

# Leaders back BIA restructuring bill

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*McCain holds Senate hearing here,  
T&H wants modified consultation*

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**by Jeff Richardson**  
***Tundra Times staff***

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*"It's time to bring an end to the paternalism that has poisoned the relationship between Indian tribes and their trustee."*

With those words, Sen. John McCain opened a hearing in Anchorage to determine how Alaska Native leaders feel about a bill to force reorganization of the Bureau of Indian Affairs. In a streamlined format consisting of two panels, six Alaska Native leaders expressed support for the measure, which was introduced in May by McCain, an Arizona Republican, Sen. Daniel

Inouye (D-Hawaii) and Sen. Pete Domenici (R-New Mexico).

## **BIA dragging its feet**

"We in Indian Country get the blame for the incompetence in the bureaucracy," said Ed Thomas, president of the Central Council of Tlingit and Haida Tribes of Alaska. He said the administrative reorganization of BIA currently in progress is ignoring important recommendations of a task force created to advise the process. "I think your bill provides the structure that is necessary."

McCain, who now chairs the Senate Indian Affairs Committee,  
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# McCain bill would dictate BIA revamping . . .

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was accompanied by Sen. Ted Stevens, and the committee's chief counsel, Steven J.W. Heely. The two hour hearing was held at the Anchorage Museum of History and Art.

## Putting tribes in the driver's seat

"We support the principle and the spirit of your legislation. We think you're on the right track," said Will Mayo, president of Tanana Chiefs Conference Inc.

McCain's bill, S. 814, would require that within 120 days of passage, the Secretary of Interior enter into negotiations with Indian tribes served by each area office of the BIA to prepare a reorganization plan for the area office. The plan would specify which functions are to be retained by the bureau, and which transferred to tribes, and outline area funding priorities. Also to be negotiated would be a formula for allocating among tribes any administrative savings resulting from reducing the area quote. When completed, plans would be submitted to tribes for formal ratification. If approved by resolution by a majority of tribes, the plan would become the basis for a reorganization compact between the Secretary and the tribes in each area.

A similar process would be initiated for each agency jurisdiction of the BIA. The bill also provides for reorganization of the central office in close consultation with tribes.

## State resistance also necessitates restructuring

Noting that BIA reorganization has "been a long time coming," Myron Naneng, another panelist and president of the Association of Village Council Presidents of

programs and the potential for harm to health care delivery to Native Americans. They also addressed current efforts to restructure Indian Health Service, and thanked McCain and Stevens for their efforts—still pending as *Tundra Times* went to

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~Anne Walker

**Executive Director, ANHB**

Bethel, said McCain's measure was especially important given the failure of the State of Alaska to recognize tribal council authority.

Other panelists included Anne Walker, executive director of the Alaska Native Health Board, Loretta Bullard, president of Kawerak Inc. of Nome and Gene Peltola, president of the Yukon-Kuskokwim Health Corp.

## Related issues

While the hearing focused primarily on McCain's bill, several panelists digressed to speak urgently about pending reform of federal Medicaid and Medicare

press—to restore some of the drastic cuts made in funding for Native American programs.

"We understand that this hearing is intended to focus on IHS redesign," said Peltola. "We have addressed Medicaid, and

hope the committee will initiate action on this subject, because changes in the availability of Medicaid funds to Alaska Native and American Indian health programs could bring about more change to the Indian health care system than any decision that the IHS might make about its reorganization."

## Other agencies criticized

Panelists generally agreed that federal government compacting with tribes provides a successful model for retooling the administration of Native programs, and that, except for the compacting

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# McCain bill . . .

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staff, the BIA central office in Washington has been very resistant to change. They said other federal agencies are also resistant to establishing government-to-government relations with tribes.

"Congress needs to clarify that compacting for non-BIA services is not discretionary," said Bullard.

## **The issue of consultation**

Thomas noted that the bureau has been using the time and cost needed to consult with tribes as an excuse not to consult at all. On the other hand, he suggested that in Alaska, the area director can't be expected to go to every village to consult with every single tribe. He urged that consultation be handled through the Native regional non-profit associations.

"We can take the heat for it," said Thomas, in the event that tribes are unhappy with such a procedure. He said most non-profits want good, strong relationships with villages in their region.

Walker underscored the ability of Alaska's scores of tribes to come together on critical issues,

as shown by the 195 tribes participating in the statewide Alaska Tribal Health Compact. The government-to-government relationship of tribes and the federal government is "always primary," said Walker.

"Alaska Native Health Board has consistently supported the fundamental precepts of tribal self-governance, and recognizes that the only true consultation with Alaska tribal governments is on a one-to-one basis with the tribal councils themselves," she said. "Our testimony today is not intended to serve as a substitute for such consultation. We encourage the committee to undertake more efforts to ensure that such direct tribal consultation occurs in the future."

## **What should BIA look like?**

After each panel had completed its remarks, McCain questioned them further about specific recommendations. When he asked what the bureau should look like after reorganization, Thomas replied "A resource center providing technical assistance and current budget information."

Bullard raised a concern about language in the pending Senate appropriations bill that would move the BIA Trust funds to the Office of the Secretary of the Interior.

"We're concerned because the funds may become inaccessible to tribes," said Bullard. Regarding McCain's S. 814, she added "I think there are some excellent recommendations in the bill. It's critical that tribes participate in development of the BIA budget."

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