8 obligations in Indian Country. Upholding the  
9 federal government's obligations remains a  
10 critical issue for tribes.

11 The special relationship between the  
12 federal government and American Indians and Alaska  
13 Natives is important when designing healthcare  
14 programs, developing federal budgets,  
15 coordinating with other agencies, and obtaining  
16 regulation waivers for selected Indian programs.

17 The mission of IHS is to raise the  
18 physical, mental, social and spiritual health of  
19 American Indians and Alaska Natives to the highest  
20 level. We are responsible for providing  
21 comprehensive healthcare and public health  
22 services to approximately 2.2 million American  
23 Indians and Alaska Natives.

24 We know that our American Indian and  
25 Alaska Native patients experience disparities that

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1 impact their health. Nearly 26 percent of  
2 American Indians and Alaska Natives live in  
3 poverty. For the U.S. as a whole only 13 percent  
4 of Americans live in poverty.

5 Our Trends in Indian Health Report,  
6 available on the IHS website, compares death rates  
7 for the years 2007 to 2009 for American Indians and  
8 Alaska Natives to the 2008 U.S. all-races death  
9 rates.

10 American Indians and Alaska Natives are  
11 an estimated 620 percent more likely to die of  
12 alcohol-related causes, 550 percent more likely to  
13 die of tuberculosis, and 310 percent more likely  
14 to die from motor vehicle crashes.

15 Risk of poisoning, homicide, suicide  
16 and pneumonia and influenza deaths are also  
17 substantially elevated compared to the average  
18 American. Health disparities facing American  
19 Indians and Alaska Natives remain severe and  
20 pervasive.

21 Earlier this month, the President  
22 announced the Fiscal Year 2017 budget proposal,  
23 which reflects program-level funding of \$6.6  
24 billion for the Indian Health Service.

25 That figure includes the third party

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1 collections that IHS receives from Medicare,  
2 Medicaid, the VA, and private insurance companies,  
3 as well as rent collected from staff quarters. It  
4 also includes funds appropriated by Congress and  
5 all other funds available to the Indian Health  
6 Service.

7 It represents an increase of \$402  
8 million over the current year's budget. The 2017  
9 President's budget includes targeted investments  
10 in healthcare quality, behavioral health,  
11 staffing, infrastructure, and health information  
12 technology.

13 If enacted, this budget would represent  
14 a 53 percent increase to the Indian Health Service  
15 budget since Fiscal Year 2008.

16 Tribal consultation is fundamental to  
17 the Indian Health Service budget process. And the  
18 proposed budget incorporates tribal priorities and  
19 recommendations. We believe that it is the input  
20 of tribal leaders and community members that is  
21 critical to developing budget requests that  
22 respond to the tribal needs and priorities.

23 Over 60 percent of the Indian Health  
24 Service budget is provided to tribes through  
25 contract and compact agreements. The Indian

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1 Self-Determination and Education Assistance Act  
2 provides the authority. Under this act, tribes  
3 may assume the administration of programs and  
4 functions previously carried out by the federal  
5 government.

6 Both the enacted Fiscal Year 2016 and  
7 proposed Fiscal Year 2017 budgets support full  
8 funding of contract support costs, a great outcome  
9 for Indian Country and for IHS.

10 The Fiscal Year 2016 omnibus  
11 appropriation established a separate account for  
12 contract support costs, and the funding is provided  
13 as an indefinite appropriation.

14 This means that the amount appropriated  
15 will completely fund contract support costs,  
16 whatever the amount may be, without impacting the  
17 budgets of the other critical services IHS  
18 provides.

19 In Fiscal Year 2018 and beyond, the  
20 administration proposes to reclassify contract  
21 support costs as a mandatory three-year  
22 appropriation with sufficient increases  
23 year-over-year to fully fund the estimated need.

24 IHS has benefitted from increases in  
25 its budget. However, challenges remain. Some of

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1 the biggest challenges we face are associated with  
2 providing healthcare in rural, geographically  
3 isolated communities.

4 These challenges include recruiting  
5 and retaining qualified healthcare staff,  
6 providing competitive salaries, and the  
7 availability of suitable housing, schools, and  
8 community resources for staff.

9 For example, the IHS Great Plains Area,  
10 that comprises North Dakota, South Dakota,  
11 Nebraska and Iowa, currently faces a high vacancy  
12 rate for healthcare professionals, including  
13 physicians. In addition, the relatively low  
14 inpatient volume and complexity of cases at some  
15 facilities compounds these challenges.

16 IHS recognizes the need for long-term  
17 solutions to these issues. We're addressing the  
18 challenges of recruitment and retention in  
19 innovative ways, such as utilizing telemedicine.

20 And because I'm running out of time, I  
21 do want to mention that one of the most significant  
22 impacts has been the Affordable Care Act,  
23 particularly on our Purchased/Referred Care  
24 program. This is the program through which IHS  
25 purchases care that our system does not provide.

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1           We've seen an increase in savings in  
2           PRC. Several service units have been able to fund  
3           beyond medical priority level 1, which is the life  
4           and limb and death cases. Prior to the Affordable  
5           Care Act, this was not common as PRC funds were  
6           limited to priority 1 and sometimes ran out before  
7           the end of the fiscal year.

8           CHAIRMAN CASTRO: Thank you, Ms.  
9           Fowler. We'll follow up on some of those during  
10          question and answer.

11          MS. FOWLER: Thank you.

12          CHAIRMAN CASTRO: You're welcome.  
13          Mr. Akers, you have the floor.

14          MR. AKERS: Good morning. Thank you  
15          for inviting me here to provide comments on HUD's  
16          work in Indian Country.

17          My name is Randy Akers. I am a member  
18          of the Comanche Tribe from Oklahoma. Lawton/Fort  
19          Sill is where I was born and raised. I am currently  
20          Acting Deputy Assistant Secretary for HUD's Office  
21          of Native American Programs.

22          At HUD, ONAP, the Office of Native  
23          American Programs, is responsible for managing,  
24          overseeing, and operating HUD's American Indian,  
25          Alaska Native, and Native Hawaiian housing

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1 programs.

2 HUD's programs are available to all  
3 federally recognized tribes, as well as five  
4 state-recognized tribes, and the State of Hawaii's  
5 Department of Hawaiian Homelands.

6 We serve these entities directly, or  
7 through their tribally designated housing  
8 entities, and our mission is to provide support,  
9 working with the tribes, with the goal of  
10 developing affordable housing and sustainable  
11 reservation economies and communities.

12 The conditions in Indian Country, there  
13 have already been many good points made about it.  
14 I want to add a little more perspective.

15 The American Indian and Alaska Native  
16 people living in Indian Country and tribal  
17 communities, from 2006 to 2010, had a poverty rate  
18 and an unemployment rate twice as high as for those  
19 non-Indians nationally.

20 Comparing it with the national average,  
21 American Indian households and Alaska Native  
22 households in larger tribal areas were more than  
23 three times as likely to live in housing that is  
24 overcrowded, and more than 11 times more likely to  
25 live in housing that did not have adequate plumbing

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1 facilities.

2 In parts of Arizona and New Mexico, in  
3 Indian Country, there was a 16 percent overcrowded  
4 housing rate. And in that same area, almost 10  
5 percent of the households had incomplete plumbing,  
6 and about 9 percent lacked complete kitchen  
7 facilities.

8 In selected Alaska Native communities  
9 there was a 22 percent overcrowded rate, and in that  
10 same area 18 percent lacked complete plumbing, and  
11 15 percent lacked complete kitchens.

12 Over the last several years there have  
13 been studies that have been conducted to look at  
14 the extent of housing needs in Indian Country. And  
15 they have all come to the conclusion that Indian  
16 communities are in a critical need for improved  
17 housing conditions.

18 HUD is in the last stages of finalizing  
19 a National Indian Housing Needs Study this year.  
20 We hope to have it completed and ready for  
21 publication in the fall.

22 The programs that HUD offers to tribal  
23 communities, I'll just mention them very quickly.

24 Indian Housing Block Grant Program,  
25 that's the NAHASDA program. It's the biggest

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1 Indian housing program that's available to Indian  
2 Country.

3 Through that, as well as the ICDBG  
4 program, the Indian Community Development program,  
5 and loan guaranties for Indian housing in the 184  
6 program, HUD has invested more than \$14 billion in  
7 Indian Country that has resulted in improvements  
8 in housing. Over 154,841 new and rehabbed homes  
9 have been provided assistance in Indian Country.

10 Each of those programs that I mentioned  
11 is unique to address different aspects of tribal  
12 needs.

13 Now, in addition, recently, HUD has  
14 partnered with tribes and the Veterans  
15 Administration to address the needs of Native  
16 American veterans. We're rolling out a HUD  
17 Veterans Affairs Supportive Housing, a VASH  
18 demonstration program, to assist our Native  
19 American veterans.

20 That's in the preliminary stages.  
21 About \$5.9 million is being available currently for  
22 that. It will provide rental assistance to about  
23 500 Native American veterans. And we're dealing  
24 with 26 tribes right now to get that program going.

25 The budget, FY '17 budget. HUD's

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1 programs= request are an increase for FY '17 over  
2 previous years. It is an acknowledgment and an  
3 honoring of the government-to-government  
4 relationship and the trust responsibilities that  
5 exist between the federal government and the Indian  
6 Nations.

7 Indian Housing Block Grant, \$698  
8 million. That's an increase of over \$55.5 million  
9 from previous.

10 Title VI loan guaranty, \$2 million; 184  
11 loan guaranty, \$5.5 million; Indian Community  
12 Development Block Grant Program, \$80 million.

13 There's a \$20 million increase that is  
14 targeted specifically to assisting tribes in  
15 addressing needs of Native youth that is a new  
16 resource.

17 All of those together, about \$793  
18 million of investments that are being made over --  
19 and \$75 million more than has previously been  
20 appropriated in FY 2016.

21 The bottom line is that's a step in the  
22 right direction, but we're not going to be able to  
23 get where we need to go without additional  
24 resources.

25 Challenges: flat funding. The funding

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1 that we're requesting really doesn't keep up with  
2 inflation, and it also doesn't address the rising  
3 need for additional housing in Indian Country.  
4 Indian Country is a young population in many ways.  
5 We have families that need more assistance.

6 So, in closing, HUD's investments in  
7 Indian Country are yielding positive results, that  
8 tribes use the funding to leverage and to be  
9 resourceful in using their federal dollars.

10 However, there is absolutely much more  
11 work that needs to be done. And this will require  
12 additional resources for tribes to be able to  
13 accomplish their goals of providing housing,  
14 building safe, affordable housing and strong,  
15 prosperous communities for our Indian families.

16 Thank you for the opportunity to share  
17 these comments with you and I'd be happy to answer  
18 any questions that you may have.

19 CHAIRMAN CASTRO: Thank you. If you  
20 could send us a copy of the demonstration program  
21 for the vets. We're also doing a report on the  
22 civil rights of our minority and women veterans.

