

Y4
. In 8/13
In 2/32

1040

93/4
In 8/13
In 2/32

REDUCTION IN FORCE IN THE BIA

GOVERNMENT

Storage

IMENTS

1 1975

THE LIBRARY
KANSAS STATE UNIVERSITY

HEARING

BEFORE THE

SUBCOMMITTEE ON INDIAN AFFAIRS

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

THE REORGANIZATION, REDUCTION IN FORCE, AND INDIAN
PREFERENCE WITHIN THE BUREAU OF INDIAN AFFAIRS

AUGUST 23, 1974



Printed for the use of the
Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1975

42-169 O

47
In 8/3
In 8/3

DOC
FEB

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HENRY M. JACKSON, Washington, *Chairman*

ALAN BIBLE, Nevada

FRANK CHURCH, Idaho

LEE METCALF, Montana

J. BENNETT JOHNSTON, Jr., Louisiana

JAMES ABOUREZK, South Dakota

FLOYD K. HASKELL, Colorado

GAYLORD NELSON, Wisconsin

HOWARD M. METZENBAUM, Ohio

PAUL J. FANNIN, Arizona

CLIFFORD P. HANSEN, Wyoming

MARK O. HATFIELD, Oregon

JAMES L. BUCKLEY, New York

JAMES A. McCLURE, Idaho

DEWEY F. BARTLETT, Oklahoma

JERRY T. VERKLER, *Staff Director*

WILLIAM J. VAN NESS, *Chief Counsel*

HARRISON LOESCH, *Minority Counsel*

SUBCOMMITTEE ON INDIAN AFFAIRS

JAMES ABOUREZK, South Dakota, *Chairman*

HENRY M. JACKSON, Washington

LEE METCALF, Montana

FLOYD K. HASKELL, Colorado

DEWEY F. BARTLETT, Oklahoma

JAMES A. McCLURE, Idaho

PAUL J. FANNIN, Arizona

FORREST J. GERARD, *Professional Staff Member*

CONTENTS

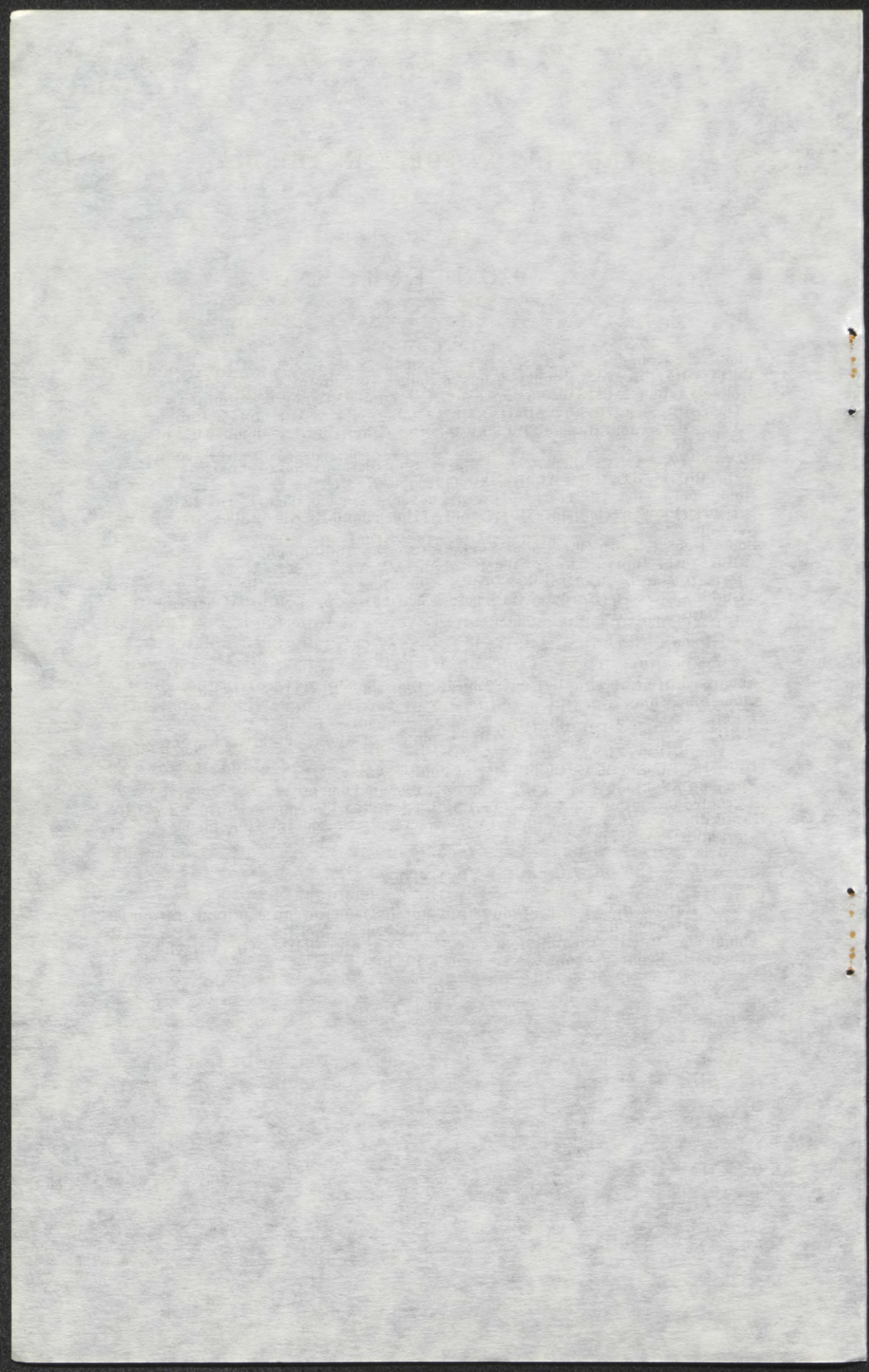
STATEMENTS	Page
Abourezk, Hon. James, a U.S. Senator from the State of South Dakota-----	1
Butler, Ray, Acting Deputy Commissioner, Bureau of Indian Affairs, Washington, D.C.; Accompanied by Abe Zuni, Director of Administration, Bureau of Indian Affairs; Dr. Clennon Sockey, Director of Indian Education Programs; and Ignatius Billy, Chief of Personnel, both of the BIA-----	78
Dexter, Peter; Eva Sieben; and Larry Shortman, Indian Employees of the Bureau of Indian Affairs, Albuquerque, N. Mex.-----	58
Robinson, James, Director, Northern Cheyenne Development Corp., Lame Deer, Mont; Accompanied by Dennis Limberhand of the Indian Action Team-----	73
Scott, George, Ruth Chess, and Ramona Osborne, Indian Employees of the Bureau of Indian Affairs, Washington, D.C.-----	8
Sherman, Harris D., Attorney, Denver, Colo.-----	68
Trimble, Charles, Executive Director, National Congress of American Indians-----	2

ADDITIONAL MATERIAL

Abourezk, Hon. James, a U.S. Senator from the State of South Dakota, Communications from:	
Peter L. Dexter, Albuquerque, N. Mex., September 10, 1974-----	66
Allen Rowland, President, Tribal Council of the Northern Cheyenne, Lame Deer, Mont., August 15, 1974-----	77
Morris Thompson, Commissioner of Indian Affairs-----	77
Freeman, Sydney, project director, BIA management review working groups, memorandum to BIA reorganization steering committee-----	91, 105
Franklin, Marvin L., Assistant to the Secretary of the Interior, memorandum to Sydney Freeman-----	96

APPENDIX

Butler, Raymond V., Acting Deputy Commissioner of Indian Affairs, letter with attachments to Senator Abourzek, October 25, 1974-----	175
Thompson, Morris, Commissioner of Indian Affairs, letter with attachments to Senator Abourezk, December 19, 1974-----	246



REDUCTION IN FORCE IN THE BIA

FRIDAY, AUGUST 23, 1974

U.S. SENATE,
SUBCOMMITTEE ON INDIAN AFFAIRS,
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:30 a.m. in room 3110, Dirksen Office Building, Hon. James Abourezk, presiding.

Present: Senator Abourezk.

Also present: Jerry T. Verkler, staff director; Forrest Gerard, professional staff member; Ella Mae Horse, research assistant; and W. O. Craft, Jr., deputy minority counsel.

OPENING STATEMENT OF HON. JAMES ABOUREZK, A U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator ABOUREZK. The committee will come to order.

This is an open public hearing before the Subcommittee on Indian Affairs exercising its constitutional oversight function to determine if the Bureau of Indian Affairs is properly carrying out the law.

The specific purpose of our inquiry today is to examine the reorganization plan that the Bureau has been in the process of implementing for nearly 2 years and a reduction in force action which apparently finalizes that reorganization.

Although we have had two hearings into why the Bureau initiated this plan, they have never provided us with a reasonable answer. At a hearing in Denver, Colo., last September this committee heard from over 30 witnesses who were tribal leaders and other Indians familiar with the Bureau structure.

These witnesses unanimously condemned the reorganization as an attempt by the old-line bureaucracy in the BIA to destroy the opportunity tribes had to be heard in the decisionmaking process.

The reduction in force, the final act of the reorganization, appears to be an attempt to effectively silence a number of Indians who have been advocates of the tribes' interests within the system by either demoting them, moving them out of their effective role, or firing them.

The recent Supreme Court ruling in the case of *Mancari v. Morton* affirmed the right of Indians to employment preference in the Bureau of Indian Affairs.

We will be seeking to find out if these latest actions by that Bureau are within the spirit of the Court's interpretation of the Indian Preference Statute.

In addition, we will examine the Bureau on the most important new program in many years, "the Indian action team." Recent moves by the Bureau appear to indicate an intent by Bureau officials to seriously cripple or destroy that program.

The charges that have been made are extremely serious and I wish to thank those witnesses who have come forward to assist us in determining the facts so that, if there are abuses, we might find a means of correction.

The first witness will be Mr. Charles Trimble who is executive director of the National Congress of American Indians.

We would like to welcome Mr. Trimble and we are prepared to hear his testimony.

**STATEMENT OF CHARLES TRIMBLE, EXECUTIVE DIRECTOR,
NATIONAL CONGRESS OF AMERICAN INDIANS**

MR. TRIMBLE. Mr. Chairman, my name is Charles Trimble. I am the executive director of the National Congress of American Indians.

For the officers and member tribes, I thank you for this opportunity to testify in this oversight hearing on the Bureau of Indian Affairs.

It is our understanding that this hearing is to investigate the BIA's reduction in force which is being implemented without apparent regard to any preference laws.

This reduction in force is being implemented as a part of the realignment of the BIA, an ill-conceived plan against which NCAI has testified twice before in oversight hearings.

We commend the vigilance of this committee in its oversight authority and we express our appreciation to the chairman for their responsiveness to their requests but we cannot refrain from expressing our frustration at the BIA's continued disregard for its Indian constituency and its Indian employees.

Our objection to the realignment of the BIA is recorded in two previous oversight hearings of this committee. We are convinced the realignment is a move by the administration to regionalize Indian affairs, consistent with the past administration's plan for new federalism.

We oppose regionalization because our unique tribes have a unique direct relationship with the Federal Government, guaranteed by treaties, executive orders, and congressional actions and reaffirmed time and again by the courts.

This tribal/Federal relationship transcends intermediate governmental structures, including regional structures.

We are aware that Federal/regional structures are susceptible to the power of State Governors, mayors of major municipalities, and county commissioners; none of whom hold authority over Indian tribes nor particularly care for Indian people.

On the contrary, State Governors and county commissioners have historically sought authority over Indian tribes as a means of taking Indian lands and Indian water rights.

Our opposition to regionalization is well founded and we look upon this BIA realignment as regionalization. This plan for realignment of the BIA was designed by BIA area directors as a means to grab money and power which they use so effectively to keep tribes in virtual

serfdom and this greediness for power on the part of area directors blinds them to their trust responsibility and renders any Indian lands vulnerable to be taken over by States and other interests. Such is our objection to the realignment of the BIA which was formed 2 years ago in the vacuum following the trail of broken treaties.

Our objections are also very practical for we have yet to be convinced a bureaucracy can be made more efficient by multiplying it into smaller units of independent bureaucracies which are accountable to no one but themselves.

Now we are witnessing more and more of the mess created by this whole planned realignment. We are witnessing large-scale discontent on the part of the lower echelon of the BIA where, by the way, some 80 percent of the Indian people employed by the BIA are relegated.

This should not be surprising to anyone.

In their haste to grab power from the central office, the area directors and old line paternalists disregarded laws and regulations and, to our thinking, are still disregarding them.

The principal case in point is Indian preference.

In 1934, Congress passed the Indian Reorganization Act which called for, in part, preference to any persons in regard to employment in the Indian service.

Indian preference was reaffirmed in the 1972 court decision for the District of Columbia in *Freeman v. Morton*. In fact, the *Freeman* decision expanded the definition of Indian preference from initial hiring, only, as was generally interpreted by the BIA and the Indian Health Service, to include promotions, transfers, and training opportunities and, as you know, the Supreme Court reaffirmed the Indian preferences decision in *Mancari v. Morton*, just a few months ago.

We feel there was never any intention to comply with Indian preference in the realignment. The realignment plan of the Commissioner sent to the Interior Secretary on April 10, 1973, and which is the basis of the ongoing realignment and reduction in force, recommended a relaxed Indian preference policy.

According to that plan, a tightened Indian preference policy has only served to restrict management. The realignment plan had to be implemented, regardless of the law, and, again, Indian people are the ones to suffer.

Take, for example, the Sogies [ph] engineering branch in Albuquerque. Several weeks ago, at their request, I met with most of the Indian employees of that division who, by the way, took annual leave to attend a 2-hour session with me.

In that meeting, I heard stories of actions not in keeping with the spirit of Indian preference or self-determination, but stories that sounded like discrimination against Indian employees.

Mr. Chairman, getting away from my prepared statement, I have a list or a chart that was given to me at this meeting and we cannot determine the total credibility of the chart but, with the limited access to materials available to these people, they put it together and it is the best they can do.

Senator ABOUREZK. What is the chart?

Mr. TRIMBLE. It is a retention list for facilities engineering and I understand it was mailed to your office by them.

It shows the retention list and a proposed reduction and I would like to go through the GS grades, the average salary, the Indians involved and the non-Indians involved; first of all, in the retention.

GS-15 average salary in excess of \$30,000; no Indians, two non-Indians. GS-14, in excess of \$26,000; no Indians, four non-Indians. GS-13, in excess of \$22,000; 1 Indian, 12 non-Indians. GS-12, in excess of \$20,000; no Indians, 20 non-Indians.

GS-11, in excess of \$16,000 average salary; one Indian and four non-Indians. That is total.

Two Indians are proposed to be retained and 42 non-Indians are proposed to be retained; all over GS-11.

GS-11 on down: GS-11, again, in excess of \$15,000; one Indian, no non-Indians. This is the reduction list.

GS-9, in excess of \$13,000; three Indians, no non-Indians. GS-7, in excess of \$10,000; 10 Indians, no non-Indians. GS-5, in excess of \$8,000; 15 Indians, no non-Indians. GS-3, in excess of \$6,000; nine Indians, no non-Indians. GS-2, in excess of \$5,000; one Indian, no non-Indians.

So, on the retention list, we see 2 Indians, 42 non-Indians in the higher salaried bracket.

Senator ABOUREZK. When you say "retention list" —

Mr. TRIMBLE. Schedule to be retained.

In the reduction list, it totals out to 39 Indians, no non-Indians.

Senator ABOUREZK. You say there are no non-Indians on the reduction list?

Mr. TRIMBLE. According to this list which was extrapolated from numerous documents. We do not testify to the total accuracy of the list because I understand the employees have very little access to the records but this is what they extrapolated and put together.

The members of the facilities engineering staff are here to testify and tell about the situation better than I. I must admire their fortitude for agreeing to testify before this committee when this reduction in force can so easily be used in retribution, as well.

Whether this report is completely accurate or not in its retention or reduction ratio in Indians or non-Indians, it indicates how Indian people stand in GS ratings and indicates their vulnerability in reductions in force because of the absence of Indians to protect them.

There are more stories and individual case histories which will cast much data on the legality and morality of the Bureau's continued realignment. The witnesses from the lower echelons of BIA, whom you have scheduled throughout the day, can tell these much better than I for they are experienced in these stores.

We are convinced something is terribly wrong here and we are sure you will be convinced, as well.

We ask if there is anything this committee can do to halt these apparent injustices. We would suggest, if it is within the authority of this body to do so, that a hiatus be imposed on the Bureau of Indian Affairs and a reduction in force until an investigation can be made with regard to any preference and that Indian people be given assurance, not only the BIA will work within the letter of the law, but within the spirit of the law, also.

We offer our resources to help in such an investigation.

Finally, Mr. Chairman, we do not wish to be condemning the Com-

missioner or the central office staff. In two meetings with the Commissioner regarding this matter, he assured me the BIA was impeccable in its adherence to Indian preference in Bureau regulations.

From those meetings with the Commissioner, I feel he is really unaware of what is going on; that, with the immense burden of the realignment he inherited, he must rely entirely on staff which is not telling the truth.

That concludes the statement of the National Congress of American Indians.

Senator ABOUREZK. Thank you, Chuck.

Now, you said the reduction in force is being implemented in disregard of Indian preference laws, disregarding both laws and regulations.

With regard to the *Mancari* decision on which we will have testimony from one of the attorneys who litigated the case later, is, in your view, the present reduction in force totally in violation of the law?

Mr. TRIMBLE. I believe it is certainly questionable.

It appears in violation of the law to us. I think there ought to be a spirit of the law, a positive side of the law, too, which does not involve keeping within the letter of the law.

The spirit of the law indicated the higher rank called for—take over the Bureau of Indian Affairs, if you will, and the Indians can probably do a better job and understand other Indians better.

Senator ABOUREZK. You spoke of the reorganization and the RIF plan as designed by the area directors and I think the words that you used were, "their greed for power and for money."

I wonder if you would be able to explain exactly how—I think I can understand how the funding process works but if you can explain how this can expand the area directors' power and get them further away from congressional oversight.

Mr. TRIMBLE. First of all, I think this is the general concept in making much of independent and supreme bureaucracies out there.

It would be much harder for oversight, not only by you, but for the Indians to monitor the operations as well as they are entitled to.

I think the Bureau should be accountable to Indian people. A good example of this is the Indian action team. You will probably hear testimony about this.

The Indian action concept has been completely preserved but it is not the same. It is not the Indian action team in one central point that was available to so many tribes. It is being cut up into smaller pieces, more accessible to the area offices.

The money is still there but the concept is gone.

Senator ABOUREZK. Are you saying that the area directors, by contrast to the central office, will be less responsive to Indian people?

If you are saying that, why is that true?

Mr. TRIMBLE. Mr. Chairman, the Indian people have been opposed to area offices and have expressed this opposition many times in large gatherings to Indian leaders, responsible Indian leaders throughout the years.

This is because they are not serving the Indian people as they should. They have extreme power to select the individuals they like and to punish those they do not like.

I think this is very obvious.

Again, they are isolated from oversight, from accountability, and it just does not stand to reason to make more central offices makes any sense or makes it more efficient.

Senator ABOUREZK. Do you believe the process of requiring authorization for the Bureau of Indian Affairs' budget, prior to its appropriation, periodically—let's say every year or two—would that give the Congress and, consequently, the Indian people more powers over this situation?

Mr. TRIMBLE. I think that would bring about the accountability. I would have to express the fears of our tribal members, that there would have to be some very, very strong guarantees on the continuation of the Bureau of Indian Affairs, that it will not become vulnerable to termination action. I think you are referring to a bill you proposed for authorization.

Senator ABOUREZK. Yes.

Mr. TRIMBLE. I think we certainly understand that. We reflect the opinions of our tribes, that it makes the unique services vulnerable.

Senator ABOUREZK. Where do those fears come from? I am at a loss to understand that.

Mr. TRIMBLE. I think, in this case, the fears are well founded.

There is a great trust of you, personally, and of the chairman of the Interior and Insular Affairs Committee, but we also realize you will not always be here to protect that trust and someone who did not authorize the Bureau to go ahead with their moneys would result in termination.

Again, I also, Mr. Chairman, fully realize the frustration of not having oversight and control of the Bureau of Indian Affairs as I sit up here and testify.

You called these hearings and we probably know, unless something can be done, they will be doing this tomorrow.

Senator ABOUREZK. It is kind of an anomaly, in a way, because you are asking us to do something and yet you will not give us the power to do it.

Mr. TRIMBLE. It is and I share your frustration, Mr. Chairman.

The trust responsibility and the trust relationship and the service resulting from this relationship must be continued, it must not be threatened in any way.

Mr. Chairman, we are proposing something to the Office of Management and Budget and that is spelled out very clearly in the Indian Reorganization Act, as well, and that is close consultation with and accountability to the tribes in the whole process.

We have gathered very good documentation to show that this is not being carried through; that the tribes are consulting with the tribal superintendents and then the budget is entirely different when it gets to the central office and is incorporated in the President's budget.

There is no means of accounting to the tribes.

I think that would be a partial approach to this matter; giving tribes more control of the money in the budget process and there is no control and there is no accountability, I think, particularly, from the area offices.

I do not know of anybody in the central office or at the agency level who has control of the area offices. I think that is a major part of the problem but, if there is a way to get that accountability, Mr. Chairman,

and if there is a way to erase from the minds of the tribes any threat of termination, that is it.

Senator ABOUREZK. I do not know what more you can do, other than state it in the legislation which has already been done.

Do you know of any other, better way to do that?

Mr. TRIMBLE. Do you mean guarantee?

Senator ABOUREZK. Yes.

Mr. TRIMBLE. No. I do not.

Senator ABOUREZK. Would that be satisfactory to the tribes? Specifically stating an antitermination clause in the authorizing legislation.

Mr. TRIMBLE. Yes. There would have to be some guarantee of continuity of funding because I think a complete stoppage of funding from one authorization period to another authorization period could put tribes in a compromised position.

Senator ABOUREZK. There would be a provision for a continuing resolution, you understand that; that if the authorization did not pass in time.

Mr. TRIMBLE. Mr. Chairman, I believe we go along pretty well with the intent of the legislation that you introduced on expressing the fears of the tribes which, I think, are very well founded.

Senator ABOUREZK. I understand that but you understand that there has been an antitermination resolution separately passed by the Senate and sent over by the House.

You are aware of that.

Mr. TRIMBLE. Yes.

Senator ABOUREZK. I want to thank you very much for your testimony. I hope you will be able to be around for the rest of the day to hear some of the other witnesses, if you have a chance to.

Mr. TRIMBLE. Thank you very much.

Senator ABOUREZK. We have a panel of Indians next; a panel of BIA Indian employees from Washington, D.C.; Ms. Ruth Chess, Ms. Ramona Osborne, and Mr. George Scott.

Are all three of those witnesses here?

I would like to welcome you to the committee. The last time Ramona testified was on the Indian health problem.

Ms. OSBORNE. Child welfare.

Senator ABOUREZK. Yes. That is right.

I recall asking you, during those hearings, if you felt your job was in jeopardy because of your testimony critical of the Bureau of Indian Affairs and I think you said—correct me if I am wrong—I think you said you hope not and I think I said, we will try to help you if they try to fire you or change your job somehow because of your testimony.

I wonder if you could, just before you begin your testimony, tell me what has happened to you since your testimony here.

Ms. OSBORNE. Approximately 10 days ago, all of the central office employees, those based here in Washington and in Albuquerque and all of the central office locations, were given their specific notifications with regard to the reduction in force. Notifications of the assignments were made.

In my particular instance, I was assigned outside of education to the Division of Tribal Resources as a training specialist; a position which

is totally unrelated and unconnected, in anyway whatsoever, to the educational responsibilities of the BIA.

Senator ABOUREZK. Ramona, do you have any formal education in education, itself?

Ms. OSBORNE. Yes. As I will state later, in my written testimony, all of my work has been in the area of education. I hold a bachelor's degree from Oklahoma Baptist University in education. I also hold a master's degree in education from one of the universities in Oklahoma.

Senator ABOUREZK. You are Indian?

Ms. OSBORNE. I am full blooded Indian; yes.

Senator ABOUREZK. Yet, you were just recently transferred out of Indian education and put into something else, totally unrelated?

Ms. OSBORNE. Yes. I find it impossible to understand the logic of this type of assignment when you consider, for example, I have two degrees in education and many of the people who are being retained in education, many of the non-Indian people who are being retained in education, in some instances, may only have one degree and that degree may or may not be in education and, in other instances, some of the people are being retained in education, as I understand it, do not have a degree at all.

So, I would reiterate, I cannot understand the logic of assigning a person who has two degrees in education, who is an Indian and vitally interested in the welfare of Indian young people; I cannot understand the logic of a person with that background and that interest being assigned outside of their chosen field.

Senator ABOUREZK. As a panel, did you have a particular order that you want to go in? George, were you going to go first?

Mr. SCOTT. Mr. Chairman, we do have a prepared opening statement the three of us would like to present at this time. Then we would like to go over our own assessment of ourselves.

Senator ABOUREZK. Please go ahead.

The only reason I started out asking Ramona about that, is that I remember specifically asking her about the danger of her losing her job at the last hearing and I wanted to bring it up.

STATEMENTS OF GEORGE SCOTT, RUTH CHESH, AND RAMONA OSBORNE, INDIAN EMPLOYEES OF THE BUREAU OF INDIAN AFFAIRS, WASHINGTON, D.C.

Mr. SCOTT. I would like to take the opportunity being offered by these hearings to make available several views and concerns about the personnel and program policies and procedures of the Bureau of Indian Affairs.

As an employee of the Bureau for the past 4 years and several months, I have had an opportunity to observe a number of matters which have caused me grave concern and some doubts about the Bureau's ability and/or desire to serve as an advocate for Indian people.

My particular experiences have been in the field of Indian education and its programs but I am sure that many similar situations exist throughout the agency.

This latest action, which has been called a reduction in force by

management, is particularly obvious. At a later point in this morning's proceedings, I would like to make some observations about my personal career situation in the Bureau but now I will address more general matters.

I am very concerned about the basis for a management decision to put the Bureau through a reduction in force. I find it incomprehensible to equate a reduction in force with an agency which acknowledges 70-plus vacancies at the point in time of implementing such a reduction in force.

I am particularly concerned about the manner in which this was handled, since even a cursory review of the individual affected by this action indicates that, in spite of Indian preference, Indian employees appear to be the ones primarily adversely affected by the Bureau's present action.

Although employees were given notices of management's action and were instructed to respond within a very definite time frame, no personnel advice and assistance, as indicated in the notices, has, as yet, been made available to inquiring employees, to my knowledge.

In fact, in an open meeting between a number of concerned employees and members of the personnel staff, we were advised that personnel had some real concerns as to the availability of expertise needed by employees from the personnel staff.

We were informed of staff shortages within the personnel office and that the individual most familiar with such matters had recently retired.

In a situation which so greatly affects the careers of so many employees, I feel that it is imperative that every available assistance called for under Civil Service Commission and Department regulations be made available to all employees within a time context which enables them to make appropriate decisions as to their career alternatives.

There are serious questions raised by a brief review of the new position descriptions within the Office of Education programs.

There appears to be a redundancy of duties and indications that some positions may have been tailored for certain individuals. It is interesting to note that, in the above-mentioned meeting, we were informed that all new position descriptions were written by program people who were untrained as classifiers yet the grade levels assigned to each position by these individuals were not changed in any instances by position classification specialists within the Bureau.

This is rather unusual since assignment of grade level usually requires application and knowledge of a variety of civil service standards and regulations. There are enough indications of individual irregularities to cast grave doubts as to the validity of the entire application of the RIF procedures, at least in my mind.

Although we are not privy to much of this data and information, which would be very helpful for an impartial review of the entire matter, we would hope that this committee could obtain such information.

We feel that it is essential that many questions be answered and the basis for decisions honestly appraised in order to evaluate this presently proposed action on the part of management.

If Indian preference is a real factor within the Bureau, why are so few Indians to remain within the Indian education program? Why is it necessary to assign non-Indian employees as primary liaisons with Indian organizations and tribes?

Does Indian self-determination not extend beyond the grassroots level to the policymaking level?

In my experience, there have been too many indications of a lack of interest on the part of the Bureau to make the most of the potential of its Indian employees. I would like to highlight a couple of examples of this.

In 1970, the Bureau of Indian Affairs, along with the Office of Education and the Office of Economic Opportunity, participated in implementing a program for the training of Indian school administrators at the graduate level at four major universities.

The alleged purpose of this outlay of manpower and financial support was to make available trained educational administrators for meaningful positions within the Federal, State, and local educational sectors.

Although a number of the individuals accepted for this training were employees of the Bureau, at the end of their training, these people found that they were not afforded an opportunity to utilize their expertise in a meaningful manner.

Obviously, their credentials and ability were more than adequate, since a number of them have left the Bureau and successfully sought employment as school administrators in policymaking positions in the State and local school systems.

The Bureau has not availed itself of this manpower resource even though these individuals were Bureau employees in a Bureau-financed training program.

They were forced to leave the Bureau in order to utilize their abilities in a manner fitting to their training, interests, and academic credentials.

At the same time, non-Indian employees with the same or less academic preparation appear to have no difficulty obtaining and keeping assignments within the Bureau's education program which have meaning and advancement potential.

The following demonstrates my point:

PERCENTAGES OF INDIAN EMPLOYEES

	Total positions	Indian	Percent
Education—Central Office:			
December 1970	144	20	14
November 1971	145	23	16
December 1972	144	25	17
December 1973	126	24	19
July 1974 ¹	93	18	19
Aug. 23, 1974 ¹	81	14	17

¹ Source: Central Office Education Staffing Plans.

Senator ABOUREZK. Have these figures stabilized or is there going to be more RIF'ing? Does this include the latest RIF we are talking about?

Mr. SCOTT. The central office, we have approximately 14 Indians. That includes the Albuquerque office, also. There are approximately three professional Indians left in Washington and, I think, two clerical positions.

Senator ABOUREZK. How many non-Indians?

Mr. SCOTT. There must be about 16.

Ms. OSBORNE. Sixteen of a total of 21 in the Washington central office.

Senator ABOUREZK. Of education?

Ms. OSBORNE. Yes.

After the reduction in force, the plans were to staff the Washington central office with a total of 21 positions of clerical and professional and, of this, approximately 16 or 17 are non-Indian and the remainder are Indian meaning then that there are no more than 5 people based in Washington, only 2 of whom are GS-9's and above.

So, in effect, there are only Mr. Scott and Mrs. Marge Wood at the professional level in the Washington Central Office.

Mr. SCOTT. The following figures will further demonstrate this situation:

	Total	Indian	Percent
Indian personnel in education—BIA:			
Education specialist.....	534	105	20
(a) Guidance supervisory and counselors.....	194	27	14
(b) Education specialist.....	340	78	23
Education administrators.....	186	29	16
Teachers.....	2,377	386	16

Source: Albuquerque Data Center—BIA, Oct. 18, 1973.

Senator ABOUREZK. You don't happen to have the GS levels for these people, do you?

Mr. SCOTT. We have only had since yesterday to put this stuff together. We have really not had access to any of this.

Now, the central office position, as of August 22, 1974; I think that is in the memorandum to you from the Commissioner's Office.

Now, taking a good look at that, we find a total of 875 positions. Of these, the number of Indians is 370 which makes it 42 percent with an average GS level of 6.2. The number of non-Indians is 505, 58 percent, with an average GS level of 11.

Another case I would like to mention is that of an ex-employee, Billy Mills. Mr. Mills was hired by the Bureau as its athletic and recreation director with the promise of certain staff and program support.

Although Mr. Mills remained with the Bureau for more than a year, he was never given staff, other than individuals on a temporary basis; in fact, he was rendered almost completely ineffectual by budget cuts which precluded travel and program support.

All this was at a time when other non-Indian staff were not encountering the same financial constraints and lack of support.

I am sure that, as you delve into this entire matter, many more instances with supportive documentation will be made available to you. I am convinced that my concerns and questions are not without basis.

It appears that where Indian people are concerned, both employees of the Bureau and those we are all employed to serve, too many factors, other than their best interests, are considered.

Before leaving the matter of Indian employees with the education programs, I would like to call your attention to some figures contained in backup material being made available to you.

At a time when Indian self-determination is purportedly the policy of the Government, it is interesting, and to me distressing, to note that the percentage of Indian employees within education, the largest Bureau program, has dropped from 19 percent in July of 1974 to 17 percent at present with only five Indian employees in Washington, D.C.; three professional and two clerical. This is shown by the above chart.

It would not appear that we are making any progress toward Indian leadership in policy making positions.

I do not want to appear to suggest that my only concern in this RIF procedure is for Indian employees. There are other instances where competent non-Indian employees appear to have been arbitrarily reassigned according to management's whim, rather than any impersonal, impartial, clearcut personnel procedure.

I refer specifically to an individual who has served in an acting capacity as a Division Chief for approximately 2 years.

His performance has obviously been more than satisfactory, since he was awarded a quality increase for sustained outstanding performance and a temporary promotion to GS-15 during this period.

Now he has been reassigned due to the RIF to a GS-14 position within the Division he has supervised for this period and the GS-15 job has been declared a vacancy. How is this possible in a RIF?

Also, just to support my concern about our personnel expertise, I am now given to understand that it is illegal to have an individual in an acting capacity at a higher grade level for this long a period without specific approval from the Civil Service Commission which was never requested or obtained by our personnel office in this instance.

It is this kind of action which I find leads to overall doubt as to the validity of the entire procedure. There are a number of employees who intend to follow this through with formal grievances.

Their numbers and the nature of their grievances are such that I am forced to raise these and other questions.

A point of interest is that, although my position description as Deputy clearly states my responsibilities in the management and personnel areas, I was never a part of the management planning for this RIF. Mr. Waddell and Mr. Tiffany of the education staff worked on this without my participation or even awareness of their specific activities.

They are both non-Indian employees working in positions with education at a lesser rank than mine but at a higher grade level, I must admit.

In closing, if Indian preference means non-Indian participation, promotions for non-Indians, training for non-Indians, isolation of Indian staff from policy making areas, and other related activities by the Bureau, then I would agree that BIA is living up to its goal of Indian self-determination through Indian preference.

I am leaving with you a variety of backup material which I hope you will examine carefully and which I am convinced will raise enough questions to warrant a closer impartial investigation of this entire matter.

I would like to, at this time, step into my own three page situation.

Prior to August 18, 1974, I held the position of Deputy Director of Education Programs, Bureau of Indian Affairs.

At the present time, I am not sure what my position status is. I am three-quarter degree Creek and one-quarter degree Seminole which would make me a full blood. I speak my native language fluently.

I come from an all Indian community of Salt Creek at Yeager, Okla. I served 3 years in the U.S. Marine Corps and received an honorable discharge.

I hold a double major in sociology psychology and a minor in education from Northeastern State College in Tahlequah, Okla. where, in 3 years, I made the dean's honor roll.

Upon my graduation, I received a fellowship and assistantship from the University of Chicago in 1967 and, in 1969, received my M.A. from there.

During my tenure at the University of Chicago, I participated in the National Study of American Indian Education under Mr. Robert J. Havighurst, along with eight other universities throughout the United States.

I have done both extensive programmatic and research work in urban and reservation areas.

I have recently chaired the task force on Johnson-O'Malley and have fought hard for the present regulations being currently published. I am making available to you copies of my reports and recommendations to the Director of Education Programs and the Commissioner.

They support the fact that the published regulations were not easily won. I would like to point out that some of the individuals supporting these regulations at yesterday's hearing were among those who fought the hardest against them.

[Mr. Scott's reports and recommendations follow:]

Dr. Benham

Mar. 4, 1974

George Scott

Proposed Johnson-O'Malley Regulations February 28, 1974

This is in response to your request for my views on the above subject.

The proposed Johnson-O'Malley Regulations jointly submitted by 38 Indian organizations clearly indicate a careful and substantial expertise in the preparation of this document. To me, this document clearly reflects the primary concerns voiced by Indian people through out the Nationa. Furthermore, this document in my view proposes the following:

1. it up holds the interest of Congress
2. it defines and puts the responsibility of accountability in its proper perspective
3. it puts enough authority into the Advisory Education Committee for Community participation and control
4. it provides a basis for the distribution and equalization of funds
5. it is flexible enough to meet most Indian organization needs.
6. it also avoids possible duplication of funds with Title IV, Indian Education Act of 1972.

The only problem I see with this document is the capability of the Office of Education Programs to effectively monitor the program. The Bureau, as a structure will not be able to handle this on any level. I refer this situation also to our current regulations which we are unable to handle. Either way, a major problem facing us will be the Bureau structure.

Finally, this document is by far, the most superior piece of work to be considered by this office. I suggest every effort be made to support this document and that it replace the present proposed JOM regulations currently published in the Federal Register.

George D. Scott

MEMORANDUM

TO: Commissioner of Indian Affairs DATE: April 19, 1974
 THRU: Acting Director of Indian Education Programs
 FROM: Deputy Director of Indian Education Programs
 SUBJECT: Report of Committee on Proposed Changes in Johnson-O'Malley Regulations

On April 16 of this year, Johnson-O'Malley reached its fortieth year of existence and the Bureau of Indian Affairs, much to its dismay, is still trying to manage the administration of this Act.

Since the passage of this legislation the administration of this Act has seen numerous crises and criticisms affecting its operation and in most instances justifiably so. Many of the critics have leveled their discontent at the regulation and management of this Act. Right or wrong, most generally, everyone agrees that forty years have passed and the regulation must be changed to meet the needs of the Indian children it was intended to serve. In other words, the regulation must be brought up to date to reflect present day progressive thinking in Education.

The study and review of 103 recommendations and comments received following publication of the proposed changes ranges from total support to total rejection. A great number of Indian organizations reviewed supported a different set of regulations. Because of the wide range of difference of opinions it would be wise to break out the five categories that were considered. It looked something like this:

1. Support.....	6	=	21%
2. Support with minor revision.....	16	=	
3. Rejection with minor revision.....	14	=	36%
4. Rejection.....	23	=	
5. "Red Regs".....	44	=	43%
	<u>103</u>		<u>100%</u>

As can be seen 21% supported or supported with minor revision the proposed changes as published. 36% with minor revision rejected the proposed revision and 43% supported a complete new set of regulations known as the "Red Regs."

