

May 25, 2018



Honorable Ken Calvert, Chairman
Subcommittee on Interior, Environment and
Related Agencies
2007 Rayburn House Office Building
House of Representatives
Washington, D.C. 20515

Honorable Betty McCollum, Ranking Member
Subcommittee on Interior, Environment and
Related Agencies
1016 Longworth House Office Building
House of Representatives
Washington, D.C. 20515

Re: Department of the Interior Reassignments and Other Activities

Dear Chairman Calvert and Ranking Member McCollum;

On behalf of the undersigned National and Regional Tribal Organizations and the Navajo Nation, we write to express our collective, grave concern with the apparent restructuring and dismantling of the Bureau of Indian Affairs (BIA) taking place within the Department of the Interior (DOI), all accomplished without any meaningful consultation with Indian tribes or even an explanation or rationale. We urge Congress to take action immediately to halt DOI from making any further reassignments of key personnel or carrying out any restructuring without true and meaningful consultation with tribes. Any restructuring or personnel changes DOI carries out must be made first and foremost with the goal of strengthening the trust relationship between the United States and tribes, and no such changes may be undertaken to further other, conflicting policy goals that would harm Indian Country.

While DOI recently announced its intent to consult with tribes on DOI's reorganization plan, the consultation announcement does not contain sufficient information regarding DOI's plans for restructuring to allow tribes to generate informed opinions and contribute to the decision-making process in a meaningful way. In addition, there are ongoing reassignments and shuffling of personnel already taking place, which has led to confusion regarding who tribes should work with or contact on certain issues and how the BIA is carrying out its functions and programs on behalf of tribes.

For example, a third of those reassigned in the now highly publicized "Thursday Night Massacre" were Native employees. Affected personnel included the then-Director of the BIA and the then-Acting Special Trustee for American Indians, both of whom held critical roles in

carrying out DOI's trust responsibility to Indian tribes. As a result of this action, and other subsequent actions, there are now only four permanent Regional Directors (RDs) within the 12 BIA Regions, and the other eight Regions have leadership serving in a temporary capacity.

More recently, the RD of the Navajo Region was reassigned to Washington, D.C., without any notice given to or consultation with the Navajo Nation itself, and replaced by the former Director of BIA Trust Services. This reassignment was strongly opposed by the Nation, which had developed a strong working relationship with its former RD. Further, BIA typically selects RDs in consultation with tribes because that role within DOI requires trust, extensive knowledge of tribal statutory and treaty rights, historical circumstances, tribal customs and government structures, self-governance and self-determination contracts processes, and the federal trust responsibility.

Also of great concern is the fact that personnel from almost the entire Central Office of the Office of Justice Services were transferred to Albuquerque, NM – again without any consultation with or notice to affected tribes, despite the key function and role that the Office plays in administering tribal funds and programs for law enforcement, courts, and detention facilities. This constant shifting around of personnel within the BIA has resulted in resignations, early retirements, requests for agency transfers, and the replacement in some instances of highly qualified and effective federal servants with new, unexperienced, and ineffective leadership.

To be clear, Indian Country is not opposed to changes that increase efficiency and better streamline the administration of DOI's trust responsibility to tribes, but the aforementioned changes have only served to weaken operations within the BIA. It also has created distrust between tribes and DOI leadership, and negatively impacted services and programs being carried out by DOI on behalf of tribes. Instead, BIA leadership reassignments must advance rather than impair fulfillment of DOI treaty and trust responsibilities to more efficiently and effectively address tribal needs, manage Indian trust assets, and increase economic opportunities. In addition, such agency actions require performing cost-benefit analyses based *on what is best for tribes as they define it*. Arguable cost savings simply do not justify losing critically needed experienced and qualified agency leaders. And any cost savings from reorganization must be re-tasked to enhance and expand the federal government's fulfillment of its trust, treaty, and Self-Determination policy responsibilities.

We, the undersigned, are encouraged by the recent hearing for AS-IA nominee Tara Sweeney since the BIA has operated without confirmed political leadership for well over a year now. However, we fear that Ms. Sweeney, once confirmed, may inherit a disorganized BIA with greatly weakened leadership. This would undoubtedly affect her ability to carry out her duties and ensure that she spends a large part of her onboarding process trying to piecemeal together

BIA personnel and programs, rather than implementing programs swiftly and effectively in accordance with tribally-driven priorities.

For these reasons, we request that the House Subcommittee on Interior Appropriations include language in its appropriations bill as follows:

The Department of the Interior shall not: make reassignments or otherwise transfer essential personnel such as leadership personnel and program directors; modify BIA Regions or budgets; or otherwise spend Fiscal Year 2019 funds to implement reorganization or reassignments within the BIA without prior meaningful consultation with affected tribes.

While normally such transfers and reassignments are done sparingly and within the discretion of the agency, in this instance the aforementioned actions by DOI is negatively impacting the programs, functions, and services provided to tribes; as well as the federal government's trust and treaty responsibilities. Indian Country strongly opposes this current, detrimental course of action. We thank you for your time and look forward to your response.

Sincerely,

Navajo Nation
National Congress of American Indians
Affiliated Tribes of Northwest Indians
Alaska Federation of Natives
Alliance of Colonial Era Tribes
California Association of Tribal
Governments

Coalition of Large Tribes
Great Lakes Inter-Tribal Council
Great Plains Tribal Chairman's Association
Inter Tribal Association of Arizona
Midwest Alliance of Sovereign Tribes
United South and Eastern Tribes

Cc: Members of the House Subcommittee on Indian, Insular and Alaska Native Affairs:

Rep. Doug LaMalfa, Chairman
Rep. Ruben Gallego, Ranking Member
Rep. Don Young
Rep. Madeleine Bordallo
Rep. Jeff Denham
Rep. Gregorio Sablan
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