23 MR. AKERS: I'd be glad to.

24 CHAIRMAN CASTRO: Mr. Black, you have  
25 the floor.

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1 MR. BLACK: Well, good morning.  
2 Again, my name is Mike Black. I'm a member of the  
3 Oglala Sioux Nation in South Dakota and I'm the  
4 Director of the Bureau of Indian Affairs at the  
5 Department of the Interior. I thank you for  
6 allowing us the opportunity to come provide  
7 comments to you today.

8 Our Indian Affairs programs serve  
9 communities that face great challenges. On Indian  
10 reservations poverty is still commonplace,  
11 violence is higher than the national average, and  
12 rates of infant mortality, alcoholism and  
13 substance abuse are far in excess of the rest of  
14 America.

15 Federal trust responsibilities, along  
16 with the federal government's acknowledgment of  
17 and respect for tribal sovereignty, calls for both  
18 a unique and collaborative approach in providing  
19 services to Indian Country.

20 The administration is encouraged by the  
21 progress made and believes that the key to  
22 overcoming these challenges is strong and stable  
23 governments built through self-determination.

24 Indian Affairs plays a critical role in  
25 removing obstacles to building and promoting

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1 tribal self-determination, strong and stable  
2 governing institutions, economic development, and  
3 human capital development.

4 Working with the Tribal Interior Budget  
5 Council, which includes both regional committees  
6 and then a National Tribal Interior Budget  
7 Committee, we work closely with the tribes in  
8 development of the Interior budget for both Bureau  
9 of Indian Affairs and Bureau of Indian Education.

10 The President's Fiscal Year 2017 budget  
11 request for Indian Affairs, which includes the  
12 Bureau of Indian Affairs and Bureau of Indian  
13 Education, reflects the administration's  
14 all-of-government approach to meeting the federal  
15 government's responsibility to the nation's 567  
16 federally recognized American Indian and Alaska  
17 Native tribes, and building on the commitment to  
18 promote strong, resilient nations for today and for  
19 future generations.

20 The budget request of \$2.9 billion is  
21 an \$137.6 million increase above the 2016 enacted  
22 level and provides funding to foster tribal  
23 self-determination and self-governance through  
24 investments in education for Native youth, support  
25 of Indian families, additional public safety

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1 resources in tribal communities, and restoration  
2 and governance of tribal lands and resources, and  
3 by fostering tribal resilience to climate change  
4 and promoting tribal cultures.

5 One of the initiatives that this  
6 administration has instituted is the White House  
7 Council on Native American Affairs, which was  
8 established by President Obama through executive  
9 order and supports an all-of-government approach  
10 to addressing federal responsibilities and tribal  
11 needs in Indian Country.

12 Coordination of this work across  
13 federal agencies is being carried out by the  
14 council established by that executive order and  
15 chaired by the Secretary of Interior. The council  
16 includes more than 30 federal departments and  
17 agencies, and coordinates the administration's  
18 engagement of tribal governments and work across  
19 executive departments, agencies, and offices to  
20 develop policy recommendations and expand efforts  
21 to leverage federal programs and resources  
22 available to tribal communities.

23 One of the significant outcomes of the  
24 council is an initiative, is the Native One Stop  
25 Shop, a one-stop tribal support center that makes

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1 it easier for tribes to find and access the hundreds  
2 of services available to tribes across the federal  
3 government.

4 Created in just four months, the  
5 website was officially unveiled on November 5,  
6 2015. The One Stop Center advances an  
7 all-of-government approach to meeting tribal  
8 needs, delivering on federal responsibilities,  
9 advancing government-to-government  
10 relationships, and supporting tribal  
11 nation-building.

12 The effort will include national and  
13 interagency coordination, a one-stop information  
14 center and portal, and regional liaisons situated  
15 in the field to facilitate streamlined  
16 communication and information exchange to help  
17 tribes easily access federal programs and  
18 opportunities.

19 This effort seeks to empower tribes and  
20 tribal organizations to more fully access and  
21 leverage federal resources to support the goals of  
22 tribal nations and communities as they make  
23 decisions and carry out activities at the local  
24 level.

25 One of the keys, and I think it's been

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1 brought up in other presentations and questions  
2 earlier, is data. The tribal leaders and  
3 communities need access to quality data and  
4 information as they make decisions concerning  
5 their communities and economic development, land  
6 and resource management, and other decisions.

7 The ability to access and analyze data  
8 to support such decisions is critical to  
9 understanding the benefits and impacts of the  
10 policy and program decisions.

11 The collection and analysis of data by  
12 the federal government is also critical to ensuring  
13 that federal agencies and programs are delivering  
14 effective services to tribes to meet tribal needs  
15 and deliver on federal responsibilities.

16 The 2017 President's budget request  
17 includes a total increase of \$12 million to help  
18 address longstanding concerns tribes have  
19 expressed with the quality of data in Indian  
20 Country.

21 This funding will enable DOI to work  
22 with tribes to improve federal data quality and  
23 availability, and to work with the U.S. Census  
24 Bureau to address data gaps for Indian Country, and  
25 create an Office of Indian Affairs Policy Program

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1 Evaluation and Data to support effective  
2 data-driven tribal policy and program  
3 implementation.

4 The Land Buy-Back Program for tribal  
5 nations. The Land Buy-Back Program implements the  
6 land consolidation component of the Cobell  
7 Settlement, which provides \$1.9 billion to  
8 purchase fractionated interests in trust and  
9 restricted land from willing sellers at a fair  
10 market value.

11 Consolidated interests are immediately  
12 restored to tribal trust ownership for uses  
13 benefitting the reservation community and tribal  
14 members. Working in partnership with tribal  
15 governments and their staff, the program has so far  
16 paid more than \$730 million to individual  
17 landowners, and restored the equivalent of 1.5  
18 million acres of land in trust for tribal nations.

19 The Tiwahe Initiative is something else  
20 that we've begun which is -- "tiwahe" means  
21 "family" in Lakota, and it's an initiative that  
22 promotes a comprehensive and integrated approach  
23 to supporting family stability and strengthening  
24 tribal communities by addressing interrelated  
25 issues associated with child welfare, domestic

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1 violence, substance abuse, poverty, and  
2 incarceration.

3 The Generation Indigenous Initiative  
4 focuses on improving the lives of Native youth  
5 through new investments and increased engagement.

6 This initiative takes a comprehensive,  
7 culturally appropriate approach to ensure all  
8 Native people can reach their full potential.

9 GNI will help improve the lives of  
10 Native youth by promoting a national dialogue, and  
11 policies and programs to mobilize and cultivate the  
12 next generation of Native leaders.

13 In the area of public safety and  
14 justice, and I'll probably leave it at this for now  
15 and then respond to questions. I'll provide  
16 everything in full documentation.

17 Ensuring public safety and justice is  
18 one of the most fundamental government services  
19 provided in tribal communities.

20 Within the Bureau of Indian Affairs the  
21 Office of Justice Services seeks to uphold tribal  
22 sovereignty and customs while providing for the  
23 safety of Indian communities by ensuring  
24 protection of life and property, enforcing laws,  
25 maintaining justice and order.

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1 OJS law enforcement has implemented  
2 many successful initiatives, including training  
3 aimed at fighting drug crime and increasing  
4 resources targeted at reducing violent crime.

5 And just real quick since my time's  
6 running out, just to talk to that real fast.

7 One of the successful initiatives we've  
8 had over this administration is the effort to  
9 reduce violent crime in our Native communities.

10 Our goal was to attack four communities  
11 and reduce violent crime by 5 percent over a  
12 two-year period.

13 The results are showing that by  
14 applying the significant or necessary resources to  
15 these communities we were able to reduce violent  
16 crime over those communities by a total of 35  
17 percent over a two-year period.

18 We followed this through a third year,  
19 and by the end of the third year at those four  
20 communities we had been able to reduce violent  
21 crime by a total of 56 percent.

22 With that I'll end my comments and be  
23 available to take questions. Thank you very much.

24 CHAIRMAN CASTRO: Thank you. Ms.  
25 Forrest?

1 MS. FORREST: Hi, my name is Vicki  
2 Forrest and I'm a citizen of the Cherokee Nation.  
3 I'm also the Deputy Bureau Director for the Bureau  
4 of Indian Education. So as Mike said, we work  
5 closely and are involved in a lot of the initiatives  
6 that he talked about.

7 So I wanted to -- we were asked to talk  
8 about the impact of sequestration on Indian  
9 education. And then also I want to talk about  
10 education construction and the budget.

11 The Bureau of Indian Education services  
12 approximately 41,000 students across Indian  
13 Country. As Mr. Mendoza said, 90 percent of Native  
14 American students are in public schools. So we do  
15 have that other 10 percent that we're responsible  
16 for.

17 We're in 23 states and 183 BIA  
18 facilities and dorms.

19 The Bureau of Indian Education budget  
20 was reduced by \$40 million as a result of the 5  
21 percent sequestration to Indian programs during FY  
22 '13.

23 This reduction directly impacted  
24 educational services offered in the Bureau of  
25 Indian Education school system, staff,

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1 instructional and residential programs,  
2 extracurricular programs, and support services in  
3 that academic year.

4 Overall the sequestration negatively  
5 affected the quality, scope and types of programs  
6 offered by BIE-funded schools, whether they were  
7 BIE controlled or tribally controlled.

8 Of the 183 schools that we have,  
9 two-thirds of those are tribally controlled  
10 schools.

11 The sequestration particularly  
12 impacted the elementary and secondary schools  
13 operations and maintenance programs.

14 And we've heard a little bit earlier  
15 about facilities in Indian Country, school  
16 facilities. And I'll talk about that in a moment.

17 Some schools had to resort to personnel  
18 layoffs, cutting school days, or number and types  
19 of courses that they offer. They were not hiring  
20 staff. There was a lot of delayed maintenance on  
21 facilities and professional development were some  
22 of the ways that BIE-funded schools managed to work  
23 through that sequestration effort.

24 The BIE not only serves students in a  
25 school environment, many students live in

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1 residential facilities that were unable to provide  
2 much needed services or maintain residential  
3 staffing ratios.

4 Home living specialists, security  
5 personnel, school counselors and mental health  
6 providers were not able to be hired during that  
7 time.

8 Lastly, the BIE not only serves K-12  
9 schools, but we directly operate two  
10 post-secondary institutions, the Haskell Indian  
11 Nations University in Lawrence, Kansas, and the  
12 Southwestern Indian Polytechnic Institute in  
13 Albuquerque, New Mexico, were also negatively  
14 impacted.

15 Scholarships, our adult ed  
16 scholarships, Johnson-O'Malley.

17 And our big focuses of tribal leaders.  
18 As Mike said, we work closely with tribes. And  
19 Mike at the Tibbett Council committee meetings, and  
20 JOM, and adult ed, and tribal scholarships are  
21 always a high area of concern.