Pursuant to the Commissioner's request, a committee on this subject did meet. Unfortunately, due to the wide disparity of views and the controversial nature of the subject, no concensus was reached on several major points. Therefore, it is the Chair's wish to submit three views on redraft of this regulation. These three drafts will be from Lay and Richmond, Scott, and Campanelli.

One of the causes of the wide variety of views and philosophies within the committee is that the Bureau has not made a decision on an officially accepted policy on JOM.

The Chair recommends that the proposed CFR and proposed BIA manual changes be completely disgarded due to the great support from Indian organizations and individuals that the "Red Regs" be considered as an option. The Chair also recommends that major Indian education oriented organizations be selected to prepare a redraft of the regulations considering all comments and recommendations received.

If any of the above recommendations are not accepted, I would request that the threa drafts be considered as a proposed change with Indian education oriented organizations having input thru open meetings with the Commissioner. This will be in line with the concept of self-determination as outlined in the President's Message of July 1970.

August 2, 1974

Memorandum:

TO: Director of Indian Education Programs

FROM: Deputy Director of Indian Education Programs

SUBJECT: Compilation and analysis of responses for JOM proposed regulations: 6/28/74

Per your request dated July 18, 1974, I have studied and reviewed the 48 recommendations and comments received by July 29, following publication of the proposed JOM regulations in the Federal Register. They range from total support to total rejection. The following analysis reflects special concerns as expressed in the responses:

- (1) Oppose to basic support - 8
- (2) Apply Indian preference in the regulations - 9
- (3) Re-name advisory board to "Indian Education Committee" - 9
- (4) Support the expansion of service population if the funding is increased proportionally - 7
- (5) Support local determination on the election or nomination procedure on "Indian Education Committee" - 9
- (6) Total agreement with proposed regulations - 6
- (7) Total support for "Red" regs - 16
- (8) Expand regs to include pre-school - 16
- (9) Request extension - 4
- (10) Oppose to proposed regs. - 4
- (11) Support mandatory consultation and all contract approval or disapproval by I.E.C. - 4
- (12) Re-define "Indian" - 4
- (13) Base priority funding for "on or near reservation" - 4
- (14) Base basic support on need - 4
- (15) Support primarily rather than exclusive - 3
- (16) JOM distribution base on need - 3
- (17) Add Indian Tribes to 33.1 (1) - 3

The remaining comments ranged from better language, better description, accountability, State responsibility for Education, and opposition to Indian Education Committees (by Senator Fannin and a public school Supt). These comments included two or less responses in these areas.

As can be clearly seen in the above breakdown the major response reflects opposition to basic support; support for Indian preference criteria in the regulation; recommend re-naming the advisory board to Indian Education Committee to denote more authority; support the expansion of service population if the funding is increased proportionally; and support for local determination in the selection or election of the Indian Education Committee. These are the main concerns raised by the majority of responses reviewed.

Many hours of hard work have been put into the solicitation for comments and more so, the Indian public has expressed a great interest and many organizations have spent a great deal of time in preparation of these regulations. I hope that these comments and recommendations will be considered very carefully and weighed heavily in the revision of the new JOM regulations so that all the work and time put into this matter will not be in vain as most Indian people and organizations have come to believe.

Furthermore, it is my hope that the regulations reflect the best and greatest benefit for Indian students where ever they may be. It is my belief that this is our responsibility as advocates for Indian people. Since so much public interest has been aroused and the subject is of such importance to Indian people, I strongly feel that we will be judged by our constituency on the outcome of this matter.

George D. Scott

GE SCOTT:eb 8/2/74

Surname
Chron

Memorandum:

TO: Director of Indian Education Programs

FROM: Deputy Director, Office of Indian Education Programs

SUBJECT: New proposed regulations - Johnson-O'Malley

On numerous occasions you have expressed to me the need for candid, straight-forward, and sincere frank communication between us on matters that would greatly affect our office. After a long and hard study of the new proposed JOM regulations I would like to reiterate my position. And at this time I would like to take the opportunity to express by memo my concerns to you relating to the new proposed regulations that were determined by you, Mr. Lay, Mr. Richmond, Dr. Campanelli, and Mrs. Holmgren and conveyed to me on August 1. This is not an act of insubordination, but I feel that I must tell you the reasons why I cannot defend as you have suggested the proposed regulations as written.

I have expressed to you on several occasions that I would support your position and decisions as long as they were legal and followed the ascribed wishes of the Indian people whom we serve. Again, after careful study, my professional opinion, integrity, and conscious, but moreover, the legal aspect of the far reaching implications these regulations can have I cannot morally and legally support the new regulations. I feel that I would not be serving you if I did not make known to you these views.

I would like to express my views not from an emotional point but from Congressional intent and statutes that run contrary to the new proposed regulation - (8/1/74).

The 8/1/74 proposed regulations exclude "Indians throughout the United States", but, the Snyder Act (which authorizes the expenditure of appropriations by the Bureau of Indian Affairs) specifically states: "The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes: (United States Code Annotated Title 25 Indians Ch 1, 313, pp. 17-18).

Also, we find in Morton V. Ruiz, 72-1052 --- opinion, pp. 37-38. ... "In order for any agency interpretation to be granted deference, it must be consistent with the Congressional purpose. Esinoza v. Farah Manufacturing Co., 414 U.S. --- (1973); Red Lion Broadcasting Co. v. FCC, U.S. 367, 381 (1969). "It is evident to us that Congress did not itself intend to limit its authorization to only those Indians directly on, in contrast to those 'near', the reservation, and that, therefore, the BIA's interpretation must fail".

Again we find when the JOM legislation was originally passed in 1934, the Senate Committee Report stated that the Act was intended to provide assistance for Indians in "those states in which the Indian tribal life is largely broken up and in which the Indians are to a considerable extent mixed with the general population". Recent Congressional intent is precisely the same. In 1972, the Senate Appropriations Committee unequivocally directed the Secretary of the Interior to make "special efforts to make JOM funds available in locations whether or not there are large areas of tax-free Indian lands". (S. Rep. 921, 92nd Cong., 2d Sess. 6 (1972). In the same report, the Committee "directs that the Secretary prepare a plan to assure Bureau of Indian Affairs type services to all Indians in the United States --- rather than just to those living 'on or near' reservations".

The question is, do we follow the intent of the JOM Act and Congress or is it that we would rather operate the program for agency convenience and exclude Indian students who otherwise would be eligible for services.

The proposed new regulations (8/1/74) excludes the use of JOM funds to be contracted to parental committee and would limit program expenditure operated only through public school districts. I would contend that this is in direct opposition to further advancing local control and Indian self-determination. This would be in opposition to the Presidential Indian message of July 1970, and secondly the Departmental policy on contracting. And, since most public or private Indian controlled schools or institutions are 100% Indian students, who else would be more qualified to receive assistance under JOM? But more specifically the regulations about contracting.

Special and supplemental vs basic support. The 8/1/74 proposed regulations open the door to basic support under certain stated conditions. But the Natonabah v. Board of Education, 355 F. Supp. 716, 726 (D. N.M. 1973), holds that, except under exceptional circumstances, Johnson-O'Malley funds must be expended for the "Special needs" of Indian children.

Again we look at the agreement and judgment in Denetclarence v. Board of Education, U.S. District Court, District of New Mexico, No. 8372. The agreement refers to the fact that JOM funds must be used for supplemental, special programs and not for general aid. Thus the agreement affirms the holding in Natonabah v. Board of Education, 355 F. Supp. 716, (District of New Mexico, 1973). Again it is significant that the Department of Interior (i.e., the BIA) signed this agreement, thereby ratifying the uses to which Johnson-O'Malley funds must be put. Also, the Commissioner in a previous meeting specifically told us that "special and supplemental" support would have first priority.

I must also express my concern in the matter we discussed on August 2. I refer to the decision and commitment by Mr. Waddell to the State of Arizona for an additional amount of \$500,000 from JOM funds. I did not learn of this until approximately 5:00 P.M. on Friday, August 2. I am very concerned, not only for the basis of this commitment, but also that a Division Chief is permitted to make such a decision and commitment without my knowledge. As Deputy Director, I feel this is a valid concern, but I feel it is doubly important in view of my specific assignment as Chairman of a task force working on JOM at the request of the Commissioner.

In closing I would ask that you refer again to my report as Chairman of the task force on JOM. As you are aware, the arguments presented there were reviewed with the Solicitor and the Commissioner and were found legally valid. I am not aware of any change in the situation from that point and I have my views on the extensive research which resulted in my recommendation at that time.

I would like to emphasize that this stand on my part is not insubordination. I am not refusing a direct order - but I cannot in good conscience adopt as my views this proposed regulation which is diametrically opposed to everything I believe is right, and legal. I will represent the Bureau whenever requested and I will present whatever the official view of the Bureau is in my official capacity as Deputy Director of Indian Education Programs. But when asked for a personal opinion I will do so while making it clear I speak as an Indian and an individual not as an official of the BIA.

George D. Scott

GD SCOTT:eb 8/5/74

Surname
Chron

Mr. SCOTT. I am also, presently, the BIA representative on the USOE/BIA Joint Study on Indian Education Funding.

In essence, I am a full-blood Indian, a veteran, career status employee, and, apparently, competent individual as indicated by my Bureau employment record. I hope that I have made my point clear.

On May 26, 1970, I came in as the Deputy Director of Education with the stipulation that my promotion to GS-15 would be effected after 1 year of satisfactory completion on my job.

This has never been forthcoming after 3½ years, although non-Indians of lesser status have been promoted to GS-15's.

My yearly in-step increases have come each year with no mention by my supervisor of not doing my job. In fact, I have been recommended for promotion as far back as the summer of 1971 but no action has even been taken nor have my requests for information been answered.

As a last resort, on March 8, 1974, I addressed a memo to the Acting Director of Education, Dr. William J. Benham, and, on August 5, 1974, I submitted a similar request to the newly appointed Director, Dr. Sockey.

Again, on August 15, 1974, I formally requested assistance and counsel on these matters, including advice on my formal rights and alternatives. No response has been forthcoming.

On August 7, 1974, as a part of the RIF, I was assigned to the position of Special Assistant, GS-301-14, Office of Indian Education Programs.

Although my GS level remains the same, I must consider this an adverse action since my loss of rank is obvious.

I request that you review my old position description, my new position description, and several other position descriptions recently developed for other employees with Education.

[The position descriptions follow:]

20077

Optional Form 8 July 1952 U.S. CIVIL SERVICE COMMISSION P.M. Ch. 295 104		1. Check one: Dept <input checked="" type="checkbox"/> Field <input type="checkbox"/>	2. Official headquarters: Washington, D. C.	4. Agency position No. HJ-3A
POSITION DESCRIPTION		3. Reason for submission: (a) If this position replaces another (i. e., a change of duties in an existing position), identify such position by title, allocation (service, section, grade), and position number		5. C. S. C. certification No.
6. Date of certification		7. Data received from C. S. O.		
8. CLASSIFICATION ACTION		(b) Other (specify)		

ALLOCATION BY	CLASS TITLE OF POSITION	CLASS			INITIALS	DATE
		Service	Series	Grade		
a. Civil Service Commission						
b. Department, agency, or establishment						
c. Bureau	Special Assistant	GS	301	14	LJK	7-3-74
d. Field office						
e. Recommended by initiating office						

9. Organizational title of position (if any)	10. Name of employee (If vacancy, specify V-1, 2, 3, or 4)
11. Department, agency, or establishment Department of the Interior	e. Third subdivision Office of the Chief
a. First subdivision Bureau of Indian Affairs	d. Fourth subdivision
b. Second subdivision Office of Indian Education Programs	e. Fifth subdivision
12. This is a complete and accurate description of the duties and responsibilities of my position	13. This is a complete and accurate description of the duties and responsibilities of this position
_____ (Signature of employee)	_____ (Signature of immediate supervisor)
_____ (Date)	_____ (Date)
14. Certification by head of bureau, division, field office, or designated representative <i>Spencer S. Soley</i> (Signature)	15. Certification by department, agency, or establishment <i>David P. Weston</i> (Signature)
_____ (Date)	_____ (Date)
Title: Director, Indian Education Programs	Title: Position Classifier

16. Description of duties and responsibilities

A. SUPERVISION AND GUIDANCE RECEIVED:

General supervision is received from the Director, who furnishes overall objectives to be accomplished and general directions regarding the nature and scope of assignments. Receives advice and assistance on problems of a policy nature or those dealing with controversial issues. Work performance is subject to review by the Director for compliance with overall objectives and policies. Utilizes broad general guidelines such as basic legislation, Departmental and Bureau policies and overall program objectives.

B. Serves as Special Assistant to the Director with responsibility for conducting special and/or confidential education program assignments and projects related to various functional areas comprising the Office.

1. Applies a good knowledge of Bureau education service programs, and related program activities of other Federal and state organizations.

Conducts under general guidance by the Director, significant educational studies and projects which require, because of their scope, complexity and importance, contact with line officials and specialists in the Bureau and the Department, and specialists in other Federal agencies. Submits study recommendations that frequently have a significant impact on Bureau programs and which may have a direct or indirect effect on other Federal agency programs.

ALLOCATION BY		CLASS TITLE OF POSITION			CLASS			INITIALS	DATE
a. Civil Service Commission					Service	Series	Grade		
b. Department, agency, or establishment					GS	1701	15	AG	5/2/74
c. Bureau		Program Planning and Analysis Officer			GS	1701	15	WRA	5/2/74
d. Field office									
e. Recommended by installing office		Program Planning & Analysis Officer			GS	1701	15		
9. Organizational title of position (if any) Chief, Division of Internal Services					10. Name of employee (If vacancy, specify V-1, 2, 3, or 4)				
11. Department, agency, or establishment Department of Interior					a. Third subdivision Division of Internal Services				
a. First subdivision Bureau of Indian Affairs					d. Fourth subdivision				
b. Second subdivision Office of Indian Education Programs					e. Fifth subdivision				
12. This is a complete and accurate description of the duties and responsibilities of my position					13. This is a complete and accurate description of the duties and responsibilities of the position				
(Signature of employee) _____ (Date) _____					(Signature of immediate supervisor) _____ (Date) _____				
14. Certification by head of bureau, division, field office, or designated representative <i>William R. Biel</i> 4/9/74 Acting Director, Indian Education Programs					15. Certification by department, agency, or establishment <i>William R. Furlong</i> 5/2/74 Classification Officer				
16. Description of duties and responsibilities SUPERVISION AND GUIDANCE RECEIVED									
A. Receives very general supervision from the Director of Indian Education Programs who discusses overall objectives to be accomplished and provides general assistance on problems of a major policy nature or on those dealing with controversial issues. Work is subject to review and compliance with overall program objectives and major policies. Guidelines are few and the programs for the Bureau must be devised and implemented by the incumbent within broad policy guidelines and program objectives. Guidelines for performance of work consist primarily of Bureau and Departmental regulations and manuals, and materials developed by other agencies, both public and private.									
B. REPRESENTATIVE DUTIES:									
1. Serves as Chief of the Division of Internal Services and performs special assignments of a diverse, highly technical and extremely complex nature. Such assignments are usually Bureauwide in scope as they relate to the various									

education program activities and may also be related to the activities of the Department, or other Federal, State, or private organizations or groups as they pertain to the education of Indians. In carrying out his assignments, the incumbent develops his own contacts, both formal and informal, and reports his findings, conclusions, and recommendations to the Director.

2. Responsible for liaison with the Division of Administration and Division Chiefs within the Office of Indian Education Programs to assure the formulation and development of plans and policies under the planning-programming-budgeting system and management by objective principles. He must assure that the system will provide for objectives in relation to the educational needs of the Indian children and the various programs to meet objectives; that the system will incorporate a multi-year planning and programming process which is based on an information system to present data in a manner which will provide a basis for executive decisions by the Director, Commissioner, the Secretary, and the President; and that the system will provide a budgeting process which will support program decisions, translate them into refined decisions in a budget context, and present the appropriate program and financial data for Bureau action.

3. Provides technical advice on data processing procedures and forms designed to provide basic educational data on students, staff, facilities, programs, accomplishments, and related expenditures. Interprets reports generated by the financial and educational systems as a means of keeping the Director and his education staff aware of the current status of educational programs, including evidence of problems and progress.

4. Furnishes advice to the Director and other officials within the Bureau on matters pertaining to program and staffing standards to carry out the Bureau's education responsibilities so as to efficiently utilize available funds and manpower in furthering program objectives. Coordinates, prepares, and/or directs the preparation of statistical and graphic materials, tables, narrative statements, etc., required in the presentation of the education budget requests.

5. Participates with the Director of Indian Education Programs and other top level Bureau and Departmental officials in meetings and conferences held for the purpose of establishing policies, plans, programs, procedures, etc., to facilitate accomplishment of the education objectives of the Bureau, and in the revision of programs and objectives to meet current and future needs.

6. Responsible for activities concerned with the general administrative needs of the Central Office of Indian Education Programs; e.g., procurement, personnel management, property management, records management, etc. Coordinates these activities with the appropriate administrative personnel elsewhere in the Bureau's Central Office in order that the Director may avail himself to the fullest extent of the services provided.

7. Prepares special reports and performs other duties as assigned.
8. Required to operate a Government-owned or leased vehicle in the performance of his duties.

C. SUPERVISION EXERCISED:

The incumbent is responsible for directly supervising those professional and clerical personnel assigned to the Division of Internal Services. Such supervision consists primarily of selecting new employees, making work assignments, furnishing advice, guidance, and training as required, approving work programs, plans and completed work, evaluating work performance and resolving grievances and other problems related to employees supervised. Furnishes technical guidance and assistance to education personnel throughout the field in matters related to programs of the Division as requested.

D. OTHER:

The incumbent must have marked ability to carry out a high order of research and analysis involving abstract concept and relationships. He must be able to develop and present orderly, systematic, and readily comprehensible conclusions and recommendations including possible alternative courses of action and their probable effects and to translate planning and program decisions into financial needs and budgetary estimates. He must have demonstrated leadership and ability to elicit the cooperation of individuals and groups toward a common goal. Ingenuity, imagination, and executive thinking are prime requisites of this position.

Professional Form #
July 1959
U. S. CIVIL SERVICE COMMISSION
P. M. C. 265
Rev. 7-58

Department Field

Freeborn
A10-1002 A

POSITION DESCRIPTION

2. Reason for substitution:
(A) If this position replaces another (i. e., a change of duties in an existing position), specify such position by title, allocation (series, series grade), and position number

(B) Other (specify)

4. C. S. C. certification No.

6. Date of certification

7. Date received from C. S. C.

ALLOCATION BY	CLASS TITLE OF POSITION	CLASS			INITIALS	DATE
		Service	Series	Grade		
a. Civil Service Commission						
b. Department, agency, or establishment						
c. Promotion	<i>Education Specialist</i>	<i>GS</i>	<i>1710</i>	<i>14</i>	<i>WRA</i>	<i>5/2/74</i>
d. Reassignment						
e. Recommended by Initialing Office	<i>Education Specialist</i>	<i>GS</i>	<i>1710</i>	<i>14</i>		
f. Other (specify)						

11. Department, agency, or establishment

Department of the Interior

12. Division, office, or position

Division of Professional Relations

13. Title of position

Office of Indian Education Programs

14. Specific and accurate description of the duties and responsibilities of position

15. Specific and accurate description of the duties and responsibilities of position

(Signature of employee) _____ (Date) _____

(Signature of immediate supervisor) _____ (Date) _____

Title: _____

14. Certification by head of bureau, division, field office, or designated representative

Will - J. Reed *4/9/74*
Acting Director, Indian Education Programs

15. Certification by department, agency, or establishment

William R. Furlong *5/2/74*
Classification Officer

16. Description of duties and responsibilities

A. SUPERVISION AND GUIDANCE RECEIVED:

The incumbent works under the general supervision of the Chief, Division of Professional Relations who makes continuing assignments in terms of broad general objectives and keeps the incumbent informed of applicable policies and regulations. Plans and programs developed by the incumbent are reviewed for conformance with the broad objectives and educational philosophy of the Bureau. Completed work is reviewed only to assure attainment of program objectives. Guidelines for performance of work consist primarily of Bureau and Departmental regulations and manuals, and materials developed by other agencies, both public and private.

• REPRESENTATIVE DUTIES:

This position represents a significant responsibility for developing and maintaining a high degree of operational and technical proficiency of the Office of Indian Education Programs professional staff.

1. Continuously evaluates the professional needs of Central Office personnel and the educational programs available within the Bureau, the Department, other governmental agencies, and public and private sectors.
2. Coordinates training needs with the Personnel Division to plan, organize, implement, and carry-on a variety of in-service training programs.
3. Coordinates activities with field locations such as Area Coordinators and tribal groups to assure consistency and applicability of program content materials.
4. Provides consultative expertise, as requested, in the determination of training needs, identifying available programs, and assessment of programs potential application to particular requirements. In this context, serves as a resource for the communication of available programs and the available information to likely users. Also provides a reference depository for information concerning available in-service programs.
5. Plans, develops, and prepares programs together with guides and support materials to meet professional training requirements not served by existing or available programs.
6. Consults with representatives of other government agencies, state, and local school officials, college and university officials to exchange information and to determine new materials, programs, and approaches for application to the Bureau's needs.
7. Attends and participates in conferences and workshops related to professional in-service requirements. Communicates with public, private, and corporate in-service training facility officials as a means of incorporating appropriate programs, techniques, and materials in Bureau programs.
8. As requested, plans and directs in-service workshops for teachers, administrators, Education Specialist, and Department Heads.
9. Participates in projects of research related to unique professional needs of educators working with Indian children.
10. Other duties as required.

C. SUPERVISION EXERCISED:

When participating in workshops or special projects for which he is responsible for leadership roles, the incumbent exercises supervision over the staff assigned to assist in the work.

ALLOCATION BY		CLASS TITLE OF POSITION	CLASS			INITIALS	DATE
			Service	Series	Grade		
a. Civil Service Commission							
b. Department, agency, or establishment			9S	1710	15	AK	5/2/74
c. Bureau		Supervisory Education Specialist	GS	1710	15	AK	5/2/74
d. Field office							
e. Recommended by initiating office		Supervisory Education Specialist	GS	1710	15		
8. Organizational title of position (if any) Chief, Division of Professional Relations		10. Name of employee (if vacancy, specify V-1, 2, 3, or 4)					
11. Department, agency, or establishment Department of the Interior		e. Third subdivision Division of Professional Relations					
a. First subdivision Bureau of Indian Affairs		d. Fourth subdivision					
b. Second subdivision Office of Indian Education Programs		e. Fifth subdivision					
17. This is a complete and accurate description of the duties and responsibilities of position		13. This is a complete and accurate description of the duties and responsibilities of this position					
(Signature of employee)		(Date)		(Signature of immediate supervisor)		(Date)	
14. Certification by head of bureau, division, field office, or designated representative		15. Certification by department, agency, or establishment					
<i>Will V. Beil</i> (Signature) Acting Director, Title: Office of Indian Education Programs 4/9/74 (Date)		<i>William R. Fulmer</i> (Signature) Management Specialist 5/2/74 (Date)					
16. Description of duties and responsibilities							
A. SUPERVISION AND GUIDANCE RECEIVED:							
<p>The incumbent works under the general direction of the Director of Indian Education Programs who makes continuing assignments in terms of broad general objectives and keeps the incumbent informed of applicable policies and regulations. Plans and programs developed by the incumbent are reviewed for conformance with the broad objectives and educational philosophy of the Bureau. Completed work is reviewed only to assure attainment of program objectives. Guidelines for performance of work consist primarily of Bureau and Departmental regulations and manuals, and materials developed by other agencies, both public and private.</p>							
B. REPRESENTATIVE DUTIES:							
<p>Responsible for planning, developing, organizing, and supervising the national level coordination of the Indian educational program with concerned government agencies, Indian interest groups, Congress, and others to stimulate and coordinate Bureau participation in all opportunities for improved Indian education. Specifically:</p>							

1. Develops and maintains contact with national tribal groups, such as the National Congress of American Indians, National Tribal Chairman's Association, and Bureau or higher level advisory groups to discuss their needs and desires in regard to educational opportunities. Works with the Office of Legislative Development in the conduct of studies of existing education legislation, Bureau and Departmental policies and programs and those of other Federal agencies and state and local governments to determine additional needs of the Indian people in the area and to advise them of the effects of present and proposed legislation on Indian education.
2. Represents the Director in conferences and negotiations and maintains liaison with Indian tribal officials, professional organizations, representatives of private industry, the Department of Interior, and other Federal agencies for the purpose of (a) coordinating the national interagency aspects of the program and resolving problems arising from them; (b) achieving full understanding of the objectives of policies concerning the program and fostering acceptance thereof; (c) exchanging information on, and negotiating solutions to complex problems of mutual concern and (d) discussing and interpreting issues involved in current problems and proposed legislation. Such liaison is provided when no other cognizant Division has been identified or to facilitate, on request, the work of the cognizant Division.
3. Assists the Director and other of his staff in the preparation of speeches, articles, news releases, and in the handling of sensitive correspondence. Prepares special reports and position papers on Indian education programs.
4. Provides information and assistance to his supervisor and other top officials of the Bureau and Department on matters relating to his area and assists the Director of Indian Education Programs at conferences and public appearances with authority to make commitments on matters covered by existing policies.
5. Maintains constant liaison with officials of the Bureau for the purpose of presenting or obtaining information relating to legislative programs and new fund sources affecting Indian education.
6. Makes recommendations concerning general overall policy for the Office of Indian Education Programs based upon intimate and current knowledges as to the needs and wishes of the National Indian groups in regard to education opportunities and familiarity with administration goals. Is required to make independent contact with other governmental agencies involved with Indian education in order to determine necessity of coordinating policy formulations and announcements.
7. Provides for review and research into existing legislative authorities in order to determine the necessity for changes in current regulations. Participates in the reformulation of policy directives requiring change.
8. Performs related duties as assigned.

9. Required to operate a Government-owned or leased vehicle in the performance of his duties.

C. SUPERVISION EXERCISED:

The incumbent is responsible for directly supervising one or more professional and clerical personnel. Such supervision consists primarily of selecting new employees, making work assignments, furnishing advice, guidance and training as required, approving work programs, plans and completed work, evaluating work performance and resolving grievances and other problems related to employees supervised. Furnishes technical guidance and assistance to education personnel throughout the field in matters related to incumbent's area of responsibility.

Mr. SCOTT. I also question this entire procedure in my particular instance, since, in a meeting between concerned staff and personnel staff, a personnel specialist indicated my position description had been a "special" and was developed by him upon the instructions of the Director of Education Programs with the understanding that this was an agreement reached between Mr. Billy, the Personnel Director, Dr. Sockey, the Education Director, and myself.

This blatantly untrue.

I never agreed to any such assignment and am still awaiting the results of my memorandums of August 5 and 15, 1974.

[The memorandums follow:]



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Date: August 7, 1974
Competitive Area: Central Office, BIA
Washington, D.C.
Competitive Level: Dep. Director of Ed. Programs,
Retention Subgroup: I-A-I GS-301-14
Service Date: 7-29-67

Mr. George D. Scott
Bureau of Indian Affairs

Dear Mr. Scott:

On June 10, 1974, general reduction-in-force notices were issued to all Central Office employees. This action was a result of the reorganization of the Central Office of Bureau of Indian Affairs as ordered by Secretarial Order 2954 dated May 11, 1973. Due to this reduction-in-force the retention registers have now been worked and effective August 18, 1974, you will be reassigned in the Washington Office at your same grade and salary to the position of Special Assistant, GS-301-14, Office of Indian Education Programs.

If you desire, you may inspect the retention registers used in connection with this reduction-in-force. These records are available for your inspection in Room 221 of the Interior South Building.

The attached Addendum provides additional information regarding your rights in reduction-in-force and is a part of this specific notice.

Please indicate your acceptance or refusal of this offer of a reassignment and acknowledge receipt of this letter in the space provided on the attached copy and return it to this office by August 16, 1974.

Sincerely yours,

Chief Personnel Officer

Attachment

I do _____ I do not accept your offer of reassignment.

Date _____ Signature _____

I do not accept this proposed reassignment pending the outcome of grievance procedures which I intend to file and follow-up on.

August 7, 1974

ADDENDUM TO REDUCTION-IN-FORCE NOTICE

If you feel that we have incorrectly applied the provisions of the reduction-in-force regulations you may appeal to the Civil Service Commission at any time after your receipt of this notice, but not later than 15 days after the effective date of this action. Your appeal must be in writing and must state your reasons for believing that this action is improper. Your appeal should be addressed to: Director, U. S. Civil Service Commission, 1900 E Street, N.W. Washington, D.C. 20415. For additional information or assistance you may contact the Chief Personnel Officer, Room 213, Bureau of Indian Affairs.

--If you do not accept this assignment and at a later date it becomes necessary to separate you under reduction-in-force, as a separated career employee your name will be placed on our employment priority list, and you will be considered for placement, as vacancies develop, in positions for which you are qualified. Your name will be continued on this list for two years from the date of your separation but will be removed earlier upon your written request, acceptance of a full-time appointment in the competitive service; or your declination of an offer of a full-time nontemporary appointment to a position in the competitive service in the commuting area from which you were separated.

You may also file applications for assistance under the Civil Service Commission's Displaced Employee Program for placement assistance within any one civil service region or within the metropolitan area of Washington, D.C. or both. You may file your applications through this Bureau's Personnel Office at any time after receipt of the notice, but not later than 90 days after the effective date of the separation. Under the Displaced Employee Program priority referrals will be made by the Commission to other Federal Agencies. These referrals will be at your same grade level and ahead of civil service register referrals.



UNITED STATES CIVIL SERVICE COMMISSION
BUREAU OF RECRUITING AND EXAMINING
WASHINGTON, D.C. 20415

IN REPLY PLEASE REFER TO

EOR:EXR

YOUR REFERENCE

Mr. George D. Scott
2016 North Adams Street
Arlington, Virginia 22201

Date: JUL 12 1973

No.: 188505

Eligibility: GS-13-14-15

Veteran Preference: 5-pt.
(tent)

Dear Mr. Scott:

Your application for Federal employment under Announcement Number 408 for Senior Level Positions has been received and accepted.

This examining program is the source of recruitment from outside the Government for administrative, management and some service type occupations at grades GS-13, GS-14 and GS-15. Although most vacancies at these levels are filled from within the service by reassignment, transfer or promotion, critical vacancies do occur and we are, therefore, pleased to receive applications from interested and well qualified citizens.

When an agency appointing officer requests names to be considered in filling a job vacancy, applications showing skills and backgrounds that match the requirements of the job are selected from our file. A panel of examiners familiar with the requirements of the position to be filled reviews the applications of the qualified persons and, if necessary, checks with former employers and references and identifies the best qualified candidates.

Only the names of the top ranking candidates are referred for consideration to the office filling the job. For some positions, consideration may be limited to one or more states or a clearly defined administrative area of the agency. The applications of candidates not selected are put back in the system for further consideration as job opportunities arise.

Eligibility will continue for a period of twelve months from the date of this letter at which time you may refile by submitting a new application if you desire further consideration. In any communication, please identify your application by furnishing the information which appears at the upper right corner of this letter.

We appreciate your interest in the Federal Career Service.

Sincerely yours,

William Bohling
William Bohling, Chief
Operations Support Division



1883-1973

MERIT PRINCIPLES ASSURE
QUALITY AND EQUAL OPPORTUNITY

William J. Benham, Acting Director
Education Programs

March 8, 1974

George D. Scott, Deputy Director

Request for Personnel Action

In May of 1970 I was brought on as Deputy Director of Education Programs, a position which was established at the GS-15 level. Based on my qualifications at that time I was employed in that position as a GS-14 with the understanding that at the end of a year's time I would have qualified as a GS-15 and would be promoted to that level. The only difference in the two position descriptions was the level of supervision and it was understood that satisfactory performance for one year would warrant this promotion at that time. I received a satisfactory performance rating and all indications were that since I was performing at the full level of responsibility I would be promoted in May 1971. Unfortunately, the Bureau has been in a state of constant change since my entry on duty and a number of individuals, including myself, have served for varying periods of time as Acting Director of Education Programs.

Although at various times with the Director and Acting Directors I have raised this question and have been assured that my performance is satisfactory and at the full level of responsibility, it has been impossible to conclude the matter to date. I feel that I have been more than patient and I have tried to take into consideration the variety of constraints which the Bureau has operated under during this time, but I feel that this matter is long overdue and that a promotion action to GS-15 should be processed immediately. It was never contemplated that the position assume any other grade level and comparable positions in the Bureau have been filled at that level. During the same period of time while the changing supervisory staff has made it difficult for me to receive a satisfactory answer to my request, other promotions at the same level have been processed.

I would like to have an answer to my request by c.o.b. March 18, 1974, or based upon written documentation in the past and the present position description, I shall be forced to avail myself of the grievance procedures designed to protect employees from unequitable treatment.

CC: Personnel

George D. Scott

August 5, 1974

Memorandum:

TO: Chief, Division Personnel Management

THRU: Director of Indian Education Programs

FROM: Deputy Director of Indian Education Programs

SUBJECT: Personnel request

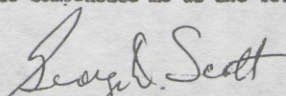
As we discussed at our recent meeting I am once again request action on the part of BIA on my promotion to GS-15. We agreed on July 17 during our meeting that I would compile copies of material pertinent to this matter and make them available to you.

Quite frankly, I believe the official position description for the Deputy Director of Education Programs is sufficient in itself to make my case. It clearly states that the position is being filled at GS-14 level .. "as the incumbent does not have sufficient qualifying experience to enable the position to function at the full working level ...". At the end of one year of satisfactory performance at GS-14 I had acquired sufficient qualifying experience for GS-15 as evidenced by my within-grade and a recommended promotion on 6/31/71.

Due to the unstabled state of Bureau leadership and particularly the Director of Education Program position, freezes and other management concerns this action for promotion which was submitted to Personnel was never acted upon.

Once again in August of 1972 this promotion action was submitted by the Director of Education Programs to the then established manpower committee. For your information a copy of the justification for this action and a copy of the minutes of the NIEAC dated July 13, 1972, which mentions this matter are submitted with this memo.

Although there are other documents pertaining to this matter (inter-office communication between the Directors and myself) I feel they are superfluous to the main issue - the establishment of the position at GS-15, my satisfactory performance of the duties and the failure of the Bureau to act upon recommended promotion to compensate me at the level commensurate with my responsibilities.


George D. Scott

GSCOTT:eb 8/4/74

Surname
Chron

August 15, 1974

Memorandum:

TO: Chief, Division Personnel Management

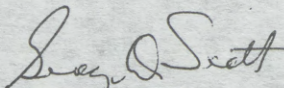
FROM: Deputy Director of Indian Education Programs

SUBJECT: Grievance Procedures

I am putting in memo form a few of the questions I would like to raise in our meeting today. Even though we will be discussing these matters I would like written verification no later than C.O.B. August 20, 1974. This information is needed by me in my pursuit of filing a grievance in light of my proposed reassignment and also past personnel procedures of the Bureau.

- (1) Formal definition of a RIF
- (2) Formal definition of adverse action
- (3) Copy of retention list
- (4) Number of Washington Office slots - Number of and description of present vacancies.
- (5) Formal written response to my past requests for information and/or decision from Director of Education and Personnel on my promotion which was warranted by my official position description and was first recommended in 1971.

I am formally requesting assistance and counsel on these matters pertaining to my career with the Bureau. Since there are a variety of issues to be considered in my case, I would appreciate immediate attention to this matter. I last formally requested such assistance in a meeting with Dr. Sockey and Mr. Billy on July 17. To date I have not received any response.


George D. Scott

cc: Dr. Sockey

GDSOOTT:eb 8/15/74

Surname

FEDERAL BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE POSITION DESCRIPTION	1. Classification Dev. Ex. Fund <input type="checkbox"/> Washington, D. C.	6. Agency position No. E-905
	3. Reason for reclassification (a) If new position reflects change in nature, scope, or change of duties (b) If new position reflects change in nature, scope, or change of duties (c) If new position reflects change in nature, scope, or change of duties	7. Date received from G. S. C.
COMMUNICATION ACTION		4. Other (Specify)

ALLOCATION BY	CLASSIFIED POSITION	CLASS			INITIALS	DATE
		Service	Steps	Grade		
1. Civil Service Commission						
2. Department, Agency, or Establishment						
3. Grade	Deputy Director of Education Programs	GS	301	14		
4. Title Grade						
5. Date of last change of classification						
6. Date of classification						
7. Name of employee (if vacancy exists)						

11. Department, agency, or establishment Department of the Interior Bureau of Indian Affairs Office of Education Programs	12. This is a complete and accurate description of the duties and responsibilities of the position. (Signature of employee) _____ (Date) _____ Commissioner
13. This is a complete and accurate description of the duties and responsibilities of the position. (Signature of immediate supervisor) _____ (Date) _____ This Chief, Manpower & Position Management	14. Certification by department, agency, or establishment (Signature) _____ (Date) _____

Statement of Difference

The Deputy Director of Education Programs is a GS-15 at the full performance level where the incumbent receives very general supervision from the Director of Education Programs, who furnishes broad program objectives and policy directions.

Closer supervision and review of the program operation by the Director is involved in this position. This is necessary to assure full program implementation and execution as the incumbent does not have sufficient qualifying experience to enable the position to function at the full working level under very general supervision.