22 I wanted to talk about where we are now  
23 in terms of budget. If you review our 2017 request  
24 it really shows how far we've come in this  
25 administration.

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1 For example, in Fiscal Year 2014 the  
2 operation and maintenance account was funded at 50  
3 percent of calculated need.

4 This budget request would get it to 62  
5 percent which is certainly not what the ideal is,  
6 but that's certainly an increase over what we had  
7 in the past.

8 Tribal grant support costs which were  
9 mentioned earlier, we funded those at 62 percent  
10 previously, and with this budget we'd be able to  
11 fund those at 100 percent of calculated need.

12 BIE's base funding which is our Indian  
13 Student Equalization Program base funding has  
14 increased across BIE since sequestration.

15 BIE has seen a rare era of bipartisan  
16 support, and one of those areas is school  
17 construction.

18 So, now we're finally able to finish the  
19 two remaining schools that were on a 2004  
20 construction priority list. And we are a week away  
21 from announcing the schools that will be built  
22 pursuant to the No Child Left Behind construction  
23 process.

24 Our '17 request reflects this  
25 administration and BIE's commitment to Indian

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1 education.

2 And I mentioned a couple of the places  
3 that we see a significant increase is construction,  
4 operation and maintenance, and then certainly for  
5 tribes, tribal grant contract support is very, very  
6 important in order to run the schools.

7 Real briefly I wanted to talk about  
8 education construction. The 2000 report talked  
9 about education construction and facilities.

10 The 2017 request anticipates money to  
11 replace and repair school facilities that are in  
12 poor condition, that address a very longstanding  
13 backlog of deferred maintenance for 183 campuses,  
14 again, whether they're BIE-operated or tribally  
15 controlled.

16 The 2017 construction request builds  
17 upon 2016 support. In 2016 we were able to start  
18 the design of the two remaining schools from the  
19 2004 list, and those are Cove and Little Singer  
20 schools in the Navajo region.

21 Again, the new placement score list is  
22 upcoming. We also hope to do some component  
23 replacement. Instead of a school campus-wide,  
24 replacement campus-wide construction, working  
25 with Mike and others in Interior to decide that

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1 maybe we can replace some components of those.

2 So that's what we had in mind. And  
3 we're very, very excited about the education  
4 construction budget.

5 My time's almost running out, but BIE  
6 is in the middle of a transformation that focuses  
7 solely on education in the classroom.

8 It's particularly an honor for me to be  
9 here because I'm the first person in my family to  
10 graduate from college.

11 And so I know the importance of higher  
12 education for Native students, what a difference  
13 it's made for us. And it's an honor for me to be  
14 here. And I'm happy to answer any questions.

15 CHAIRMAN CASTRO: Thank you, Ms.  
16 Forrest. Before I proceed to Commissioners, let  
17 me just make sure I understand that Senator Begay  
18 has not been on the phone? I just want to confirm.  
19 Senator Begay, are you on the phone?

20 (No response.)

21 CHAIRMAN CASTRO: Okay, then we will  
22 proceed with questions. Let me ask the first and  
23 then I'll have Commissioners chime in.

24 What's evident to me not only from our  
25 prior report, but the information that we received

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1 in advance in your presentation, but also my very  
2 brief visit to Indian Country is that we need a  
3 Marshall Plan for Indian Country in this country,  
4 like the Marshall Plan that rebuilt Europe after  
5 World War II.

6 And probably in many cases it's even  
7 more necessary here than it was in Europe.

8 Let's say you all had a blank check, a  
9 blank check which probably Native country  
10 deserves. What would you put into a Marshall Plan  
11 like that?

12 I know that earlier we heard that \$30  
13 billion would help fund our healthcare needs. But  
14 if you were to have the ability to say Mr.  
15 President, Congress, if we had X this would be the  
16 answer to many of the challenges that each of your  
17 areas face, what would that be? I'll start over  
18 here.

19 MR. MENDOZA: Boy, blank check. Let  
20 me put it in a framing of what we've worked hard  
21 with Indian Country in trying to respond to what  
22 tribal leaders and tribal communities have been  
23 communicating all along is that self-determination  
24 is tremendously challenging work, particularly as  
25 self-governance being the goal, and being built

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1 from the ground up, and dealing with such  
2 compounding circumstances is very arduous work  
3 where the infrastructure does not exist.

4 And in that sense, capacity-building  
5 for tribes, the opportunity to not only have the  
6 resources to self-determine the trajectory of  
7 systems, but to have the guided support of systems  
8 that have been engaged in this work all along and  
9 are navigating the 21st century concerns.  
10 Capacity-building has been on the forefront.

11 We've taken steps to invest in this area  
12 in coordination with our colleagues at the  
13 Department of the Interior. Our mutual commitment  
14 from our Secretaries all throughout the  
15 administration and continuing into the future  
16 ideally reflects the tremendous need for this area.

17 Secondly is preserving and  
18 revitalizing the uniqueness of who we are as tribal  
19 people.

20 I neglected to mention that I too am  
21 Oglala such as my colleague and relative by  
22 extended family connections, Mr. Black there.

23 I am also Sicangu Lakota and in that  
24 sense I know they're both unique and different.  
25 And we need to be really conscientious as a country

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1 of the shared responsibility of preserving  
2 diversity within our country and schools and  
3 communities, understand that but lack the  
4 resources and the knowledge and skills to be able  
5 to do that effectively and preserve that for  
6 cultures like tribal nations as a whole.

7 Thirdly, being able to free up access.  
8 This issue of data quality is tremendous. You take  
9 one snapshot from 2009-10 school year to 2010-11,  
10 we seemingly have lost 31,000 students in that year  
11 alone who are identifying as American Indian and  
12 Alaska Native.

13 We are studying right now vigorously  
14 within the department the compounding effect that  
15 program officials, teachers are saying our  
16 students are disappearing, and we are missing them  
17 in the delivery of services.

18 It's already affecting these limited  
19 supplemental dollars to be able to reach these  
20 students.

21 So the very disaggregate and aggregate  
22 identity of Native youth is another core systemic  
23 investment area that we'll need to continue to look  
24 at into the future. And we've tried to take steps  
25 to address throughout education.

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1 CHAIRMAN CASTRO: Thank you, Mr.  
2 Mendoza. Ms. Fowler?

3 MS. FOWLER: Well, as Ms. Bohlen  
4 indicated earlier our Tribal Budget Formulation  
5 Work Group has determined or has developed what's  
6 referred to as a needs-based budget.

7 And that's roughly -- last year it was  
8 roughly \$30 billion. And our budget this year, or  
9 in the Fiscal Year 2017 budget request is at \$6.6  
10 billion, but that includes all of the other  
11 resources that are available.

12 It's actually, it's additional  
13 funding, but there are also some other needs that  
14 we have that would help us be more competitive.

15 For example, a large funding increase  
16 will help us to provide staffing resources. But  
17 in some cases some of our locations are so remote  
18 that we have to be more than just competitive with,  
19 for example, the VA.

20 We have some proposals that will help  
21 us be more competitive with the VA salaries for our  
22 health providers. But in some of our locations we  
23 have to go beyond that in order to attract staff  
24 who are going to stay for a long term. And so  
25 that's what I would offer up.

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1 We have several various indicators of  
2 need. For example, we know that to construct all  
3 of the facilities on our healthcare facilities  
4 construction priority list is a little bit more  
5 than \$2 billion.

6 To construct sanitation facilities,  
7 water systems and sewer systems is also nearly \$3  
8 billion. So we have different indicators of need.

9 But I think the best number to go with  
10 is the \$30 billion needs-based budget.

11 CHAIRMAN CASTRO: Thank you. If you  
12 could send us that list of other needs that would  
13 be great if it exists in writing.

14 MS. FOWLER: Yes.

15 CHAIRMAN CASTRO: Mr. Akers?

16 MR. AKERS: So, a Marshall Plan for  
17 Indian Country. I'm glad that there are other  
18 panelists here to help us fill in the answers for  
19 that.

20 There are so many different aspects.  
21 But in the limited time that we have really the  
22 things that just come to mind from my perspective  
23 with HUD Indian programs the things that need to  
24 be really emphasized and focused on are not  
25 necessarily in order of importance - money always

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1 helps.

2 Additional resources, absolutely. At  
3 least in regard to the Indian Housing Block Grant  
4 Program for NAHASDA which while the FY '17 request  
5 is for about \$700 million, at the same time I'm  
6 informed that just to bring it up for inflation that  
7 it really should be more in the nature of \$875  
8 million. So there's absolutely a gap there.

9 Other things, non-monetary that I see  
10 that needs more work. And it can't be done just  
11 by the federal government.

12 We need to institutionalize and really  
13 build on the policies that will strengthen the  
14 government to government relationship, and will  
15 support the trust responsibility and inform better  
16 decisions in the long run of how the federal  
17 government can work with and support tribal  
18 governments.

19 We need to work with tribes to see how  
20 we can help in building capacity. Capacity is a  
21 universal challenge. It's difficult to build.  
22 It's so easy to lose. And I've seen it so many  
23 different places, so many different tribes. For  
24 that matter, so many different federal agencies.

25 It needs to be continuously looked at

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1 and tried to work more.

2 We need better data. That is  
3 absolutely the truth everywhere we go. We need  
4 better data. We need to work with Census. We need  
5 to work with the tribes and develop better  
6 partnerships to tell the picture better.

7 We need to work toward assisting tribes  
8 and leveraging the resources. The federal  
9 government is just not going to be able to provide  
10 the final full answer for what tribes need as  
11 governments.

12 We need to leverage with the private  
13 sector, and in order to do that we need to be able  
14 to develop legal infrastructure, business  
15 infrastructure in Indian Country that will  
16 enhance, it will incentivize. It will make  
17 business want to come into Indian Country.

18 We need to do those things. I'll stop  
19 there.

20 CHAIRMAN CASTRO: Thank you. Mr.  
21 Black?

22 MR. BLACK: I mean, that is a really  
23 wide open question. I think it's a great question.  
24 And the idea that -- I mean it leads to the idea  
25 that we've been promoting with Interior.

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1           The federal trust responsibility to  
2 Native Indians and Native tribes all across the  
3 country is not just an Indian Affairs or Department  
4 of the Interior responsibility. It is a  
5 government-wide responsibility and we all share  
6 that.

7           And there are resources across the  
8 government that are available to Indian Country.  
9 So, to try to quantify that right here today would  
10 be a really challenging question.

11           Because I look at within our programs,  
12 and Indian Affairs provides a very broad array of  
13 services out in Indian Country. You know,  
14 everything from social services, to  
15 transportation, road construction, road  
16 maintenance, to management of trust resources. So  
17 every one of those individual areas has significant  
18 needs of its own.

19           The infrastructure which is a critical  
20 component for economic development out in Indian  
21 Country. Also, the development of roads, and  
22 public utilities, and those type of activities.  
23 There's a significant shortfall and need out there  
24 in Indian Country.