FEDERAL COMMISSION FEDERAL RESERVE BOARD		3. Name for classification (a) of the position, grade or status (in case of jobs at GS, GS-12, GS-13, GS-14, GS-15, GS-16, GS-17, GS-18, GS-19, GS-20, GS-21, GS-22, GS-23, GS-24, GS-25, GS-26, GS-27, GS-28, GS-29, GS-30, GS-31, GS-32, GS-33, GS-34, GS-35, GS-36, GS-37, GS-38, GS-39, GS-40, GS-41, GS-42, GS-43, GS-44, GS-45, GS-46, GS-47, GS-48, GS-49, GS-50, GS-51, GS-52, GS-53, GS-54, GS-55, GS-56, GS-57, GS-58, GS-59, GS-60, GS-61, GS-62, GS-63, GS-64, GS-65, GS-66, GS-67, GS-68, GS-69, GS-70, GS-71, GS-72, GS-73, GS-74, GS-75, GS-76, GS-77, GS-78, GS-79, GS-80, GS-81, GS-82, GS-83, GS-84, GS-85, GS-86, GS-87, GS-88, GS-89, GS-90, GS-91, GS-92, GS-93, GS-94, GS-95, GS-96, GS-97, GS-98, GS-99, GS-100, GS-101, GS-102, GS-103, GS-104, GS-105, GS-106, GS-107, GS-108, GS-109, GS-110, GS-111, GS-112, GS-113, GS-114, GS-115, GS-116, GS-117, GS-118, GS-119, GS-120, GS-121, GS-122, GS-123, GS-124, GS-125, GS-126, GS-127, GS-128, GS-129, GS-130, GS-131, GS-132, GS-133, GS-134, GS-135, GS-136, GS-137, GS-138, GS-139, GS-140, GS-141, GS-142, GS-143, GS-144, GS-145, GS-146, GS-147, GS-148, GS-149, GS-150, GS-151, GS-152, GS-153, GS-154, GS-155, GS-156, GS-157, GS-158, GS-159, GS-160, GS-161, GS-162, GS-163, GS-164, GS-165, GS-166, GS-167, GS-168, GS-169, GS-170, GS-171, GS-172, GS-173, GS-174, GS-175, GS-176, GS-177, GS-178, GS-179, GS-180, GS-181, GS-182, GS-183, GS-184, GS-185, GS-186, GS-187, GS-188, GS-189, GS-190, GS-191, GS-192, GS-193, GS-194, GS-195, GS-196, GS-197, GS-198, GS-199, GS-200, GS-201, GS-202, GS-203, GS-204, GS-205, GS-206, GS-207, GS-208, GS-209, GS-210, GS-211, GS-212, GS-213, GS-214, GS-215, GS-216, GS-217, GS-218, GS-219, GS-220, GS-221, GS-222, GS-223, GS-224, GS-225, GS-226, GS-227, GS-228, GS-229, GS-230, GS-231, GS-232, GS-233, GS-234, GS-235, GS-236, GS-237, GS-238, GS-239, GS-240, GS-241, GS-242, GS-243, GS-244, GS-245, GS-246, GS-247, GS-248, GS-249, GS-250, GS-251, GS-252, GS-253, GS-254, GS-255, GS-256, GS-257, GS-258, GS-259, GS-260, GS-261, GS-262, GS-263, GS-264, GS-265, GS-266, GS-267, GS-268, GS-269, GS-270, GS-271, GS-272, GS-273, GS-274, GS-275, GS-276, GS-277, GS-278, GS-279, GS-280, GS-281, GS-282, GS-283, GS-284, GS-285, GS-286, GS-287, GS-288, GS-289, GS-290, GS-291, GS-292, GS-293, GS-294, GS-295, GS-296, GS-297, GS-298, GS-299, GS-300, GS-301, GS-302, GS-303, GS-304, GS-305, GS-306, GS-307, GS-308, GS-309, GS-310, GS-311, GS-312, GS-313, GS-314, GS-315, GS-316, GS-317, GS-318, GS-319, GS-320, GS-321, GS-322, GS-323, GS-324, GS-325, GS-326, GS-327, GS-328, GS-329, GS-330, GS-331, GS-332, GS-333, GS-334, GS-335, GS-336, GS-337, GS-338, GS-339, GS-340, GS-341, GS-342, GS-343, GS-344, GS-345, GS-346, GS-347, GS-348, GS-349, GS-350, GS-351, GS-352, GS-353, GS-354, GS-355, GS-356, GS-357, GS-358, GS-359, GS-360, GS-361, GS-362, GS-363, GS-364, GS-365, GS-366, GS-367, GS-368, GS-369, GS-370, GS-371, GS-372, GS-373, GS-374, GS-375, GS-376, GS-377, GS-378, GS-379, GS-380, GS-381, GS-382, GS-383, GS-384, GS-385, GS-386, GS-387, GS-388, GS-389, GS-390, GS-391, GS-392, GS-393, GS-394, GS-395, GS-396, GS-397, GS-398, GS-399, GS-400, GS-401, GS-402, GS-403, GS-404, GS-405, GS-406, GS-407, GS-408, GS-409, GS-410, GS-411, GS-412, GS-413, GS-414, GS-415, GS-416, GS-417, GS-418, GS-419, GS-420, GS-421, GS-422, GS-423, GS-424, GS-425, GS-426, GS-427, GS-428, GS-429, GS-430, GS-431, GS-432, GS-433, GS-434, GS-435, GS-436, GS-437, GS-438, GS-439, GS-440, GS-441, GS-442, GS-443, GS-444, GS-445, GS-446, GS-447, GS-448, GS-449, GS-450, GS-451, GS-452, GS-453, GS-454, GS-455, GS-456, GS-457, GS-458, GS-459, GS-460, GS-461, GS-462, GS-463, GS-464, GS-465, GS-466, GS-467, GS-468, GS-469, GS-470, GS-471, GS-472, GS-473, GS-474, GS-475, GS-476, GS-477, GS-478, GS-479, GS-480, GS-481, GS-482, GS-483, GS-484, GS-485, GS-486, GS-487, GS-488, GS-489, GS-490, GS-491, GS-492, GS-493, GS-494, GS-495, GS-496, GS-497, GS-498, GS-499, GS-500, GS-501, GS-502, GS-503, GS-504, GS-505, GS-506, GS-507, GS-508, GS-509, GS-510, GS-511, GS-512, GS-513, GS-514, GS-515, GS-516, GS-517, GS-518, GS-519, GS-520, GS-521, GS-522, GS-523, GS-524, GS-525, GS-526, GS-527, GS-528, GS-529, GS-530, GS-531, GS-532, GS-533, GS-534, GS-535, GS-536, GS-537, GS-538, GS-539, GS-540, GS-541, GS-542, GS-543, GS-544, GS-545, GS-546, GS-547, GS-548, GS-549, GS-550, GS-551, GS-552, GS-553, GS-554, GS-555, GS-556, GS-557, GS-558, GS-559, GS-560, GS-561, GS-562, GS-563, GS-564, GS-565, GS-566, GS-567, GS-568, GS-569, GS-570, GS-571, GS-572, GS-573, GS-574, GS-575, GS-576, GS-577, GS-578, GS-579, GS-580, GS-581, GS-582, GS-583, GS-584, GS-585, GS-586, GS-587, GS-588, GS-589, GS-590, GS-591, GS-592, GS-593, GS-594, GS-595, GS-596, GS-597, GS-598, GS-599, GS-600, GS-601, GS-602, GS-603, GS-604, GS-605, GS-606, GS-607, GS-608, GS-609, GS-610, GS-611, GS-612, GS-613, GS-614, GS-615, GS-616, GS-617, GS-618, GS-619, GS-620, GS-621, GS-622, GS-623, GS-624, GS-625, GS-626, GS-627, GS-628, GS-629, GS-630, GS-631, GS-632, GS-633, GS-634, GS-635, GS-636, GS-637, GS-638, GS-639, GS-640, GS-641, GS-642, GS-643, GS-644, GS-645, GS-646, GS-647, GS-648, GS-649, GS-650, GS-651, GS-652, GS-653, GS-654, GS-655, GS-656, GS-657, GS-658, GS-659, GS-660, GS-661, GS-662, GS-663, GS-664, GS-665, GS-666, GS-667, GS-668, GS-669, GS-670, GS-671, GS-672, GS-673, GS-674, GS-675, GS-676, GS-677, GS-678, GS-679, GS-680, GS-681, GS-682, GS-683, GS-684, GS-685, GS-686, GS-687, GS-688, GS-689, GS-690, GS-691, GS-692, GS-693, GS-694, GS-695, GS-696, GS-697, GS-698, GS-699, GS-700, GS-701, GS-702, GS-703, GS-704, GS-705, GS-706, GS-707, GS-708, GS-709, GS-710, GS-711, GS-712, GS-713, GS-714, GS-715, GS-716, GS-717, GS-718, GS-719, GS-720, GS-721, GS-722, GS-723, GS-724, GS-725, GS-726, GS-727, GS-728, GS-729, GS-730, GS-731, GS-732, GS-733, GS-734, GS-735, GS-736, GS-737, GS-738, GS-739, GS-740, GS-741, GS-742, GS-743, GS-744, GS-745, GS-746, GS-747, GS-748, GS-749, GS-750, GS-751, GS-752, GS-753, GS-754, GS-755, GS-756, GS-757, GS-758, GS-759, GS-760, GS-761, GS-762, GS-763, GS-764, GS-765, GS-766, GS-767, GS-768, GS-769, GS-770, GS-771, GS-772, GS-773, GS-774, GS-775, GS-776, GS-777, GS-778, GS-779, GS-780, GS-781, GS-782, GS-783, GS-784, GS-785, GS-786, GS-787, GS-788, GS-789, GS-790, GS-791, GS-792, GS-793, GS-794, GS-795, GS-796, GS-797, GS-798, GS-799, GS-800, GS-801, GS-802, GS-803, GS-804, GS-805, GS-806, GS-807, GS-808, GS-809, GS-810, GS-811, GS-812, GS-813, GS-814, GS-815, GS-816, GS-817, GS-818, GS-819, GS-820, GS-821, GS-822, GS-823, GS-824, GS-825, GS-826, GS-827, GS-828, GS-829, GS-830, GS-831, GS-832, GS-833, GS-834, GS-835, GS-836, GS-837, GS-838, GS-839, GS-840, GS-841, GS-842, GS-843, GS-844, GS-845, GS-846, GS-847, GS-848, GS-849, GS-850, GS-851, GS-852, GS-853, GS-854, GS-855, GS-856, GS-857, GS-858, GS-859, GS-860, GS-861, GS-862, GS-863, GS-864, GS-865, GS-866, GS-867, GS-868, GS-869, GS-870, GS-871, GS-872, GS-873, GS-874, GS-875, GS-876, GS-877, GS-878, GS-879, GS-880, GS-881, GS-882, GS-883, GS-884, GS-885, GS-886, GS-887, GS-888, GS-889, GS-890, GS-891, GS-892, GS-893, GS-894, GS-895, GS-896, GS-897, GS-898, GS-899, GS-900, GS-901, GS-902, GS-903, GS-904, GS-905, GS-906, GS-907, GS-908, GS-909, GS-910, GS-911, GS-912, GS-913, GS-914, GS-915, GS-916, GS-917, GS-918, GS-919, GS-920, GS-921, GS-922, GS-923, GS-924, GS-925, GS-926, GS-927, GS-928, GS-929, GS-930, GS-931, GS-932, GS-933, GS-934, GS-935, GS-936, GS-937, GS-938, GS-939, GS-940, GS-941, GS-942, GS-943, GS-944, GS-945, GS-946, GS-947, GS-948, GS-949, GS-950, GS-951, GS-952, GS-953, GS-954, GS-955, GS-956, GS-957, GS-958, GS-959, GS-960, GS-961, GS-962, GS-963, GS-964, GS-965, GS-966, GS-967, GS-968, GS-969, GS-970, GS-971, GS-972, GS-973, GS-974, GS-975, GS-976, GS-977, GS-978, GS-979, GS-980, GS-981, GS-982, GS-983, GS-984, GS-985, GS-986, GS-987, GS-988, GS-989, GS-990, GS-991, GS-992, GS-993, GS-994, GS-995, GS-996, GS-997, GS-998, GS-999, GS-1000			5. C. S. Classification No. EC-5	
COMBINATION ACTION		(b) Other (specify)			6. Date of combination	
					7. Date received from C. S. C.	
APPROVED BY	CLASS TITLE OF POSITION	CLASS			INITIALS	DATE
		SERIES	GRADE	STEP		
1. Civil Service Commission						
2. In the interest of economy, or expediency						
3. Vacant	Deputy Director of Education Programs	GS	301	15		
4. Filled						
5. Recommended by title and grade						
8. Organizational title of position (if any)		10. Name of employee (if vacant, specify title, grade, or step)				
11. Department, agency, or establishment Department of the Interior		9. Title subdivision				
12. Division, office, or activity Bureau of Indian Affairs		10. Tourist subdivision				
13. Exact subdivision Office of Education Programs		11. Job subdivision				
14. Title is complete and accurate description of the duties and responsibilities of the position		12. Tourist complete and accurate description of the duties and responsibilities of the position				
(Signature of employee)		(Date)		(Date)		
15. Recommended by head of Bureau, Division, office, or assigned representative		16. Certification by Department, agency, or establishment				
(Signature) Commissioner		(Signature) Commissioner				
17. Signature of Bureau representative		18. Title (Date, Name, Grade & Position Management)				

A. Supervision and Guidance Received:

Receives general direction from the Director of Education Programs who furnishes broad program objectives and policy directions. Incumbent shares the responsibility with the Director for, in a staff capacity, organizing, planning, directing and coordinating the education programs within the Bureau on a nationwide basis. Guidelines for work performance consist of basic legislation, Bureau and Departmental policies, program objectives, and the administration's program goals and policies and direction. Receives confidential insights from the Director regarding the administration's viewpoint concerning major policy issues with the education programs in the Bureau. Accomplished work is reviewed on terms of overall adequacy, adherence to program objectives, and consistency with the new administration's policy direction.

B. Representative Duties and Responsibilities:

Acts as a deputy to the Director of Education Programs sharing the Director in the responsibilities for administering and coordinating Education Programs (i.e., basic and applied research and studies,

analyzing and disseminating technical statistical data, analyzing and evaluating the varied professional education programs in the Bureau schools, and providing professional pupil personnel services to Indian and Alaska Native students) and for providing specialized staff assistance in relation to these programs to the Commissioner and the Associate Commissioner for Education and Programs. Participates in the development of the administration's policies relating to the Education Programs except those policies involving aspects of a political nature which are solely the responsibility of the Director. Has full authority to assume all the responsibilities of the Director in his absence.

Responsible for the conduct of special and/or confidential study assignments dealing with issues involved with the Bureau's programs and their relationship with and effect on education programs. In the performance of assignments, applies a thorough knowledge of Bureau programs; related activities of other Federal and state organizations; as well as a current awareness of similar program operations in private and civic organizations. Project assignments require, because of their scope, complexity, and importance, extensive contact and coordination with line and staff officials in the Bureau and Department; top level management officials in other Federal agencies; as well as collaboration with other interested parties.

Responsible for the direction of the administrative functions of the Office. Coordinates and reviews proposed education program budgetary requirements and submits recommendations to the Director. Reviews program planning documents and makes recommendations based on knowledge of the program planned by the Office and of the Bureau policies.

C. Supervision Exercised:

Shares with the Director the responsibility for exercising technical direction over and through key subordinate program chiefs at the GS-15 level. Directly or indirectly supervises a staff of approximately 75 employees ranging in grade from GS-3 through GS-15.

SCOTT, GEORGE D.

Mr.

12-04-30

XXXXXXXXXX

Promotion

6/1/71

6/13/71

Non-sensitive

Deputy Director of Education Programs GS-301 14
K-51-41-01-213-0035-A-8-0-0-373

Bureau of Indian Affairs, Office of Associate Commissioner, Education and Programs
Office of Education Programs, Office of Director, Washington, D.C.

Deputy Director of Education Programs GS-301 15

Same as Above

Washington, D.C.

Director, Education Programs

J. Hopkins, 2175

Assoc. Comm. Educ. & Prof.

NATIONAL INDIAN EDUCATION ADVISORY COMMITTEE

MEETING

July 13, 1972

Attending:

Dan Honahni
 Emmitt Oliver
 Loyde Allison
 Ted George
 Agust Little Soldier
 Joe Moore

James Hawkins
 Buck Benham
 Anselm Davis
 Donna Jones

The Committee went into executive session to discuss a personnel manner. This manner was the improper selection of an individual for the position of Assistant Area Director Education, Albuquerque Area Office.

E. Oliver: Made a motion that the Committee recommend to the Commissioner that the Area Director for the Albuquerque Area be given an official reprimand for his action in this instance and that a position more fitting to the background of the individual selected be offered to her.

L. Allison: Second the motion. Motion passed.

Note to Donna - Send a letter from Hawkins to the INTC naming the School Community Subcommittee as an Advisory Board for the Training Center.

The Committee reviewed the status of their recommendations for the past 2 years made to the Commissioner. August Little Soldier moved that the Commissioner and the Deputy Secretary attend the next meeting. Ted George seconded the motion. The Committee requested that the Bureau explore that all means of offering financial assistance to sectarian schools enrolling Indian students.

The Justice Department determined that it was not appropriate to request an injunction in the case of the students at Ft. Lewis College. Mr. Hawkins will inquire for the latest information. It is the understanding of Mr. Hawkins that the College is not charging out of state tuition for Indian students at this time. The Committee requested a report in writing on the status including the court schedule and the action of the school.

The establishment of a trust council has not progressed at all. Hearings have not been held on this bill and there appears to be little interest on the part of the Committee's in moving the Legislation. August Little

Soldier suggested that the members contact their Congressmen on this matter.

The working relationship between Law and Order and Social Services in Education is becoming closer and progress is being made. The problems tend to center on the cost involved. The Director will approach the appropriate staff regarding training the Bureau schools staff in the areas of Law and Order and Social Services.

The Committee recommended that the dissemination of information be established to Tribal groups on all Bureau programs.

Promotion priorities depend on the staffing patterns finally adopted by the Office of Education Programs. The request for the promotion of the Deputy Director will be submitted to the Manpower Committee at their next meeting.

Regarding the Committees recommendation that Mrs. Skelly not continue as Acting Chief of Legislative Review and Development, a response in writing was not made but James Bearghost was named Acting for a time and now John Jollie is Acting, awaiting final appointment which needs Departmental approval.

A. Little Soldier: I would like to recommend that the Committee request funds and support from the Bureau for another workshop on school affairs.

D. Honahni: Suggest that a Subcommittee be appointed by the Chairman to work on the development of such a workshop.

A. Little Soldier: Made such a motion. Motion seconded and passed.

Put on the agenda: Education opportunities for Indian Federal employees. Suggest that the Commissioner put out a policy statement. All members agreed to the suggestion.

T. George: Suggested that Benham tell the committee about some possibilities in training.

B. Benham: Employees have several avenues in Educational Leave and training. The new Commissioner's policy statement expands this training opportunities for Indian permanent employees.

D. Honahni: What is a DI-510?

DI-510 is request for employee training for long and short term training in non-Federal institution. A lot of BIA employees are encouraged and elect to get into these programs.

JUSTIFICATION FOR PROMOTION - GEORGE D. SCOTT

We strongly urge the immediate approval of the promotion of George D. Scott, Deputy Director, Office of Education Programs, to GS-15. The position of Deputy Director, Education Programs, was initially established as a Grade 15 and at the time Mr. Scott was appointed to this position in May of 1970 at the GS-14 level it was with the understanding that upon the successful completion of one year on the job the incumbent would be automatically promoted to the Journeyman level of the position in question. Mr. Scott should have been promoted at that time but due to a series of employment and promotion freezes which have been in effect almost continuously since May of 1971, no action was taken.

At this time, it is imperative that this inequitable situation be remedied and that Mr. Scott be compensated in an appropriate manner commensurate with his long proven on-the-job performance at the GS-15 level. ||

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Manpower Committee

DATE:

FROM : Director of Education Programs

SUBJECT: Personnel Actions

The following personnel actions are submitted with a request for approval. Each action has been closely reviewed and is being submitted at this time because of priority needs in line with program goals. All of these positions have been previously established and we are not requesting any action pertaining to new positions until after the submittal of our overall staffing pattern.

<u>Position</u>	<u>Type of Action</u>	<u>Grade</u>
Deputy Director of Education Programs Office of the Director George D. Scott	Promotion	GS-15
Education Specialist Cultural Studies Center Office of the Director of Education Programs Dave Warren	Promotion	GS-11
Education Specialist (Scholarships Officer) Division of Student Services Leroy Felling	Promotion	GS-11
Supervisory Training Officer National Indian Training Center Raymond Pentilla	Lateral Transfer	GS-13
Education Program Administrator Pima Agency	Recruit	GS-12
Education Program Administrator Northern Pueblos Agency	Recruit	GS-11/12-13
Principal Southern Ute Agency	Recruit	GS-12



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

<u>Position</u>	<u>Type of Action</u>	<u>Grade</u>
Education Program Administrator Fairbanks, Alaska Felipe Tagabon	Fill by Selection & Promotion of Gallup Employee	GS-12
Management Services Clerk Division of Internal Services Diane Magarity	Promotion	GS-6
Secretary Division of Student Services Dorene Fernando	Promotion	GS-5

James E. Hawkins

Mr. SCOTT. Orally, Dr. Sockey has indicated he is considering assigning me as deputy director to be located in Albuquerque. This has been subsequent to my indicating to him my intent to follow up on my original statements and not accept the proposed position.

Is this part of management's decision in a RIF situation? How can the program support a deputy, GS-15—also indicated by Dr. Sockey—and a field services administrator, GS-15, presently assigned to supervise education staff located in Albuquerque?

I do not have access to a copy of Dr. Benham's position description as field administrator but I am sure the Bureau could make one available to you.

It is my feeling that the Albuquerque office does not warrant a deputy director and that this position is only warranted at the Washington office where such an individual should function as a full deputy and act in the absence of the Director, since many of the functions of the Director must be maintained at the Washington level.

Senator ABOUREZK. Thank you.

Who will be the next to testify? How about you, Ramona?

Ms. OSBORNE. I would like, too, to take this opportunity to thank you for the privilege of appearing today and to talk about some of the horrible conditions that do exist nad have existed at the Bureau of Indian Affairs, particularly over the past 2 years since we have been undergoing this reorganization.

For the record, my name is Ramona Osborne. I am a fullblood member of the Pawnee Tribe of Oklahoma and, until 2 weeks ago, an educator of the Bureau of Indian Affairs. I appear today in my personal capacity.

The views I express are, therefore, my own and are not necessarily consistent with the Bureau of Indian Affairs or the Department of the Interior.

For the record, I hold degrees in education from Oklahoma Baptist University from which, in 1954, I obtained a B.S. degree in secondary education and a masters degree in education from Northeastern State College of Oklahoma.

I, therefore, have experience as a classroom teacher and served as State coordinator of the leadership development programs for Oklahoma and am currently, or up until August 7, I served as director of the Bureau of Student Activities program.

Now, as I mentioned a moment ago, I have been with the Bureau for a period of 6 years. During this time, I have experienced, I think, four reorganizations of the Bureau where Education has undergone changes.

Its most recent one has been ongoing for a period of a year and a half or so and it is certainly the thing we are making reference to today.

Now, many questions have been raised with regard to the legality of the new organization and with regard to the legality of the reduction in force which, Personnel has indicated, was the method they chose to implement the reorganization.

I am not here for the purpose of arguing whether this was done legally or was not done legally. My purpose in being here is to set forth some of the kinds of things that have taken place in the process of developing the reorganization prior to the actual implementation of the actual reduction in force.

I think anyone who has any commonsense would readily agree that, while it would be possible to adhere to Civil Service procedures and the laws, as they pertain to a reduction in force—and I think the situation at the BIA—many of the things which have preceded the actual reduction in force procedures are the kinds of things that are atrocious and outrageous.

In my estimation, there appears to have been a deliberate attempt by the Bureau to keep professionally trained and qualified Indians out of Education and, most certainly, out of the higher grade levels.

To substantiate that, I would like to go into a little greater detail as it pertains to the Division of Legislative Review.

In a memorandum dated May 15, 1973 to all employees, Bureau of Indian Affairs from the Assistant to the Secretary for Indian Affairs, one of the divisions in Education, the Division of Legislative Review, was severed from the Office of Indian Education Programs and placed under the Office of Public Affairs.

The justification for that was the type and functions and responsibilities being performed by the Division of Legislative Review were more appropriate in the Office of Public Affairs.

An interesting thing about this particular incident was that this was a Division which was staffed by some six, seven, or eight professional people. Of these, four or five were professional young Indian men; with the possible exception of one gentleman, these men had at least a master's degree in education and several of them were nearing the completion of their doctorates in educational administration, mostly out of the Penn State program.

So, then, you have a situation where four or five professional Indians in a particular division; this division is severed from Education.

Education, to my knowledge, made no attempt to retain these gentlemen in Education; however, on the other hand, Education, through a detail, retained the two professional non-Indians in that particular division.

They retained them in Education through a detail. That detail, although it became effective prior to May 16, is a detail which, apparently, has been ongoing up to the present time or up to the actual implementation of the new organization.

I think, really, when you consider that the Bureau or its Education office did nothing whatsoever to retain those young Indian men who were qualified, who were trained, who were nearing the completion of their doctorates in educational administration and, in fact, the Bureau did nothing to retain them in their chosen field but yet chose to retain, through a detail, the non-Indians, it is beyond my comprehension. It is absolutely beyond my comprehension.

Now, a lot of reference has been made to the retention measures which personnel must go through in a reduction in force procedure. These retention registers are a grouping of individuals by the kind of work they performed and their particular grade classification.

In other words, 1710 is the professional educator series. They take all of the people in the 1710 series, for example, at a 13 level. They group them. They rank them.

It is my understanding that any Indian in a particular retention register automatically went to the head of the list in compliance with the policy of Indian preference. However, I am of the opinion that,

prior to or maybe even after the development of the retention registers, a deliberate attempt was made by those people who had made the responsibility for reorganizing Education, in this instance; those people who had major responsibility for reorganizing Education, the position descriptions, and having those position descriptions classified at various grade levels—I am of the opinion a deliberate attempt was made to really circumvent the policy of Indian programs.

For example, in my particular situation, I was in the 1710 series at a grade 12. I was the only particular person in my retention register because I was the only 1710 at a 12 level. All of the other 1710's were at a higher level than I.

But, in developing the positions and having these positions classified at the various grade levels, there was no position that was developed for a 1710 at a grade 12. In other words, it was determined that there was no need for a 12 level education specialist.

These are all the things that took place prior to the actual reduction in force so, while personnel and management may have adhered to the civil service regulations as they apply to a reduction in force, it is my opinion that all of the work prior to the actual reduction in force was discriminatory; not only on the basis of race, but it was discriminatory geographically and I state that and will illustrate that by saying that, insofar as Education is concerned, as you are well aware, Senator, we have central Education located here in Washington and in Albuquerque.

Management decided—although we have never been able to get an answer from them as to what their rationale was for this particular decision, other than it was management's prerogative—but management decided that the Washington based Education people would not compete with the Albuquerque based Education people for positions.

Now, it was the Albuquerque based people that were involved, primarily, in the development of a new organization and the writeup of the position descriptions and in working with personnel in classifying these positions.

Albuquerque, as I understand it, has not lost any positions; no positions at all. Yet, Washington has lost 10 positions

Now, in the process of losing these 10 positions in Washington, we charted out a position, roughly, of the people at the professional level who had been scooted out of Education and those were Indians at the professional level who had been scooted out of Education.

Now, prior to August 7, or under the new organization, there were approximately 16 non-Indian people in Education at the professional level. Three of these, or approximately 27 or 28 percent, were reassigned outside of Education.

Insofar as Indians are concerned, under the old organization, at the professional level, that is GS-9 and above, there were four people; myself, Mr. Scott, Ms. Chess, and Ms. Marge Boyd.

In the reorganization, or in the RIF, two of the Indians, or 50 percent of the professional Indians, were scooted out of Education.

Now, at the non-professional level, or the clerical level under the old organization there were six non-Indians. Of the six, two were reassigned out of Education. I believe that is 33 percent of the non-Indians were reassigned outside of Education; that is, the non-professional.

Insofar as the Indians were concerned, roughly, there were four

Indians at the clerical level. In the reassignment, two of these people, or 50 percent, were scooted out of Education.

Personnel can claim, management can claim that they have adhered to the policy or to the law with regard to Indian preference but, again, I reiterate, they may have abided by civil service regulations but, in my estimation, they have violated the intent of the law as it pertains to Indian preference.

Now, insofar as my own particular situation is concerned, as I mentioned earlier, I have two degrees, both of which are in education.

At the risk of telling my age, Senator, I have 20 years of experience in education; yet, in a memorandum signed by the chief personnel officer dated August 7, 1974, I was reassigned, at the same grade level, but I was reassigned to a position outside of education.

I was assigned to a position as a training specialist in the division of job placement and training in the Office of Tribal Resources.

Senator ABOUREZK. Were you given any opportunity to compete for your job transfer to Albuquerque?

Mr. SCOTT. No. We were not. Albuquerque was not considered a competitive area so we were not given an opportunity.

Ms. OSBORNE. In other words, the people in Albuquerque competed among themselves and the people in Washington competed among themselves. That is how they were set up.

Senator ABOUREZK. They are both considered central offices?

Ms. OSBORNE. Yes.

We were led, at the very outset, to believe, in meetings with personnel, that there was no other way that could be done but finally; upon intense questioning of these personnel people, they finally admitted; yes, they could have been grouped together and it could have been developed in such a way that the two offices could have competed equally for positions but it was a management decision not to do it, or to do it this other way.

Now, with regard to my reassignment, I did, on August 16, notify personnel that I did not accept their offer of reassignment. I made this notation:

I cannot accept this offer of reassignment inasmuch as such offer is to a position outside of the field of education.

Education is a profession which I chose to enter some 22 years ago; a profession I am eminently qualified for, in view of the fact I hold two degrees in education; and a profession in which I have 20 years experience.

I can, therefore, find no logic to a reassignment outside of education.

By doing this, it is my understanding I have now given personnel the opportunity to deal with me as they so please. They can demote me, separate me, whatever they want to do.

It is now within their prerogative, inasmuch as I have refused this reassignment.

Senator ABOUREZK. Do you have any knowledge or belief your reassignment was made with the view toward your eventual separation with BIA?

In other words, in order to encourage you to get out of BIA and back into education somewhere else?

Ms. OSBORNE. Yes. I would think this is a very strong possibility.

Senator ABOUREZK. Is this a belief on your part or do you have any knowledge of that?

Ms. OSBORNE. It is only a belief on my part. I am of the opinion, Senator, that the action taken against me, the reassignment outside of education was really a punitive action for a variety of reasons.

No. 1, in addition to having presented testimony at your hearings several months back, I also, in December, presented testimony before Senator Kennedy's Subcommittee on Administrative Practices and Procedures.

In addition to this, I have, on numerous occasions, gone on record particular as it relates to student rights and responsibilities. I have gone on record raising questions and opposing the viewpoints in the administration or in education and I think a prime example of that is the city situation which you may or may not be aware of.

This is a situation wherein some 13 or 15 students were expelled overnight and they were expelled under a section of an interim procedure which I had felt was totally illegal or contrary to the legal process, inasmuch as that procedure allowed the school authorities to expel a student prior to a hearing.

I have raised the point, or made the point again with the acting director of education that that was totally contrary to the procedure of due process; that that would be within the realm of an administrator's authority under an emergency situation to suspend a student but a student could not be expelled prior to having had a hearing.

This is just one example of the kinds of opposing viewpoints I have on numerous occasions, gone on record with so, really, when it comes right down to it, I have really just stayed in my place.

I think another thing I would like to go into very briefly, Senator, is with regard to promotion records. I think it would be very interesting if an analysis could be done of the rate of promotions by which non-Indians are promoted as compared to the rate at which Indians are promoted.

Now, sitting here I think we have prime examples of what happens to Indian people so often.

Here we have Mr. Scott who was brought in in May 1970, some 4, 4½ years ago, at a GS-14 with the understanding and promise he would be receiving a 15 after 1 year of service.

As he mentioned, after numerous attempts, he still remains a grade 14.

Over here, we have Ms. Chess who was brought into education because of her understanding and knowledge of tribal affairs based upon her experience, brought in as an 11 and, on numerous occasions, it is my understanding, it has been indicated to her she would receive a promotion; yet, 5 years later, she is still an 11—excuse me, I am sorry. A grade 9.

Senator ABOUREZK. Now, both Ms. Chess and Mr. Scott, in your experience, do you have any knowledge of non-Indian people being promoted around here within the same department?

Mr. SCOTT. Yes. We do.

Senator ABOUREZK. People who have the same service and do roughly the same job you do?

How many do you know of?

Mr. SCOTT. We know of at least three or four non-Indians who were given promotion within the last 2 or 3 years.

Senator ABOUREZK. They came in about the same grade and same time you did?

Mr. SCOTT. They were here before me but I would contend, as a veteran, as an Indian, I should have had some kind of preference here.

Ms. OSBORNE. I think an interesting point there, Senator, is that many of these non-Indian people who have been promoted do not have the credentials that George and I have.

George and I each have our masters degrees; both our degrees; mine in education and his with some education.

I could name you two or three instances where people who have been retained in education—maybe they do have their degrees but they are not in education. They are in a higher grade level than myself.

It is just appalling.

I have some very serious questions with regard to the manner by which the position descriptions, at least for education, have been developed and the contents of these position descriptions.

I can cite you an instance wherein three position descriptions for a particular division in education bear no relationship whatsoever to the function which has been assigned to that particular division.

There is no relationship between those three PD's and the three positional functions. In addition to that, using the same three position descriptions, two are in the 13 level and, word for word, they are identical which, I suppose, is OK.

Then, the third position description is one at a 14 level. With the exception of the second paragraph, the representative duties are the same in the 14 position and the two 13 positions.

The question I have with regard to those position descriptions is that it appears, according to civil service regulations, that a position at a 14 level should have a greater latitude in using his own discretion in performing these functions than a position at the 13 level.

Yet, using the same three position descriptions, it appears those position descriptions at the 13 level have a greater latitude than does the position description which is classified at a 14 level.

This is only one of several situations I would be able to cite so I have very grave questions with regard to the position descriptions as they have been developed.

That is the end of what I have to say at this point.

Senator ABOUREZK. Thank you.

Ms. Chess.

Ms. CHESSE. My name is Ruth Chess. I am a Lusieno Indian of southern California. My mother is Wylacki from the Round Valley Reservation in northern California.

I began my career with the Bureau where I believe I gained my work experience and technical skills.

Heretofore, I have been hesitant to mention my career preference and the circumstances because I do not yet have my degree in education administration. I have a year and a half of college which I gained in attendance at Westmont in Los Angeles, Calif. This college is now located in Santa Barbara.

During the fall of 1972, the Bureau wanted me to go to the University of Arizona at Tucson. I finished 1 year there.

On my training application, the statement was made that the reason I was going to be allowed this year of training was that I was promising employee who needed further training to enhance my potential.

Now there is no place for me in education. My job has been abolished. I have been a research assistant at a GS-9 level for about 5 years.

Senator ABOUREZK. Has that job been reconstituted anywhere else; that same job?

Ms. CHES. Yes.

I had thought the skills were no longer necessary and I have since discovered that, not only are the responsibilities I had still vested in education, but the particulars of my job description have turned up in at least two other position descriptions.

Of course, the phrasing has been altered to fit into 13- and 14-level positions.

Senator ABOUREZK. Are they in Washington or Albuquerque?

Ms. CHES. Washington.

Senator ABOUREZK. Are those positions filled?

Ms. CHES. Yes. They were.

Senator ABOUREZK. Were they already filled at the time they were filled?

Ms. CHES. They are reassignments.

Senator ABOUREZK. From where?

Ms. CHES. Right in the Education Office. They are non-Indians who have these positions.

Senator ABOUREZK. Please continue.

You say your job description showed up in two other places and they were filled by non-Indians, both of those jobs?

Ms. CHES. Yes.

Under the reorganization, they are reassigned positions. I was assigned to tribal operations.

Now, when I came to education, I was told I must work my way up, gradewise, through the ranks, because of my lack of college degree. However, after being in education for at least 2 years, I discovered people were being brought in with high school diploma backgrounds at GS-12 levels and I have 14 years with the Bureau of Indian Affairs.

I feel my work experience and my knowledge of the Bureau's policies and procedures; just general background—I served on the Tribal Council. I understand the needs of Indian people.

I also attended Indian schools at a time when conditions were much poorer than they are now.

I have a vital interest in the education of Indian young people. Some of the things contained in my job description were to meet with tribal groups to continue to be aware of the needs in the education programs.

This, I was never allowed to do.

I feel my participation in the Bureau's education program is vital to the education of Indian children. I have a deep interest in the education of my people.

If you would care to ask me any questions, I would appreciate it. I did not have a written or prepared speech.

Senator ABOUREZK. I have interrupted a couple of times when questions have occurred to me with all of the witnesses here on the panel.

I appreciate very much the information you have brought to the committee; your own personal experiences, as well as the documentation you have brought.

I hope you are able to stay around for the balance of the hearings today. It is very possible we will be calling on you in the future for additional testimony or additional information.

I want to thank all of you for your courage in testifying. The last time I think Ramona Osborne, for her courage, got bumped.

Ms. OSBORNE. Senator, in closing, could I make one final comment?

Senator ABOUREZK. Please do.

Ms. OSBORNE. I hope one thing that has come through with the testimony that each one of us has presented is that we have come not only because we are interested in our own particular situations, but we come because we are interested in justice and decency and honor in the manner in which Indian people, not only those who are employees of the Bureau of Indian Affairs, but those people whom the Bureau of Indian Affairs has responsibility for serving.

Many of the happenings, the things that have taken place, the things we have made reference to are indications that Indian employees have not been dealt with justly, fairly, and honorably.

This is why we are here. We would like to see this situation corrected. I think it was a great gain for Indian people when the Supreme Court finally ruled on Indian preference but, through the Bureau, through personnel, through management, the thing is to be able to—they seem to try to find a way around Indian preference, as they have done in this reduction in force.

If that is the case, then nothing has been accomplished by the Supreme Court decision. While they may have not violated the law regarding Indian preference, I feel very strongly that they have violated the intent of the law so we are here because there is a principle involved.

If the Bureau is going to be allowed to deal with its employees in the manner it has dealt with them, just think how they will be allowed to continue to deal with the Indian population that the Bureau of Indian Affairs has responsibility for serving.

I know, I appreciate the interest of your subcommittee, your own personal interest, and your own endeavors and I thank you.

If something that can come from these hearings that will be tremendous—but, if nothing can come from this, then I think our efforts have been in vain and I would like to cite a particular conversation that one young Indian secretary had with me last Friday.

This was the day on which we were to notify personnel as to whether or not we accepted their offer of reassignment. She came to me and she said, I have waited just as long as I can. Today is the deadline. I have no other alternative now but to accept this reassignment, even though I do not want to leave education, but there is nothing else I can do because I do not have any faith that anything can be done and I do not have the faith.

This is what the little, young lady said; that anything is going to come from this and I do not have any faith that Indian people,

Indian employees are going to be dealt with justly if the Bureau is allowed to get away with what it has just done.