25           That funding comes through Federal

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1 Highway and is passed through the department to --  
2 either through direct service or contracting and  
3 compacting with the tribes.

4 But that's roughly around, you know,  
5 \$500 million a year. But if you looked at our  
6 backlog of construction needs out there it's  
7 significantly higher than that.

8 Road maintenance which is the  
9 maintenance of the infrastructure out there shows  
10 a significant shortfall in our funding based on our  
11 backlog of deficiencies that we have to correct out  
12 there.

13 There again we estimate somewhere  
14 around 45 to 50 cents on the dollar of what we  
15 actually need in our road maintenance programs.

16 And I could go on down the line with  
17 that, but it would be kind of negligent of me to  
18 throw a number out there at you right now.

19 But I can get you information on some  
20 of those programs.

21 CHAIRMAN CASTRO: Absolutely. Any of  
22 you feel free to supplement this. I know it's kind  
23 of a big question certainly on the fly. But I think  
24 you get where I'm going with this.

25 MR. BLACK: Yes, certainly do. Thank

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1 you.

2 CHAIRMAN CASTRO: Ms. Forrest?

3 MS. FORREST: Thank you. I agree with  
4 everybody on the panel. I think that the issues  
5 are wide-ranging. They're across all of our  
6 agencies, certainly across all of our  
7 reservations.

8 I think a couple of people brought up  
9 today we want to support tribes and self-governance  
10 and self-determination. And with that comes  
11 tribal capacity-building and infrastructure. So,  
12 I think for us those are very, very big issues.

13 We certainly support every tribe that  
14 wants to exercise their sovereignty in Indian  
15 Education and that's one of our biggest strategic  
16 plan measures.

17 I think the infrastructure issue,  
18 whether it's remote geographic location, housing,  
19 broadband access, that's one of the things that as  
20 some of the panelists said hinders our ability to  
21 attract highly qualified teachers that are going  
22 to stay.

23 And so the teachers, the most powerful  
24 person in the classroom is going to raise those test  
25 scores.

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1                   So, for me it's tribal financial  
2 personnel capacity and training. A lot of times  
3 we see -- and I was the CFO at my tribe. Dr. Russell  
4 actually handles the education piece of Education  
5 and I handle the business side.

6                   But I see it in tribal schools as well,  
7 the financial tribal personnel not having had the  
8 technical assistance they should have had from the  
9 United States now find themselves in a position  
10 where they have to hire contractors or something  
11 like that to come in.

12                  So, actually during this meeting I  
13 talked with Mr. Desiderio at NAFOA. When I was the  
14 chief financial officer for my tribe we were a  
15 member of that. I'd really like to set up a  
16 training program with them so that we can train  
17 financial personnel in tribal communities.

18                  Native language and culture. I think  
19 Bill and other people brought that up. That's also  
20 another high priority for us is that -- is doing  
21 our part to instill that. Certainly in a lot of  
22 tribal communities that is a responsibility of the  
23 home.

24                  We feel like certainly that's the case,  
25 but we also want to ensure we're teaching tribal

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1 language.

2 We have a directive for BIE operating  
3 schools that they will have Native language  
4 programs in the classrooms this year.

5 Also, one of our roles is to ensure  
6 Native kids are prepared to make choices. Whether  
7 that's college, whether that's vo tech, whatever  
8 they want to do. To go to the next level we need  
9 to prepare them.

10 What we're finding is that the bridge  
11 between high schools and college, when -- they  
12 certainly maybe with other tribal colleges that are  
13 a member of AHEC but we see a gap where they're not  
14 prepared to go to the next level.

15 So, we've really been working  
16 internally and with Mr. Mendoza on how do we bridge  
17 that gap. How do we get college-ready programs?

18 Lastly, data. We've heard that from  
19 everybody. I think whether it's within BIE,  
20 across BIA and BIE, but all across the system on  
21 Native Americans and all the statistics and data  
22 that are needed and really drive federal budgets.

23 So, I could go on and on as well. I  
24 can't quantify that. But that's a few of the  
25 things.

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1 CHAIRMAN CASTRO: Feel free to  
2 supplement in writing, please.

3 MS. FORREST: I'd be happy to do that.

4 CHAIRMAN CASTRO: Great, thanks.  
5 Commissioner Yaki followed by Commissioner  
6 Kladney. And then Commissioner Narasaki.

7 COMMISSIONER YAKI: Thank you, Mr.  
8 Chair. Again, the same conversation brings up the  
9 point I made earlier.

10 When we look at all of the different  
11 issues that are brought up here. For Mr. Mendoza,  
12 I really at some point want to talk about the issue  
13 of the mascots. That was brought up by the kids  
14 after your listening sessions.

15 When I hear Mr. Black talk about Indian  
16 Country but I also think about the challenge that  
17 Ms. Fowler has with regard to the fact that so many  
18 Native Americans live in urban areas. And how does  
19 the urban Indian health issue address them?

20 So, it brings up all these different  
21 things, but it comes down I think to this. There's  
22 a tension, and it's a tension that we created  
23 through policy, good or bad, and decisions, mainly  
24 bad in the past I think that precipitated this  
25 relationship that we have right now between the

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1 fact that we treat Native Americans as an entity  
2 as a nation. But at the same time, they're also  
3 Americans.

4 So they have all the rights and  
5 privileges of every American, whether it's Social  
6 Security, whether it's healthcare.

7 At the same time though as states and  
8 as discrete legal entities they're treated in a  
9 wholly different fashion.

10 And when you talk about the kind of  
11 deferred infrastructure that exists, whether it's  
12 transportation, health, you name it, education on  
13 reservations and in areas we see already just by  
14 here the kind of piecemeal approach that each one  
15 has to them because we haven't figured out exactly  
16 how to deal with them.

17 And I want to sort of ask you folks what  
18 I asked the other group. Is there a better way to  
19 deal with this? Is there a model of taking the  
20 chairman's Marshall Plan, but converting it into  
21 the budget reality that we have to deal with right  
22 now.

23 And why isn't it better to almost -- I'm  
24 going to go a step beyond what I said before. Is  
25 there a way to sort of consolidate these into almost

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1 block funds, maybe addressed by need, maybe  
2 addressed per capita, maybe addressed -- and the  
3 reason I say need is that I'm not too sure that a  
4 tribe in Palm Springs that has a lot of casinos has  
5 quite the same kind of needs as the Blackfeet, or  
6 the Sioux, or some of the other tribes that are  
7 really out in Indian Country.

8 But is there a better way to deal with  
9 this, a different model cut out from discretionary  
10 funding, put into a non-discretionary pot, and  
11 maybe lumped together so that the  
12 self-determination of the nations can decide how  
13 we're going to prioritize in terms of our roads,  
14 or hospitals, or education, rather than doing  
15 applications, or doing some formula funding that  
16 may or may not really address what their absolute  
17 needs are.

18 Did I stump them?

19 CHAIRMAN CASTRO: I think your  
20 question is broader than mine. Anyone, go ahead.

21 MR. BLACK: I'll take the first stab at  
22 it.

23 You know, talking about the block  
24 grant, the funding, the process there is kind of  
25 a bigger question.

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1 I guess it kind of goes to some of the  
2 comments I made earlier about the  
3 all-of-government approach to dealing with Indian  
4 Affairs which is kind of I think the direction  
5 you're leaning or guiding here.

6 And I would point to the White House  
7 Council on Native American Affairs as one agency  
8 that is kind of coming to that and trying to take  
9 an approach at it that is an all-of-government  
10 approach.

11 It brings all of the cabinet agencies  
12 to the table to discuss and look at Indian issues  
13 and how we can better approach them, rather than  
14 each individual agency attacking it on their own.  
15 So it does bring a more consolidated effort to it.

16 The White House Tribal Nations  
17 Conference that's held every fall now and is  
18 established again by executive order that will  
19 hopefully continue on into future generations here  
20 is also an avenue that brings the cabinet  
21 secretaries, all of the agencies and bureaus that  
22 are involved in Indian Country together to meet  
23 with all 567 tribes and hear from them what the  
24 issues are, and be an opportunity to kind of share  
25 the different programs and opportunities that are

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1 out there.

2 But also to hear about the issues, and  
3 concerns, and ideas, and solutions that we can all  
4 come together on.

5 COMMISSIONER YAKI: I don't mean to  
6 criticize but it may sound like it. Because that  
7 to me sounds like more of the same. I've seen that.

8 You bring everyone together. You do  
9 the listening thing and then they all go apart, and  
10 then you still go back to your individual silos and  
11 the funds go that way.

12 I'm trying to think of a different way  
13 where we truly engage the self-determinative  
14 aspects of a sovereign nation and say this is how  
15 -- we have an obligation. We have been trying to  
16 meet that obligation in piecemeal fashion from this  
17 program to that program, what have you.

18 Is there a better way for us to simply  
19 structure it so that you're not talking to 55  
20 different agencies, or 28 different  
21 administrators, and 342 deputy assistant whatevers  
22 out there.

23 And instead, they can simply say here's  
24 what we've got. Now, we can decide as our own  
25 people to say this is what we want to do with these

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1 funds.

2 And good or bad it's democracy helping  
3 democracy rather than just government helping  
4 individual or groups of Native Americans. That's  
5 just my point.

6 MS. FOWLER: I want to start off by  
7 saying I don't have a clear answer for you, but I  
8 do want to make a few comments.

9 I think for the Indian Health Service  
10 one of the things that we've experienced, I think  
11 it might make sense not to look at it in terms of  
12 one huge block grant type of mechanism.

13 But I do think that there's some value  
14 in considering the programs where tribes have to  
15 deal with states.

16 What we've seen in IHS is because our  
17 area offices, our regional offices cross, or they  
18 cover different states, when we have patients who  
19 cross state borders to get care in another state  
20 there are issues sometimes in dealing with the  
21 state Medicaid agencies, and issues about the  
22 ability to bill for those services.

23 So, certainly having some consistency  
24 about how tribes are -- consistent policies around  
25 how states receive services from states would be

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1 one way of looking at it.

2 But I would say, even though IHS is the  
3 principal federal agency with the responsibility  
4 of providing health services to American Indians  
5 and Alaska Natives the Department of Health and  
6 Human Services has a lot of funding and the other  
7 agencies that tribes have access to.

8 So, it's not just the Indian programs,  
9 but there are also a lot of other funding that  
10 tribes are able to access in the other agencies.  
11 I think it would be difficult to sort of glom  
12 everything together as one large Indian agency.

13 Those are just a few comments.

14 CHAIRMAN CASTRO: Anybody else on the  
15 panel?

16 MR. MENDOZA: In the educational  
17 context it seems -- it's not always seems rational,  
18 or not irrational. It's not obvious that the  
19 principles of tribes not only having the  
20 opportunity to provide input, but the opportunity  
21 to engage in an informed decision with other  
22 sovereigns, state, local, federal as partners in  
23 that informed decision is often forgotten, more  
24 often than not, and is non-existent in many cases.

25 We have put a tremendous amount of work

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1 to try to break down those barriers and increase  
2 those points of collaboration and coordination  
3 among one another, and that's why we're seeing not  
4 quick enough progress, but progress that in the  
5 past 40 years we've not only doubled graduation  
6 rates at high school, but college going rates and  
7 college completion rates.

8 But there's still tremendously low  
9 indicators and outcomes at all levels there.

10 But I think your point is not a  
11 philosophical one, and I don't want mine to be  
12 either because we see this mechanism of not only  
13 having explicit discussions about the unique and  
14 diverse circumstances that tribes face. Putting  
15 that at the forefront of our own decision-making  
16 and our stewardship of public trust and  
17 accountability, both in the trust responsibility  
18 sense and to the -- step back as appropriate.

19 There are tribes that are ready for us  
20 to do that and need us to do that now, and then there  
21 are others that need us to help guide the way. And  
22 so it's that constant balance that each one of our  
23 agencies face in trying to address that  
24 circumstance.

25 And we see this playing out in one very

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1 interesting way that I think is going to be  
2 meaningful in Pine Ridge in response to the suicide  
3 crisis that had happened there over the past year  
4 in which all of our agencies are putting their  
5 existing philosophies of approaching these types  
6 of communities, they're checking that at the door.

7 And taking everything that we're doing  
8 at the national outreach, regional engagement  
9 level, et cetera, et cetera. We know we've got  
10 forecasts for days, we've got -- everybody's got  
11 a one-stop shop and nobody has a one-stop shop.

12 But we're trying to curb away at that  
13 through the Native One-Stop, you know, trying to  
14 make those specific and relevant to those  
15 communities.

16 And stepping into those communities to  
17 get the conversation going, to try to work with  
18 tribal leaders, try to work with educators to  
19 address crisis response teams, to move from crisis  
20 response to positive hope, live life hope  
21 environments for Native youth.

22 And then to address all of those  
23 elements of human capital, infrastructure, and the  
24 trajectory that that community in particular wants  
25 for itself.

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1 We're going through growing pains and  
2 kind of trying to translate and redetermine what  
3 our roles look like there and the responsibilities.

4 But I think that process coupled with  
5 the White House Council on Native American Affairs  
6 is going to pose new lessons for how we engage with  
7 communities in crisis, but more effectively how we  
8 do that proactively in the diverse settings that  
9 they play themselves out.

10 And that will affect tribes making an  
11 informed decision about where they need autonomy  
12 in block form, or greater prescriptiveness,  
13 outcome-orientation, less focus on the inputs, and  
14 numbers of X being served, but rather a guided  
15 structure to help them through those  
16 capacity-building challenges.

17 CHAIRMAN CASTRO: Mr. Akers?

18 MR. AKERS: Thank you, Commissioner.  
19 I also don't have I think an answer to your question  
20 as I understand it.

21 But, thoughts are initially it  
22 absolutely would be, you know, ideal to have a  
23 single point of contact, to have maybe one entity  
24 with which tribal leadership could deal with in  
25 terms of being able to work with the -- and access

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1 the resources in support of the federal government.

2 However, my experience though is that  
3 over the many, many years that agencies, various  
4 agencies have developed expertise in certain  
5 aspects, certain responsibilities.

6 And so in terms of maybe thinking about  
7 combining them all into one entity and having truly  
8 one-stop shopping kind of a thing, I'm not sure that  
9 that's a practical approach that would best serve  
10 tribal governments in the near run.

11 But it is always a good thing to be  
12 looking to see how can we do things differently that  
13 would be an improvement over how we are currently  
14 serving our tribes.

15 The other thing I wanted to mention  
16 though is that -- well, and again, as Mr. Black had  
17 mentioned I think kind of on the administrative  
18 level I am seeing and I am impressed with the degree  
19 of commitment and leadership that the  
20 administration is placing on agencies working  
21 together more, breaking down those silos, those  
22 cylinders, really collaborating and trying to  
23 truly communicate better and provide better  
24 services in a coordinated manner to tribal  
25 governments throughout Indian Country.

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1                   Certainly that's an art which has to  
2                   continually be looked at and tried to be done  
3                   better.

4                   But I am seeing some progress in that  
5                   regard and I think all of us have been, you know,  
6                   doing what we're doing for a long time. So there's  
7                   ups and there's downs in it. I think we're on the  
8                   right path right now.

9                   The last thing I wanted to mention, very  
10                  kind of a narrow sense is that there are -- in terms  
11                  of financial services and support to tribes there  
12                  are different philosophies, different schools.

13                 There's the formula-based block grant,  
14                 and there's also -- there's the discretionary type  
15                 of competitive grants that many agencies including  
16                 HUD use to support tribes.

17                 I think they have pros and cons.  
18                 Certainly the formula-based block grant I  
19                 personally think and I've had tribal leadership say  
20                 that, for instance, NAHASDA has the Indian Housing  
21                 Block Grant. It's a formula-based block grant.  
22                 Tribes like it. They absolutely think it's a good  
23                 thing.

24                 But the downside of it is that there's  
25                 not enough money to be able to really get tribes

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1 effectively where they need to go on these things.

2 And what we see happen, as opposed to  
3 a competitive grant where it's a smaller amount of  
4 money but it's competitively awarded as the Indian  
5 Community Development Block Grant program, is that  
6 for NAHASDA because it's been perennially  
7 underfunded the tribes aren't able to do really  
8 much more than simply maintain their stock of  
9 housing, and their eroding infrastructure, and  
10 really just basically rehabbing what they've got,  
11 aging housing.

12 And they're not able to really take that  
13 next step forward to provide new, good housing  
14 stock there.

15 And what we are seeing as far as Indian  
16 Community Development Block Grant which is  
17 competitive like that, not all tribes get to access  
18 it. But those tribes that do get to access it  
19 actually get enough capital influx to be able to  
20 really do some development, or complete projects  
21 in terms of capital improvement.

22 So, you know, different ways of trying  
23 to work with tribes to get them where they want to  
24 go. Thank you.

25 CHAIRMAN CASTRO: Commissioner

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1 Kladney, you're next.

2 COMMISSIONER KLADNEY: Thank you very  
3 much, Mr. Chairman. I'd like to thank you all for  
4 being here. And I know that you work real hard to  
5 make things happen in Indian Country.

6 I don't usually ask questions like this  
7 but I'm going to preface my question. I grew up  
8 about two blocks from Indian colony. And I had  
9 about 12 friends, we went to junior high. And then  
10 I moved across town and went to another high school.

11 And about 17 years later I ran into one  
12 of my buddies and I asked him how everybody was  
13 doing. And he said well, two were alive and out  
14 of jail, and the rest were either dead or in jail.

15 And the colony had terrible housing,  
16 and now it's better. But, Ms. Fowler, you talked  
17 about an alarming rate of alcoholism, drug abuse,  
18 motor vehicle crashes, depression, mental health  
19 issues on the reservation.

20 And I don't think that's changed in all  
21 the years since I was in junior high school.

22 And so I assume there's still a very --  
23 you didn't talk about this, but there's a high rate  
24 of family abuse, child abuse, spousal abuse on the  
25 reservations, isn't there? And it's much higher

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1 than in the population.

2 So, Mr. Mendoza, you talked about kids  
3 getting disciplined more in school and being thrown  
4 out at a very higher rate than anybody else.

5 So I want to know what you're agencies  
6 are doing together in the 53 years since I grew up  
7 next to the Indian colony to fix this.

8 MR. MENDOZA: I could speak to some of  
9 the educational collaborations.

10 COMMISSIONER KLADNEY: But I want to  
11 know what specific programs you're working on  
12 together to make this work.

13 MR. MENDOZA: Yes. So, the Department  
14 of Education has not only formula but discretionary  
15 grants that are infused into these communities in  
16 either a targeted way or that equally impact all  
17 students.

18 Take for instance the set-aside that is  
19 devoted for our tribally controlled schools on  
20 reservations, off-reservation boarding schools,  
21 residential facilities, for example.

22 Each of these dollars are essential to  
23 that. There has been a growing level of  
24 accountability and desire to coordinate those  
25 implementation of services, and we have taken

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1       tremendous steps to coordinate with the Bureau of  
2       Indian Education not only on defining a broad layer  
3       of reform for those schools and how they impact  
4       their communities.

5               And that's absolutely rooted in making  
6       connections to tribal governments to leverage what  
7       is happening in terms of missed opportunities for  
8       other services that tribes are implementing within  
9       their communities.

10              As I said in my opening remarks they  
11       know their communities best. That principle of  
12       incorporating those desires into that is helping  
13       us to reach these students in stronger ways, to  
14       build partnerships and leverage other sectors on  
15       reservations.

16              COMMISSIONER KLADNEY: I understand  
17       all that. I understand all that. But why aren't  
18       these numbers coming down? Fifty years is a long  
19       time.

20              I mean, you can give me as many programs  
21       as I want to hear about, and how much lack of money  
22       there is, and stuff like that, or different grants.  
23       You grant certain tribes get certain money, or the  
24       tribes don't get any money. Housing, that's what  
25       he was talking about.

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1 MR. MENDOZA: Graduation rates are  
2 ticking up, Commissioner Kladney.

3 COMMISSIONER KLADNEY: I understand  
4 that, but how are you getting to the root problem  
5 on the reservation regarding the things that Ms.  
6 Fowler talked about which are causing problems that  
7 you're talking about regarding discipline in the  
8 schools, and regarding your problem, regarding law  
9 enforcement on the reservation, and your problem  
10 regarding education.

11 That's all together. This is a prime  
12 root problem that has existed for decades upon  
13 decades, and I don't hear you guys giving us any  
14 solutions, or making it better.

15 MS. FOWLER: I think some of what you  
16 are describing is the result of our inability to  
17 focus on primary prevention. We're focused more  
18 on treatment services, and have been. And it is  
19 related to funding.

20 We are looking at more ways to  
21 collaborate with other agencies to make the dollars  
22 go further, and to focus on those primary  
23 prevention activities.

24 We are increasing our efforts to do  
25 that. I don't have --

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1 COMMISSIONER Kladney: You don't have  
2 an answer.

3 MS. Fowler: I don't.

4 MR. Black: Well, let me just address  
5 a couple of your points there, I think.

6 You know, talking about the  
7 collaboration. I think at least in my experience  
8 since I've been the Bureau Director the last six  
9 years I've seen a large increase in collaboration  
10 between the federal, our executive agencies as far  
11 as addressing Indian Country.

12 I'll use Pine Ridge as an example.  
13 It's been designated a Promise Zone, a White House  
14 Promise Zone.

15 I think Mr. Mendoza mentioned that and  
16 brought that up earlier which has brought all the  
17 resources to bear from the federal government to  
18 Pine Ridge to address a lot of the different issues,  
19 some of them you're talking about.