Senator **ABOUREZK**. Thank you, Ramona.

In response to that, first of all, I am convinced that you are not here for any self-interest because, if you were, if you were worried about yourself, you would not come forward in the first place.

You could have played it safe and not said anything earlier this year or today.

I do not know what is going to come out of this. The reason we are having this hearing is that we want to find out what the facts are; expose them, whatever the facts are, and they certainly sound pretty gruesome, so far, and, if we accomplish nothing more than Mr. Trimble of the National Congress of American Indians says—he does not think the Commissioner knows about this.

Well, I am going to make sure he does know about it.

The responsibility lies with the Commissioner. If he does not know what is happening underneath him, then we are going to tell him.

If he persists in that, I do not know what we will do at that point but I am certain, if the Congress cannot act or will not act, certainly there ought to be additional lawsuits brought to require the BIA to live up to the mandate.

That is one thing about court decisions; the spirit of the law has to pretty well be carried out, as well as the letter of the law.

So I think you have made a very valuable contribution. Whether or not we can stop what appear to be some very discriminatory practices, right at this point, I do not know. There may be a lot of additional suffering before it eventually gets stopped but I am confident at some point, it will be. I just do not know when.

Thank you all very much.

We have another panel of witnesses, BIA Indian employees from Albuquerque; Mr. Peter Dexter, Ms. Eva Sieben, and Mr. Larry Shortman.

Will those witnesses please come forward?

I want to welcome all three of you to the committee. I want to express my thanks for your long trip to come here today and your willingness to come and testify in this matter.

Would you please introduce yourselves individually and proceed in whatever order you would like to proceed.

STATEMENT OF PETER DEXTER; EVA SIEBEN; AND LARRY SHORTMAN, INDIAN EMPLOYEES OF THE BUREAU OF INDIAN AFFAIRS, ALBUQUERQUE, N. MEX.

MR. DEXTER. My name is Peter L. Dexter. I am a member of the Rosebud Sioux Tribe and I am presently employed by the Bureau of Indian Affairs, Division of Facilities Engineering, Electrical Engineering Branch, as an electrical engineering technician, GS-9, step four.

I have 17 years of Federal service.

MS. SIEBEN. My name is Eva Sieben. I am an engineer draftsman, GS-5. I have been in Government service for 8½ years.

I am a full-blood Cochiti Indian.

MR. SHORTMAN. My name is Lawrence Shortman. I have been with the Bureau for 26 years and, in 21 of those, I have been a GS-5.

I am a member of the Cheyenne Arapahoe Tribe of Oklahoma.
Mr. DEXTER. Mr. Chairman, we thank you for the opportunity of making this testimony.

In Albuquerque, the reduction in force has directly affected all of us. My own personal predicament is that I have been offered a job as a computer aid, GS-3, step 10. This is a six grade demotion which represents approximately a \$3,000 annually salary loss.

Senator ABOUREZK. Can I stop you there and ask you; you probably said this, but what job had you held before you were offered this grade three?

Mr. DEXTER. I was electrical engineering technician, GS-9.

Senator ABOUREZK. How long have you held that?

Mr. DEXTER. I have held a GS-9 position for approximately 4 years.

Senator ABOUREZK. You were offered a GS-3?

Mr. DEXTER. Yes.

Senator ABOUREZK. In what kind of work?

Mr. DEXTER. Computer aid.

Senator ABOUREZK. When were you offered that?

Mr. DEXTER. August 7 of this year.

Senator ABOUREZK. Now, what of the two pay scales?

Mr. DEXTER. I am presently receiving about \$10,000 a year. The GS-3 level is approximately \$7,000.

Senator ABOUREZK. Are both of those jobs in Albuquerque?

Mr. DEXTER. Yes.

I felt this job was an insult to my intelligence. I refused the offer.

Mr. Dudley, the chief of the division, informed me I would be retained for approximately 45 days until they could make me another offer.

I would like to bring up some points which have happened and are happening in Albuquerque.

Senator ABOUREZK. Before you do that, I want to ask you some particular questions about your own particular situation.

Your GS-9 was an engineering technician?

Mr. DEXTER. Yes.

Senator ABOUREZK. What education had you had for that?

Mr. DEXTER. I have had approximately 2 years of schooling in engineering.

Senator ABOUREZK. Where was that?

Mr. DEXTER. The South Dakota School of Mines.

Senator ABOUREZK. You finished 2 years there and you took surveying and drafting?

Mr. DEXTER. Yes.

Senator ABOUREZK. And a lot of mathematics.

Mr. DEXTER. Yes.

Senator ABOUREZK. Was it a civil engineering course?

Mr. DEXTER. I was pursuing electrical engineering.

Senator ABOUREZK. Did they abolish this job of engineering technician?

Mr. DEXTER. Yes.

Senator ABOUREZK. Has that been rewritten; that job specification rewritten and offered to anybody else?

Mr. DEXTER. No.

Senator ABOUREZK. Just totally abolished. There will be no engineering technician, as far as you know?

Mr. DEXTER. There will be one engineering technician but this a grade level 13.

Senator ABOUREZK. The one technician that will be retained is a grade level 13?

Is he Indian or non-Indian?

Mr. DEXTER. He is non-Indian.

In our offices of facilities engineering, the realignment does include many architects and engineers but many of these architects and engineers are not of professional background.

There are some engineers acting in the capacity of architect. There are architects acting in the capacity of engineers; architects with no training in that field; engineers with no training in that field, excepting appointees to positions for which they have no training.

There is also an architect acting in the capacity of the administrative officer.

Many Indian employees directly affected by the reduction in force feel if there were truly a professional staff retained to assist the Indian people on the reservations and elsewhere, then the reductions might be justified but the truly professional staff is not being retained.

They should have registered, professional engineers or architects on all positions but this is not the case. The proposed realigned staff consists of many of the above employees, as mentioned, who are bumping many of the properly trained architects and engineers.

The only conclusion that can be drawn from the proposed realignment is that it is more like pseudo-professional cronyism and their only justification is, this is a management decision.

The employees were advised that the reason for all of the highly graded and paid positions being retained is that they were the only ones who could communicate with other highly graded and paid persons in Government and private industry.

Many of the employees are under the impression that one professional engineer could communicate with another professional engineer and that one registered architect could communicate with another registered architect, regardless of pay scale or grade level.

When these highly graded persons are involved in the tribal technical assistance mission of the division and are communicating with tribal officials, it is questioned whether or not a meaningful communication will be rendered.

It has been noted, in the past, that the higher graded officials tend to be condescending to tribal officials.

The reduction in force eliminates all draftsmen and engineering technician positions from the realignment staff.

It has been observed, in the past, that architect/engineer drawings furnished by private contractors are handled in one of two ways: One, issue the construction contract with the drawings intact and face the probability of cost overruns due to errors and nonconformance with BIA design handbook guidelines; or two, modify contract AE drawings for clarity and, occasionally, redoing completely certain parts of the drawings.

The major reason for the increased cost to the Bureau for construction cost overruns or modifying drawings is that the private AE con-

tractors are generally not responsible for their final review of drawings, construction management, and the statutory 6 percent fee of the total construction cost.

If this practice is continued past the realignment, it appears to us that there is still a need for draftsmen and technicians.

By the way, I happen to remember, there is one GS-13, engineering technician being retained on the staff who is not of professional background.

Another point which we feel is not equitable in Albuquerque is the reduction in force was limited to the area of consideration of just the Albuquerque central offices, and not to all Bureau of Indian Affairs installations within the Albuquerque geographical area.

It is noted that, when the BIA Albuquerque Office had their reduction in force several years ago, the Branch of Plant Design and Construction was included in their area of consideration and some P.D. and C. employees were "bumped".

I do not believe these "management decisions" are equitable.

When the meetings were held with Mr. Ignatius Billy, BIA Chief of Personnel in Washington, we were informed that everyone would be offered a job of some type.

When Mr. Billy mentioned that many of the offerings would be with the Bureau of Land Management, he also failed to mention that the BLM would accept only employees with competitive appointments and that Indian employees with accepted appointments could not be transferred.

Most Indians in Albuquerque have accepted appointments.

If the employees were transferred within the BIA, outside of the Albuquerque geographical area, this would create a financial hardship on many of the lower graded employees, of which this is the majority.

When Mr. Ignatius L. Billy came to Albuquerque to talk to the employees about the reduction in force, he said that the retention register was a public record and that everyone had access to this public record.

He said that it would be helpful if all employees could have a copy of this retention register but, because of its extensive size, this would not be practical but it would be open for inspection in the personnel office.

When anyone presently goes to see the register, Mr. Charles Roe of the personnel office will permit the employees and their representatives to see only that portion of the register which pertains to the employee's subgroup and position series.

It was noted, by the local union representative that, in previous reduction in force actions, the register was posted on a bulletin board for inspection by all employees.

When the local employees' union representative requested, from Mr. Charles Roe of the personnel office, a copy of the Indian preference decision and guidelines from the Federal Personnel Manual presently used by the Bureau of Indian Affairs personnel office during the current reduction in force, in order to advise employees of their rights and recourse, she was informed that they were very bulky but he would still try to get her a copy.

As of August 21 of this year, she still has not received a copy.

The present reduction in force is total discriminatory against the native American Indian people because of the following reasons:

The majority of the non-Indians in the Bureau of Indian Affairs affected by the reduction in force will retain their jobs with little or no loss in grade and pay.

Many of the Indians affected by the reduction in force are offered jobs considerably less in grade and pay compared to what they are now receiving.

Ultimately, the only people who probably will be terminated, as a result of being "bumped" on down by the other Indians are Indians themselves.

I would like to present now some actual cases which were found out in Albuquerque last Tuesday afternoon before we left for Washington.

Miriam Sarracino, GS-5, secretary/steno in the school facilities office, an Indian, was reduced to a GS-3, scheduling clerk in disbursements, while her fellow employee, a clerk typist, GS-4, also an Indian, was kept.

When she complained to her union representative, within 20 minutes, she was offered another GS-5 job in Education.

Senator ABOUREZK. Miriam Sarracino was offered a GS-5?

Mr. DEXTER. When they complained of her bumping Mrs. Polly Morgan, a non-Indian with the same grade and title within facilities engineering, the union representative was told, by Mr. Charles Roe in personnel, that she could not bump anyone out of her organization; yet, they still moved, from personnel, Miss Doreen Fernando from Education to the Division of Facilities Engineering at her same grade and pay.

Another instance is that of Virginia V. Manzanares, a non-Indian, GS-5, secretary/steno, who was reduced to a GS-3, scheduling clerk.

Her supervisor called personnel and objected to her reassignment. She is still in her position. However, the girl bumping her from P.D. and C. was given a promotion in a different job. But, there are many other career Indians that could have been placed in her position.

Mr. Bert Pappan, program analyst, GS-14, an Indian, and Mr. John Tracy, GS-14, non-Indian, were both reduced to GS-13's. Mr. Tracy was immediately placed in another GS-14 position vacancy that no one knew existed.

Senator ABOUREZK. Tracy is the non-Indian?

Mr. DEXTER. Yes.

Mr. Pappan, an Indian, was not considered, although his position description is identical. He was limited to his position series. He had told me personally, when I talked to him about it, that he was qualified in four other series' but he could not be considered.

Mrs. Belle Guberman, disbursements technician, GS-9, is assigned to making wages contract folders. She is a non-Indian. Why could not she be bumped by one of our Indian employees? This is a folder she makes. It takes a GS-9 non-Indian to make up these folders?

Senator ABOUREZK. You mean to make up a blank folder?

Mr. DEXTER. Yes.

She puts on a number.

Senator ABOUREZK. It looks like high technical work. [Laughter.]

Mr. DEXTER. Juanita Owens, non-Indian, supervisor accounting

technician, GS-9, was promoted to her grade because she supervised 10 other employees in accounting and now she has only 2 clerks, a GS-4 and a GS-5.

What we want to know is why was she not reduced in grade and bumped by some of our Indians?

Mr. William Leeds, GS-5, an Indian, a veteran who has a bachelor's degree in business administration was reduced to a GS-3, clerk typist and was replaced by Mrs. Betty McKay, GS-7, non-Indian, nonveteran, accounting technician.

As soon as he got his degree, why was he not placed in another, better position?

In the financial management office, Mr. Eddie Overfield, non-Indian, has a secretary/steno, GS-7, Mrs. Juanita Johnson, in his employment.

In order to protect her job, it was changed by a personnel action to a program assistant, GS-7, which was effective August 18, 1974.

This was verified by the local union representative with Mr. Charles Roe of the personnel office.

This is all I have to say, Mr. Chairman.

Senator ABOUREZK. Thank you very much.

Ms. SIEBEN. My name is Eva Sieben. I am a fullblood Cochiti Indian. I am an Indian draftsman, GS-5, with Government service of 8½ years.

I worked with the Forest Service, Corps of Engineers and I was with PD & C for 4½ years.

I was attending the University of Albuquerque taking art courses to achieve my career goal but I can no longer qualify to participate in upward mobility programs because my effective date for termination is October 24.

I asked personnel to find me a job. Mr. Dexter covered most of this.

Senator ABOUREZK. I want to stop and ask you a couple of questions. You were a GS-5, draftsman?

Ms. SIEBEN. Engineering draftsman.

Senator ABOUREZK. You have not been reassigned or reduced? You have just been fired?

Ms. SIEBEN. I have been given termination papers.

Mr. SHORTMAN. A 45-day notice that all the employees got who were not placed in jobs.

Senator ABOUREZK. Forty-five days and your job is over with?

Mr. SHORTMAN. They said they might give us another 30 days. They did not know for sure.

Senator ABOUREZK. That is the same thing as being fired in 45 days.

Ms. SIEBEN. Right. We set up an Indian committee in our division because most of the positions were GS-11 and above with a few clerical positions and many of our Indian people are clerical or below GS-7 and they have provided that 11 Indians be placed on the reorganization. I want to give you one example.

Senator ABOUREZK. Before you do that, I want to ask you another question. Was your job description rewritten after you were let go?

Ms. SIEBEN. No.

Senator ABOUREZK. So that job was abolished?

Ms. SIEBEN. Yes. It was just abolished.

Senator ABOUREZK. Please continue.

Ms. SIEBEN. We have Trinni Romero, an architect. He has 7 years service.

He had a job offer as a computer aid, GS-4. He accepted this appointment and one of our minority people, Eliu Vigil, GS-9, a civil engineer with 17 years of service, got a job offer as a computer aid, GS-3. He did not accept. His salary would be cut down from \$15,000 to \$9,000.

Now, we have another one of our employees, Raymond Abeita, a file clerk, GS-3, who was offered a job as a computer aid, GS-3, just like Eliu Vigil who had 17 years Government experience; yet, he was offered this job as a GS-3 and he has no prior experience as a computer aid. There was no reason given why he was offered this job.

I would like to read some of the notes I took down while we met with Mr. Dudley. This was after we got hold of the reorganization chart and it was explained to us why he did not have any draftsmen or technicians on the reorganization chart; that this was because the people are all professional, qualified people who know how to program jobs, they know how to communicate with professional people, and their communicating power and intelligence will be on the same plateau.

There were no draftsmen/technicians picked because they do not qualify. The so-called professional people will not listen to the little men so, therefore, they were not placed in the new reorganization.

And, from these notes, I would like them to be made a part of the record.

Senator ABOUREZK. They will be made a part of the record.

[The notes follow]

NOTES

June 4th 1974 meeting with Dudley (acting chief of facilities engineering) after someone got a hold of the new reorganization chart.

1. 715 to operate central office.
2. April 1973—Six pack was appointed and an acting director named. Purpose of the six pack to meet and develop an organization structure.
3. May 1973—Dudley went to Phoenix, Arizona to meet and work with the appointed people and to identify what would involve administrative services. At that time Mr. Dudley was given 49 slots to fill. Staff of 49 to perform the same task and operation. Example; Planning, Programming Design, contracting, and maintenance. With 49 position-contracting jobs to AE was the only way to utilize positions. Reduction of staff wasn't due to lack of work or lack of money. Budget would be the same as operating with present staff cost would be 35% AE Design.
4. April 1974 or 3 months ago—Dudley went to Washington, D.C. to plead for additional people (technical positions). At that time he was given 11 positions thus picking up the people in the Denver office.
5. In house capabilities—New reorganization reasons given for the high grade staff; they all are professional qualified people who know how to program jobs, etc. Staff will be communicating with professional people in the private firms. Area offices and other offices. Their communicating know how (talking same language and equal intelligence will be of comparable plateau.
- No draftsman or technicians picked because they do not qualify. The so called professional people wouldn't listen to the little men so therefore they were not placed in the New Reorganization.
6. It was mentioned that Area Office will be given some of the smaller jobs and these jobs will also be contracted out to AE. Question raised: If such procedure will be followed who's going to hire the technicians and draftsman now affected by the by the Reduction in Force?

Question. Could individual job descriptions be changed to qualify for positions opening up in the Bureau of Land Management? The job descriptions are too high.

7. Director of Personnel (BIA) Mr. Billy said 60 people will be affected by RIF. Facilities Engineering presently employ 145 there are 59 positions in the New Reorganization so therefore approx. 100 people will be RIFed.

8. Washington—Dudley supported having more people (essential positions) in Personnel, Property and Supply and Office of Education. No one responded to the need of Facilities Engineering.

10. Private Firm in Denver through out the year has been doing small jobs contracted to them by the Area Office. (conditional bases)

11. Clerical Services; providing services to all people in the Div.

Question. Why does the New Reorganization have GS-3's when at present we do not have any?

Answer. He was told to add 3's and explained further, since people will have bumping rights GS-5's can bump all the way down to GS-3's their pay will not be cut actually the individual will get a raise and within a year I hope to get back their grades and if I can't do that then I'll eat my hat.

Comment from one of the employees, O.K. if it's that easy to give promotions howcome we're still GS-5's?? When we were working as Surveying Aids GS-4's this office would hire GS-7 and 9's (technicians) and we would have to train them and look where they are at now. Thats why us people never advance. Mentioned names. No comment from Dudley.

Senator ABOUREZK. I want to ask, if any of you can answer this, about non-Indian women retaining jobs while Indian women were RIF'ed.

Were non-Indian women kept on jobs, by any chance; women married to higher-up BIA officials or other Government officials? Do you know?

Mr. DEXTER. I think, in most cases, this is true.

Senator ABOUREZK. Does that indicate some pretty cozy deals being made for friends and wives of friends, rather than try to offer any preference?

Mr. DEXTER. This is correct.

Senator ABOUREZK. Thank you.

Mr. SHORTMAN. My name is Lawrence Shortman. I am a Cheyenne.

What I want to say is that, since I went through to P, D, and C, if you have to file a discrimination suit any time you want a promotion or any time you want something, then it is a pretty sad statement.

I was with the division of facilities engineering in the civil engineering section. We did all of the surveying all over the United States for schools and such buildings that had to be done and the information was sent to P, D, and C.

I wanted to come in from the field and I asked my supervisor. I had to file a discrimination suit so I could come in from the field.

Then they gave me a job as an architect/draftsman. They said, you have to have some education and training, so I proceeded to go to school and took two courses in architectural drafting from TVI in Albuquerque, a vocational school.

I got a promotion back to GS-5 in 1966. When I came down there, I was demoted to a four on another reduction in force.

I have been in three reductions in force because I cannot keep my mouth shut and talk about it to my superiors and, consequently, I get kicked around quite a bit.

When this reduction in force came along, here, Pete Dexter, myself, and another GS-5, engineering technician, Gabe Paisano, filed discrimination complaints and they are filed in the central office.

I think these other people covered most of what we wanted to say. I will end with that.

Thank you.

Senator ABOUREZK. Mr. Dexter, I wonder if you would furnish, if you are able to now—furnish, sometime during the next week, for the record, the names of those women who are married to Government officials who were able to retain their Government jobs in preference to Indian people who were not allowed to retain their jobs?

Mr. DEXTER. I certainly will.

[Subsequent to the hearings Mr. Dexter supplied the following:]

ALBUQUERQUE, N. MEX.,
September 10, 1974.

Hon. JAMES G. ABOUREZK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABOUREZK: As requested during the Oversight Hearing on August 23, 1974, the list of non-Indian employees retained after the Reduction-In-Force and their spouses who also works for the Bureau of Indian Affairs in the Albuquerque geographical area are as follows:

Husband—Clayton L. Barker, Education Program Administrator, GS-13, Southern Pueblo Agency, HQ.

Wife—Clover Barker, Procurement Officer, GS-11, Property and Supply Branch, Field Support Services.

Husband—Enguene B. Quadri, Environmental Specialist, GS-13, Albuquerque Area Office, HQ.

Wife—Jacqueline E. Quadri, Administrative Assistant, GS-5, Albuquerque Area Office, HQ.

Husband—George W. Morgan, Mechanical Engineer, GS-12, Division of Plant Design & Construction.

Wife—Mary Ann (Polly) Morgan, Secretary (DMT), GS-5, Division of Plant Design and Construction.

Husband—William H. Walkley, General Engineer, GS-14, Central Office, Field.

Wife—Mary A. Walkley, Management Analyst, GS-11, Indian Affairs Data Center.

The list of married non-Indian couples working for the Bureau of Indian Affairs is not a complete list and was obtained by word of mouth. Mr. Dexter asked Mr. Robert Dudley, Division Chief, about the possibility of obtaining this information from the Computing Center. Mr. Dudley referred Mr. Dexter to Mr. Dale Roff, who in turn went with Mr. Dexter to see Mr. Gaylord Sheppard, Acting Assistant Director, Administrative Services. Mr. Sheppard refused to give Mr. Dexter any such information.

We have some additional information which we would like to add to our testimony. The other inequities which have occurred against the Indian people are as follows:

A. Within the Division of Facilities Engineering, Mrs. Rose Armijo, Mrs. Marcy Luther and Miss Mary Q. Yepa are Indians with many years of service and with the Division, were given jobs in other agencies, while retaining Mary Ann (Polly) Morgan, non-Indian. In order to do this, Mrs. Morgan's position was changed from a Secretary (DMT) to Clerk-Typist on August 16, 1974. Mrs. Morgan was offered a position in the new organization as Clerk-Typist, GS-5. Mrs. Morgan was also near the bottom of the Secretarial Retention Register.

We believe that the retention of Mrs. Morgan on the Reorganized Staff is an obvious case of violation of Indian Preference Regulations and as a result, a case of racial discrimination against the American Indian.

B. Mrs. Blanche Martinez, Indian, GS-7 Accounting Technician, was reduced to a GS-5, Secretary (Steno), and moved to the Personnel Office instead of being allowed to "bump" other non-Indian, GS-6 Accounting Technicians in the Division of Financial Management.

C. Peter J. Martin, an Indian, GS-14, Program Officer of the Indian Technical Assistance Center, Denver, Colorado, was offered a GS-13, Administrative Officer, Administrative Services Center in Albuquerque, New Mexico.

The Indian people would like to know why he was not given the position of Assistant Director, Administrative Services Center, GS-14, a vacant position, instead of retaining the Acting Assistant Director, Mr. Gaylord Sheppard, who has never been known to speak out or act in behalf of the Indian people.

If we may make a final statement, it is as follows:

We feel that the present Reduction-In-Force is a tool being used by the non-Indian employees of the Bureau of Indian Affairs to advance their cronies over Indians and, at the same time, to retard any possible advancement of Indians within the Bureau.

When the non-Indians try to justify their activities, they rely solely on the percentage of Indian to non-Indian employees, in numbers only. When one starts comparing the percentages using grade levels, the story is different. The Indians seem to always occupy all of the lower grades and the non-Indians the higher grades.

When we were inquiring about the above incidents of inequities, it was observed that the Reduction-In-Force was more a popularity contest with most of the Indians being at the bottom of the Totem Pole.

It is our opinion, in view of the numerous wrong doings to the Indian people, that the entire Reduction-In-Force methods and procedures be investigated and that the Central Office Reorganization be reexamined.

It appears to us that the people retained in the higher graded positions are like Mel Brooks recent motion picture "Blazing Saddles", to paraphrase one character, "Gentlemen, we must do everything we can to save our phony baloney jobs."

Sincerely yours,

PETER L. DEXTER,
(Mrs.) EVA M. SIEBEN,
LAWRENCE SHORTMAN.

Mr. DEXTER. Offhand, I will name one in our office; Mr. George Morgan who is working as a mechanical engineer, GS-12. He is not a professional engineer.

Senator ABOUREZK. Non-Indian?

Mr. DEXTER. Non-Indian.

His wife, Mrs. Polly Morgan, was one of the cases in which the union representative was trying to find out as to whether or not Ms. Sarracino could bump her when she was offered the GS-3 position.

When Ms. Sarracino went to personnel to ask about the possibility of bumping Mrs. Morgan, Mr. Morgan said, this cannot be done, PD & C is safer; in fact, he got very abusive with Ms. Sarracino and she was on the verge of tears.

She still felt badly about this on Tuesday and this was one case of Mr. and Mrs. Morgan working together in the same office.

Senator ABOUREZK. I want to thank all three of you for the excellent information you provided.

The next witnesses will be Mr. Harris Sherman, the attorney from Denver, and Miss Tillie Walker, executive director, United Scholarship Service, Denver.

Is Tittle Walker here?

[No response.]

Senator ABOUREZK. I will call a 5 minute recess. We will be right back in session.

[Recess.]

Senator ABOUREZK. The hearings will resume.

I would like to welcome Mr. Harris Sherman. You can proceed with your statement.

STATEMENT OF HARRIS D. SHERMAN, ATTORNEY, DENVER, COLO.

Mr. SHERMAN. Mr. Chairman, my name is Harris Sherman. I am an attorney from Denver, Colo.

For the past 4½ years, I have worked with and represented Indian employees and Indian organizations in a series of lawsuits regarding the issue of Indian preference in employment with the Federal Indian services—Bureau of Indian Affairs and Indian Health Service.

This legal odyssey has taken us through the Federal district and appellate courts in Washington and New Mexico, culminating with review of the issue by the U.S. Supreme Court this year.

The results of this journey have produced two recent and vitally important decisions: *Mancari v. Morton* and *Freeman v. Morton*.

I, first, would like to briefly summarize the court holdings in these two cases since they have given new life to the Indian quest for self-determination and have clearly defined the scope and meaning of Indian preference.

Following my explanation of these cases, I would like to focus on the manner and spirit in which the BIA and Indian Health Service have complied with the Court decisions.

Mancari v. Morton, decided June 17, 1974, by the U.S. Supreme Court, held that long-standing Indian preference statutes are constitutional and do not violate the civil rights of non-Indians.

Justice Blackmun, speaking for a unanimous Court, stated that Indian preference is an employment tool reasonably designed to further the cause of Indian self-determination and to make the BIA more responsive to the needs of Indian people.

Indian preference, Blackmun notes, was designed to allow the governed to participate in the governing agency and it was reasonably and rationally related to furthering Indian self-government.

The primary Indian preference statute considered by the Supreme Court was the Indian Preference Act of 1934 which states that "qualified Indians shall hereafter have preference to appointment to vacancies" in all positions in the Indian Office without regard to civil service laws.

The purpose of this law was to turn the BIA into an Indian agency "in fact as well as in name."

While the *Mancari* decision upholds the constitutionality of Indian preference, another case, entitled *Freeman v. Morton*, defined the scope of Indian preference. This case, which began in Denver, Colo. and worked its way through the District of Columbia Federal courts, challenged the BIA's interpretation and application of the Indian preference statutes.

Prior to the filing of the *Freeman* case in 1970, the BIA had given the narrowest possible interpretation to the Indian preference statutes.

Only in the area of initial hirings where an Indian and non-Indian of equal ability competed for the same position was a preference accorded to the Indian. In that most positions within the Federal Indian services were filled by promotions or transfers, rather than initial hirings, the Bureau's narrow interpretation rarely resulted in preference being applied.

The Bureau refused to give Indian employees preferences in promotions, reassignments, lateral transfers, reinstatements or reduction

in force. The Bureau also insisted that Indian applicants be equally qualified with non-Indians before the preference was invoked.

As a result, Indian preference was totally emasculated. Rather than increasing the Indian role in the agency, Indians were seldom placed in the higher managerial, technical, and administrative positions.

The sad truth was that the Bureau's restrictive interpretation meant that the Bureau was little closer to being "an Indian service predominantly in the hands of educated and competent Indians" in the late 1960's than it was in 1934.

For example, in 1941 a higher percentage of permanent Indian employees worked for the Bureau than in 1969. Bureau statistics indicated that Indians comprised 51 percent of the total number of employees in 1941, whereas that percentage had decreased to 48 percent in 1969.

Far more significantly, the vast majority of Indians employed in the Bureau were in the lower ranking jobs. Thus, in early 1970, three-quarters of the Bureau's Indian employees had grade levels below 6, whereas 81 percent of the non-Indian employees had levels of 6 or above.

These shocking disparities vividly illustrated how the Bureau had callously disregarded the instructions of Congress.

Therefore, an Indian employee by the name of Enola Freeman challenged the Bureau's restrictive policy and argued that the 1934 Indian Preference Act required that preferences be accorded to Indians meeting the minimum qualifications in any situation where a vacancy existed.

Judge Corcoran of the U.S. district court agreed. His sweeping order of December 1972, required the BIA to grant preferences to Indians in the areas of initial hiring, promotions, lateral transfers, reinstatements, and reassignments.

The order stressed that an Indian need meet only the minimum qualifications, even if the non-Indian was better qualified.

The decision refused to allow exceptions to this preference, holding that neither the Commissioner of Indian Affairs nor anyone else could waive the preference requirements.

The Government appealed the *Freeman* case, only to find that the U.S. court of appeals unanimously affirmed the lower court.

Thus, with the *Freeman* and *Mancari* decisions, Indian preference can now be defined as follows:

1. The BIA, Indian Health Service, and other Federal programs dealing exclusively with federally recognized Indian tribes are bound by the provisions of the Indian preference statutes.
2. Preferences to Indian employees must be granted by the BIA and the IHS in the employment areas of promotions, initial hirings, reinstatements, reassignments, lateral transfers, or any other personnel movement intended to fill a vacancy in the agency, however created.
3. To qualify for Indian preference, an Indian employee or applicant must be of one-quarter or more Indian blood, from a federally recognized tribe, and meet the minimum qualifications for the vacancy or position sought. Preference must be granted even where the non-Indian is better qualified, so long as the Indian applicant meets the minimum qualifications.
4. No exceptions to Indian preference can be made. No one, including the Commissioner of Indian Affairs, the Secretary of the Interior,

or Director of Indian Health Service can make exceptions to or deviate from the Indian preference requirements.

With the above definitions of preference in mind, I would like to focus my remarks on what has happened since these two decisions.

In all candor, I am dismayed by the obstinance and refusal of the BIA and Indian Health Service to comply with the courts' orders. These are the facts:

1. The BIA and the Indian Health Service have not formulated regulations to conform to the *Mancari* and *Freeman* decisions. Regulations used by the agencies are out of date and in direct conflict with the courts' orders.

There is no excuse for the failure of these agencies to draft new regulations. *Freeman* was decided at the district court level in December of 1972. That decision has been the law of the land since that time.

In the year and a half since *Freeman*, the Bureau has offered repeated excuses to justify the absence of new regulations. Both the U.S. district court and the court of appeals in Washington have denied the Bureau's requests for stays and have ordered that preference be implemented in all respects.

But the Bureau has not acted.

Even after a unanimous Supreme Court decision in June of this year, the Bureau has not responded. The absence of such regulations has become even more alarming in the wake of the Bureau's nationwide realignment and reduction in force programs.

We regret to also inform you that the Indian Health Service has done virtually nothing to enforce or implement *Freeman* and *Mancari*. In spite of our repeated attempts to discuss formulation of new regulations, that agency's policies remain at variance with the courts' decisions.

2. The Bureau and the Indian Health Service have failed to provide suitable instructions regarding the application of preference to personnel management officers, supervisors, and area directors.

As a result, there is widespread confusion as to how and when preference should be granted. The confusion has resulted in loss of promotions and advancements for many Indian employees.

3. The Bureau and the Indian Health Service have not clarified Indian preference to Indian employees. Most Indian employees still do not understand the right to which they are entitled.

The two agencies have repeatedly failed to rectify this situation.

4. Most importantly, without proper clarification and leadership from the Commissioner of Indian Affairs and his Washington staff, we are experiencing outright defiance of the courts' orders by non-Indian supervisors and personnel officers.

Loopholes and end runs are presently being explored at the local levels to defeat the application of Indian preference. Some of the most obvious of these loopholes are the following:

Many vacancies within the Bureau and Indian Health Service are not advertised so that qualified Indians cannot apply for the job. This obvious violation of Indian preference has taken place frequently during the recent reduction in force programs.

Non-Indians who have lost their job in one office are quietly transferred to a vacancy in another office without allowing Indians in a similar position to apply for the job.

The Bureau and Indian Health Service have juggled job descriptions or upgraded vacant positions to "tailor" jobs to the qualifications of non-Indians while, in the process, intentionally excluding Indian applicants.

The Bureau has "detailed" non-Indians into vacant positions for a "limited" period of time without affording a qualified Indian applicant the same opportunity. Later, the particular position is advertised but only the non-Indian qualifies by virtue of the experience acquired during the "detail."

The Bureau has engaged in a practice of "laterally transferring" a non-Indian from one office to another without applying Indian preference.

The Bureau's rationale for this practice is that the office or function itself which is being transferred requires that the employee also be reassigned. In fact, the office or function is rarely transferred and the non-Indian performs different functions and duties in the new job.

The *Freeman* decision expressly required that Indian preference govern such situations.

These are only a few of the literally hundreds of potential loopholes.

Although lawyers can demand further relief from the courts and Congress can place new pressures on the Indian services, the key to effective implementation of Indian preference will depend on the attitudes of those employees of the Bureau and the Indian service charged with carrying out the law.

If the Commissioner of Indian Affairs, the Director of the Indian Health Service, and their staffs—extending down to the local levels—refuse to honor the congressional and judicial mandate for Indian self-determination, I fear that little progress will be made.

We hope that this committee and the Congress will carefully review this situation.

Senator ABOUREZK. If I might interrupt there, as soon as these hearings are completed, we intend to send the hearing record to the General Accounting Office with the request that a full scale hearing be carried out, using the record as a basis to determine where the law has been violated and that recommendations should immediately be made for remedies, if the law has been violated, and it does appear that it has been.

So, in response to your request that the Congress do something about it, that is one of the first steps this committee will take.

Mr. SHERMAN. We would urge this committee to consider new legislation to assist Indian employees with training for the positions that they will occupy.

Congress should also consider establishment of an Indian Civil Service separate and apart from the Federal Civil Service which was suggested by the 1934 Indian Preference Act.

Last, a coalition of national Indian organization was formed under the name of the National Center for Indian Preference which will serve as a watchdog organization to oversee implementation of the preference policies.

This organization and its attorneys hope to work with the Bureau and Indian Health Service wherever possible but we will also initiate legal action, when necessary, to compel compliance.

I have given to the committee copies of a recent pamphlet from this organization defining Indian preference which will be distributed to BIA and IHS employees throughout the country.

I thank this committee for the opportunity to present my views on this issue.

Senator ABOUREZK. The examples you gave were somewhat general and yet somewhat specific.

Do you know the specific names of people who have been shuffled around? Do you have the names of people who have been shuffled around in your testimony?

Mr. SHERMAN. We have two full-time staff people traveling across the country, getting those names.

Senator ABOUREZK. Do you have any of those at this time?

Mr. SHERMAN. We do not because we want to confirm the specific nature of the alleged violations.

Senator ABOUREZK. Will you furnish those specific names to the subcommittee?

Mr. SHERMAN. We will be happy to do so.

Senator ABOUREZK. We will forward those to the General Accounting Office.

I want to thank you for a very clear explanation of the Court decisions and what the state of the law is today and of the obvious evidence of disregard of the law by the Bureau of Indian Affairs.

With regard to the testimony given earlier this morning—you have heard it all, have you not?

Mr. SHERMAN. Yes.

Senator ABOUREZK. Do you have any comments at all on what you have heard?

Mr. SHERMAN. I think the points made by Ms. Osborne were excellent points and I wish to stress some of these.

We have been trying to get records from the BIA to show, in each instance, where a non-Indian has been put into a position where there were qualified Indians available for those jobs and whether the jobs were advertised so qualified Indians could compete for these jobs.

The BIA has not been cooperative in that respect. They have insisted that we come forward and ask for specific individual examples.

We are not in a position, obviously, to do that at this time but the Bureau could quite easily make their records available so we could trace each appointment to a vacancy since the *Freeman* decision and see whether the BIA has complied, as they should have, with the Court mandate.

I would also, Mr. Chairman, like to make a few other suggestions relating to possible improvements that could take place.

I think the training of Indian employees for new positions within the Bureau is extremely important. The last figures I have seen on training, which go back to 1971, 1972, show that well over half of the funds available in the Bureau have gone to the training of non-Indians, rather than Indians. If Indians are to take control of the higher managerial positions, the bulk of training funds provided must go for the training of Indians.

I think this would be a very helpful step.

I would also suggest the BIA institute a preference program. I do not think, because of the complex nature of these laws, Indian prefer-

ence will be understood unless there are highly qualified specialists in each office to implement preference.

Sometimes the Washington office understands preference and it has not been channeled down to the local offices and that is where the problem is. This information must be filtered down to the local levels if preference is to be meaningfully enforced.

Senator ABOUREZK. Once again, I want to thank you for your testimony.

Our next witness will be Mr. James Robinson, director of the Northern Cheyenne Development Corp., Lame Deer, Mont. By the way, we will finish these hearings before we break for lunch and the next witness will be the Department of Interior, BIA witnesses. We will complete that and adjourn the hearings for the day.

Mr. LIMBERHAND. I am Dennis Limberhand. We are working as a team.

Senator ABOUREZK. Is that Mr. Robinson to your right?

Mr. LIMBERHAND. Yes.

Senator ABOUREZK. You are both from Montana?

Mr. LIMBERHAND. Northern Cheyenne.

Senator ABOUREZK. I want to take note of the interest in these hearings and your testimony that the distinguished Majority Leader Mike Mansfield has taken.

I have been contacted by him personally. I do not know if you know that.

He has assured me that he is deeply interested in the outcome of these hearings and the requirements for the law on Indian preference being followed.