20 Alcoholism with a large focus on youth  
21 and youth suicide issues. So you have USDA,  
22 Department of Ed, BIA, BIE, HUD and FEMA and all  
23 of the different agencies coming to bear there to  
24 address some of the issues that we can address.

25 Housing is one of them that's a key

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1 component out there in all of Indian Country. So  
2 those things are being addressed.

3 We work collaboratively with HUD here.  
4 We've developed some processes to streamline the  
5 HUD 184 process which provides access to affordable  
6 homes for Indian Country and individuals.

7 We've worked with them on streamlining  
8 our environmental processes which is leading to the  
9 infrastructure issues that are faced out there in  
10 Indian Country where all of us have to follow NEPA,  
11 the National Environmental Protection Act.

12 But every one of us has been doing it  
13 on our own silos and our own streamlines for our  
14 own projects.

15 This is an effort that will help to try  
16 to collaborate all of those efforts into one  
17 document that we can all fall back on so we're not  
18 expending significant resources that could be put  
19 toward those projects, or toward efforts in Indian  
20 Country.

21 And it's a quicker and easier process  
22 to getting projects out there.

23 Talking about our Tiwahe Initiative  
24 which I talked about a little bit earlier, that's  
25 kind of an effort along those same lines again.

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1                   Where it's not -- it does bring a lot  
2 of other government agencies, HHS, IHS, SAMHSA all  
3 to the table with us, what is it, Advancement for  
4 Child and Families is another one that comes to the  
5 table with us on these efforts.

6                   But it's also a more holistic, an  
7 approach that also is designed to be developed and  
8 implemented by the tribes. It's something that is  
9 designed specifically for their location, for  
10 their needs, and for their tribe.

11                  Because as we point out, one size  
12 doesn't fit all in Indian Country. I think Ms.  
13 Pata in her presentation earlier talked about the  
14 fact that we have such a diverse -- not just diverse  
15 cultures out there in Indian Country, but we have  
16 diverse economies.

17                  You have some tribes that are extremely  
18 well off. And you talk about 50 years ago  
19 Reno-Sparks Colony, what it was 50 years ago to what  
20 it is today. I think there probably is some  
21 significant changes out there.

22                  And there's a lot of other tribes out  
23 there that can point that same story from where they  
24 went from nothing even 20-30 years ago to where  
25 they're a very successful entity today. And

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1 that's built on economic development.

2 So I mean, to say that things haven't  
3 changed, I would say they would. Sometimes it's  
4 on the tribe. Sometimes -- I mean, their sole  
5 recognition for their success.

6 (Simultaneous speaking.)

7 COMMISSIONER KLADNEY: But I think I'm  
8 talking about the personal aspects, not the  
9 buildings, not the infrastructure, not the  
10 economic background.

11 I'm talking about personal interaction  
12 when you have 510 percent more alcoholism on  
13 reservations than you do in the rest of America.

14 You can talk about different cultures.  
15 You can talk about drug addiction and meth  
16 addiction with the kids on the reservations. You  
17 can talk about their suicide.

18 When you're talking three to five  
19 hundred percent more than regular society you can  
20 build all the houses you want, sir, but you have  
21 to fix these people. You have to offer them the  
22 ability not to go down these roads.

23 Because these people die.

24 MR. BLACK: I totally understand, but  
25 I would have to differ a little bit there. It's

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1 not a one-lane approach to addressing that.

2 If they don't have significant housing,  
3 if they don't have economic resources, they don't  
4 have jobs, you know, it's hard for them to get out  
5 of the holes that they're in.

6 COMMISSIONER KLADNEY: I understand.

7 MR. BLACK: So we have to be able to  
8 address it holistically and bring all the resources  
9 to address.

10 The Tiwahe Initiative is an example.  
11 I'm going to go back to that again. Where we're  
12 looking, you know, if we have a child abuse  
13 situation out there we go into the family. We're  
14 not just looking at the child. We're looking at  
15 the whole home.

16 Is there a need for jobs for the  
17 families? Are they living in adequate housing?  
18 Are they getting the other resources they need? So  
19 it's not addressing just one facet of it, but it's  
20 addressing a lot of them.

21 We're looking at a recidivism effort  
22 that we've got going on with some pilot tribes right  
23 now which is addressing reentry, or repeat  
24 offenders is a better way to look at it.

25 Because we've got, you know, in the past

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1 in a lot of cases we're just housing individuals.

2 My law enforcement director uses the  
3 example that we've got a lot of people in Indian  
4 Country doing life sentences one week at a time.  
5 And we've been looking at ways to address that  
6 because we haven't been able in the past to provide  
7 programs and treatment for those individuals that  
8 are incarcerated that would prevent them and give  
9 them an opportunity to get out of that vicious cycle  
10 that they're in.

11 So we've seen some great successes with  
12 some of the programs we've started along those  
13 lines and hopefully we'll be able to expand those.

14 MR. MENDOZA: Commissioner Kladney,  
15 too, I just wanted to direct your attention to those  
16 students' voices and those parents and families who  
17 said that their recommendations that are reflected  
18 in the report that I know he was looking at earlier  
19 are these solutions.

20 We're trying to map the trajectory of  
21 what our responsibility is at the federal level,  
22 but there's also a shared responsibility both at  
23 state, municipality and local levels that is just  
24 consistently forgotten when we talk about those  
25 principles that we reiterated here.

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1 COMMISSIONER KLADNEY: Well, I think  
2 most of my anger comes from this report was  
3 originally done in 2003.

4 I mean, I can talk about 50 years, but  
5 2003 is 13 years and there's no improvement in these  
6 numbers. There's been no improvement in these  
7 numbers in 50 years.

8 So, I know you're trying. I'm not  
9 trying to be critical. I'm just trying to say as  
10 the bureaucracy goes we have to find better  
11 answers.

12 You were talking about four different,  
13 I think, demonstration projects you had on  
14 reservations. Well, how many reservations are  
15 there?

16 MR. BLACK: I don't know an exact -- we  
17 have 567 tribes.

18 COMMISSIONER KLADNEY: That's all I --

19 MR. BLACK: We don't necessarily have  
20 567 reservations.

21 COMMISSIONER KLADNEY: Right.

22 MR. BLACK: Not every tribe, you know.

23 COMMISSIONER KLADNEY: But you have  
24 significantly more than four.

25 MR. BLACK: Oh, yes. Very

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1 significantly. But I mean, to build on I think  
2 some of the issues, talking about budget and stuff,  
3 we have to be able to show results. We have to be  
4 able to get to that data, and that has been  
5 successful.

6 And it has resulted in increased  
7 funding for us to be able to provide all tribes.  
8 You know, it's not -- are we where we need to be?  
9 Not at all.

10 COMMISSIONER KLADNEY: Okay, and one  
11 more question, Mr. Chair. Just one more.

12 MS. FORREST: I wanted to just offer  
13 really quickly while we're on this subject, that  
14 all tribes are not alike.

15 I know that you have heard this several  
16 times, but tribes are at different levels of where  
17 they're at, whether it's their governance, or Palm  
18 Springs is very different --

19 COMMISSIONER KLADNEY: No community is  
20 alike in America.

21 MS. FORREST: Absolutely. And tribes  
22 have the uniqueness of historical poverty,  
23 historical promises not being fulfilled by the  
24 United States, historical issues that are not going  
25 to be able to be overcome overnight.

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1 I think through this Pine Ridge effort  
2 that several people have mentioned, there's weekly  
3 meetings out there by all agencies to ensuring that  
4 not only addressing the -- the youngest person out  
5 there was 11 years old.

6 So not only addressing that 11-year-old  
7 and their family, but all of the kids that are  
8 thinking about it. There was many, many more kids  
9 that were thinking about it.

10 So, in conjunction with Department of  
11 Ed and with all the other agencies we left our dorms  
12 open so the kids could have a safe place to stay  
13 with their peers.

14 So the numbers that you see might not  
15 reflect that, but I think the -- and I understand  
16 your question.

17 But the work that we're doing, my hope  
18 is that the kids that didn't do that in Pine Ridge,  
19 that's something we did good. That's something  
20 we're doing better.

21 Do we need to do a better job  
22 collaborating together? Absolutely. But I've  
23 seen it in the nine years that I've been in  
24 Washington.

25 So whether it's this Pine Ridge

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1 Initiative, or the Tiwahe Initiative, that Mike  
2 talks about where it's social services, it's law  
3 enforcement, it's education, it's all the  
4 wraparound services that have focused on the  
5 family.

6 And so I just wanted to add that. Thank  
7 you.

8 CHAIRMAN CASTRO: Commissioner  
9 Kladney, I'm going to move on to Commissioner  
10 Narasaki. We've got other Commissioners too that  
11 are in need of a break as well once we're wrapped  
12 up here.

13 So, Commissioner Narasaki?

14 COMMISSIONER NARASAKI: Thank you, Mr.  
15 Chair. I wanted to focus on education because  
16 unfortunately the person slated to testify this  
17 morning on education was not here. So, I have a  
18 number of questions.

19 So, first of all, could Deputy Director  
20 Forrest provide an update on the efforts to  
21 reorganize the BIE from a direct provider of  
22 educational services to more of a  
23 capacity-building service provider to tribes with  
24 BIE-funded schools, and let us know what the  
25 obstacles and accomplishments are?

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1 MS. FORREST: I'd be happy to do that.  
2 We've been working very closely with the Department  
3 and with Congress on getting the green light to go  
4 ahead and start kicking off that implementation.

5 So, it's been a couple of years that  
6 we've been working with multiple partners  
7 throughout the administration and Congress to do  
8 that.

9 So, last week we got the green light to  
10 hire the first implementation piece of new staff  
11 for the field locations, not here in D.C.

12 We continue to follow the Blueprint for  
13 Reform published by the American Indian Study  
14 Group.

15 So, just now having that green light to  
16 go ahead we're in the very initial phases of  
17 implementation.

18 Having said that, because of the state  
19 of education in BIE schools, we are trying to use  
20 the existing staff. We're not waiting. We're  
21 trying to take every kind of classroom innovation  
22 or on my side, the business innovation to ensure  
23 that my job is to get the classrooms what they need,  
24 get the teachers what they need on time.

25 Get them what they need, not what

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1 someone in D.C. decides what they need, whether  
2 it's food service, whether it's textbooks.

3 And then Dr. Roessel in turn working  
4 with individual tribes because two-thirds of our  
5 schools are tribally controlled on what they want  
6 to see in their community for Native education.

7 So, in terms of the reorganization in  
8 its bigger sense we feel like we've already started  
9 that. There's a lot of communication and  
10 collaboration with tribes that hadn't been there  
11 from the Bureau of Indian Education before.

12 Our trust responsibility is with the  
13 government to government relationship between the  
14 United States and tribes.