I want to thank you very much for calling the majority leader's attention to these hearings. He probably would have had interest in them but I think his interest has been heightened by what you have informed him about so we appreciate sincerely your appearance here today.

Mr. LIMBERHAND. Thank you.

STATEMENT OF JAMES ROBINSON, DIRECTOR, NORTHERN CHEYENNE DEVELOPMENT CORP., LAME DEER, MONT.; ACCOMPANIED BY DENNIS LIMBERHAND OF THE INDIAN ACTION TEAM

Mr. LIMBERHAND. Mr. Chairman, I would like to thank you for the opportunity to testify.

My name is Dennis Limberhand and my partner's name is Jim Robinson. We are just a couple of country boys. Please excuse us if we make any mistakes.

We are representing the northern Cheyenne Tribal Council.

Senator ABOUREZK. The last time I had somebody tell me they were a country boy, I lost my billfold.

[Laughter.]

Mr. LIMBERHAND. Well, you are sitting way up there so you are safe, now.

Senator ABOUREZK. I want you to know we are onto you.

Mr. LIMBERHAND. We also represent the northern Cheyenne Indian action team program and the Indian Action Teams of America which

is composed of approximately 40 tribes so we will begin with our statement.

The Indian action team has a threefold purpose. One, to develop Indian owned and operated construction businesses; two, to train Indian people to operate all phases of these business; and three, to complete all types of public works projects needed in Indian communities.

It provides one of the many needed basic elements of the Indian economy.

We Indian people know that the BIA gets more than \$500,000 each year for Indian programs but, after they get through paying 1,500 BIA employees, there isn't much left over to help develop the Indian economy.

Well, we want to do it for ourselves. We can and we have proved it.

There isn't a tribe in the country that does not want an Indian action team but there are very few BIA people that will support the program.

Why? You ask.

Well, because if we can do it for ourselves what will happen to the BIA staff? It is that simple.

BIA gives all sorts of excuses like no program evaluation, well why the hell don't they evaluate the programs, although we would prefer a more fair and impartial judge.

Let me read what the Department of Interior has written about Indian action teams in their current annual report.

Why has the Indian action team program succeeded when so many other Indian training programs have failed?

One reason is that, unlike many past programs, all IAT programs involved the local Indian community from the outset to the project's completion. Indian input is an essential and integral factor in putting together an Indian action team and making it work successfully.

Community support has been not only "lip service", but, in many instances, it is active cooperation and involvement on the part of the citizens to insure that the IAT program achieves its goals.

No one has been neutral about the Indian action concept, a process of community development. The tribal recipients were very enthusiastic in their acceptance and were almost afraid to believe the statement, "they would operate their own programs, on contract, according to tribal priorities" within the framework of the concept.

Many other people, mainly Bureau employees, were against the idea. Could they not accept the fact the Indian people can do things for themselves, if given a chance?

In all honesty, some of the skeptics were converted after having had an opportunity to observe the operation and to see new self-confidence develop and the pride in accomplishment that was evident.

As the program grew, the problem was funding. The need was greater than the resource.

The attempt to disseminate the program information, via area and agency offices, did not seem completely effective, judging by phone requests for information and for a personal presentation by individuals in the program.

Some Bureau people resented the fact that funds from programs operated by themselves were being used to respond to Indian demands for the program.

Early in fiscal year 1973, I believe, it was evident that there was a need for a technical assistance center to assist the new program and to write and manage the contracts being written.

Concurrently, recognition of the Plant Management Engineering Center, Denver, was imminent.

Consequently, a number of picked employees of the Denver facility were organized into the Indian Technical Assistance Center, Denver. Many of the people were Indians. The staff consisted of architects, engineers of various kinds, surveyors, planners, and many other types of skills and knowledge needed by developing Indian communities.

While this agency was operating, the demands for the program grew and were far beyond what the Bureau would provide.

A contact was made by MDTA/HEW, on an informal basis. The then-Director of MDTA/HEW met with Bureau people, at which time he expressed enthusiasm and confidence in our "delivery system" and stated he wished to reach our target group.

An informal agreement was reached at this time for a 40/60 percent funding ratio, proposed tentative—60 percent from HEW.

Agreements were reached and the intent was to originate a memorandum of understanding between HEW and BIA/Interior at an under secretary level to expand each of our programs; BIA to be lead agency and receive funds from HEW on SF 1080. The rough drafts were prepared and given to an acting director.

No further action ever occurred to the knowledge of anyone in the program.

In approximately June 1973, the "six pack" from various area offices arrived in Washington, D.C. to "reorganize" the Bureau.

They questioned the staff of IAT and the curious thing was that the questions seemed to be designed to support a previously reached conclusion, rather than to show the entire scope of the program with its faults, difficulties, and rather large amount of successful operation as a "delivery system" providing a service to Indian people.

Rumors started to fly relative to abolition of the program. Also, at this time, a veritable avalanche of telegrams, petitions, letters, and "congressional" started to engulf the Bureau IAT Office in Washington, D.C. and in Denver.

There were many individuals and groups from tribes of all sizes, nearly every location, visiting the central office to talk about the program and how to save it. These visits often were just before or after a similar visit to their—Indians—Congressman or Senator.

Many of the people on the Hill had a staff member call the BIA Office for more information on the program.

A meeting in Tulsa of the NCAI evoked a commitment from Marvin Franklin, then Special Assistant Secretary of Interior for Indians, to continue program for fiscal year 1975 so, in spite of all the expressions from Indians, political figures, meetings with Commissioner of Indian Affairs, NCAI meetings and conventions, expressions to OMB and other executive agencies, the Bureau has proceeded with the dissolution of ITAC.

Due to the lack of job stability, many, if not most, of the dedicated technicians because of personal responsibilities sought and found other employment to the greater loss of the entire Indian community.

From a start of 4 original programs, the concept grew to fund and manage the contracts for 20 Indian action teams. The average size has between 50 and 60 trainees enrolled and in participation.

Attendance, on the part of trainees, has been usually high.

Reports from individual programs have been astonishing.

Mr. LIMBERHAND. One instance was the construction done at Expo '74, Spokane, of two Canadian type Indian longhouses from northwest, British Columbia, as well as an A-frame type longhouse by semi-conical ends and a dance pavilion—Indian.

In Tablequah, Okla., the IAT of the Cherokee Nation built the major portion, if not all, of the tribal motel facility.

There have been numerous other instances of the trainees having performed work on contract for commercial contractors and being highly praised for their work quality.

I would like to request that the IAT program not be phased out and no IAT program be phased out until a survey has been conducted by an unbiased source.

If any action is taken, it is against the interests of the Indian community.

Senator ABOUREZK. Thank you, Mr. Limberhand. Mr. Robinson, do you want to make a statement?

Mr. ROBINSON. My name is James Robinson. I am vice president of the Northern Cheyenne Development which is a corporation of Cheyenne Indians formed to contract the Indian action team for the Northern Cheyenne Tribe.

We are very concerned about the closing of the IAT office in Denver. It has been real receptive to our program. It has been a great help.

It consists of mostly Indian people working for Indians and they have a real concern about the Indian action team program, itself.

I know, since the reorganization act is phasing it out, that a lot of the Indian employees have been offered other jobs lower than the grade that they are in right now. They do not deserve it.

I would like to see them stay where they are and keep serving the Indian people. I feel, if this office is closed, it will jeopardize all Indian action team programs and it will affect several Indians in different tribes throughout the country.

I think it is a very serious problem. I certainly hope the Commissioner can be persuaded to keep the office open.

It is not actually closed yet and there are enough people onboard, including the director of the program, to get it right back in operation; in fact, none of the contracts have been transferred to the area offices yet.

Senator ABOUREZK. We intend to ask that it will be kept open.

I want to thank both of you for coming this long distance and providing this particular testimony.

I have instructed the staff, already, to draft a letter to the Commissioner and I will ask Senator Mansfield and Senator Metcalf to sign that letter with me to keep the Denver IAT office open.

Mr. ROBINSON. We had a visit with the Senator, the majority leader, yesterday and he is willing to do anything to keep that office open.

Senator ABOUREZK. He informed you of that? He will take the step.

Mr. ROBINSON. We would like to leave a copy of the resolution that our tribal council passed. The other tribes involved in Indian action; I am sure they have passed similar resolutions.

These were presented to the Commissioner and there was no response from him whatsoever, requesting the Denver IAT stay open.

Senator ABOUREZK. We will accept those for the record.

[The resolution follows:]

TRIBAL COUNCIL OF THE NORTHERN CHEYENNE,
NORTHERN CHEYENNE RESERVATION,
Lame Deer, Mont., August 15, 1974.

Resolution No. 12 (75)

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL REQUESTING THAT THE INDIAN ACTION TEAM-TECHNICAL ASSISTANCE CENTER BE RETAINED IN DENVER, COLO.

Whereas, the IAT-Technical Assistance Center has for some years past been successfully functioning in the city of Denver, Colorado and has provided excellent support and assistance while headquartered in Denver; and,

Whereas, the present geographical location of said Technical Assistance Center is of great benefit to the Northern Cheyenne Tribe and this is a proven fact by way of its past performance record as to convenience, economy and utilization; now, therefore be it

Resolved by the Northern Cheyenne Tribal Council that request is hereby respectfully made that the Indian Action Team-Technical Assistance Center be retained in its present geographical location of Denver, Colorado, and not be moved to any other area; at the present location of the Technical Assistance Center is not only well suited to the Northern Cheyenne Tribe but also to all of the Indian Tribes of Montana and the IAT Programs of the United States.

Passed, adopted and approved by the Northern Cheyenne Tribal Council by (11) votes for passage and adoption and no votes against passage and adoption this (5th) day of August, A.D., 1974.

ALLEN ROWLAND,
President.

Attest:

ERMA SPANG,
Secretary.

Noted and forwarded: August 20, 1974.

GEORGE H. FIELDS,
Acting Superintendent.

Senator ABOUREZK. The next panel of witnesses will be the Department of the Interior.

I am not clear at this point who is leading that program.

I have a letter from the Bureau of Indian Affairs, the Commissioner, who has been invited to testify and I discussed with him on the telephone my request that he attend or, if he could not attend, someone who could speak for the Department of the Interior.

I would like to offer the following letter for the record.

HON. JAMES ABOUREZK,
United States Senate, Washington, D.C.

Dear Senator ABOUREZK: In confirmation of our telephone conversation yesterday, Mr. Raymond V. Butler, who presently is Acting Deputy Commissioner of Indian Affairs, will represent our Bureau at the Oversight Hearings this morning at 9:30 a.m.

Sincerely yours,

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Mr. Butler, I would like to welcome you to the committee. Would you introduce your panel?

STATEMENT OF RAY BUTLER, ACTING DEPUTY COMMISSIONER, BUREAU OF INDIAN AFFAIRS, WASHINGTON, D.C.; ACCOMPANIED BY ABE ZUNI, DIRECTOR OF ADMINISTRATION, BUREAU OF INDIAN AFFAIRS; DR. CLENNON SOCKEY, DIRECTOR OF INDIAN EDUCATION PROGRAMS; AND IGNATIUS BILLY, CHIEF OF PERSONNEL, BOTH OF THE BIA

Mr. BUTLER. Thank you, Mr. Chairman.

On my right is Dr. Clennon Sockey. He is Director of Indian Education. To my far left is Mr. Ignatius Billy, the Chief Personnel Officer. To my immediate left is Mr. Abe Zuni who is Director of Administration.

Senator ABOUREZK. Thank you.

Proceed with your statement.

Mr. BUTLER. Mr. Chairman, perhaps this could be identified as BIA panel today. I have my panel with me, too and I will briefly summarize my statement, if I may.

The reorganization that has been mentioned this morning as being in a posture of reorganization for many, many months now; it actually began by memorandum from Assistant Secretary Bodman on January 18, 1973 which outlined a specific numbers game for the Bureau to follow in terms of reorganization.

That was basically accomplished, the transfer of day-to-day activities in the field to reduce nonessential support staff, to increase effectiveness of delivery systems to Indians, and to focus major thrust toward these ends.

It was incumbent upon the staffs within the Bureau and within the Department of the Interior and in consultation with a number of the Indian groups and the Indian people to try and arrive at the sublevel structures of staffing which would best serve the Indian people which is the goal of Indian affairs.

In Commissioner Thompson's work on this, since he became Commissioner in December, he came up with a staffing pattern that involved 807 positions. His request was allowed at the 787 level and it was this organization and staffing pattern which was approved by the Department on May 20, 1974.

It was at that point in time, Mr. Chairman, that it was then the responsibility of the management people and the personnel office to commence work for the preparation of the retention registers, to commence work in terms of the specific individuals that would be involved in the restaffing pattern.

Every effort, to the best of my knowledge, Mr. Chairman, was expended to accommodate personnel in the reorganization.

There was vigorous work going on in the Bureau in terms of this project. It was, Mr. Chairman, a big problem.

Admittedly, there may well be, in this big a problem, some individual situations but I want to reaffirm the Commissioner's policy, that the Bureau stands firm that all personnel adversely affected by this reorganization be assisted in placement, either within the Bureau, within the Department or the Federal agencies. And I reaffirm the Commissioner's statement that we will do our very level best to find everybody a job.

I might add, Mr. Chairman, when I first learned of the situation in Albuquerque earlier this week that I was somewhat appalled and, when the Commissioner returned later this week, I personally brought this matter to his attention.

The grade reduction, for example, which you heard this morning from Mr. Dexter on the surface, at least to me, is appalling and needs investigation and I assure you the Commissioner will look into situation of this kind.

I want to thank you, Mr. Chairman, and any questions that you or the staff may have, we will be glad to try and answer them.

Senator ABOUREZK. Thank you very much, Mr. Butler.

I wonder if I might first ask what is the purpose of reorganizing people?

Mr. BUTLER. The basic purpose was to remove the Central Office from the day-to-day operations, to eliminate nonessential activities, and to further streamline the delivery system of services.

Let me, if I may, Mr. Chairman, give you a specific example that is in what we refer to in terms of a career development concept.

Previous to this reorganization, we had an educational unit, we had a higher educational unit and an adult vocational training unit. It was decided to streamline and offer an equality of training for Indian students to put these three programs into one known as a career development program.

More specifically, Mr. Chairman, I have personally known very many well qualified and wonderful Indian students who have chosen a direction of vocational training merely because the vocational training program afforded them the financial ability and livelihood during their period of training, as opposed to their going the academic route to a higher education where the financial funds were not so plentiful.

It is the concept of the career development program to equalize those so the Indian student capable of an academic career has a choice of choosing the academic career or the vocational career but that is his choice.

Senator ABOUREZK. Is the reduction in force a tool in reaching certain management objectives?

Mr. BUTLER. In terms of the delivery system of services and in terms of the trust responsibilities, yes.

Senator ABOUREZK. What are those objectives?

Mr. BUTLER. The one I mentioned to you, sir, career development concept of putting out a better delivery system of services to the Indians. In the area of trust, the preservation of water rights, the management of Indian lands and forests and to streamline our trust responsibilities.

Senator ABOUREZK. Is Indian preference one of those management objectives?

Mr. BUTLER. Absolutely, sir.

Senator ABOUREZK. The National Congress of American Indians charges the reorganization plan is a subtle method to regionalize the BIA and to remove the BIA from as much oversight by Congress and Indian people as possible.

Would you respond to that?

Mr. BUTLER. I would like to defer that to Mr. Zuni.

Mr. ZUNI. Mr. Chairman, one of the objectives of the reorganization is to decentralize operations down to the field level, along with the staff and financial capabilities.

The area office is an intervening layer which is essential to the operations of the Bureau of Indian Affairs. In our opinion, in no way does this organization concentrate power and authority into central area offices of the Bureau. Quite the contrary.

We hope, through this organization, we will be able to funnel authority to the local level, to the agency level, and at the reservation levels.

Senator ABOUREZK. They also state that 80 percent of the Indians have been relegated to a secondary role as a reduction of reduction in force.

Would you respond to that?

Mr. BUTLER. I will ask Mr. Billy to respond to that.

Senator ABOUREZK. Please do.

Mr. BILLY. Mr. Chairman, I do not know how I can dispute a figure cited.

A reduction in force takes on the problem of taking staff who are presently on duty and placing them on jobs for which they are qualified in a new organization.

This is basically what we have done with Indians and non-Indians.

As a result of making this transition from the old organization to the new organization, we have arrived at the surplus, a surplus of approximately 60 people in Albuquerque and, in Washington, only one. Only one person in Washington was not offered a job.

A larger number were not offered positions at Albuquerque simply because the numbers retained in the reorganization were diminished to that extent.

Senator ABOUREZK. There are some people who say there are 70 vacant positions.

Is that accurate?

Mr. BILLY. That is approximately accurate.

Senator ABOUREZK. And, if the whim should strike you, you could create positions for people, if you wanted to.

Is that right?

Mr. BILLY. I dislike using that particular language.

Senator ABOUREZK. What would you use?

Mr. BILLY. I would say we will establish positions based upon the need of the programs and the missions which are our responsibility.

Senator ABOUREZK. If you cannot dispute the fact that 80 percent of Indian employees have been relegated to a secondary role, then neither can you dispute the fact that Indian preference is a goal and has not been practiced.

Mr. BILLY. Indian preference has been practiced to the letter through the entire process of our reduction in force.

To the best of my knowledge, we have deviated in no instance.

Senator ABOUREZK. Were you able to hear the testimony this morning, Mr. Billy?

Mr. BILLY. Yes, sir.

Senator ABOUREZK. Can you dispute what was testified to here?

Mr. BILLY. I could probably, in a particularized basis, dispute much of what was said.

Senator ABOUREZK. Would you please do so. Those are serious allegations.

If we do not have any contrary evidence, I guess we have to say that is what is true and, if that is what is true, Indian preference has not been followed so I think it is very important.

Mr. BILLY. I think it would be proper for me to say, if you wish the particulars regarding them, that I be granted time to look at the particular situations and I would be glad to respond to any individual comments made this morning by any of the witnesses.

Senator ABOUREZK. You will have a copy of the hearing record and I would appreciate it if you would respond individually and to the committee.

Mr. BILLY. Some of these people may pursue grievances and complaints which they have, on through the administrative channels, normal appeals to the Civil Service Commission which they have a right to do.

At least one person who has testified this morning has initiated a grievance which is not yet concluded so we may need to answer individual grievances through administrative appeal procedures but, in general, we would be prepared to answer to you and the committee on all of them.

Senator ABOUREZK. We are interested in knowing whether you have obeyed the law with regard to Indian preference.

Charges have been made this morning that you have not obeyed the law, that you have violated the law, and I think you are not only entitled, but you are obligated to respond.

Mr. BILLY. We will respond to that.

Senator ABOUREZK. How much time will you need for that?

Mr. BILLY. I think we could have that within a week.

Senator ABOUREZK. Thank you.

There have also been charges that jobs have been developed with certain people in mind; especially in the Albuquerque office.

Would you respond to that?

Mr. BILLY. I could not really explain that charge. I am unaware that positions have been engineered to either retain individuals or to exclude individuals.

Senator ABOUREZK. If evidence could be shown that that is the case, you would change it?

Mr. BILLY. Yes. We certainly would.

Senator ABOUREZK. Testimony given here today points to the decrease in professional Indian educators.

How do you account for that?

Mr. BUTLER. Mr. Chairman, I will ask Dr. Sockey to respond to that.

Dr. SOCKEY. Mr. Chairman, we are afforded a ceiling under which we are to carry out our functions. The position descriptions that have been established for the realinement for the new organization have been established with a view of carrying out and meeting the functions of the Indian education programs.

I have no awareness of any individuals being taken into consideration in the establishment of position descriptions. The positions have

been solely established on the basis of functions or missions to be achieved within the organization.

Senator ABOUREZK. How do you explain the fact the number of Indian educators have decreased? Have you looked at that at all in filling out these job requirements?

Dr. SOCKEY. I am aware we have lost numbers in terms of Indians. We are looking at functions and we are looking in terms of meeting those functions.

When we were afforded this realignment or we were placed in the position of preparing for it, we moved to establish positions to carry out the functions as they were conceived to be necessary for meeting the educational needs for any educational programs.

I am, again, not aware of any individuals having been considered as individuals. We look at a position. We look at what needs to be done and strive to develop the position description without regard to any individual.

Senator ABOUREZK. Would you provide for the committee the names of any Indian educators trained through Penn State and provide the committee with their current place of employment and why so few Indian educators, if any, are employed by the Bureau of Indian Affairs?

Dr. SOCKEY. Yes.

Senator ABOUREZK. Would a week be enough time?

Dr. SOCKEY. We should be able to do it within a week.

Senator ABOUREZK. Who is your Equal Employment Opportunity officer?

Mr. BUTLER. Mr. Chairman, at the present time, the Equal Employment Opportunity position in the Bureau is vacant.

Senator ABOUREZK. It is vacant?

How long has it been vacant?

Mr. BUTLER. About 3 months ago. It was formerly occupied by Mr. James Howell. He transferred to the superintendency at the San Carlos agency.

Senator ABOUREZK. Have regulations been formulated on Indian preference by the Bureau of Indian Affairs?

Mr. BILLY. We have not written new regulations. Guidelines have been issued which constitute the policy of the Bureau.

Senator ABOUREZK. Why have you not written regulations?

Mr. BILLY. Substantively, the regulations apply as they are now written.

They should be revised, they should be rewritten, they should be updated in terms of having it a part of the basic Bureau policy manual.

Senator ABOUREZK. My question is: Why have you not written those regulations?

Mr. BILLY. I think, primarily, the status of the legal actions.

Senator ABOUREZK. What does that mean?

Mr. BILLY. That means we have been under litigation for many, many months.

Senator ABOUREZK. Since the *Freeman* and *Mancari* decisions which have clearly stated the state of the law, and I assume you know what the state of the law is according to those decisions.

Mr. BILLY. Yes, sir.

Senator ABOUREZK. Then there is no reason for litigation or any other reason why you could not have written regulations to comply with the law.

Mr. BILLY. We could have updated policy and that was done.

Senator ABOUREZK. But you did not write regulations which would then be Bureau policy.

Mr. BILLY. We should make them permanent and in a permanent form.

Senator ABOUREZK. When will you have those written?

Mr. BILLY. I do not believe *Freeman* is completed, in terms of litigation or I am not aware that it is completed.

Senator ABOUREZK. My question is: When will you have the regulations written?

Mr. BILLY. As soon as we have decisions to guide us.

Senator ABOUREZK. What other decisions do you need besides *Freeman* and *Mancari*?

Mr. BILLY. We need to find the ultimate answer on *Freeman*. *Mancari* is finished.

Senator ABOUREZK. What needs to be done on the *Freeman* decision since it was handed down in 1972?

Mr. BILLY. Stays were sought, appeals were made, and, the last I knew of, there was an appeal of the decision handed down in June, I believe, and further action on that may be forthcoming.

Senator ABOUREZK. I wonder if Mr. Sherman could help us with a status of the *Freeman* case.

Mr. SHERMAN. Since the *Freeman* decision was decided by the court of appeals in April of this year, there has been no further appeals in process by the Government.

Senator ABOUREZK. When is the deadline for filing the appeal to the Supreme Court?

Mr. SHERMAN. I believe the deadline is probably within the next few weeks but, nevertheless, the BIA has repeatedly asked for stays. Those stays have been repeatedly denied by the U.S. district court and the U.S. court of appeals so the *Freeman* case is the law of the land.

It has been the law of the land since December 1972. We have repeatedly asked the Bureau to formulate their regulations in accordance with that decision. The Bureau has refused to do so.

It is my understanding that the Solicitor General's Office has indicated they will not appeal *Freeman* to the U.S. Supreme Court so we feel there is virtually no excuse whatsoever as to why the Bureau has not gotten their regulations in order.

I would like to also add that the guidelines Mr. Billy has referred to are guidelines which are not in conformance with the *Freeman/Mancari* decisions. The guidelines are confused. They reflect what the status of the law was a year and a half ago and they are simply out of date.

That is one of the reasons preference has not been applied accurately. People do not know what preference is and the Bureau has not given them direction and guidance.

Senator ABOUREZK. Thank you, Mr. Sherman.

Now, Mr. Billy, wouldn't regulations setting out Indian preference be helpful to those people now being RIF'ed?

Mr. BILLY. Yes. I believe they would.

I think the Bureau can do more in fully informing all employees, not just those RIF'ed, but for all purposes.

Senator ABOUREZK. I would like to return to my original questions.

When will you write regulations to benefit employees of the Bureau?

Mr. BILLY. I believe, it is deemed necessary, we can write interim regulations and, if all litigation steps have been exhausted, then we can write the final regulations.

Senator ABOUREZK. My question is: When will you write regulations to implement the law of the land with regard to Indian preference?

Mr. BUTLER. If I may, I would like to respond.

Senator ABOUREZK. Well, somebody better answer that question.

Mr. BUTLER. I will carry this message back to Commissioner Thompson. I am confident, if the Solicitor agrees with the views Mr. Sherman has shared with the committee this morning, that the Commissioner will direct those regulations get out immediately, as soon as possible.

Senator ABOUREZK. How long do you think, Mr. Butler, it will take for you to write those regulations if you were to start tomorrow?

Mr. BUTLER. Procedurally, Mr. Chairman, I would defer to Mr. Billy on the technical aspects of this but, in terms of the writing of those, I see no reason why they cannot be written within a week or 10 days.

That, of course, would be a draft, Mr. Chairman. I know it is Commissioner Thompson's policy that all interested parties have an opportunity to look through those.

Procedurally, as it gets through the Department, through the Federal Register, to be candid and honest, Mr. Chairman, I would say within 2 to 3 weeks.

Senator ABOUREZK. Has there been any attempt to write regulations as of today?

Mr. BUTLER. Mr. Billy, correct me if I am wrong, but I believe; yes, there has.

We have had several meetings with the Solicitor's Office on it, with the Department personnel office, and with the Civil Service Commission.

Is that correct?

Mr. BILLY. Yes.

In the past, we have attempted to write guideline issuance: as we progressed in time. Currently, there is a work force of the Department which tries to bring together the needs of the Bureau of Indian Affairs, the Department of Health, Education, and Welfare—

Senator ABOUREZK. Let me rephrase the question.

Has anybody started to write regulations to implement the *Freeman* and *Mancari* decisions?

Mr. BILLY. *Mancari*; no.

Senator ABOUREZK. Does BIA advertise all vacancies, including those to fill reductions in force?

Mr. BILLY. It is necessary to announce all promotion opportunities before initial vacancies and reassignment situations will develop from those.

Senator ABOUREZK. No. My question is: Does BIA advertise all vacancies, including those for reassignment in a reduction in force?

Mr. BILLY. Under Indian-preference regulations, we must announce all vacancies.

Senator ABOUREZK. My question is, now: Does BIA advertise all vacancies, including those for reassignment in a reduction in force?

Mr. BILLY. The answer is "No."

Senator ABOUREZK. What percentage of those reductions in force in Washington result in reassignments to other BIA offices?

Mr. BILLY. We do not have a report or reassignments to other BIA offices at this time.

Senator ABOUREZK. As of today.

Mr. BILLY. As of today.

Senator ABOUREZK. I do not know if you have this information with you. If you do not, we would appreciate it if you would furnish it for the committee and I wonder—we can give you these questions afterward because it involves figures and statistics.

What is the total employment throughout the Bureau of Indian Affairs, broken down by area offices?

Do you have that with you?

Mr. BUTLER. No, sir, Mr. Chairman, we do not.

The total employment throughout, however, Mr. Chairman, is around 1,600 in area offices but we will be happy to provide that information for you by area breakdown.

Senator ABOUREZK. Please do and that would include, separately, teachers in the BIA system?

Mr. BUTLER. Yes.

Senator ABOUREZK. I would like that broken down and distinguished between Indians and non-Indians in all cases. I would like the numbers of total headquarter employment for the central office and broken down between Indian and non-Indian.

Mr. BUTLER. In Washington and in the outlying areas?

Senator ABOUREZK. Wherever there are headquarters personnel so we know who is employed in area offices, who is employed in headquarter offices, how many are Indians, how many are non-Indians.

Also, with regard to that list I just asked for before, would you provide a breakout of the grade classifications so far as Indian and non-Indian are concerned; the number of Indians in grades for their respective numbers and non-Indians.

Would you provide also to the committee every instance of married couples, Indian and non-Indian, working for the Bureau of Indian Affairs, along with their grades, position classification, and total tenure? Bureauwide and broken down by the central office division, as well.

Mr. BUTLER. Yes, sir.

To go bureauwide on that, it may take a little time.

Senator ABOUREZK. How much time do you think you would need?

Mr. BUTLER. Mr. Zuni says he would estimate about 30 days on that question.

Senator ABOUREZK. We just need to know how much time you do need so we can follow up on it.

Also, if you can provide for the committee a breakdown of the reduction-in-force actions you have taken, distinguished between Indian

and non-Indian. Who has been RIF'ed or demoted, what position they were in—

Mr. BUTLER. What position they occupied before and what position they occupy now?

Senator ABOUREZK. Well, those that have been fired or whatever disposition has been taken.

Mr. BUTLER. Nobody has been fired.

Senator ABOUREZK. Break that down between the Indian and non-Indians.

Now, following the Supreme Court decision on Indian preference, I would like you to outline exactly what steps have been taken to appraise Indian employees through the BIA of their rights and privileges under the court decisions on Indian preference.

Mr. BUTLER. Mr. Chairman, if I may, I would like to have Mr. Billy respond to that. He was the individual that went about it.

Senator ABOUREZK. Please do.

Mr. BILLY. An information release was sent, bureauwide. No information was sent to employees individually.

Senator ABOUREZK. Do you have a copy of that information release with you?

Mr. BILLY. Not with me.

Senator ABOUREZK. Please furnish that for the record and tell us exactly who that release went to.

Mr. BILLY. It went to all of the principal officers, the area directors.

Senator ABOUREZK. Do you know what the area directors or principal officers did to apprise Indian employees of their rights under the decision?

Mr. BILLY. I do not, Senator.

Senator ABOUREZK. Are there any other written documents that have been issued by the Bureau with regard to informing Indian employees of their rights besides that release?

Mr. BILLY. I do not believe so.

Senator ABOUREZK. Was there any similar notification made to non-Indian employees?

Mr. BILLY. Only one release was made to all employees.

Senator ABOUREZK. There was no distinction made between Indian and non-Indian?

Mr. BILLY. No.

Senator ABOUREZK. Did you or anyone in the BIA formally notify the Congress or this committee by way of apprising Congress, of your plans to implement the preference decision?

Mr. BUTLER. Not to my knowledge.

Senator ABOUREZK. There is none? OK. Now, we have heard complaints that the BIA has not responded to requests for information by RIF'ed employees.

Now, in view of some of the severe hardships created by the RIF'ing, I wonder if you might be able to respond as to why you refused to respond to this information?

Mr. BILLY. We should not have refused to respond.

Senator ABOUREZK. But, did you?

Mr. BILLY. Not to my knowledge. Not in my immediate office or otherwise to my knowledge.

Senator ABOUREZK. As a matter of fact, the day the notices went out, you were gone from the office, were you not?

Mr. BILLY. Yes, sir.

Senator ABOUREZK. How long were you gone?

Mr. BILLY. Two weeks.

I should have made it 2 more weeks.

Senator ABOUREZK. Would that explain why you do not know of any more refusals of information?

Mr. BILLY. I asked the question; have we failed to inform any employees? The answer I have is that we have not.

Senator ABOUREZK. That includes everybody in your office.

Mr. BILLY. That includes everybody in my office and I am personally available to any employee who wishes to discuss the matter.

Senator ABOUREZK. What is the name of the person who developed the education reorganization plan and the position descriptions?

Dr. SOCKEY. Senator, the original plans were developed prior to my coming onboard, June 10. The education organization, as it exists today, was formulated by the former acting director.

I have taken occasion, in line with my duties, to carefully check the organizational plan. It is, in my professional judgment, sound. It is within the limitations of the ceiling limits that have been imposed on the Department.

I have also taken occasion, as part of my duty, to observe position descriptions; some of which have been discussed here today.

In my judgment, the position descriptions are responsive to the functions to be carried out by the Department.

Again, I would like to emphasize that these position descriptions were formulated without regard to individuals; strictly in accordance to the functions to be carried out within each respective position and in accordance with the allotment of positions allotted for programs of Indian education.

Senator ABOUREZK. What is the name of the person who developed the reorganization plan and—the education reorganization plan and the position descriptions?

Dr. SOCKEY. There were several people involved in this matter.

Senator ABOUREZK. Who was in charge?

Dr. SOCKEY. The acting education director would have been, primarily, responsible; Mr. Warren Tiffany from the Albuquerque office. He was quite heavily involved.

Senator ABOUREZK. What was the name of the person involved? Mr. Tiffany?

Dr. SOCKEY. Yes, sir.

Senator ABOUREZK. He was in charge?

Dr. SOCKEY. Yes.

Senator ABOUREZK. Who worked with him on that?

Dr. SOCKEY. From the central office here in Washington, the division chief of internal services, Mr. Jerry Waddell, has also worked in this area.

Senator ABOUREZK. Did anybody else work on it?

Dr. SOCKEY. Of course, the people from the personnel department were involved. Frank Tatona was involved for the technical work.

He was informed what the needs were to perform the needs in the education department.

Senator ABOUREZK. Nobody worked on the education plan besides those people you have named.

Dr. SOCKEY. I think I would have to ask other individuals who were more involved than myself.

Senator ABOUREZK. Please do so.

Mr. WADDELL. Senator, I am not aware of just who worked on them. Beyond the previous acting director's preparation of the organization and position descriptions, I just do not know.

Senator ABOUREZK. You mean this all happened before you started?

Mr. WADDELL. I am Jerry Waddell, Senator.

After Dr. Sockey was appointed director, then I assisted him in the implementation.

Senator ABOUREZK. But the plan was largely drawn up before Dr. Sockey took over, he said.

Dr. SOCKEY. That is right.

Senator ABOUREZK. Mr. Tiffany and yourself were the only people who did it before he got in?

Mr. WADDELL. Dr. Benham was the acting director.

Senator ABOUREZK. He originated this reorganization plan?

Mr. WADDELL. Yes.

Senator ABOUREZK. Did you say yes?

Mr. WADDELL. Yes, sir.

Senator ABOUREZK. There was testimony earlier this morning about people from Washington not being allowed to complete for their job functions when they transferred from Albuquerque. Can you explain why that was the case?

Mr. BUTLER. I will ask Mr. Billy to respond to that relative to the geographical location.

Mr. BILLY. May I hear the question again?

Senator ABOUREZK. The testimony was that people were not allowed to compete for their job functions when they were transferred to Albuquerque.

Will you explain why that was the case?

Mr. BILLY. I do not know in what way that would have pertinence. The one thing I heard was that people in Washington were not allowed to compete for the Albuquerque jobs.

Was that the question?

Senator ABOUREZK. I think that was the testimony this morning.

Mr. BILLY. Then that is correct.

The competitive area, preestablished, predetermined, had the Washington area competing only on the Washington location and the Albuquerque location competing only with Albuquerque employees.

Senator ABOUREZK. Why was that?

That is what I am trying to determine.

Mr. BILLY. The competitive areas were probably established long before my time but, normally, they are within one geographical location. This is typical in Government, that the competitive areas be in one commuting area.

Senator ABOUREZK. Is there a reason why you retained that policy if it was established before you got there? Why did you retain it?

Mr. BILLY. It seemed to serve the needs and, in my own opinion, I had considered this matter and I believe the organizations results would have given us no surplus employees at Albuquerque and only 10 surplus employees at Washington.

It seemed to us it would be easier to place these people in Washington.

Senator ABOUREZK. In view of the fact your stated goal is Indian preference, would it not have been much better to have changed that policy and allowed people to compete in Albuquerque, as well?

Mr. BILLY. It could have been done in that manner.

Senator ABOUREZK. Would it not have been better, if your goal is, indeed, Indian preference?

Mr. BILLY. There are only two people, I believe, who have not been offered professional jobs in education.

Senator ABOUREZK. I wonder if I might get an expression from you as to whether or not you thought it would have been better. You can answer that yes or no.

Mr. BILLY. My answer would be no.

Senator ABOUREZK. It would not have been better to fulfill Indian preference goals.

OK.

Now, you are aware that the majority of the Indian tribes in the country were opposed to the reorganization plans, were you not?

Mr. BUTLER. The majority were opposed to it?

Senator ABOUREZK. And have been opposed consistently to this plan. Every expression that I have heard from the tribes is that they were very much opposed to it.

Mr. ZUNI. It is true, Senator.

There are some tribes and some individual Indians who were opposed. As a result of this criticism, it was decided to send out a task force to meet and consult with Indian people and this was done through the period of August 1973 through February of 1974.

The responses we obtained through this task force were, No. 1, that most of the Indian people did not care. As a matter of fact, they were critical because the Bureau was wasting so much time with reorganization and not getting down to delivering the services.

Some of the inputs we received from the tribes resulted in revamping the proposed reorganization, especially in the Office of Trust Responsibility so, overall, I can say with confidence that the majority of the Indian people, particularly, did not care how the Central Office was organized.

They were more concerned in our delivering services to them.

However, there has been a small minority that has been very vociferous. They had it confused with an overall BIA reorganization throughout the field which might lead to regionalization and this was never the intent.

Senator ABOUREZK. Do you intend to go ahead with the closing of the Indian Technical Assistance Center?

Mr. ZUNI. We are not closing the center.

We are transferring the function to Albuquerque where their function will be carried out from the Albuquerque office.

Senator ABOUREZK. You are not closing the Denver Center?

Mr. ZUNI. We are closing the center, as such, but we are not abolishing the function. The function will be transferred to Albuquerque.

Senator ABOUREZK. Will it be further regionalized?

Mr. ZUNI. No.

That will be the focal point for all technical assistance to the Indian tribes.

Senator ABOUREZK. Will the ITAC functions be established in the area offices, as well?

Mr. ZUNI. It was proposed, at one time, that this be done; however, this was during the period when no one was sure or not whether or not the Indian action teams would continue.

However, a decision was made recently that the program be retained and, as a result, has become a line item on our budget.

Senator ABOUREZK. But, are you going to regionalize it under the regional offices, the ITAC program?

Mr. ZUNI. At the present time, we have no such plan, other than those I mentioned earlier and I want to qualify my statement that it might be necessary, if we are unable to obtain additional funding for each individual tribe, to become involved in a trade-off whereby they will start utilizing other agency or other reservation program funds to continue the ITAC operations.