15 So, the practice in the past for I think  
16 the United States has been to typically deal with  
17 the school boards directly. And they certainly a  
18 big role in the management of the school.

19 What we want to do is ensure that all  
20 partners are at the table talking about for each  
21 tribe that the tribe is very involved in their  
22 schools and how they want the direction of those  
23 to go.

24 So, in answer to your question  
25 formally, we have a lot of information that we are

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1 able to share that's on bie.edu on our website, a  
2 lot of frequently asked questions for employees,  
3 for tribes, for schools about what this  
4 implementation means, what's it going to look like.

5 The same -- another kind of page for  
6 tribes. Because again, it's not a one size fits  
7 all.

8 And so one of the things I did want to  
9 point out is in this realignment, in this staffing  
10 issue it doesn't affect the school level at all.

11 Currently BIE has 3,000 contract  
12 educator employees. So, that operation remains  
13 the same. There's no BIE operated staff member  
14 that is affected by this other than seeing  
15 increased services to their schools.

16 So, that's kind of an informal update  
17 that I can give today. We can further delineate  
18 that in written comments to you.

19 COMMISSIONER NARASAKI: Thank you very  
20 much. Is the main challenge at this point money?

21 MS. FORREST: I think that probably no  
22 federal agency would say they don't need money.

23 CHAIRMAN CASTRO: Us included.

24 MS. FORREST: We certainly support the  
25 President's request.

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1 I think it's really getting all of the  
2 approvals that we need, whether it's in the  
3 Department or with Congress to ensure -- and then  
4 with Indian Country.

5 We've done a lot of consultation,  
6 listening sessions, in-person meetings for the  
7 last two years. We're continuing to do those.  
8 And so it's really ensuring that as much as we can  
9 that tribes are aware of what we're doing, that  
10 there's no mystery, that we're very transparent.

11 And so we've been taking a lot of time  
12 on that. So, I think that ensuring that we hear  
13 the tribal view. It's their communities. It's  
14 their children. That's what we support.

15 So, I think the lag has been the work  
16 that we're doing with Congress, and then ensuring  
17 that we get tribes and what they have to say in this  
18 effort.

19 COMMISSIONER NARASAKI: So, there was  
20 a little bit of discussion in response to  
21 Commissioner Kladney's question about what are the  
22 wraparound services that are important to  
23 supporting Native American students, right?

24 It's well documented, the problems in  
25 terms of lack of adequate school structures,

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1 dilapidated structures, lack of technology.

2 But what about the wraparound services  
3 that help sustain, so students can actually learn  
4 when they're in school? Either?

5 MS. FORREST: No, no, I was just  
6 talking with Mike about how the Tiwahe Initiative,  
7 because Mike right now has the SANE community, the  
8 social services programs, all of the other programs  
9 that whether the tribe oversees them we have in the  
10 United States, or that Mike is running law  
11 enforcement, social services, all of those things.

12 Working with USDA right now. For our  
13 dormitory students, currently, we do not get  
14 reimbursement from USDA for our dinner programs.  
15 And so we've been paying for that.

16 In the 2017 request there's a provision  
17 that will allow us to do that. So, in terms of  
18 being ready to learn we're working with our school  
19 counselors ensuring that kids are eating.

20 Sometimes when they come to our schools  
21 that's the only place to get to eat in a day.

22 So, at the community level, at the  
23 school level they're working closely with whether  
24 it's BIE or, I'm sorry, Mike, BIA law enforcement  
25 or social services to ensure we address the entire

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1 family, and that children are ready to learn.

2 We just talked with our friends at GAO  
3 yesterday quite a bit about transportation for  
4 students and access to education. And so Dr.  
5 Roessel reiterated some of our children ride buses  
6 150 miles one way.

7 We have mud is a big problem in the  
8 Southwest. Snow and ice are a big problem in the  
9 Northwest.

10 But at the local level parents and  
11 schools and families have gotten real creative on  
12 how they're able to still ensure kids get an  
13 education.

14 In one instance parents will get  
15 together and bring a child to a certain point, and  
16 then the bus will come and get them.

17 You don't see that in public schools.  
18 In state schools the parents are expected to get  
19 the kids to the bus stop.

20 So, for us what the practice has been  
21 is door to door, trying to get door to door service  
22 for getting our kids to school.

23 So, I think all of those levels.  
24 Again, if a child comes back to school, or talks  
25 about having issues at home, whether it's physical

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1 abuse, whatever kind of issues going on there, then  
2 we'd work with our partners at social services to  
3 help with the family, and what's the next step.  
4 How are we going to ensure.

5 I think Mr. Mendoza said kids are  
6 leaving our system. We see that a lot in the  
7 Dakotas. Kids are just not going to different  
8 grades. So, trying to put the -- whether it's a  
9 program, or it's typically a community-driven  
10 initiative in terms of what they think works best  
11 to get their kids engaged with whether it's  
12 physical activities, or social activities, or as  
13 in Pine Ridge just being able to have a place to  
14 get together where they feel safe.

15 So, we're trying as many avenues as we  
16 can to certainly ensure kids' safety, and then that  
17 they feel safe at our schools.

18 On the construction and facilities  
19 piece we work closely with again Mike and --

20 COMMISSIONER NARASAKI: So, can I ask  
21 you on facilities.

22 MS. FORREST: Sure.

23 COMMISSIONER NARASAKI: So, it seems  
24 to me -- well, it was testified earlier that clearly  
25 the amount of money that's being put aside for

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1 school construction and improvement is not even a  
2 fraction of what is necessary.

3 So, where's the problem? Is the  
4 administration not asking for enough money? Are  
5 they asking for enough money but Congress is not  
6 appropriating?

7 I mean, our job on the Commission is to  
8 provide advice to Congress and the Administration.  
9 And we're trying to figure out where the problem  
10 lies and what would be most compelling for us to  
11 make the case that they need to do more, and who  
12 needs to do more.

13 MS. FORREST: I think in the school  
14 arena -- the other federally run school program is  
15 Department of Defense. And so they're the  
16 Department of Defense Education Activity at one  
17 point --

18 COMMISSIONER NARASAKI: That's for  
19 kids of people on bases?

20 MS. FORREST: Right, right. And so  
21 for the Bureau of Indian Education and for  
22 Department of Defense are the only two federally  
23 run school systems in the United States.

24 I think more of a funding model that  
25 they have. I think that for one year their

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1 construction budget was \$700 million. And a lot  
2 of that was -- not that it's needed, I'm not saying  
3 anything bad there. We would like to be much more  
4 closely aligned in terms of funding.

5 COMMISSIONER NARASAKI: So, how is  
6 their funding model different than the model that's  
7 being used for Indian Country?

8 MS. FORREST: In terms of how it's  
9 presented I'm not sure. I know they're much more  
10 heavily funded in every area than we are for our  
11 kids.

12 And we feel like Native kids deserve  
13 just as much access to healthcare, to education as  
14 any child does. Even more so because it can be very  
15 difficult. I am one of those kids.

16 And so, I think that they get funded at  
17 the levels that they do. So, however that works,  
18 or however that happens is what we would like to  
19 see since we are a similar school system.

20 I know they are a lot more  
21 geographically dispersed around the world, but  
22 they're an education system in the federal  
23 government, so.

24 COMMISSIONER NARASAKI: So, I'm sorry  
25 to cut you off, but we have limited time and I'm

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1 worried that some of you are going to start leaving  
2 since we're over time.

3 MS. FORREST: I'm sorry.

4 COMMISSIONER NARASAKI: So, could I  
5 ask that of the rest of you as well? I mean, we  
6 went through the wish list and we're talking  
7 literally billions of dollars, right, that are  
8 falling short for Indian Country.

9 So, I used to do a lot of work with  
10 Senator Inouye who had a great love for Native  
11 Americans. And I'm just wondering, you know.

12 So, what is the state of Congress today?  
13 Most programs are flat at best, and even the ones  
14 that are increasing it sounds like it's not  
15 increasing at the rate of inflation so you're  
16 actually falling behind.

17 And I'm guessing that a lot of those  
18 levels were never enough to begin with.

19 So, how do we fix the problem? Who in  
20 Congress needs to do something?

21 MR. MENDOZA: I think just in terms of  
22 temperature, one of the key areas of bipartisanship  
23 has been Indian education within Congress.

24 And so whether we're talking about  
25 House Interior appropriations, or the Senate

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1 Committee of Indian Affairs, they certainly are the  
2 most readily identified stewards of the dynamics  
3 that are facing folks from our Bureau of Indian  
4 Education, tribally controlled schools and the  
5 tribes and students that are impacted by that  
6 system.

7 And then as we've been trying to make  
8 headway into increasing these principles of  
9 collaboration for tribal leaders and tribal  
10 communities across the country, some of that has  
11 been realized in the new Every Student Succeeds Act  
12 which is now in transition from the Elementary and  
13 Secondary Education Act predecessor.

14 And the budget request and  
15 appropriations and allocations based off of this  
16 President and this administration's commitment to  
17 these issues are consistently trying to get down  
18 to this level of detail that Deputy Director  
19 Forrest was talking about.

20 COMMISSIONER NARASAKI: And how is the  
21 new act going to help kids, to help Native  
22 Americans, and where is it going to fall short?

23 MR. MENDOZA: There are a number of key  
24 areas, major changes in the law. And it would be  
25 inappropriate for me to respond specifically on

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1 those as right now the Department, this is a new  
2 law.

3 We are engaged in outreach and  
4 engagement with the country around these issues.  
5 But I want to highlight two very key areas.

6 One is this collaboration with tribal  
7 leaders. Certain school districts in this country  
8 will be required to consult with tribal nations in  
9 the implementation of grant resources that are in  
10 the name of all students and especially how they  
11 impact tribal youth as well.

12 Statewide plans for education, similar  
13 fashion. This is a huge shift in how tribes will  
14 be not only invited to the table, but as they need  
15 it to be meaningfully engaged in not only the  
16 design, but the implementation of all matters  
17 education and how it affects their students.

18 Other key areas, working in Native  
19 languages. Beginning to support the continuum of  
20 culturally responsive education to dual language  
21 strategies that we know are making headway in other  
22 communities around the country but that we lack  
23 research base in some context, particularly as we  
24 move to immersion and the desire for tribes to move  
25 to immersion, trying to build capacity in there.

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1           This governance piece that we keep  
2           talking about, critical. We're continuing the  
3           State-Tribal Education Partnerships Grant by where  
4           seemingly historical adversarial sovereigns are  
5           coming together to think about the challenges, and  
6           to support one another, build capacity of tribes  
7           and engage in initiatives that affect those  
8           students' needs. So that's another promising area  
9           for the Every Student Succeeds Act.

10           It opens up a number of funding areas  
11           for the Bureau of Indian Education and tribes in  
12           many unique and different ways than its predecessor  
13           did. So, those are just some highlights for that.