Senator ABOUREZK. The Freeman report recommended that you not close the Denver Center.

Mr. ZUNI. I am not familiar with the Freeman report.

VOICE. You say the Freeman report—or the task force report you spoke of earlier; was that the Freeman report handed out by Mr. Sid Freeman?

Mr. ZUNI. I see.

In reorganizing, we followed some of the recommendations of the Freeman report but we do not accept it in toto.

VOICE. But that was the task force that went out and met with many tribes in many situations.

Mr. ZUNI. That is right.

VOICE. And we have a copy of that report you provided us earlier and that indicates the tribes Freeman met with were, for the most part, opposed to the reorganization.

Mr. ZUNI. Opposed to the reorganization because they thought the reorganization meant the complete, comprehensive reorganization of the Bureau at the agency and at the area office levels; whereas, we were only concerned with the realignment at the Central Office level.

VOICE. This was explained by Mr. Freeman when he made the visits, was it not, and yet his reports coming back, his recommendation was that you not go forward with the reorganization because the tribes were opposed to it.

Mr. ZUNI. I think you are getting into a matter of interpretation of this report and I do not want to delay the hearings with any arguments.

Senator ABOUREZK. We will make the report a part of this record. [The Freeman report follows:]



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 4, 1974

Memorandum

To: BIA Reorganization Steering Committee

From: Project Director, BIA Management Review
Working Group

Subject: Working Group Status Report, Reconnaissance Study
Completion

Current Status

By memorandum of July 24, 1973, (Exhibit "A") the Steering Committee approved the objectives, guidelines and approach for the management review of the Bureau of Indian Affairs. A reconnaissance study, the first phase of the management review, consisting of consultation with Indian leaders and orientation in BIA operations at each organization level, has now been completed in accordance with the Steering Committee guidelines.

Scope

Under the original plan, all chairmen of federally recognized tribes were advised of the review by letter of August 22, 1973, (Exhibit "B") and requested to contact the Management Review Working Group to arrange for a consultation meeting if they were interested in participating in the review. Working Group representatives arranged to attend a variety of national and regional meetings of Indian organizations to explain the review, call attention to the invitation for tribal participation, and follow up in those cases where interest was forthcoming. Six national meetings and eight area inter-tribal meetings were covered in this manner. Consultation meetings were held individually with 18 tribal councils, and 15 meetings were held in which a number of tribal chairmen and tribal councilmen participated, so that a total of approximately 120 federally recognized tribes have had an opportunity to make their interests and concerns known to the Working Group.

The Working Group also interviewed a number of Office and Division Directors in the BIA Central Office and visited four BIA Area Offices and six BIA Agency Offices for consultation, problem identification, and program orientation in BIA operations.

Summary Findings

Consultation meetings with tribal representatives elicited a wide variety of problems and issues, many related to local activities or incidents that could not be addressed by the team. Patterns of concern soon developed, however, within which it became apparent that most local issues had a root in basic problems and deficiencies in BIA delivery systems and relationships with the tribes. These major concerns were tabulated and transmitted to the Steering Committee by memorandum of January 9, 1974 (Exhibit "C") along with a specific proposal for the establishment of a long-range policy and planning capability in the Office of the Commissioner. Subsequent meetings have served to reinforce the concerns that had become apparent earlier. In summary:

1. Indian opposition to the BIA realignment plan announced in May of 1973 stems largely from the lack of effective consultation with the tribes prior to the announcement, coupled with both statements and actions that indicated BIA Area Directors were to be the primary source of policy and program control in the future. Many tribes find this concept disturbing because they consider that Area Offices play favorites and politics with BIA funds, from which there is little effective recourse.
2. Current efforts to consult with tribal leadership are generally ineffective. There is no commonly accepted definition of the meaning of consultation and its limitations, and there is no systematic, institutionalized mechanism for assuring all elected tribal leaders an uninhibited opportunity to participate in BIA decision making.
3. Inconsistency and confusion are prevalent throughout much of the BIA organization and Indian country with respect to BIA's role, responsibilities, and objectives in relation to the tribes they serve as well as in relation to other Federal agency programs. There has been inadequate positive effort

to establish an action program with clear guidelines, goals, and plans to carry out the policies expressed in the President's Indian Message of July 1970 and subsequent supporting statements. This lack of direction, plus the confusion as to the leadership and role of the Commissioner and his Central Office staff, has significantly added to the atmosphere of suspicion, antagonism, personal intrigue, and low morale that pervades the Indian scene.

4. Progress toward the President's objective of turning over to the tribes maximum control of Federal programs has been seriously impeded by failure to develop a mechanism for achieving the objective. There has been inadequate recognition of the significant difference between contracting with tribal governments for the performance of BIA services and contracting with Indian-owned companies or Indian people under the Buy Indian Act. Staffing and mechanics for negotiating contracts with tribal governments have been developed locally on an ad hoc basis with no overall direction and little recognition of the need for BIA contract administration personnel in lieu of service personnel if tribal contracting is successful. Further, there has been little effort expended to overcome problems such as the lack of tribal government capability for program management, or to provide guarantees against tribal fears of contracting as a termination mechanism. Although legislative proposals for BIA grant authority and for specific authority for turning over program control to the tribes are widely viewed as panaceas for the contracting problem, neither can be successful unless solutions are found for the current problems and deficiencies.
5. Tribal governments have been reluctant to get over-identified with Federal Regional Offices and Federal Regional Council (FRC) efforts because of the strong FRC-State ties and because FRC's have not produced significant tangible tribal benefits. Certain FRC's are now focusing attention on Federal-tribal relationships and are targeting in on improving delivery systems and coordinating programs for tribes to help overcome this reluctance. However, BIA has not defined its responsibility as a catalytic agent to foster and protect tribal interests or to provide technical assistance in the process of obtaining available Federal domestic assistance dollars and resources.

6. Inflexibility in the BIA agency system does not provide equality of resources or services for small tribes whose relative needs are frequently not only out of proportion to their population but whose capability to provide for themselves is totally inadequate because of inadequate tribal resources and management capability.
7. Each area has developed its own processes for completing common administrative transactions because standard procedures are either lacking or outdated. Many administrative functions have ceased to be support for substantive programs and have become end objectives, controlling instead of responding to program needs. Certain inter-area cross-servicing administrative arrangements add additional levels of processing review with little value or savings. From an organizational viewpoint, the administrative support structure is excessively fragmented and overly layered with supervisory levels.

Recommendations for Action

1. Establish a small policy and program planning staff reporting directly to the Commissioner (Exhibit "C").
2. Establish an Indian consultative system consisting of Indian consultative groups, comprised of elected tribal leaders, at the Agency, Area and National levels (Exhibit "D").
3. Develop special machinery designed to cope with the unique characteristics of contracting with tribal governments for the performance of BIA services in fulfillment of the self-determination policy (Exhibit "E").
4. Issue a policy statement clarifying the BIA role and responsibilities with respect to Federal Regional Councils and other Federal agencies and designate a program manager in the Central Office to oversee the necessary action to carry out that policy (Exhibit "F").
5. Undertake an analysis of the existing arrangement for servicing small tribes through the multi-tribal agencies for the purpose of developing a more effective, flexible mechanism for serving such tribes (Exhibit "G").

6. Undertake a thorough analysis of each program and its delivery system, function by function, to include an evaluation of the organization, staffing, procedure and effectiveness of each system and the development of recommendations for improvement (Exhibit "H").
7. Undertake a thorough management evaluation of BIA's administrative services functions to include a review of the organization, staffing, procedures and effectiveness and the development of recommendations for improvement (Exhibit "I").

Immediate Plans

Pending the receipt of specific approval of project plans by the Steering Committee, the Working Group will continue to meet with tribal groups upon request and will proceed with additional investigations of field operations to expand the groundwork essential to the recommended project efforts. Emphasis will be placed on developing a closer working relationship with the BIA field officials, while maintaining the relationship with tribal officials that has been the major effort to date. It is requested that the Steering Committee schedule a meeting with the Working Group as soon as possible to review the activities to date and to provide clear direction and priorities for the future.

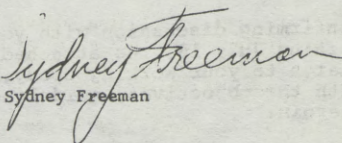

Sydney Freeman



Exhibit "A"

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 24 1973

Memorandum

To: S.C. Freeman
BIA Organization - Working Group

From: Chairman, Steering Committee

Subject: Charge to BIA Organization Working Group

Confirming discussion with you at the Steering Committee meeting July 16, the attached document represents the charge to your Working Group. Please proceed in accordance with the objectives, guidelines and approach outlined therein.

Marvin L. Franklin

TASK ASSIGNMENTBIA ORGANIZATION - WORKING GROUP

Purpose: To provide operational and staff support to the BIA Organization Steering Committee responsible for planning and carrying out a detailed review of the BIA organization at all levels and for implementing such changes as are found to be necessary.

Objective: Improve the performance of all elements of BIA, to the extent that performance is influenced by organization structures, policies and procedures, including management systems and controls.

Basic Policy Guidelines:

- a. Indian self-determination without termination.
- b. Maximum Indian consultation on all major decisions.
- c. Maximum Indian responsibility and control of the operation of Federal programs without loss of Federal responsibility to the Congress for both fiscal accountability and program performance.
- d. Maximum decentralization of operations without loss of central responsibility and accountability.

Scope: The study will include an analysis of all elements of BIA, both Central Office and the field, including the assessment of management systems, procedures and controls; interrelationships with the Indian community and tribal governments; interrelationships with other Interior components and other Federal agencies at each level; staffing patterns at each level; and a plan for implementing such changes as are approved by the Steering Committee and other appropriate authorities.

Specific Objectives:

1. Definition of the appropriate roles and interrelationships of each current or potential administrative level of BIA organization:
 - a. Central Office
 - b. Area Office
 - c. Agency
 - d. School
 - e. Irrigation Project
 - f. National Field activities

2. Identification of appropriate level of operational authority for each major program with a plan for developing the necessary management controls, policies, procedures and reporting systems, and essential system evaluation machinery.
3. Definition of the appropriate role of each current or potential administrative level of BIA in relation to other Federal agencies, to include the BIA participation in Federal Regional Councils and other coordination responsibilities.
4. Definition and description of the mechanisms required to carry out national Indian policies as stated by the President:
 - a. Self-determination
 - b. Consultation
 - c. Contracting
 - d. Decentralization of operations
5. Definition of the appropriate role of each administrative level of BIA in relation to other Interior components.
6. A detailed plan and schedule for implementing approved recommendations.

Organization (Attachment #1):

The study will be conducted by a small (4 professional, 2 administrative) central staff, using special purpose task forces as necessary, under the supervision of the Steering Committee. Each of the major Interior elements involved (BIA, ASN-M, ASN-PD&B, Solicitor) has designated a representative to serve as a Resource and Advisory Group as needed by the Working Group. Communications will be established with the major national Indian organizations (NTCA, NCAI, AIO, NCIO, others?) to develop a direct consultation process. The Steering Committee will provide the Working Group with a definitive statement of BIA trust responsibilities as a framework for the overall study.

Approach: The review will be carried out in four major phases:

I. Reconnaissance Study - Organization and orientation of the Working Group, physical arrangements, review of relevant past studies, consultation with program directors, area directors, and Indian groups, and preparation of a detailed study plan for approval of the Steering Committee with a specific plan for continuous Indian consultation.

II. Fact-finding and Analysis - Data collection, interviews, establishment of task forces, and study of results.

III. Report Processing - Preparation of draft action papers, consultation with all interested parties, presentation to the Steering Committee.

IV. Implementation - Preparation of necessary directives and instructions for carrying out approved recommendations.

Schedule:

The Reconnaissance Study will be completed within 60 to 90 days at which time a detailed work plan and time schedule will be presented to the Steering Committee for review and direction.

BIA ORGANIZATION - STEERING COMMITTEE

Chairman: Marvin Franklin, Assistant to the Secretary for Indian Affairs

Members: James T. Clarke, Assistant Secretary-Management
 Laurence Lynn, Assistant Secretary-Program Development and Budget
 Kent Frizzell, Solicitor

WORKING GROUP

Project Director: Sydney Freeman

Members: Management Analyst (BIA background)
 Staffing and Manpower Specialist
 Financial or Budget Analyst
 Administrative Aide
 Clerk-Typist

Resources & Advisory Group

BIA: Curtis Geiogamah
 ASK-M: Keech McKune
 ASX-PD&B: Gajdys
 Solicitor: Soller

Indian Consultation Group

NTCA
 NCAI
 AIO
 Others ?
 NCIO
 Agency Indian Desks

Task Forces As Required

July 12, 1973

Indian Participation

The ultimate success of the entire effort depends upon the perception of Indian people of what is happening and the development of their confidence and support. They must be a part of the changes and be able to feel that they are being heard. The resulting BIA must be one that Indian people can accept as responsive to their needs and supportive of their goals. Of course, without losing sight of the fact that BIA is a Federal agency, accountable also to the Secretary of the Interior, the President, and the Congress for the performance of its Federally-assigned mission.

Every reasonable effort will be made to establish and maintain an open and continuing communication process with national Indian organizations, tribal governments and Indian people as the study progresses. Hopefully, a relationship can develop whereby the Working Group will have the support and confidence of the Indian people and transfer that support and confidence to the evolving BIA.

It must be recognized that to realistically accomplish these goals, the Working Group must proceed at a pace acceptable to the Indian people. Extreme patience, extensive travel, and a great deal of time must be consumed. Target dates and schedules must be loose, flexible, and low in visibility,

if used at all. Progress and change must be visible, but only in Indian terms.

If the normal bureaucratic management study process were followed within this framework (i.e., fact-gathering analysis, and a final report for management decision), the study would most likely result in an interminable study period and a possibly endless discussion and review process over a bulky document that could never be brought to the point of action. Consequently, the work plan will be developed so as to provide a continuous flow of action papers for decision and implementation as parts of the study are completed.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 22 1973

Dear

By memorandum of August 17, 1973, a copy of which is enclosed, to all Bureau of Indian Affairs employees, I announced a limited realignment of the Central Office of the Bureau. These changes were prescribed by Secretarial Order 2954 of May 11, 1973. In a separate memorandum, the Secretary established a Steering Committee, composed of myself, Solicitor Frizzell and Assistant Secretaries Lynn and Clarke, to provide executive direction for implementing the realignment of the Central Office and to review the Bureau's field organization. He also established an Implementation Working Group to provide operational and staff support for the Steering Committee.

The Implementation Working Group is charged with:

Developing and implementing a detailed work plan for reviewing the overall organization of the Bureau including the functions, roles and inter-relationships of the Central Office and its field organizations.

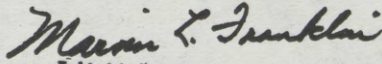
Undertaking and completing a detailed review of the Bureau's organization, including assessing and recommending improvements for management systems, procedures and controls.

Assisting in implementing staffing changes including transfers or reductions of personnel.

The Working Group is headed by Mr. Sydney Freeman. Mr. Freeman was formerly with the President's Office of Management and Budget and is presently a staff assistant to the Assistant Secretary - Management. Mr. Freeman is assisted by Earl Anderson of BIA and Albert Yanak, formerly with the Internal Revenue Service in New York.

The Working Group desires to establish direct relationships with tribal councils or their representatives who are interested in furnishing their input to the review. Accordingly, if you are interested, please contact any of the above Working Group members by telephone (202) 343-7606 or by mail Department of the Interior, Room 5340, Washington, D.C. 20240. The Working Group will be pleased to work with you to establish a meaningful consultation process whereby your ideas can be considered in developing a plan for a better, more efficient Bureau.

Sincerely yours,

A handwritten signature in cursive script that reads "Marvin L. Franklin".

Assistant to the
Secretary of the Interior

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

January 9, 1974

Memorandum

To: BIA Reorganization Steering Committee

From: Project Director, BIA Reorganization Implementation Working Group

Subject: Working Group Status Report

Current Status

The field work for the reconnaissance study, consisting of initial consultation with interested tribal councils and review of selected BIA Area and Agency operations, is substantially completed. The final trips are scheduled for January 13 through 25.

The major objectives of this phase of the study will have been accomplished by that time. These objectives, approved by the Steering Committee, were:

1. Establish initial communications with interested Tribal Councils and Indian organizations to develop a basis for consultation;
2. Consult with Tribal Councils and Indian organizations, moving at a pace acceptable to them, to identify the major issues currently of concern to the Indian community; and,
3. Gain the support and participation of Tribal Councils and Indian organizations for moving ahead on detailed studies of the major issues.

Immediate Issues

Attachment "A" is an outline of the findings to date as developed from comments of Indian representatives during the consultation meetings. It should be emphasized that these points reflect only the tribal views and have not yet been explored from a BIA viewpoint. They are important, however, as an expression of Indian perceptions, regardless of their validity. Each point must ultimately be addressed, if only to explain misinterpretations or misunderstandings, if a positive atmosphere is to be created for future progress.

At this point, four significant issues are urgently in need of management action:

1. Stabilization of the BIA Central Office structure.

An issue paper on this subject was transmitted to the Steering Committee by memorandum of November 30, 1973.

2. Establishment of a long-range policy and program planning capability.

Attachment "B" discusses this issue and recommends a small policy and program planning staff, reporting directly to the Commissioner, to define, together with the Indian people, the roles and responsibilities under the Indian self-determination policy and to guide the development of appropriate program activities to fulfill those responsibilities.

3. Development of a formal, systematic BIA/tribal consultation mechanism.

An issue paper discussing a number of alternative arrangements for consultation machinery is being transmitted separately. A significant point is the need for a firm commitment of BIA funds to support whichever alternative is selected.

4. Development of a Contracting System for Tribal Governments in support of Self-determination Policy.

There is an urgent need for the development of contracting machinery specifically designed for contracting with tribal governments in support of the self-determination policy. An issue paper is being transmitted separately which includes a recommendation to seek immediate technical assistance from the Office of Management Policy, General Services Administration, to deal with this problem.

Future Plans

The following meetings are currently scheduled to complete the initial field work:

Freeman/Yanak

Jan. 14-15	Papago Tribal Council and BIA Papago Agency
Jan. 16-17	Colorado River Tribal Council and BIA Colorado River Agency

Jan. 18 Phoenix Area Office
Jan. 19 California Tribal Chairmen, Sacramento
Jan. 21-22 Phoenix Area Office

Garlock/Anderson

Jan. 14-15 Wind River Tribal Council and BIA Wind
River Agency
Jan. 16-17 Northern Cheyenne Tribal Council and BIA
Northern Cheyenne Agency
Jan. 18-21 Billings Area Office
Jan. 22-24 Aberdeen Area Office

The remainder of the Central Office interviews should be completed by mid-February and documentation of the results of the reconnaissance ready for Steering Committee consideration by March 1, about 30 days earlier than previously planned.

Sydney Freeman

Tribal Concerns

1. Tribes Oppose Realignment
 - a. No prior consultation.
 - b. Gives the Area Directors too much power.
 - c. Leads to regionalization (FRC and standard Federal regions) with fear of State involvement, control and ultimate termination.
2. Lack of Effective Consultation
 - a. No commonly accepted definition of consultation on actions such as personnel selections and allocation of resources.
 - b. Poor communication between BIA and tribal organizations, particularly at the Agency and Area levels.
 - c. Lack of information on programs.
 - d. Tribes uninformed about governmental processes.
 - e. Consensus - intertribal organizations and national Indian organizations are not acceptable as vehicles for consultation.
3. Small Tribes receive Inequitable Treatment within Family of Tribes Served by BIA
 - a. Limited BIA presence outside Agency headquarters.
 - b. Geographic dispersion makes agency unaccessible to some tribes served by a multi-tribe agency.
 - c. They feel that multi-tribe agencies get poorer talent.
 - d. Program funds and resources are allocated to favor large tribes.
 - e. Full range of services are available but are not effectively provided small tribes.
 - f. Geographic dispersion of tribes under multi-tribal agency is not a factor in allocating personnel, travel funds, etc.

- g. Inadequate use of outside contractors to provide selected services to dispersed tribes.
4. Inflexibility of BIA to Adapt to Local Situations
- a. Manpower is not shifted in response to program change.
 - b. Budget program and activity structure too rigid; can't shift money to meet change.
5. Self-Determination
- a. Lack of formal, authoritative definition.
 - b. Deep distrust, skepticism and cynicism.
 - (1) Funding commitment questionable.
 - (2) Contracting process cumbersome and costly.
 - (3) Viewed as bribery.
 - (4) Viewed as step toward termination.
 - c. Lack of tribal capacity to assume responsibility.
 - d. No targeted, planned, phased effort or assigned program responsibility.
 - (1) No additional funding and ceiling has been programmed for contract administration and "start-up" during transition period.
 - (2) No resources training or technical assistance programmed to develop tribal capability.
 - (3) No preparation for necessary assurance to overcome distrust.
 - e. Indian view - Tribe should be boss, BIA is support.
6. BIA Structure and Personnel
- a. Operational decision authority delegated to agency level should be exercised more extensively at the agency level.

- b. Want voice in selection of personnel for key positions at both agency and area office. (need policy PDQ)
- c. Primary role of area office should be to provide technical assistance.
- d. Want direct channel to Washington for appeals of agency/area office decisions.
- e. Resource allocation to agencies, program development, operational supervision should be roles of Central Office.

1/9/74

PLANNINGIssue

Establishment of a long-range policy and program planning capability to define, together with the Indian people, the roles and responsibilities under the Indian self-determination policy and to guide the development of appropriate BIA program activities to fulfill these responsibilities.

Background

In a July 8, 1970 message to the Congress, President Nixon announced his administration's "self-determination" policy for carrying out Federal responsibilities to the Indian people. The message stated "This, then, must be the goal of any new national policy toward the Indian people: to strengthen the Indian's sense of autonomy without threatening his sense of community. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support ..." The President defined self-determination on the part of the Indian people as the right of each "... Indian tribe to determine whether it is willing and able to assume administrative responsibility for a service program which is presently administered by a Federal agency." The Federal government, of course, would provide appropriate technical assistance to help local Indian organizations successfully administer their chosen programs and

there were to be erected appropriate accountability procedures to guard against gross negligence or mismanagement of Federal funds.

The President's definition of self-determination, of necessity, was fairly broad and subject to varied interpretations. Today, almost 3-1/2 years later, there is no working definition of the term which is accepted either within the Bureau of Indian Affairs or, perhaps more importantly, in Indian country. Amongst a sizeable segment of the Indian people it actually is looked upon with suspicion -- as still another attempt to force termination on the Indians.

Secretary Morton has acknowledged the importance of defining self-determination. In an October 27, 1973, speech in Albuquerque, N.M., he was quoted as saying "... we have never defined in our minds and hearts what self-determination really means. This has to be done and with the Indians themselves... When we have a better idea of precisely what the Indians want, then I think the Bureau of Indian Affairs can better respond... We have to keep trying to perfect relationships until we finally come up with programs that suit the Indians and match his definition of self-determination..."

The preparation of the Indian tribes for the greater exercise of self-determination and the ensuing assumption by the tribes of the responsibility for the administration of chosen programs will have a significant impact upon the services the BIA will be called upon to deliver to the Indians and, in turn, upon the

character and composition of BIA. To our knowledge, there is no effort underway in the Bureau to arrive at a definition of self-determination acceptable to the Indians, the Administration, the Congress and the BIA bureaucracy. Not only must an acceptable definition be developed as a joint effort of BIA and Indian tribal leadership but there must be a determination as to which programs and services will be opened to Indian self-administration and which will not. Prior to such a determination, it may be necessary to determine the basis for providing programs/services and the level at which they are provided, i.e., is it by virtue of treaty, statute, or simply "... because the Federal government always has." There must also be an assessment of tribal readiness for self-determination. Certain tribes are more ready than others, possessing not only the will but the requisite governmental/administrative/managerial apparatus; still others, especially the smaller ones, have the will but not the requisite apparatus to administer their own services and programs. It would be grossly unfair for the BIA to contract with these tribes to take on the self-administration of programs and services. The almost certain failures which would result would serve only to confirm Indian suspicions regarding self-determination. Either these tribes will have to be brought up to an acceptable level of competence or some alternate means of Indian self-administration devised for them. This will take time and, probably, additional BIA resources, perhaps of a nature and in quantities not presently available in the BIA.

Indian self-determination and self-administration will result in more extensive and intensive BIA contracting with the tribes. This could, unless planned for, result in critical surpluses of certain categories of civil service employees. Carried to its extreme, Indian self-determination could result in a BIA consisting primarily of contract negotiators, contract administrators, and auditors. More realistically, a moderate rate of transition to tribal self-administration plus changing tribal priorities, geared to their assessment of their needs, will result in personnel shortages in some skills and overages in others, nationally. Also it will result in an overage in a given skill in some geographical areas and a shortage in the same skill in others. All in all, this will require additional personnel during the transition period, retraining, relocation of personnel, and outplacement to be carried out under a long-term plan, if major RIF actions are to be avoided.

It will call for a concerted educational effort with the support of Congress. As indicated above there is a widespread distrust of self-determination in the Indian world. Much of this distrust centers about the lack of a firm Federal commitment for continued funding of BIA contracts with the tribes. Such a commitment may require not only some sort of resolution or policy statement committing the Federal government but a change in the present BIA appropriation and program by activity structure.

Self-determination, also, will require a change in employee

attitudes toward the Indians and toward their jobs. Under self-determination/self-administration, BIA employees will have to view their jobs as something they work themselves out of if they do their job well.

To recap, Indian self-determination/self-administration is not something that will "just happen." As a matter of fact, if it did just happen, it would be a disaster. It must be made to happen at a pace which is comfortable to the Indians and the BIA, but chiefly to the former. To happen, there must be a planning apparatus in the Central Office.

In its May 27, 1971, report to Secretary Morton the Management Assistance Survey Team which had been requested by the Secretary to review the BIA's management and organization, stated that "... one of the most glaring deficiencies in the present management of the Bureau of Indian Affairs is the lack of definitive planning for both the present ... and the future program operations."

Today, 2-1/2 years later that deficiency continues to exist. It is just as glaring. The need for corrective action, however, is more urgent. It is more urgent because the passage of 2 1/2 years apparently finds us, as Secretary Morton stated, without a definition of self-determination and because the Indian world, finally losing its patience, is demanding action of the Federal government.

A large number of the Indian tribes have planning staffs and have engaged in some degree of planning activity. Many have prepared documented comprehensive plans. The proposed Land Use Planning and Policy Act, which is up for action in the current Congress, can be expected to give a tremendous boost to additional planning on the part of the Indian tribes. It is ironic that the BIA, which has been stressing to the tribes the importance of planning, itself does not have a planning capability in its Central Office. The Working Group feels there is no more time to be lost in gaining such a capability.

Proposal

To strengthen and systematize BIA planning by:

a. Providing for a policy and program planning capability in the Office of the Commissioner, to develop and monitor a system of policy (strategic) planning for the purpose of assisting top BIA management in:

- Defining and, as necessary, redefining the BIA mission (purpose) in the light of changing conditions, both internal and external.
- Developing nationwide forecasts and common planning assumptions for use in planning and programming.
- Framing policies and criteria for planning and programming.

- Identifying strategic problems requiring resolution or study.
 - Developing and, as necessary, revising long-range goals and interim program objectives.
 - Determining major actions to carry out the BIA mission including program priorities.
 - Assuring that policy and strategic decisions are reflected in multi-year objectives, program proposals, budgets, proposed legislation and resource allocations.
- b. Developing a long-range plan, comprehensive and projective only to the extent necessary to:
- Identify important problems for top management.
 - Determine tribal program needs and gaps.
 - Decide on major deployment of resources.
 - Provide guidelines and priorities for the planning and development of program service delivery systems and provide a framework for subsequent programming of these program/ service delivery systems.

Analysis

The proposed policy and program system is the BIA vehicle which assists the Commissioner in:

- a. Determining, in consultation with the Indian tribes, the needs of the Indian people within his areas of responsibility.
- b. Selecting, in conjunction with the Indian tribes, actions to meet their needs.

c. Translating the selected action decisions into programs, i.e., tasks, resource requirements, etc.

d. Assuring that the programs accomplish the desired goals and objectives.

Implementation of the system fulfills two of the major management roles which the Commissioner exercises: first, to establish Bureau policy and objectives, to develop programs for realizing these objectives, to set priorities and to allocate resources; and secondly, to evaluate how well the Bureau's programs are being administered and whether they are attaining the objectives at which they are being directed. The individual Central Office chiefs, because they are heavily involved in and partisan to their particular programs, cannot be expected to do this job (similarly, geographic perspective would rule out Area Directors). In addition, many problems exist or arise which affect two or more of the existing Central Offices. Only the Commissioner and his immediate staff have the perspective to evaluate individual problems and programs within an overall Bureau context and it is at this level that an independent and objective viewpoint can be most effectively introduced into the program development and evaluation process.

A formal policy and program planning system is essential to the Commissioner because the problems he faces as the Secretary of Interior's and President's designated manager of the Bureau are:

a. Massive - calling for voluminous data gathering which cannot be handled on an ad hoc basis (the Commissioner's clientele consists of more than 250 tribes).

b. Often obscure - requiring deeper study than can be provided by the Commissioner from his own span of knowledge.

c. Complex - frequently requiring advanced analytical techniques.

d. Important - so that undesirable effects may occur unless adequate time is provided for the planning process.

The policy and program planning function must not turn out to be an exercise in administrative practice. It must be a central part of the Bureau's management system. To attain and maintain this status it must be functionally linked to the budget process. Also it must be closely coordinated with the formulation of legislation. A full-time staff headed by an individual having direct access to and the confidence of the Commissioner in his role of decision maker, is essential to its viability.

To assist the policy and program planning staff in performing its planning and programming functions, the office should be staffed with economists, program planners, and system analysts as well as with personnel knowledgeable in Bureau programs with the emphasis on analytical skills. It would be advantageous to recruit as much of the staff as possible from Indian country to provide an infusion of Indian thinking.

In policy planning, the number of persons involved will be small (4-5 professionals and 2-3 clerical personnel should suffice).

The need for structure and formalization is minimal, and it will require a great deal of creative and analytical input. On the other hand, program planning requires a cyclical and continuing process, prescribed by procedures, is all encompassing, and requires a larger staff (requirement would be met from the PPE function of the Division of Program and Budget). It also involves close coordination with other important management functions.

Of the two levels of planning mentioned, policy planning is the most difficult and yet the most crucial for Bureau programs. The need to make assumptions about the future, to determine or interpret Indian needs and desires, to exercise leadership in directing and charting new courses of action for the Bureau, and to make choices among competing pressures, pressure groups, and Central and Area Offices makes policy planning a very arduous task and concrete measures of success difficult to come by. Usually, this type of planning is avoided in Federal agencies, possibly because it is difficult and possibly because of the transitory nature of top managers in Federal agencies.

Policy planning usually involves principally the Commissioner, his immediate staff, and the Central Office Directors in their staff roles; programming involves the Central Office Directors in their line roles, and the Area Offices and Agencies as well. While provision for a program review is required at the Commissioner's

level, the basic programming functions in the Central Office must be centered at the Director level.

A reporting system using existing reports where possible, must also be developed to keep the Central Office Directors and the Commissioner informed on progress in meeting the stated goals for each program area. Evaluation of progress then becomes a basis for reevaluating objectives and program decisions, and provides the link which makes planning a continuous management process.

The Working Group believes it imperative to have a policy and program planning staff which is responsible to the Commissioner to provide him with continuous assistance in establishing and carrying out the Bureau's objectives.

Alternatives

There are no viable alternatives to providing the Commissioner of Indian Affairs with a bona fide policy and program planning capability. The functions described can only be performed in the Central Office. The Area Offices and Agencies have a role to play but these are largely (1) supportive and (2) implementive/operational.

The alternatives open evolve about the organizational location of the capability and how closely it should be linked with the Bureau's budget and legislative functions.

With respect to organizational location, there are two alternatives:

1. Establish a policy and program planning staff reporting directly to the Commissioner.

2. Assign the policy and program planning function to the Office of Administration either as a separate organization or as part of the Division of Program and Budget.

The team strongly supports the first as the only means to a viable planning operation. To be meaningful, the planning operation must have immediate access to the Commissioner and be directly responsible and responsive to him. This is his staff arm for integrating the programs and operations of the Bureau toward the goals and objectives which he has set for the Bureau.

Placing the function under one of the subordinate office directors only serves to bury the function and insures it will be less responsive to the Commissioner who should have immediate direct access to it on a day-to-day basis. Other rationale for placing the function directly under the Commissioner were discussed more fully earlier in this paper.

More meaningful alternatives exist with respect to the linkage of the planning function with the Bureau's budget and legislative functions. Here a number of alternatives exist:

1. Establish an Office of Policy and Program Planning with the functions enumerated on pages 6 and 7; transfer thereto PPE functions presently located in the Division of Program

and Budget; redesignate the remainder of the division as the Division of Budget.

2. Establish an Office of Policy and Program Planning and within it a Division of Planning, Programming and Coordination with the functions enumerated on pages 6 and 7 and transferring to the Office the present Division of Program and Budget (to be redesignated the Division of Budget after PPE functions are transferred to the Division of Planning, Programming and Coordination) and the present Office of Legislation (to be redesignated Division of Legislation).

3. Establish an Office of Policy and Program Planning and within it a Division of Planning, Programming and Coordination with the functions enumerated on pages 6 and 7 and transferring to the Office the present Division of Program and Budget (to be redesignated the Division of Budget after PPE functions are transferred to the Division of Planning, Programming and Coordination).

The Working Group strongly supports the placement of the existing budget function (Division of Program and Budget) under the Director of Policy and Program Planning. It is believed that this will greatly facilitate integration of the two functions and insure that the budget supports and, indeed, reflects the Commissioner's decisions and priorities. The Central Office Directors have had a high degree of autonomy in the past.

The establishment of a prescribed policy and program planning system within the Bureau will curtail this autonomy somewhat and presumably give rise to some resistance. The Working Group believes that integrating the budget function with the planning function will minimize tendencies to ignore the policy and program planning processes as primary tools for effective management in the Bureau.

The transfer of the Division of Program and Budget should not create any insuperable problems because the Division operates rather independently of the rest of the Office of Administration. Existing relationships of the Division of Program and Budget with the Division of Accounting Management and other elements of the Office of Administration can continue under the arrangement proposed. The Working Group feels that the necessity for coordination and contact between the Division of Program and Budget and the planning function will be much greater than between the Division and its present sister administrative offices.

An equally strong argument can be made for integrating the legislative function (legislative development only) with planning. The Bureau's budget is one of the two instrumentalities through which policies and priorities become realities. Legislation is the other. Integration insures that Bureau's formulated legislative program supports rather than possibly frustrates the Commissioner's will.

The proposal with respect to the budget function, it should be noted, is consistent with the organizational arrangement which exists at the Secretariat (Office of the Assistant Secretary - Program Development and Budget) level. The proposal with respect to the legislative function, on the other hand, is not.

Recommendations:

The Working Group recommends:

1. Establishing within the Central Office a policy and program planning function (Office of Policy and Program Planning) reporting directly to the Commissioner.
2. Transferring to the newly established Office of Policy and Program Planning the present Office of Legislation and Division of Program and Budget (to be redesignated the Division of Budget after the transfer of PPE functions to a newly established Division of Planning, Programming and Coordination).
3. Establishing as a first priority for the Office of Policy and Program Planning the task of preparing a plan for reaching a joint Federal/Indian definition of self-determination; for assessing, together with elected Indian leadership, the readiness of the individual Indian tribes for self-administration of selected programs and services and for determining those measures which must be taken to ready the Indian tribes and the BIA for Indian self-administration; and for developing a time-phased schedule for attaining maximum tribal self-administration within said definition of self-determination and consistent with Indian desires and Indian and BIA readiness.

BUREAU OF INDIAN AFFAIRS
 REALIGNMENT OF ORGANIZATIONS AND FUNCTIONS UNDER
 PROPOSED NEW OFFICE OF POLICY AND PROGRAM PLANNING

Headquarters Organizations/Functions Under Offices
 Established by S.O. 2954 as Modified by Working
 Group Recommendation

Current Headquarters Organizations
 and Functions

Office or Division

Office of Public Affairs
 Division of Legislation
 Division of Correspondence
 Division of Information

Office of Administration
 Dep. Dir., Financial Management
 Division of Program & Budget
 PPE
 Budget
 Division of Accounting Management

O/Policy & Program
 Planning*

D/PP&C D/B D/L

x x

x x x

O/Administration

O/Public
 Affairs

*D/PP&C - Division of Planning, Programming & Coordination
 D/B - Division of Budget
 D/L - Division of Legislation

Indian ConsultationIssue

Develop an effective system for continuing consultation between the Federal Government and Federally-recognized Indian tribes on major decisions affecting Indians.

Background

The President's Indian Message of July 1970 opened new doors for the Indian people. It contained many new concepts and the promise of a new relationship between the Indian and the Federal government. It also expressed the need for Indian involvement in the Government's programs for Indians, stating "The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions," and "...it is essential that the Indian people ...lead the way by participating in policy development to the greatest possible degree."* Unfortunately, there has been little follow-through on these concepts, promises and expressions by the Federal government. Little has been done to develop, in conjunction with the Indian people, the positive action programs necessary to make them a reality. The implications of "self-determination without termination" are profound and far-reaching, particularly in terms of the role and responsibilities of the BIA. Failure to follow-through has been further compounded by the confusion, turmoil, and uncertainty existing in the BIA through all of 1973.

The need for a policy and program planning effort as an essential first step in the implementation of the self-determination policy was pointed out

*Emphasis added

In an earlier issue paper. A key part of that effort must include a delineation of the role of the Indian tribes in BIA decision-making and development of mechanisms for effective Indian fulfillment of that role, within the constraints of the overall Federal system; e.g., personnel, appropriations, procurement, accounting, etc.; and consistent with the responsibilities of Federal department and agency heads to the President and the Congress. This will be a painful and controversial process for both the BIA and the Indian people because of the leadership vacuum that had existed until recently with respect to Indian affairs within the Federal establishment, particularly the BIA, and the increase in Indian militancy arising, at least in part, from Federal inaction. Inadequate positive action over the past 3½ years to reach commonly agreed upon definitions of self-determination and Indian consultation has resulted in each participant in Federal Indian programs, from the individual Indian to the highest Federal official, evolving his own definitions. These definitions range from complete Indian control and direction of BIA and other agency activities to a very limited exposure of Federal budget, personnel, or organizational planning to tribal governments for comment and reaction. The positions have tended not only to become polarized but to become set in concrete. Further complicating any meaningful dialogue between the Indians and the Federal government is the fact that the Indian's overwhelming desire for control of his own affairs and equally overwhelming distrust of the Federal system is coupled with a deep set fear that taking over operations and control of Federal Indian programs as espoused by the President will result in the

Federal government's withdrawing both funding and support over a period of years until termination is a reality.

Analysis

The concept of Indian consultation and participation in Federal decision-making, particularly within the BIA, has not been translated into any kind of effective plan, let alone action. At the national level, a variety of approaches have been used in a scatter-gun fashion. These include the award of a contract to the National Tribal Chairmen's Association. Public hearings have been held by the legislative and executive branches, both on a generalized basis and on specific issues. Some BIA Area Offices and Agencies have developed and used locally devised systems of meetings, standing committees, inter-tribal organization meetings, and circuit-riders to raise issues and discuss problems and program needs. These approaches have met with varied success. Briefings on program plans and proposals have been held at both the national and local levels on specific items including organization plans and budget proposals. There is little evidence, however, that these attempts at "consultation" have had any significant impact on the delivery of Federal services and programs to the Indians. Nor has there been a systematic attempt following consultation to inform the Indians of final decisions, their rationale, and why Indian views either were modified or not adopted at all. Needless to say, the Federal establishment's "track record" on consultation has given rise to a lot of healthy skepticism, if not downright cynicism, on the part of the Indian people.

The concept of consultation evolved by many Indian organizations and tribes, and espoused by a minority of BIA employees, includes decision-making by the tribes that would be binding on BIA officials, to the extent that the BIA would be working under the direction and supervision of the tribes being served. With no central policy direction or leadership with respect to the content and limits of consultation, this Indian concept is becoming more prevalent. Unfortunately, or perhaps fortunately, many of the decisions over which the Indians envision control must be BIA decisions, made within the prescribed machinery of the Executive Branch of the Federal government governing merit civil service appointments, contract awards, and similar action for which the BIA official remains responsible and accountable either by statute or Government-wide rules, regulations, and procedures. In other cases, such as formulation of the budget, allocation of funds, establishment of positions on legislation, etc., the BIA is governed by the Executive Office of the President/Department of Interior and must act within the framework of guidance and policy from these higher levels. In such cases, Indian consultation must be limited to advice and clearly understood to be such by the Indians.

In order to develop an effective consultation process, consultation must be defined apart from self-determination or self-administration (tribal control and operation of Federal services and programs). It must be viewed as a means of arriving at a joint Indian/Federal government definition of the latter two terms but not as an integral part of them. It must be viewed as a two-way communication system between the Indian people and the Federal government which services and supports them.

To be effective the system must define those matters which will be discussed for "advice and consent" and those which will be discussed solely for "advice". The system must be limited to those matters which can be meaningfully handled without overburdening the consultative system and/or rendering the BIA decision-making machinery impotent. Further, the consultative process must provide for the exchange, both horizontally and vertically, between each level of BIA organization, i.e., Agency, Area Office and Central Office. To be effective, the consultation system also must include provisions for:

1. Availability to the BIA decision-maker of undiluted, i.e., unsanitized views from the tribal level;
2. All Federally recognized tribal governments to participate should they seek the opportunity;
3. Sufficient time for consideration of issues within tribal councils and among the tribal membership, as necessary;
4. Federal funding for travel and per diem when tribal leaders are requested to attend a consultative meeting; and
5. A mechanism for monitoring, evaluating and directing the system.

The major conduits for broad geographic consultation have been through national organizations such as the NTCA, the National Congress of American Indians (NCAI), the National Council on Indian Opportunity (NCIO), and regional or state-wide inter-tribal organizations. All of these organizations have provided useful Indian views on selected issues and can continue to be used effectively to a limited extent.

All, however, fail to meet the full requirements for a consultative body in the following respects:

1. They do not include in their membership all of the tribes that are eligible.
2. They use a system of geographic representation in their executive boards that lack acceptance and credibility among numerous tribes for ascertaining their views.
3. Tribal participation is inhibited by inter-organizational competition and conflict and intra-organizational politics.
4. Tribal views are necessarily diluted and distorted by strong, full-time professional staffs of the organizations who are in a position to interpose their personal views and positions or to control or manipulate the facts bearing on the issue under discussion.

Recommendations

1. Prepare and issue a formal definition of "Indian Consultation" which will assure a common understanding of the term as a basis for a two-way communication system between the BIA and elected Indian tribal leadership. The definition should be as precise as possible as to:
 - a. The specific policy, program, and management matters and issues which will or will not be subject to consultation at each level of the BIA organization, i.e., Agency, Area Office, and Central Office.

- b. The BIA's commitment, if any, to follow Indian counsel with respect to each matter and issue subject to consultation, and the BIA's commitment to inform the Indian people of how it considered Indian counsel in arriving at decisions.
2. Formally establish a Local Indian Consultative Group within the area served by each BIA agency to consist of:
 - a. The tribal council or governing body for each agency serving only one tribe.
 - b. The elected leader(s) of the governing bodies of each tribe served by a given agency where more than one tribe is served. When no more than five tribes are involved, multiple representation from each tribe may be specified if agreed upon by the Superintendent and the tribal governing bodies involved; however, the consultative group should be held to a maximum of ten. A presiding officer, who must be a tribal chairman, would be elected by the consultative group members.
3. Formally establish an Area Indian Consultative Group in each BIA area to consist of the elected presiding officer of each Local Indian Consultative Group in the area. For this purpose, tribes in the Eastern United States should be treated as an Area. A presiding officer would be elected by the consultative group members.
4. Formally establish a BIA Indian Consultative Group to consist

of the elected presiding officer of each Area Indian Consultative Group in the BIA and the President and Vice President of the two national Indian organizations (National Tribal Chairmen's Association and National Congress of American Indians), to provide counsel to the Commissioner and the Central Office Directors. A presiding officer, who must be a tribal chairman, would be elected by the consultative group members.

5. Provide Federal funds for travel and per diem of consultative group members for attendance at regular and special meetings.

Regular meetings will be held as follows:

- a. Local - bi-monthly (to reduce funding requirements these should be held in conjunction with regular tribal council meetings in those instances where the agency serves but one tribe)
- b. Area - every four months
- c. BIA - semi-annually

A maximum of two special meetings each year may be held at the call of the Commissioner, Area Director, or Superintendent or initiated by the appropriate consultative group under prescribed circumstances.

6. Establish the above described consultative groups on a pilot basis for a two year period, using the approach described in Exhibit "A", and evaluate the effectiveness for a decision as to whether the system should be established on a permanent basis.

Pilot Test - Indian ConsultationObjective:

Conduct a pilot test of a nationwide BIA/Indian consultative system for a period of two years to determine its feasibility, cost and effectiveness.

Definition:

BIA consultation is a process of exchanging views, positions and ideas on specifically defined issues or problems to provide BIA decision-makers with Indian input as a major factor in arriving at decisions concerning such matters as:

- program priorities
- budget planning
- allocation of resources
- distribution of authority between Commissioner, Area Directors and Superintendents
- program redirection
- establishment of new programs
- elimination of programs
- personnel selections of Area Directors and Superintendents
- program performance

It should not include such activities as:

- normal day-to-day operations and distribution of work
- internal BIA organization structure

The process includes a feedback on decisions so that tribes can be made aware of the results and impact of consultation. It must be made

clear that this process does not involve self-determination or tribal control of programs but is purely an organized method for obtaining the opinions and advice of the Indian leadership as an input to decisions, for which BIA officials are responsible and must remain accountable within the Federal system.

Structure:

The basic building blocks for the Indian consultative system are the tribal council or other elected governing body and the BIA Agency Superintendents. In those cases where an Agency is providing services to a single tribe, the elected governing body will be designated as the Local Indian Consultative Group (LICG) and the Chairman shall be the presiding officer of the LICG. In those cases where an Agency is serving two or more tribes, the LICG shall consist of the tribal chairman of each tribe being served, and the members of the LICG shall elect their own presiding officer who must be a tribal chairman. The LICG's will be concerned primarily with local issues pertaining to the BIA agency and its operations.

The second level of consultation will consist of an Area Indian Consultative Group (AICG) in each BIA area. The AICG will be made up of the presiding officers of each of the LICG's. Each AICG shall elect its own presiding officer from among its members.

While it is expected that most nationwide issues or problems would utilize the AICG's as the vehicle for consultation, either collectively or individually by area, there are some cases in which the Commissioner

or other Central Office officials would desire direct consultation with a small group to obtain views or advice. For this purpose, a National Indian Consultative Group (NICG) will be used, to be comprised of the elected presiding officer from each of the AICG's, and the President and Vice President of the National Tribal Chairmen's Association and the National Congress of American Indians. The NICG shall elect its own presiding officer, who must be a tribal chairman, from among its members.

BIA will provide funds for administrative support of the consultative groups, including travel, per diem and meeting expenses when required. However, the results of meetings, in the form of advice or opinions, shall be in the language and form as determined by the consultative groups.

Consultative Group Operations:

The consultative groups shall be considered generally as channels of communication between their constituencies and the Federal government, rather than representatives or spokesmen. Plans for specific consultation, therefore, should usually provide for presentation and discussion of an issue or problem at a consultative group meeting, time for the members to return to their constituencies for local discussion, and responses presented at a follow-up meeting. In some cases, it may be feasible to send material out by mail for local discussion so that the meeting can focus on the response, or the meeting can be followed up by position papers or resolutions forwarded by mail. The system must be flexible but still assure that decision makers are receiving undiluted Indian views.

Meetings may be initiated through Superintendents, Area Directors, or the Commissioner as appropriate. The consultative groups may also

initiate meetings through discussions with the appropriate BIA official, subject to the availability of funds. The schedule of meetings for the NICG and AICG's should include a review of the annual BIA program. Similarly, the schedule for the LICG's should provide for participation in the annual budget planning and later for participation in the allocation of resources after the funds have been appropriated. To the extent feasible, these regular meetings should also be used to discuss problems and issues to minimize the need for special meetings.

Evaluation:

At the end of the first year, the pilot operation will be evaluated jointly by BIA and Indian leaders for recommendations to the Commissioner on whether or not to modify the system and a final evaluation will be conducted at the end of the second year. The Area Directors, Superintendents, and tribal chairmen will be requested to provide individual evaluations to the Commissioner, covering the following points:

1. Effectiveness

- adequacy of information on issues
- timeliness of response
- value of response to decision-makers
- knowledge of results
- impact on decisions

2. Cost

- number of meetings held
- extent of participation

- breakdown of expenses
 - total cost
3. Recommendations
- modifications
 - continue on a permanent basis
 - eliminate

Action Plan:

- Step 1. Steering Committee approval of the pilot test.
- Step 2. Working Group meet with Phoenix Area Director and staff to develop detailed plan, to include time schedule and cost estimates, and discuss with Superintendents and Tribal Chairmen before proceeding in all Areas.
- Step 3. Steering Committee approval of detailed plan, schedule and cost estimate.
- Step 4. Commissioner designate source and amount of funding available.
- Step 5. Working Group meet with Area Directors in each area and with tribal chairmen to discuss proposal and develop final working arrangements for each area.
- Step 6. Commissioner issues instructions for the total system.
- Step 7. Area Directors issue necessary directives to establish Area and Local consultative groups.
- Step 8. Conduct consultative meetings over a one year period.
- Step 9. Area Directors, Superintendents and tribal chairmen prepare evaluation.

- Step 10. Working Group prepare summary report and recommendations
for the Steering Committee.
- Step 11. Steering Committee review and decide on further action.
- Step 12. Conduct consultative meeting for the second year.
- Step 13. Area Directors, Superintendents and tribal chairmen prepare
evaluations.
- Step 14. Working Group prepare summary report and recommendations
for the Steering Committee.
- Step 15. Steering Committee review and decide on further action.

TRIBAL CONTRACTING OPERATIONS

ISSUE Develop a BIA contracting system for contracting with tribal governments for the performance of BIA services.

BACKGROUND The President's July 8, 1970 "Indian Self-Determination" congressional message established a policy which offers tribal governments the opportunity to assume administrative responsibility for performing BIA services for themselves. This move was intended to strengthen the tribes capability for self-government, to improve the tribal unemployment situation, and to introduce an economic principle of keeping income on the reservation to get a multiplier effect in its turnover.

Historically, the procurement function has been performed to buy materials, goods, and services to support institutional BIA operations which provide services to federally recognized Indian tribes. Most actions are completed in the field at the Area or Agency level utilizing the Federal Supply Service, approved GSA Scheduled contractors, and commercial sources.

The problems and deficiencies in the BIA contracting processes, particularly those concerned with the mechanics of contracting and contracting staffing requirements, were the subject of a May 1973 report to the Assistant Secretary-Management by the Department of the Interior Committee for Review of Bureau-wide Contracting Needs of the Bureau of Indian Affairs. The Working Group concurs with all the recommendations made in that report except those that propose a Central Office organization reporting directly to the Commissioner. It is the Working Group's judgement that all of the other recommendations should be implemented as rapidly as is feasible.

The issue with which this paper is concerned is the additional complications introduced by the uniqueness of the process of contracting with the tribal governments for the performance of services for which BIA is responsible.

The implementation of the self-determination policy introduces four elements not usually found in current BIA purchasing operations. These elements are:

1. "Sole source" negotiations with a tribal government to complete contractual arrangements for the performance of BIA services.
2. "Buy Indian" special authorities and the application of provisions of the Buy Indian Act in the course of these negotiations and in the preparation of contracts with tribal governments as distinguished from Indian-owned companies or individual Indians.

3. "Credit" provisions for providing tribal governments with immediate operating funds to finance contractual operations.
4. "Performance" requirements to assure that the tribal government performs an appropriate level and quality of operations consistent with BIA program responsibility.

ANALYSIS The general deficiencies in the BIA contracting functions are multiplied manifold when applied to these tribal government contracts. Some of the more obvious deficiencies are:

1. Have not yet developed and applied standard "boiler-plate" for repetitive provisions.
2. Have not yet developed simplified procedures for "findings" necessary to justify a sole source negotiated contract.
3. Have not yet developed universally required simple advance funding for all tribal governments through such mechanisms as letters of credit or advance deposits.
4. Work statements tend to be cast as functions rather than products or results. (See enclosure 1, excerpts from Southern Ute Reservation contract on Employment Assistance where the 21 pages covering statement of work is basically two position descriptions.)
5. No performance requirements spelled out to assure quality and quantity levels of effort. (See enclosure 2, excerpts from Wind River contract on Judicial Services; and enclosure 3, excerpts from Northern Cheyenne contract to operate detention center.)
6. No specifications on elements of work or scope of work. (See enclosures 1, 2, 3, and 4.)
7. No provisions for compliance monitoring or administrative check; emphasis in procedures and process rather than results. (See enclosure 4, total Zuni contract statement for Justice System.)

A number of BIA officials have deplored the lack of flexibility in contracting procedures and advocated grant authority as being a major hope for relief. While there are advantages to having grant authority in BIA, such authority would not in fact alleviate many of the problems incurred with contracting. A well-run grant program must have performance requirements, administrative and fiscal requirements, provisions for both

administrative and program evaluation and audit, as well as a means of enforcing compliance. The fact is that in agencies having both grant and contracting authority, contracting is frequently favored as having more flexibility.

The current situation may be further aggravated by a FY 1975 budget provision which relates tribal contracting operations to a downward adjustment in BIA manpower to be realized through a transfer of service effort and operations to tribes. The FY 1975 budget establishes a new line item "Direct Indian Operations" as a BIA budget sub-activity. Ten percent of personal services/support monies in each of the basic sub-activity classifications has been factored out and placed in the "Direct Indian Operations" line item. These monies will be used to pay "overhead" expenses to the Indian tribes who assume service operations through a negotiated contract. The dollars for the actual contract operations (program) will come from the program sub-activities, e.g., "Education" or "Maintaining Law and Order." Assuming that tribes take full advantage of contracting, this could result in the reduction of approximately 1122 BIA positions in addition to any further reductions generated by the actual transfer of program work. It is the Working Group's judgment that this FY 1975 budget provision will stimulate and accelerate tribal government contracting operations and this makes it all the more imperative to organize this aspect of "self-determination."

In summary, the following highlights the current situation:

1. Tribal government contracting has increased current workload at agency and area levels and backlogs exist.
2. Present staff at agency and area levels do not have the performance contracting expertise necessary to do the job.
3. Voucher payments on current contracts are delayed 5-7 months and this is an imposition on tribal financial resources.
4. Program people had frequently taken over contract operations and the procurement process and in so doing, have more or less by-passed administrative and procurement regulations.
5. BIA has been operating under a de facto exemption from Federal Procurement Regulations in respect to obtaining goods and services. When this approach is carried over into negotiated performance contracts, serious trouble follows in compliance efforts.

6. There is no policy guidance on tribal government contracting operations nor is there any single focal point coordinating this important aspect of self-determination.
7. There are no plans on how this effort should be targeted or phased.
8. No adequate provisions have been made for contract advances or a credit line to assist tribes in the initial financing of these operations.
9. No administrative, financial, or management provisions have been programmed for preparing contracting tribes to take over service type operations.
10. No provisions have been programmed to create an awareness of this "self-determination" opportunity.
11. There is a basic deficiency of information on field contracting operations. Current reports do not distinguish between contracting with Indian-owned companies and Indian individuals under the "Buy Indian Act," as opposed to contracting with tribal governments for the performance of BIA services.
12. Current contracts negotiated in haste do not specify performance requirements.

RECOMMENDATIONS It is the Working Group's judgement that this issue is sufficiently critical to warrant attention and immediate action, subject to subsequent adjustments as the management review is completed.

The basic choice is whether an Interior or outside source is tasked to complete the necessary staff work to establish a viable system for contracting with tribal governments for the performance of BIA services. The following is recommended:

- One - that the Steering Committee discuss the issue at an early date this month in order to generate top management awareness of the Problem Situation (highlighted on the previous page) and extend consideration to the impact of the FY 1975 Budget provision for tribal government contracting coupled with the present lack of a planned, programmed effort in this respect and a technical deficiency in BIA skills to engage in performance contracting.

Two - that the General Services Administration - Procurement Policy Division, Office of Management Policy - be requested to provide technical assistance in developing a complete program package for tribal government contracting operations to be executed July 1, 1974 (FY 1975).

(NOTE: Informal discussions with the Deputy Administrator, GSA and the Director of Procurement Policy Division indicate that they would be responsive to a formal request for assistance.)

DISCUSSION: The complete package referenced in recommendation two would include the preparation of a procedural manual; standard contract "boiler-plate" for application in tribal government contracting operations; formats, if needed; training program to develop staff capabilities; a staffing pattern complete with skills and qualification requirements, plus brief functional statements; assessments of BIA service functions and activities to determine those appropriate for contracting; assessment of tribal capabilities in conjunction with the proposed Policy and Program Planning Staff for performing selected service activities; development of a schedule to phase contracting operations; and other components to facilitate a July 1, 1974 start.

The advantages which accrue in pursuing recommendation two are:

- a. Provides an overloaded BIA and Departmental staff with needed technical expertise and assistance.
- b. Plans and programs an important "self-determination" effort rather than letting it drift.
- c. Reinforces BIA program management role since they will participate.
- d. Prepares for execution of FY 1975 budget provisions by design rather than happenstance.

Sfreeman - 2/19/74

Exhibit "F"

DRAFT

Bureau of Indian Affairs Relationships with Indian Tribes, Interior Department, Other Agencies Concerned with Indians, and Federal Regional Councils.

Indian Tribes -

Indian tribes and native communities recognized by the federal government for service by the Bureau of Indian Affairs and the Indian Health Service have many of the characteristics of other communities. They have governing bodies with elected officials. Under their constitutions they carry out various governmental functions.

As the original inhabitants of this country Indians are given special recognition and special services, both as tribal groups and as individuals. Special priorities were also called for by the President's Indian Message of July 1970.

This paper discusses the philosophy and possible mechanisms for facilitating integrated federal assistance to such communities.

Role of BUREAU OF INDIAN AFFAIRS

The principal objectives of the Bureau are to actively encourage and train Indian and Alaska Native people to manage their own affairs under the trust relationship to the Federal Government; to facilitate with maximum involvement of Indian and Alaska Native people, full development of their human and natural resource potentials; to mobilize all public and private aids to the advancement of Indian and Alaska Native people for use by them; and to utilize the skill and capabilities of Indian and Alaska Native people in the direction and management of programs for their benefit.

In carrying out these objectives, the Bureau works with Indians and Alaska Native people, other Federal agencies, State and local governments, and other interested groups in the development and implementation of effective programs for their advancement.

The Bureau seeks for them adequate educational opportunities in public education systems, assists them in the creation and management of educational systems for their own benefit, or provides from Federal resources the educational systems needed; actively promotes the improvement of their social welfare by working with them to obtain and provide

needed social and community development programs and services; works with them in the development and implementation of programs for their economic advancement and for full utilization of their natural resources consistent with the principles of resource conservation.

The Bureau also acts as trustee for their lands and monies held in trust by the United States, assisting them to realize maximum benefits from such resources.

In carrying out the above functions, the BIA relationship to other Federal agency programs includes a variety of roles:

1. Assist the tribes in obtaining information about available Federal assistance programs and provide technical help in developing applications.
2. Serve as an advocate of Indian interests and assist in obtaining appropriate attention and program access through advising on Indian needs and assisting in processing individual applications.
3. Serve other Federal agencies by providing information about Indian needs, Indian governments and communities, and relationships between and among Indian tribes and Indian organizations.
4. Advise Indian tribes on program plans and proposals to assure program activities are feasible and consistent with tribal needs and resources.
5. Approve or disapprove proposed programs or activities that involve the trust responsibilities of the Federal government where a lease or a permit is involved.
6. Review other Federal agency programs to assure that they are mutually supportive and non-duplicative of BIA activities.

In carrying out these roles, BIA will assure that the Secretary's trust responsibilities are not diminished and will exercise leadership and initiative, but not interfere with or obstruct the direct relationship between tribal governments and other Federal agencies. However, where

action is required for the exercise of the Secretary's trust responsibilities, in relationships with other Federal agencies, BIA will assume its traditional role as advocate and protector of Indian rights.

This function and the role envisioned above does not affect the line operations and delegations of authority between and among the Agency, Area, and Central Offices.

Indian Relationships to Federal Regional Councils

Executive Order 11647 of February 11, 1972, prescribes the functions of the Councils. Their basic responsibility is to develop interagency cooperation and mechanisms for more effective program delivery to states and local communities, including Indian tribes. Some 600 Federal programs have been pin-pointed as available for Federally recognized Indian tribes and it is difficult for Indian tribal leadership to know about, much less utilize these available programs, as evidenced by the results of a recent NCIO inventory which disclosed that only 43 of the 600 are being utilized to serve two or more tribes. Grantsmanship in competing for these Federal assistance dollars is a highly developed speciality across the country. State and local governments, quasi-public bodies, and non-profit and profit organizations have acquired the necessary expertise to compete successfully through the development of their own specialists or hiring consultants to prepare applications and shepherd them through the governmental machinery. A major challenge is to provide competitive grantsmanship expertise to improve Indian access to these resources.

Two basic responsibilities, in a line sense, are involved in achieving this improved access:

1. The tribal governments are the chief coordinating points for their tribes. Therefore, the lead responsibility for developing and presenting program needs of Indian communities rests with the Indian leadership, in particular the respective tribal governments. BIA will help the tribes in any way it can in this process.
2. The Federal Regional Council members as the agency heads for their regional activities as well as members of the Council are the responsible Federal representatives to assure improved access of Indians to Federal resources. Here, too, BIA will assist in any way that it can, including suggesting ways to facilitate the achievement of specific results in Indian communities and taking the initiative to call attention to activities that may be detrimental to Indian interests.

The Federal responsibility is government-wide, including other Interior programs than BIA, that are utilized by Indian tribes. It is estimated that approximately one-half of the Federal funds and services received by Indians come through other agencies than BIA, such as HUD, HEW, Commerce, Labor and other agencies.

The negotiating parties for Federal assistance, then, are the tribes on the one side and the representatives of the Federal agencies on the other side, with BIA as a catalyst, advocate and source of advice and assistance to both groups, as appropriate.

Federally Recognized Indian Tribes

There are two general groupings of Indians that have used FRC's in

working out coordination and funding: Indians recognized by the Federal government as eligible for services from BIA and the Indian Health Service; and certain groups of non-federally recognized tribes or individuals. As President Nixon made clear in his 1970 Indian message, the lead responsibility for Indians not eligible for BIA services rests outside the Interior Department and primarily with HEW, in cooperation with Labor, Commerce and others, at the present time. These are an ethnic minority whose program access is through the same channels as any other minority group.

Minority group (ethnic-Indian) functions of the FRC's not related to the Federally recognized tribes should therefore be separated from activities concerning Federally recognized tribes to reinforce the sovereign political status of Federally recognized tribes, to assure the program integrity of the BIA and IHS activities, and to clearly delineate Federal trust responsibilities. The program needs, the mechanisms for assistance, and many aspects of the urban Indian situation are not closely related to the needs and problems of Federally recognized Indians on trust lands and the channels of access to Federal programs are quite different. Therefore, it is suggested that there be an Indian Task Force (or whatever other name might be

preferred) for Federally recognized Indians in those regions where such Indians constitute a sizeable population. It is also recommended that a separate committee or task force be assigned to Indian minority group activities for non-Federally recognized Indians in these regions where there is a need for such services.

This paper is concerned only with the Federally recognized Indians.

FRC Indian Task Force - Federally Recognized Tribes

As indicated earlier, the basic responsibility for the Indian community rests with the community and its leadership. The role of the BIA and other Federal agencies with technical assistance and funding assistance capability is one of assisting Indian communities in developing and meeting their goals. The primary responsibility for coordination of various Federal efforts rests at three points:

1. The Indian government concerned, for example, the Zuni Tribal Council;
2. The Federal agency program managers; and
3. The Federal Regional Councils.

In addition to being the program manager for funds channeled through BIA, the Bureau of Indian Affairs is a facilitator to these groups. Its role is that of a catalyst helping the tribes to understand the opportunities available through working with the FRC's and helping other Departmental groups such as HUD, HEW, Commerce and Labor to understand the needs of particular tribes and ways in which these tribes can be helped by other agency programs.

BIA should not be considered as having in any sense a line coordination function. It is a staff-type relationship to both the tribe, the task force, and the agencies represented on the Federal Regional Council, except where trust responsibilities are involved. BIA exercises a line function in connection with programs and monies with which it is charged specifically by the President and the Congress. Even for these functions, however, the policy is to transfer operations and participation in decisions to the tribes to the maximum extent.

This does not mean that BIA representatives can sit back and wait for initiative on the part of others. It means that considerable ingenuity, initiative, follow-through, persuasion, effective presentation of information and facts -- in short -- everything required for sound decision by Indian government and the Federal Regional Council and its member agencies should be provided by BIA within the limits of its resources.

Results Essential if Tribes are to Participate

On the basis of past experience of the tribes and FRC's, the Under Secretaries Group noted that most tribes have preferred to work with Washington rather than regional offices. They regard federal decentralization as threatening termination of the special relationship with the federal government. FRC relationships with the states also inhibit the tribes because of the concern with tribal sovereignty and potential State influence over their affairs.

Therefore, in addition to the Zuni integrated grant and possibly other

examples, the tribes "need to be shown" that working with Federal Regional Councils and the agencies represented thereon will yield results in terms of expertise and funds. One way to achieve this objective would be for each agency with program funds to make a reasonable commitment of funds for 1975-78 to be known by the Indians to be available if supported by reasonable program requests. Unless some such visible access is demonstrated, there will be a distinct lack of enthusiasm on the part of tribes to work with FRC's and the effort will disintegrate.

The tribes would then continue to pressure for funds and expertise in direct negotiations with the central offices concerned.

BIA Resources Available to Tribes and FRC's

The BIA agency and area offices exist to be of service to the tribes. In order to facilitate communication and understanding between the tribes and the FRC's and the respective agencies represented on the FRC's there are at least five requirements to be considered. Unless BIA is willing and able to commit the required resources, no action should be taken to arouse Indian expectations:

1. The first requirement is for designation of a senior level project manager at the Bureau level to provide overall direction and leadership to BIA program officials and to the field. The project manager will work through the Office of Field Coordination with the Washington elements of the Federal Regional Council system. Initially, the tasks of the project manager would include:

- a. Develop instructions for the field describing the duties, roles and responsibilities of BIA officials at each level with respect to the programs and activities of other Federal agencies and Federal Regional Councils, consistent with the policies expressed herein.
- b. Develop informational material for the tribes describing BIA capabilities and resources available to them in dealing with Federal Regional Councils and other Federal agencies.
- c. Coordinate activities with OMB and the Under Secretaries Group to assure that BIA developments are synchronized and integrated with the overall evolution of Federal Regional Councils and Federal assistance programs.
- d. Develop a program inventory for the use of BIA and Indian tribes of programs available to tribes, information as to funding levels, priorities, and channels of access as a basis reference document. This would involve using the recent NCIO inventory and the OMB catalog as a base and establishing a system for an Indian printout, supplement, or index to the catalog, to be produced periodically by OMB or by BIA.
- e. Identify additional program opportunities to satisfy unmet Indian needs and negotiate with OMB and the Under Secretaries Group for commitments to accept and fund additional qualified Indian projects.

- f. Identify Federal assistance programs with legal or administrative obstacles to Indian participation and develop an action plan for removing those obstacles.
2. The second requirement is the assignment by the Commissioner of an individual to be stationed at the Federal regional headquarters to work with all tribes within that jurisdiction through the Bureau of Indian Affairs and other agency representatives located in the region. This BIA representative would not necessarily be a part of the Interior representative staff but certainly would work in close relationship with such a representative as well as with other agency representatives. He could be a member of an FRC Indian task force and in some cases could serve as executive secretary and even chairman of such a task force or committee.
3. Third, each BIA area office should be directed to assign a program individual, reporting directly to the Area Director, to work with the reservation task force in the appropriate Federal region. In some instances several FRC regions are involved with one BIA area and in other instances an FRC region will involve more than one BIA area. Cross-deputization or other arrangements in each instance would be worked out under this alternative as seemed appropriate.
4. Fourth, area office staff should be made available to serve on and participate in other FRC activities, such as a Manpower Committee or Housing Committee, where there may be Indian interests to be served.

5. Fifth, BIA staff at the agency level should provide direct technical assistance, as needed, for tribes to obtain information about available Federal assistance programs and to develop and process applications for those programs.

BIA Resource Commitments

Acceptance of this program will require a total BIA resource commitment of:

Requirement 1 - Central Office Program Direction: The program manager will provide overall direction, using appropriate staff resources of the Central Office to perform specific tasks.

2 full-time positions

1 professional (GS-15 or higher)

1 secretary

Requirement 2 - Federal Regional Council Staff Representatives: Full-time positions are required only in the five regions having significant reservation program activities - Seattle, San Francisco, Denver, Dallas and Chicago.

5 full-time positions (GS-14) with travel funds

Full-time positions are already being used for this purpose in Denver, Seattle (Portland Area Office) and San Francisco (Phoenix Area Office).

Requirement 3 - Area Office Liaison Representatives: A maximum of 12 part-time senior program officials.

Requirement 4 - Area Office participants in FRC activities: No significant impact or any single individual.

Requirement 5 - Agency level technical assistance: A part-time assignment with varying degrees of activity not measurable at this time.

Multi-Tribal Agencies
Project Study Plan

Exhibit "G"

Purpose

To provide small tribes serviced by multi-tribal agencies the same range and quality of programs and services as are provided larger tribes serviced by a single-tribal agency.

Objectives

Improve services to all Indians serviced by multi-tribal agencies.

Basic Policy Guidelines

- a. Maximum decentralization of operations without loss of responsibility and accountability.
- b. Equal service to all Indian tribes irrespective of size, geographic dispersion or location of the tribes.
- c. Indian self-determination without termination.
- d. Maximum Indian consultation on all major decisions.

Scope

The study will include an analysis of multi-tribal agencies and their relationships with the tribes they service and their area offices. It will include a detailed analysis of peculiarities of each such agency taking into account the impact, if any, of both tribal government and inter-tribal organizations on agency operations. It will examine staffing levels and skills mix at agency and subagency locations, considering tribal needs and the ability of the agency to serve those needs. The study will examine geographical dispersion of each of the tribes, the size of the population and reservations, availability of transportation, communication between the BIA and tribes, and current methods for determining the distribution of resources. Finally, it will provide a plan for implementation of the study recommendations.

Specific Objectives

1. Develop a model service system, taking into account distance of tribes from BIA service source, and resources (money and man-power) requirements to serve the agency tribal populations.
2. Develop a method or approach for more equitably allocating funds and resources to tribes.
3. Recommend organizational arrangements to accommodate 1 and 2, above.

Organization

The study will be conducted by one member of the Working Group Task Force supplemented by BIA Central Office, Area Office and Agency personnel, as appropriate, on particular aspects of the project. No more than four persons plus the task force leader are expected to be working on this project at any one time. The attached Appendix lists those agencies considered multi-tribal. The study would initially consider two agencies which have large numbers of dispersed tribes on which a model could be built. Namely, the Nevada Agency with 22 identifiable tribal bodies, widely dispersed, inadequate transportation, admittedly underserved; and the Western Washington Agency having 18 to 25 tribes (dependent on how they are counted) which are also widely dispersed and have somewhat similar difficulties in servicing.

Approach

1. Initial Fact Finding. (3 weeks)

Examination of the tribes under the two agencies to be considered (Nevada and Western Washington) to develop and identify their specific needs and the degree to which they are being met. Examine relevant past studies for background; evaluate contracting capability of the tribes and present contracting being done; examine tribal governments and inter-tribal councils and other organizations having an impact on BIA programs. Identification of all pertinent information concerning the population, reservation, transportation availability, agency programs and peculiarities.

2. Analysis (6 weeks)

Consult with tribes of the two agencies under study, with the Agency personnel and Area Directors. Analyze programs and geographical areas within the agency where those programs are most needed. Develop model; test model in other multi-tribal agencies; develop recommendations.

3. Implementation (4 weeks)

Prepare implementing documentation such as directives and instructions.

Multi-Tribal Agencies *
(Excluding Alaska)

1. Aberdeen Area
 - Winnebago (3)
2. Albuquerque Area
 - Northern Pueblos (8)
 - Southern Pueblos (10)
3. Anadarko Area
 - Anadarko (5)
 - Concho (2)
 - Horton (4)
 - Pawnee (6)
 - Shawnee (5)
4. Billings Area
 - Wind River (2)
5. Minneapolis Area
 - Great Lakes (14)
 - Minnesota (5)
6. Muskogee Area
 - Miami (4)
7. Phoenix Area
 - Colorado River (4)
 - Hopi (2)
 - Nevada (22)
 - Papago (3)
 - Pima (2)
 - Truxton Canon (4)
 - Uintah Ouray (2)
8. Portland Area
 - Northern Idaho (4)
 - Warm Springs (3)
 - Western Washington (18)

9. Sacramento Area

Central California (33)
Hoopa Valley (6)
Southern California (23)

10. Southeastern Area

Choctaw (2)
Seminole (3)

*Figures in () denote tribes serviced. Data is based on June 1973 Statistical Report on Resident Indian Population and Labor Force Status.

Review of BIA Programs and Delivery Systems
Project Study Plan

Purpose

To review BIA programs and services to the Indian for responsiveness to Indian needs and to analyze the systems employed in the delivery of those programs and services for effectiveness and efficiency.

Objective

To improve the correlation between Indian needs and the BIA programs and services directed at those needs and to increase the effectiveness and efficiency of the delivery systems used to bring BIA programs and services to the Indians.

Basic Policy Guidelines

- a. Indian self-determination without termination.
- b. Maximum Indian consultation on all major decisions.
- c. Maximum Indian administration and control of the operation of BIA programs without loss of BIA responsibility to the Congress for both fiscal accountability and program responsibility.
- d. Maximum decentralization of operations, i.e., delegation of authority to the lowest possible level, without loss of central responsibility and accountability.
- e. Maximum streamlining of BIA organization to permit rapid decision making and to facilitate the flow and accuracy of communications.

Scope

The review will include an analysis of all programs and services provided the Indians by the BIA, excluding certain administrative services such as training in accounting techniques, principles and practices; tribal audits; tribal trust fund investment, etc. The review will examine the roles and responsibilities of each level of BIA organization, i.e., Central Office, Area Office and Agency, with respect to each program and service, identifying objectives, policies, workloads, organizational and reporting arrangements, procedures, staffing, funding, accomplishments and problems. The review will also identify the basis, i.e., treaty, statute, or historic practice for providing the program or service. Further, the review will analyze the degree to which each program and service is presently being administered and controlled by Indian tribes under contract with the BIA

and evaluate the success of such efforts. An assessment of the potential of each program and service for additional Indian administration and control under the self-determination policy also will be provided.

Specific Objectives

Recommendations consisting of:

- a. Redesign of existing BIA programs and services and the design of new programs and services to better meet Indian needs.
- b. Definition of the appropriate roles and responsibilities, consistent with maximum decentralization, of each current or potential BIA organizational level with respect to each program and service.
- c. Identification, consistent with maximum decentralization, of the appropriate level of operational authority for each program and service with a plan for developing the necessary management controls, policies, procedures, reporting systems, and essential evaluative machinery.
- d. A detailed plan and schedule for implementing recommendations.

Organization

The review will be conducted by a team of nine, headed by a member of the Working Group and consisting of technical program specialists from the four major program/service areas, i.e., Indian Education, Indian Services, Tribal Resources Development, and Trust Responsibilities, as well as personnel from the Department's Office of Management Consulting and Office of Indian and Territorial Development and the BIA's Division of Management Research and Evaluation and Division of Program Development and Execution. The team will be divided into four sub-teams, each of which will be responsible for reviewing one of the major program/service areas at a representative sample of each level of the BIA organization. Although eventually all programs and services will be reviewed, if only because of their inter-relationships, priority will be given to high dollar programs and services (see attached cost-out) or to those designated for priority review by the Commissioner because their delivery has been the subject of criticism by the Indians, the Congress, the General Accounting Office, Office of Survey and Review, the information media, etc., or for other reasons.