14           I wanted to touch base real quickly on  
15           the support services. When you talk about the  
16           experience of -- and I qualify these terms -- urban  
17           Native students it could be as urban as Rapid City,  
18           South Dakota, and Denver, Colorado, Los Angeles,  
19           California, Chicago. Great Falls, Montana is  
20           urban in many respects to the students within that  
21           frontier state.

22           And in that sense you see the same  
23           barriers. When you just take the District of  
24           Columbia, for example. Navigating D.C., for me,  
25           it takes -- because our income doesn't drop down

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1 to the threshold of providing them with public  
2 education, it takes us roughly \$5 one-way trip per  
3 child. So, the same cost barriers. It might as  
4 well be 150 miles and the need for \$40 and a tank  
5 of gas to navigate.

6 My situation is not the situation of  
7 many of our urban Native youth who are equally  
8 facing systemic poverty, socioeconomic  
9 challenges.

10 And then to have these kinds of  
11 environments that we have been able to lay in front  
12 of you in the way of these students' voices --  
13 tremendously challenging.

14 So, the notion of guidance counselors  
15 in our Bureau-funded schools, tribally controlled  
16 schools, in public schools for these students to  
17 address their unique needs in culturally  
18 appropriate ways, tremendously challenging. That  
19 goes to behavioral workers, social workers,  
20 teachers.

21 COMMISSIONER NARASAKI: I did want to  
22 ask what is being done about the fact that Native  
23 kids are being overly disciplined. At least some  
24 advocates argue that like other minority kids, they  
25 face a disparity in terms of how much they get

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1 suspended out of school.

2 So, I'm wondering -- I think you had  
3 mentioned that in your opening remarks, what's  
4 going on there.

5 And then the other question is I think  
6 a lot of Americans are hostile to the notion -- I  
7 work within the Asian-American community so I've  
8 seen this -- to the notion of any group holding on  
9 to a language that is not English.

10 So, it would be helpful if you could  
11 just give two sentences for people who may not  
12 understand why education in Native languages is  
13 important and what it does.

14 CHAIRMAN CASTRO: And then,  
15 Commissioner Narasaki, I'm going to give it over  
16 to the vice chair for the last question.

17 COMMISSIONER NARASAKI: And then I'll  
18 wrap it up. Yes.

19 CHAIRMAN CASTRO: Okay.

20 MR. MENDOZA: So, two sentences.  
21 Native languages are important because it is who  
22 these students are. Without it they are not  
23 performing at the levels of any measure, U.S.  
24 history, math, science, English. The education  
25 they're receiving is not relevant to them.

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1 And it is the backbone of tribal  
2 nations. If we do not focus on Native languages  
3 we lose that distinct identity of those nations and  
4 they become those leaders who we invoke in our mind  
5 that penned the relationship and handshake with  
6 this country become a figment of our imagination.

7 Sovereignty rests on a piece of paper,  
8 not on a people. That's the importance of Native  
9 languages.

10 The application to how our students and  
11 families are being treated differently in schools  
12 is that there's distortions. There's gaps in  
13 information, misinformation, and in many cases as  
14 is articulated in this report, harmful information  
15 that is being perpetuated within our schools and  
16 the environments and the communities that have  
17 responsibility for these schools.

18 COMMISSIONER NARASAKI: Yes, but what  
19 is the government doing about that?

20 MR. MENDOZA: Well, I think this is a  
21 first step. From the time A Quiet Crisis came out  
22 to the emphasis on coordination of us to the call  
23 to action from the President and his emotional  
24 connection to Native youth, and how we are  
25 replicating that at every level to get to the source

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1 knowledge and inform our decisions based off of  
2 that.

3 It is reflected in all of the programs  
4 that we articulated today and all of our budget  
5 requests, investments that we have made throughout  
6 at least this administration.

7 COMMISSIONER NARASAKI: No, I meant  
8 specifically what is anyone doing about in terms  
9 of programs or Title VI. You know, what kind of  
10 work are you trying to do with schools to get them  
11 so that they change how they behave towards Native  
12 kids?

13 MR. MENDOZA: Forgive me, that's a big  
14 question. We're investing in tribal education  
15 departments to not only inform but build their  
16 capacity to affect Title I opportunities for  
17 students under its designated resources to improve  
18 professional development, to help engage in not  
19 only data quality initiatives, but to improve  
20 curricula at the local level alongside school board  
21 members.

22 And to improve teacher quality and  
23 recruitment to address teacher shortages. Title  
24 VII supplementary grants go to school districts in  
25 the name of these Native students to be able to

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1 supplement the unique cultural and academic needs  
2 of these students.

3 This is where you see the tangibles to  
4 what it means to be a Lakota student, what it means  
5 to be Dene, what it means to be Anishinaabe.

6 You fast forward all the way to  
7 increasing federal student aid and the support of  
8 our tribal colleges through institutional dollars.

9 And then in between improving the  
10 enforcement process for Native communities, making  
11 sure that they know what Title VI enforcement on  
12 all of those measures is about, and that these  
13 issues, whether we're talking about dress codes,  
14 whether we're talking about these bullying and  
15 school discipline practices, that this is recourse  
16 for them to have this addressed in their community.  
17 That's the work we're invested in moving forward.

18 COMMISSIONER NARASAKI: Thank you,  
19 Director.

20 CHAIRMAN CASTRO: Before I go to Madam  
21 Vice Chair, I just want to make sure do the  
22 Commissioners on the phone have a question or not?  
23 No? Okay. Madam Vice Chair, you have the last.

24 VICE CHAIR TIMMONS-GOODSON: Thank you  
25 very much, Mr. Chair. And again, thank you to all

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1 of the panelists for taking the time to join us.

2 As he frequently does, Commissioner  
3 Kladney has with precision and passion drilled down  
4 and highlighted what I think is a very important  
5 issue when he was talking about individual lives  
6 that are affected by alcoholism, suicide,  
7 incarceration that we find within the Indian  
8 population.

9 And I guess what it boils down to is that  
10 a strong argument can be made that the focus at this  
11 time on these very dire problems should be  
12 prevention rather than treatment.

13 And I was wondering if you quickly could  
14 tell us what kinds of prevention efforts are being  
15 made.

16 We've heard about the treatment. You  
17 take care of the housing. You take care of the  
18 education. You take care of all these other  
19 pieces.

20 Tell us about what prevention efforts  
21 are being made. And I think, Ms. Fowler, you are  
22 the one first -- we're running out of time -- maybe  
23 to address that.

24 MS. FOWLER: Well, I think it is  
25 significant that in this 2017 President's budget

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1 request we have \$71 million out of the funding  
2 increase focused on behavioral health for various  
3 activities, most of them prevention activities.

4 It is recognized that prevention is  
5 what we need to focus on in order to turn around  
6 these alarming statistics.

7 And so we have funds in the request that  
8 are focused on a Zero Suicide Initiative that's in  
9 collaboration with SAMHSA, our HHS partner, sister  
10 agency.

11 Zero Suicide, the goal is precisely  
12 what the title says, to have zero suicides in our  
13 communities.

14 We have funds that are devoted to  
15 integrating behavioral health services into  
16 primary care. This is intended to help our primary  
17 care providers turn their attention not only to the  
18 specific health problems they're looking at,  
19 diabetes and ear infections and high blood  
20 pressure, but also to think and identify for the  
21 patient they're seeing whether there are any  
22 indicators of depression, of substance abuse.

23 And not only identifying the patient as  
24 being at risk, or perhaps engaging in those  
25 activities, but also to refer them and make sure,

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1 and do the follow-up to make sure that they receive  
2 the services to address those problems.

3 We have -- part of the request, it's a  
4 mandatory proposal, but part of the request is for  
5 -- it's \$10 million to increase the number of  
6 behavioral health professionals which we believe  
7 not only will help -- it not only helps with  
8 students becoming a health provider and entering  
9 into that type of career, but also it provides us  
10 a pipeline of providers for our health facilities.

11 People who understand the problems,  
12 people who come from that environment and perhaps  
13 will be more -- we expect that they would be more  
14 attuned to how to help the patients in that regard.

15 VICE CHAIR TIMMONS-GOODSON: Pardon  
16 me. I'm not trying to tell you how to answer the  
17 question, but what I've heard you say is increased  
18 budget. You know, we've got more money going  
19 toward that.

20 Tell me about some specific program. I  
21 hear your behavioral professionals coming in. But  
22 identify some specific program that has been in  
23 place, that is in place.

24 MS. FOWLER: So we have two programs  
25 that I can talk about. One is, it's called the

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1 Methamphetamine and Suicide Prevention  
2 Initiative. We've had funding for five years.

3 We have some fairly good statistics on  
4 the number of encounters. These projects are  
5 intended to address, well, exactly what it says,  
6 methamphetamine use, not only to prevent people  
7 from starting using meth, or making suicide  
8 attempts, but to help those who are already a part  
9 of that.

10 So, we have several projects that are  
11 funded under that initiative. Like I said it's  
12 been five years.

13 And we do have some good statistics.  
14 We have an evaluation that is coming out this  
15 calendar year so we'll see what the outcomes are,  
16 not only the workload statistics but the outcomes.

17 We also have a similar initiative  
18 related to domestic violence prevention. So, and  
19 this one is similar in that -- part of the component  
20 is a more treatment-focused component, ensuring  
21 that women who are raped, for example, that we have  
22 the trained nurses, and that we have the kits that  
23 are needed to collect the evidence from those so  
24 that we can proceed with prosecution.

25 But the other part is prevention. And

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1 it is making sure that young females, young teenage  
2 females understand what -- how they recognize it.  
3 How they recognize when they're in a risky  
4 relationship.

5 So, those are two specific examples  
6 that we're currently.

7 VICE CHAIR TIMMONS-GOODSON: Thank  
8 you. We have run out of time. I recognize that,  
9 Mr. Chair. But I'm going to ask you, Ms. Fowler,  
10 we read about that special diabetes programs for  
11 Indians. And it's considered from what we read  
12 regarded a success.

13 Will you look at that program if you're  
14 not familiar with it, and if you will then write  
15 back a response about what we might take from that  
16 particular program that can be transferred to what  
17 Commissioner Kladney has been talking about in  
18 connection with the alcoholism and the suicide and  
19 these other things. Thank you very much, Mr.  
20 Chair.

21 CHAIRMAN CASTRO: Thank you. And Ms.  
22 Fowler, if you could also provide us with the  
23 information on those two projects that you spoke  
24 about in response to the vice chair's question that  
25 would help us as well. So if you could provide the

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1 reports on that.

2 And that concludes this panel and our  
3 briefing on this topic. I want to thank you all  
4 for participating today.

5 As I said, we will also be writing to  
6 you with more questions. But you will also be  
7 sending us data that you shared with us today.

8 And so this portion of the briefing is  
9 adjourned.

10 (Whereupon, the above-entitled matter  
11 went off the record at 12:51 p.m.)

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