Approach

This review will be carried out in four major phases:

- a. Initial Fact Finding - Organization and orientation of the review team; review of relevant past studies, budget submissions, organization and staffing charts, information reports, GAO and OSR reports, Congressional hearings and reports, pertinent statutes, executive orders, pending legislation, Departmental and Bureau manual orders and other issuances, and workload statistics; consultation with Central Office Directors and other key officials and with Indian groups; and preparation of a detailed schedule based on a priority listing of programs and services to be examined.
- b. Data Collection - Meetings with and briefings of principal officials in the Central Office and field responsible for each program and service to be reviewed; interviewing and collecting data in the Central Office and the field (including discussions with Indian recipients of programs and services); and recording and classifying all data collected.
- c. Analysis of Data, Preparation of Draft of Findings, and Presentation and Discussion of Recommendations - Analysis of data collected; summarization of data in meaningful form, preparation of draft recommendations and action papers; consultation with all interested officials and parties; and preparation of final recommendations.
- d. Implementation - Preparation of necessary directives and instructions for carrying out approved recommendations.

Schedule

The initial fact-finding phase will be completed within 30 days at which time a detailed schedule will be prepared for reviewing the individual programs and services reflected on the priority listing.

Dollar Value of BIA Programs/Services
1974 Appropriations

<u>Program</u>	<u>Dollars</u> <u>(in millions)</u>	<u>% of Total</u>
All Programs/Services	458.6	100.0
<u>Indian Education</u>	216.7	47.3
School Operations	(130.5)	(28.5)
Assistance to Public Schools	(25.4)	(5.5)
Career Development	(43.8)	(9.6)
Construction	(17.0)*	(3.7)
<u>Indian Services</u>	90.7	19.8
Aid to Tribal Government	(8.8)	(1.9)
Social Services	(60.2)	(13.1)
Law Enforcement	(8.8)*	(1.9)
Housing	(12.9)	(2.8)
<u>Tribal Resource Development</u>	136.8	29.8
Business Enterprise Development	(5.5)	(1.2)
Credit	(2.3)	(.5)
Road Maintenance	(6.6)	(1.4)
Forestry and Agriculture	(20.5)	(4.5)
Direct Employment	(14.7)	(3.2)
Minerals, Mining, Irrigation and Power	(1.6)	(.4)
Construction	(85.5)*	(18.6)
<u>Trust Responsibilities</u>	14.4	3.1
Indian Natural Resources Rights Protection	(2.3)	(.5)
Real Estate and Financial Trust Services	(12.1)	(2.6)

*FY 1975

Review of BIA Administrative FunctionsProject Study PlanPurpose

Assess current administrative service/management functions and operations to delineate problem areas; to determine the adequacy and consistency of current instructions and directives; to measure impact on BIA housekeeping capabilities of providing administrative service support to tribes and determine the best organizational location for performing this function; to review delegations of authority to assure control and performance consistent with Federal Government statutory and regulatory administrative practices; to develop improvements; and to evaluate marginal administrative operations for potential transfer, discontinuance, consolidation, or substitution.

Objectives

Produce a cost analysis that prices administrative services/management functions; develop a model, including ratios and measurements for comparisons, that can be used to allocate administrative resources to Central Office and field and to adjust near future administrative operations to evolving organization and program management changes; organize an effort for immediate up-date of administrative instructions and directives; eliminate overlap and duplication of administrative operations among all organizational levels; define external relationships with the Department and other Federal Government agencies involved in governmentwide administrative operations; and define internal relationships.

Policy Guidelines

- a. Maximize use of Interior Department administrative services.
- b. Cast administrative services as a support base for substantive program operations, one which responds to program needs and does not control program operations.
- c. Streamline and simplify administrative processes.
- d. Establish basic controls consistent with statutory/regulatory requirements and management needs.
- e. Consolidate and centralize, as appropriate, Interior organization or institutional type of administrative functions which are necessarily performed as part of the Interior "family."

Scope

This review and assessment will include all administrative service and management functions performed by BIA personnel such as property management, purchasing, housekeeping and office services, supply and warehousing, facilities management, paperwork management, manpower and personnel management, financial accounting, budget preparation and execution, administrative reports, directives and manuals, program planning, data processing services, maintenance of tribal trust fund records, tribal audits, secretariat and correspondence activities, in-house management consulting services, safety, facilities engineering, the Administrative Services Center operations, and others as appropriate. Current systems, procedures, controls, manpower allocations and skill requirements, workload, delegations of authority, reporting requirements, records, guidance, internal/external relationship will be analyzed, as will be the extension of these services to tribal governments, in a frame of reference consistent with study purpose and objectives.

Organization

The survey project will be conducted by a team of four analysts and two technicians. The team should have combined skills and experience covering ADP specialties, administrative paperwork specialties, and management knowledge in the activities referenced in the previous section in scope. Department of Interior and General Service Administration policy offices will be used, as appropriate, as a resource.

Approach

This project will be accomplished by utilizing questionnaires, available reference data, telephone interviews, and sample examination/analysis of two Area Offices which have single tribe and multi-tribe agencies and are involved in a cross-service arrangement.

I. Initial Fact Finding

Study team will collect and digest appropriate background data, reference material, previous studies (including Office of Survey and Investigation Reports) and meet with Resource people to get additional perspective on emphasis and coverage. Team will interview selected departmental administrative officials to determine BIA-Interior Department links, define scope of service support provided by the Department - 4 or 5 weeks.

II. Data Collection

This is the major effort and will involve approximately 10 weeks covering:

- a. Development of a questionnaire and model, which will be tested at the sample Area Offices and Agencies to collect information on problem areas, delegation of authorities, the current efficacy of controls, administrative process and paper flows, skill requirements, costs, workload, performance measures, record and reporting requirements, relationships, services extended to tribes, voids in standard guidance, suggestions on improvements, priorities, and judgement on marginal activities.
- b. Visit sample Area Offices; test questionnaire; interview officials, particularly the program officials, on relationships of administrative services to program operations; visit selected agency offices, interview key agency program officials on support role of Administrative services, interview tribal business managers on services extended, problems experienced, scope of services needed. Compare Area/Agency modus operandi against current policy procedure guidance and elicit comment on change from Area/Agency perspective; analyze documentation flow and controls. Determine representative costs for administrative support and cost classifications. Discuss delegations of authority and limitations imposed on Area/Agency decision-makers in respect to administrative services operations. Collect representative workload data and analyze reporting requirements by administrative function; discuss priorities and obtain a relative judgement on the value and essentiality of certain administrative functions. Invite suggestions for improvement; get a picture of the working relationships which are essential for assuring a smooth operation.

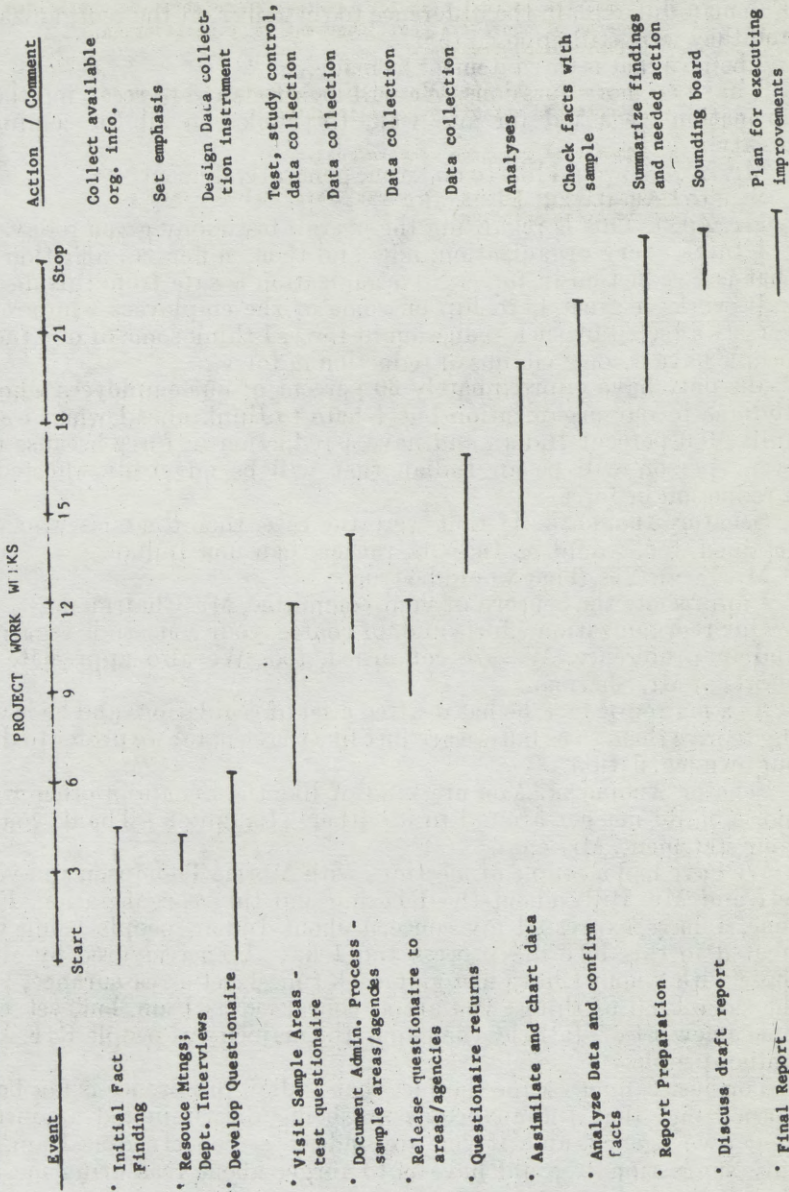
III. Analysis - 4 weeks

- a. Assimilate data; flow chart major administrative processes.
- b. Develop cost/administrative services system model.
- c. Summarize current status of directives and manual instructions highlighting areas for change/ up date.
- d. Develop display of distribution of authority and controls by major administrative process.

- e. Summarize factual case for marginal administrative operations worthy of consideration, judgement on consolidation, elimination, transfer.
- f. Prepare organization structure depicting location of functions, authority, relationships.
- g. Summarize resource requirements.

IV. Preparation of Report - 6 weeks (this includes feedback to sample Areas/Agencies)

Schedule



Senator ABOUREZK. I think what the staff is referring to is that Mr. Freeman did explain the difference to the tribes, of the reorganization and they were still opposed to it.

I believe that is the statement he made.

I have no more questions. We will look forward to receiving the information we asked for and want to thank you all for coming to testify.

Mr. ZUNI. I would like to make one general statement.

Senator ABOUREZK. Please do.

Mr. ZUNI. This is regarding the overall testimony given today.

I think every organization, now and then, suffers an affliction and that is a reduction in force. No organization is safe from this disease.

It works a great hardship on some of the employees who are adversely affected by such reduction in force. I think some of our Indian people have become victims of reduction in force.

We only have approximately 60 percent of our employees who are Indians in our organization but I hate to think ahead when we are fully, 100 percent Indian and have a reduction in force because then every person will be an Indian that will be adversely affected by a reduction in force.

Senator ABOUREZK. If that were the case, then the ones who were retained, too, would be Indians, rather than non-Indians.

Mr. ZUNI. Yes. That would be true.

I appreciate the concern of your committee, Mr. Chairman.

Our reorganization efforts and, of course, your concern is regarding Indian preference. We are concerned, too. We also appreciate the efforts of Mr. Sherman.

As a matter of fact, he has drafted a set of regulations and he is willing to give them to us but we are just like the Senate; we prefer to draft our own legislation.

Senator ABOUREZK. You are kind of like the Senate in other ways, too. You do not get around to it, either. [Laughter.] Thank you for your statement, Mr. Zuni.

We have had a couple of meetings with Morrie Thompson and yourself and Mr. Billy about the RIF'ing and the reorganization. Each time, I have expressed my concern about Indian people being mistreated in this RIF'ing process and I have been reassured by all of those with whom I have met and, each time I get a reassurance, I get the same kind of thing; you are as concerned as I am, but, yet, each time a new set of statistics comes out, the majority of people RIF'd are Indian people.

You just cannot escape the fact that Indian preference is not being carried out, that Indian people are being discriminated against in their own agency, and, if you are, indeed, as concerned as I am, the only suggestion I would have is to forget about reassuring me and change the facts.

The facts will reassure me and this committee and reassume the Indians and right now those facts are very frightening to the Indian people and I do not blame them.

They do not really have too much to hang onto in this world.

The reason the BIA exists today, as badly as the Indian programs have been mismanaged by the BIA, is that it is all the Indians have left.

You exist at their will, really, because they want you there but they want to be treated properly.

I would urge you to save all of the trouble that is to come for the future, and I guarantee you there is going to be a lot of work go into this matter; court decisions, General Accounting Office investigations, further hearings, and investigations.

You could just save all of that if you would do the right thing.

Now, I would plead with you here, today, in the new spirit of cooperation between the Congress and the administration.

Mr. ZUNI. Mr. Chairman, I would like to make another prediction, if I may.

As you know, we are heavily engaged in contracting with Indian tribes which will result in further reduction of BIA staff. We realize this, however, I think we can be thankful in reducing BIA staff.

The tradeoff will be that Indians on reservations will be gaining employment at the expense of the Bureau.

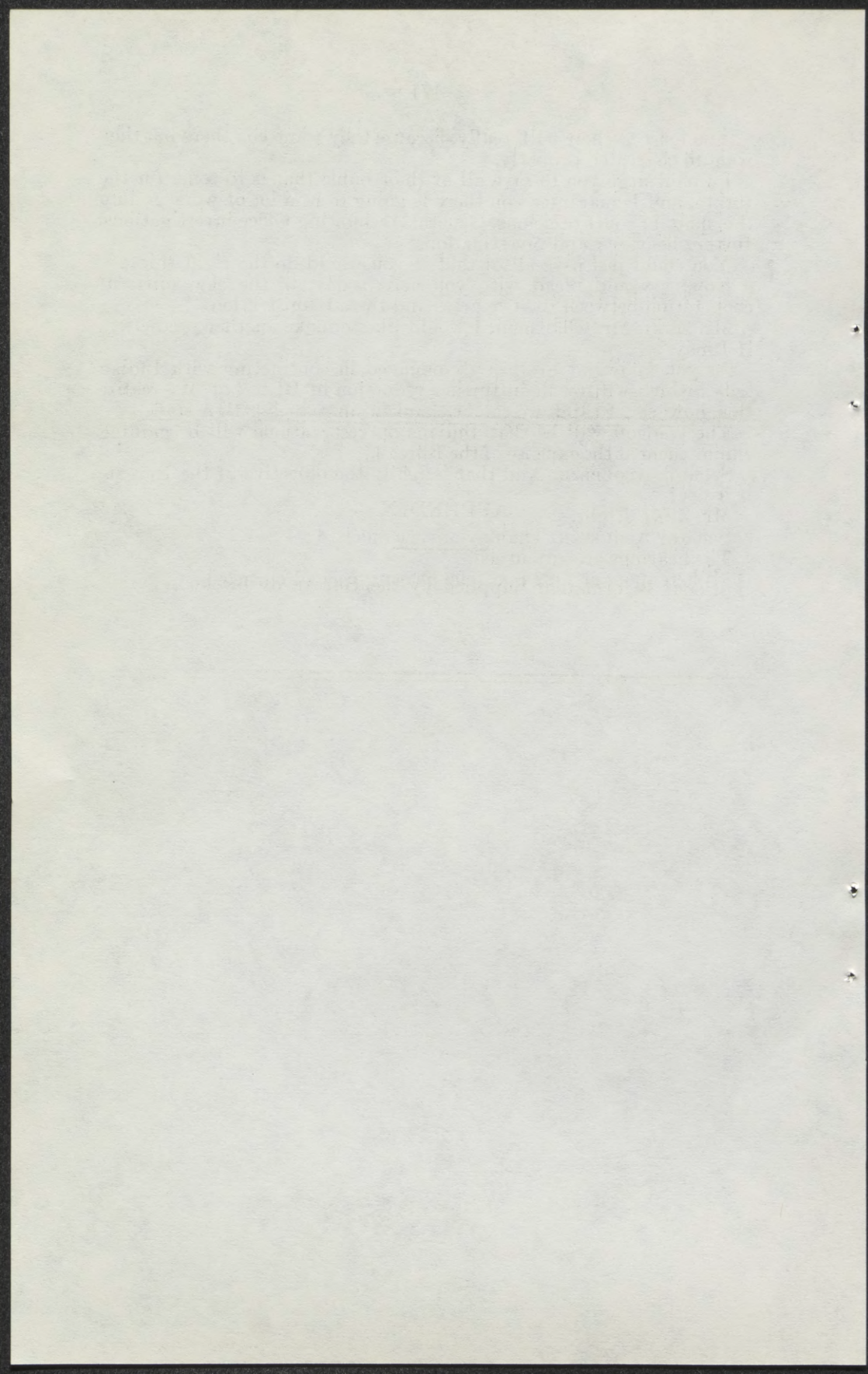
Senator ABOUREZK. And that is really the objective of the Bureau, is it not?

Mr. ZUNI. Right.

Senator ABOUREZK. Thank you very much.

The hearings are adjourned.

[Whereupon, at 1:22 p.m., the hearing was adjourned.]



APPENDIX

Additional Information Supplied by the Bureau of Indian Affairs

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

1912 - 1913

Personnel Management
 DCCO 8489 - 8504 - 8506

Honorable James Abourezk
 Chairman, Indian Affairs Subcommittee
 Committee on Interior and Insular
 Affairs
 United States Senate
 Washington, D.C. 20510

OCT 25 1974

Dear Senator Abourezk:

This is in response to your letters dated September 30, 1974, and October 1, 1974, in which you asked for the information promised during the oversight hearings.

We regret that we were not able to furnish you with all the material within the time we promised. However, we will be forwarding it to you as soon as it is compiled.

The following attachments will provide you with a portion of the information.

- Attachment 1 Draft of proposed changes in 44 BIA which incorporates the policy of Indian preference in accordance with the Freeman and Supreme Court Decisions.
- Attachment 2 Copies of informational material published by the Central Office and the field offices implementing the Secretary's policy of June 22, 1972.
- Attachment 3 Statistics regarding the number of Indians, non-Indians in professional education positions Bureau-wide.
- Attachment 4 Statistics indicating Indian, non-Indian employment by Areas and Central Office.
- Attachment 5 Participants in the Penn State University Native American Administrator Program.

The other information which you requested will be forwarded as soon as possible.

Sincerely yours,
 RAYMOND V. BULLER

Acting Deputy

Commissioner of Indian Affairs

Attachments



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

PLEASE REFER TO
Personnel Management

MEMORANDUM

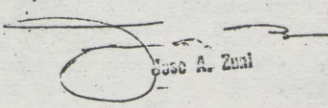
OCT 17 1974

To: Area Directors
Acting Assistant Director,
Administrative Services Center

From: Director of Administration

Subject: Proposed Bureau personnel manual revisions

Attached are proposed changes in various personnel chapters of the Bureau Manual which incorporate the changes as a result of the Freeman Court decision of December 21, 1972, and the Supreme Court Decision of June 17, 1974, upholding Indian preference. May we have your suggestions and/or comments regarding the proposed changes; also the comments from supervisors, employees, and Union representatives. These regulations are to be published as soon as possible. Please submit your comments not later than November 15.



Jess A. Zuni

Attachments





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:
Personnel Management

D
R
A
F
T

MEMORANDUM

To: Holders of BIAM
From: Commissioner
Subject: Manual Revisions - Indian Preference

The attached sheets reflect revision of the portions of the BIAM relating to the Indian preference policies of the Bureau. As time permits, the entire chapters will be updated incorporating other changes. The CSC is in the process of revising the Promotion & Internal Placement Chapter. When the new Commission procedures are published, our entire Promotion Plan will be revised. The new manual material has been bracketed for ready reference.



SUBCHAPTER 1. General Provisions.

- .1 Indian Preference. An Indian has preference, by law, in appointment provided the candidate has established proof that he is one-fourth or more Indian, [is a member of a Federally recognized tribe] and meets the minimum qualifications for the position to be filled. [The policy for preference shall apply in original appointment, reinstatement, promotion, reassignment, and transfer.]
- .2 Authority. The latest legislation granting preference to Indians is the Act of June 18, 1934 (48 Stat. 984), which conferred upon persons of Indian descent preference in employment in the Bureau of Indian Affairs. In order to establish equitable standards in applying Indian preference in employment, Executive Order 8043 was issued on January 31, 1939, which stipulates that the appointee, in order to be eligible for Indian preference in employment, must be one-fourth or more Indian. The Civil Service authority for the excepted appointment of Indian preference eligibles is Schedule A.213.3112(a)(7).
- .3 Exclusion of Certain Indians for Indian Preference in Employment.
 - A. Loss Of Indian Preference. Upon removal of Federal restrictions on the property of Indians as a result of enactment of terminal legislation and upon publication of a proclamation in the Federal Register by the Secretary of the Interior declaring that the Federal trust relationship to such Indians is terminated, they are no longer entitled to any of the services performed for Indians because of their status as Indians. (Therefore, such Indian will not be entitled to preference in employment in the Bureau of Indian Affairs, but upon issuance of a proclamation, are to be treated like any other person with respect to employment.) This exclusion applies to all tribal groups affected by such terminal legislation upon publication of the proclamation in the Federal Register. The effective date is the date established by the Public Law for the termination of Federal responsibility.
 - B. Effect on Indian Members of Tribe(s) Currently Employed. The position held by such Indians who are currently employed in the Bureau of Indian Affairs under Schedule A., Section 213.3112(a)(7) will remain in the excepted category in which they have been placed by the Civil Service Commission so long as the Commission's regulations remain unchanged and so long as they are employed by the Bureau. If such Indians leave the Bureau and subsequently apply for reemployment, they shall be considered for employment purposes in the same category as any other person.

SUBCHAPTER 1. General Provisions.

1. Lateral Transfer Policy

- A. It is the policy of the Bureau to give primary consideration to employees who have requested consideration for a lateral transfer in accordance with Indian preference policies].
44 BIAM 335,3.14E.1, 44 BIAM 335,3.14F and 44 BIAM 302.1.
- B. Adhering to the policy of preference to employment of Indians, employees who are faced with pending separation through reduction-in-force shall receive priority consideration for placement, if they have indicated interest in accepting a lateral reassignment elsewhere in the Bureau.

2. Administrative Transfer Policy

- A. It may be necessary to effect the transfer of employees administratively because of conditions which relate to the best interest of the Bureau and/or employees. Area Directors and the Assistant Director, Administrative Services Center, shall make this determination for such transfers of employees from and to positions within their appointing authority. The Commissioner shall make this determination for positions within the Central Office appointing authority, and for transfers across lines of appointing authority if a mutual agreement is not reached. Transfers will be in accordance with Indian preference.

3. Reassignment from the Juneau Area

- A. Within the requirements of the Indian preference regulations, the Bureau will assist in the reassignment of any Juneau Area principal-teacher or teacher to a position of the same grade in one of the other areas. The Bureau will endeavor to reassign other Juneau Area professional educators to positions of the same grade in one of the other areas. Conditions which must be met are:
- (1) Completion of an assignment of 4 years or more in Alaska.
 - (2) A written request for reassignment must be made in sufficient time so that the transfer can be effected during the time schools are closed in the summer.
 - (3) The applicant meets full Civil Service qualifications for his position. (We cannot guarantee the transfer of a "spouse" appointee or of a subeligible employee.)

Subchapter 3. Merit Promotion Plan

1. Policy. An Indian has preference in initial appointment, transfer, reinstatement, reassignment and promotion. To be eligible for preference, an individual must be one-fourth or more degree Indian blood and be a member of a Federally recognized tribe. It is the policy for promotional consideration that where two or more candidates who meet the qualification requirements are available for filling a vacancy, if one of them is an Indian, he shall be given the preference in filling the vacancy.

The Promotion Program does not restrict the right of management to fill positions by methods other than through promotion [subject to Indian preference regulations.]

All items remain the same except for I.

.12 Content of Announcement.

I. The following statement will be included on each POB issued:
"In filling this vacancy by promotion, reassignment,
appointment, lateral transfer from outside the Bureau, or rein-
statement, priority in selection will be given to candidates who
present proof of eligibility for Indian preference. A Certificate
of Indian Blood must be part of the official personnel record of
an applicant who claims Indian preference."

Item A, C, D, E, F and G remain the same.

.14 Methods and Procedures for Consideration.

B. Applications

An employee may file for an announced vacancy by submitting an SF-171 through supervisory channels to the appropriate job holding office. The supervisor will complete an evaluation form to attach to the application and forward it to the Personnel Office for submission to the job-holding Personnel Office.

An employee who claims Indian preference is responsible for submitting a Certificate of Indian Blood with his application if none is currently on record. Employees are responsible for submitting a CIB to the job-holding Personnel Office, if other than their current servicing Personnel Office. Indian preference in promotion will not be considered unless there is a CIB on file for the applicant claiming preference.

Bureau of Indian Affairs Manual	Personnel	44 BIAM addition to FPM
Chapter 335	Promotion and Internal Placement	335, 3.17

.17 A & B are new - pen and ink changes renumbering old 17B to 17C; old 17C to 17D; and old 17D to 17E.

.17 Evaluating Eligible Candidates.

All candidates [shall be rated] for a vacancy [and placed] in two groups - Indian and non-Indian.

- A. Method of Evaluating. Candidates who are basically eligible will be evaluated on a combination of factors dealing with their overall knowledge, skills, education, and experience. Rating panels will be established, unless it is impracticable to do so, in order to rate candidates for positions at GS-5 and above under the Promotion Plan. When rating panels are used in the evaluation process, personnel staff members and the selecting official may serve only in a technical or advisory capacity.
- B. Evaluation of Outside Candidates. When recruitment efforts are extended to include applications from candidates outside the Federal service and other Federal agencies, these applications will be rated, ranked, and certified in the same manner as Bureau employees applying for consideration. When written evaluations are not available, telephone contacts with former or present employers will be documented as the supervisor's evaluation.

<u>Bureau of Indian Affairs Manual</u>	<u>44 BIAM addition to FPM</u>
Chapter 335	Personnel Promotion and Internal Placement
	335, 3.17

.17 A & B are new - pen and ink changes renumbering old 17B to 17C; old 17C to 17D; and old 17D to 17E.

.17 Evaluating Eligible Candidates.

All candidates (shall be rated) for a vacancy (and placed) in two groups - Indian and non-Indian.

- A. Method of Evaluating. Candidates who are basically eligible will be evaluated on a combination of factors dealing with their overall knowledge, skills, education, and experience. Rating panels will be established, unless it is impracticable to do so, in order to rate candidates for positions at GS-5 and above under the Promotion Plan. When rating panels are used in the evaluation process, personnel staff members and the selecting official may serve only in a technical or advisory capacity.
- B. Evaluation of Outside Candidates. When recruitment efforts are extended to include applications from candidates outside the Federal service and other Federal agencies, these applications will be rated, ranked, and certified in the same manner as Bureau employees applying for consideration. When written evaluations are not available, telephone contacts with former or present employers will be documented as the supervisor's evaluation.

This paragraph will supersede entire paragraph .18

18. Ranking and Selection

A. Ranking by Category

1. Indian Candidates. All Indian candidates who meet the minimum qualification requirements for a position will be rated as qualified and they will be ranked into two groups- Qualified and Highly Qualified according to paragraph .17, "Evaluating Eligible Candidates." The best qualified will be selected from the Highly Qualified group.
2. Non-Indian Candidates. All non-Indian candidates who meet the minimum qualification requirements for a position will be rated as qualified and they will be ranked into two groups- Qualified and Highly Qualified according to paragraph .17, "Evaluating Eligible Candidates." The best qualified will be selected from the Highly Qualified group.

B. Referral of Candidates to Selection Official (Certification)

1. Three to five of the best qualified Indian candidates will be listed on the certificate. If meaningful distinctions cannot be made among the best qualified candidates as many as 10 names may be certified.
2. When there are no best qualified Indian candidates available, the qualified Indian candidates will be certified together with the best qualified non-Indian candidates. In the event the Indian candidates decline an offer, the best qualified non-Indian candidates may then be considered.
3. There is no provision according to the Freeman vs. Morton Court Decision, December 21, 1972, or the Supreme Court Decision, June 17, 1974 whereby an exception may be granted to the Indian preference regulations.]

CERTIFICATE QUALIFIED CANDIDATES

Announcement No. _____ Date Issued _____

Position Title and Grade _____

Installation, Activity and Location _____

BEST QUALIFIED INDIAN CANDIDATESQUALIFIED INDIAN CANDIDATES (May not be selected when best qualified Indians
are available)BEST QUALIFIED NON-INDIAN CANDIDATES (The selection of a non-Indian candidate may
not be made if there are qualified or best qualified Indian candidates
available.)Selecting Official

ATTACHMENT 2

To: Area Directors
Acting Administrator, Field Support Services Office
Executive Officer, IADC
Director, Southeast Agencies
Central Office

Please make copies and distribute to all personnel under your jurisdiction.

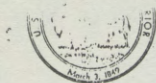
Fwd by tele-copier 7-3-72

TO ALL AREA DIRECTORS

4400

THE SECRETARY OF THE INTERIOR ANNOUNCED TODAY HE HAS APPROVED THE BUREAU'S POLICY TO EXTEND INDIAN PREFERENCE TO TRAINING AND TO FILLING VACANCIES BY ORIGINAL APPOINTMENT, REINSTATEMENT, AND PROMOTION. THE NEW POLICY WAS DISCUSSED WITH THE NATIONAL PRESIDENT OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES UNDER NATIONAL CONSULTATION RIGHTS NFFE HAS WITH THE DEPARTMENT. SECRETARY MORTON AND I JOINTLY STRESS THAT CAREFUL ATTENTION MUST BE GIVEN TO PROTECTING THE RIGHTS OF NON-INDIAN EMPLOYEES. THE NEW POLICY PROVIDES AS FOLLOWS: WHERE TWO OR MORE CANDIDATES WHO MEET THE ESTABLISHED QUALIFICATION REQUIREMENTS ARE AVAILABLE FOR FILLING A VACANCY, IF ONE OF THEM IS AN INDIAN, HE SHALL BE GIVEN PREFERENCE IN FILLING THE VACANCY. THIS NEW POLICY IS EFFECTIVE IMMEDIATELY AND IS INCORPORATED INTO ALL EXISTING PROGRAMS SUCH AS THE PROMOTION PROGRAM. REVISED MANUAL RELEASES WILL BE ISSUED PROMPTLY FOR REVIEW AND COMMENT. YOU SHOULD TAKE IMMEDIATE STEPS TO NOTIFY ALL EMPLOYEES AND RECOGNIZED UNIONS OF THIS POLICY.

Wm. H. Brown



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

JUL 3 1972

Memorandum

To: All Bureau Employees

From: Commissioner of Indian Affairs

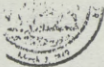
Subject: Bureau Policy on Indian Preference

On June 23 Secretary Morton announced his approval of this Bureau's proposal to expand the application of Indian preference to include training and promotions, as well as initial employment and reinstatement. In regard to filling positions, the policy provides as follows: where two or more candidates who meet the established qualification requirements are available for filling a vacancy, if one of them is an Indian, he shall be given preference in filling the vacancy.

The new policy has been endorsed by officials of the Civil Service Commission and the Department of the Interior in regard to its basis in Federal statute as well as its effect in furthering the cause of Indian self-determination. We are agreed that it is a proper part of the Bureau's mission. The expansion of Indian preference will basically be a means of enhancing opportunities for Indians in the operation and management of the Bureau's programs, a goal which is consistent with President Nixon's announced policy of increased self-determination in Federal and local matters affecting Indian people.

At the same time, non-Indian employees are assured that this expansion of Indian preference in no way jeopardizes their present jobs or current status. It is not the intention of the Department or the Bureau to hamper the rights of any employees, either Indian or non-Indian. This Bureau and the Indian people whom it serves will continue to need the talent, skill, and dedication which non-Indian employees have displayed over the years. Therefore, I stress our intention to maintain the rights of all employees and our desire for a continuation of each employee's best efforts in our important programs.

Louis R. Bruce
Commissioner



DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
 Aberdeen Area Office
 and
 Minneapolis Area Office
 Division of Administration
 Aberdeen, South Dakota 57401

3792

JUN 27 1972

Memorandum No. 44-948

To: All Employees, Aberdeen and
 Minneapolis Areas
 All Union Locals Having Exclusive Recognition,
 Aberdeen and Minneapolis Areas

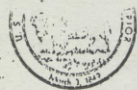
From: Assistant Area Director, Administration

Subject: New Bureau Policy Extending Indian Preference

For information and guidance a teletype message dated June 24,
 1972 received from the Commissioner of Indian Affairs is quoted
 as follows:

THE SECRETARY OF THE INTERIOR ANNOUNCED TODAY HE HAS APPROVED THE BUREAU'S POLICY TO EXTEND INDIAN PREFERENCE TO TRAINING AND TO FILLING VACANCIES BY ORIGINAL APPOINTMENT, REINSTATEMENT, AND PROMOTION. THE NEW POLICY WAS DISCUSSED WITH THE NATIONAL PRESIDENT OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES UNDER NATIONAL CONSULTATION RIGHTS NFFE HAS WITH THE DEPARTMENT. SECRETARY MORTON AND I JOINTLY STRESS THAT CAREFUL ATTENTION MUST BE GIVEN TO PROTECTING THE RIGHTS OF NON-INDIAN EMPLOYEES. THE NEW POLICY PROVIDES AS FOLLOWS: WHERE TWO OR MORE CANDIDATES WHO MEET THE ESTABLISHED QUALIFICATION REQUIREMENTS ARE AVAILABLE FOR FILLING A VACANCY, IF ONE OF THEM IS AN INDIAN HE SHALL BE GIVEN PREFERENCE IN FILLING THE VACANCY. THIS NEW POLICY IS EFFECTIVE IMMEDIATELY AND IS INCORPORATED INTO ALL EXISTING PROGRAMS SUCH AS THE PROMOTION PROGRAM. REVISED MANUAL RELEASES WILL BE ISSUED PROMPTLY FOR REVIEW AND COMMENT. YOU SHOULD TAKE IMMEDIATE STEPS TO NOTIFY ALL EMPLOYEES AND RECOGNIZED UNIONS OF THIS POLICY.

Francis Biscoe
 Assistant Area Director,
 Administration



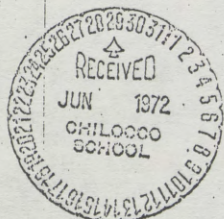
UNITED STATES
DEPARTMENT OF THE INTERIOR

Personnel

BUREAU OF INDIAN AFFAIRS
MUSKOGEE AREA OFFICE
MUSKOGEE, OKLAHOMA 74401

4174

June 26, 1972



Memorandum

To: Heads of Agencies and Boarding Schools
Area Branch Chiefs
Anadarko and Muskogee Areas

From: Area Personnel Officer

Subject: Central Office Teletype Concerning Extension of Indian
Preference to Training and Promotion

Below is quoted a teletype received this date from the Commissioner:

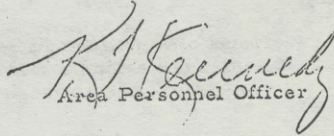
THE SECRETARY OF THE INTERIOR ANNOUNCED TODAY HE HAS APPROVED THE BUREAU'S POLICY TO EXTEND INDIAN PREFERENCE TO TRAINING AND TO FILLING VACANCIES BY ORIGINAL APPOINTMENT, REINSTATEMENT, AND PROMOTION. THE NEW POLICY WAS DISCUSSED WITH THE NATIONAL PRESIDENT OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES UNDER NATIONAL CONSULTATION RIGHTS NFFE HAS WITH THE DEPARTMENT. SECRETARY MORTON AND I JOINTLY STRESS THAT CAREFUL ATTENTION MUST BE GIVEN TO PROTECTING THE RIGHTS OF NON-INDIAN EMPLOYEES. THE NEW POLICY PROVIDES AS FOLLOWS: WHERE TWO OR MORE CANDIDATES WHO MEET THE ESTABLISHED QUALIFICATION REQUIREMENTS ARE AVAILABLE FOR FILLING A VACANCY, IF ONE OF THEM IS AN INDIAN HE SHALL BE GIVEN

PREFERENCE IN FILLING THE VACANCY. THIS
NEW POLICY IS EFFECTIVE IMMEDIATELY AND
IS INCORPORATED INTO ALL EXISTING PROGRAMS
SUCH AS THE PROMOTION PROGRAM. REVISED
MANUAL RELEASES WILL BE ISSUED PROMPTLY
FOR REVIEW AND COMMENT. YOU SHOULD TAKE
IMMEDIATE STEPS TO NOTIFY ALL EMPLOYEES
AND RECOGNIZED UNIONS OF THIS POLICY.

4174

Please bring this to the attention of all employees.

Unions which have official recognition within your organization
should be notified formally with a copy of your notification to
this office.


Area Personnel Officer



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
 FIELD SUPPORT SERVICES OFFICE
 600 GOLD AVENUE, S.W.
 P.O. BOX 2025
 ALBUQUERQUE, NEW MEXICO 87105

Memorandum

JUN 28 1972

To: All Employees

From: Personnel Officer

Subject: Indian Preference Policy

618

We received a copy of a transmittal from Commissioner Bruce establishing a new policy concerning Indian preference in the Bureau of Indian Affairs. The transmittal is quoted in its entirety as follows:

"THE SECRETARY OF THE INTERIOR ANNOUNCED TODAY HE HAS APPROVED THE BUREAU'S POLICY TO EXTEND INDIAN PREFERENCE TO TRAINING AND TO FILLING VACANCIES BY ORIGINAL APPOINTMENT, REINSTATEMENT, AND PROMOTION. THE NEW POLICY WAS DISCUSSED WITH THE NATIONAL PRESIDENT OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES UNDER NATIONAL CONSULTATION RIGHTS NFFE AND WITH THE DEPARTMENT. SECRETARY MORTON AND I JOINTLY STRESS THAT CAREFUL ATTENTION MUST BE GIVEN TO PROTECTING THE RIGHTS OF NON-INDIAN EMPLOYEES. THE NEW POLICY PROVIDES AS FOLLOWS: WHERE TWO OR MORE CANDIDATES WHO MEET THE ESTABLISHED QUALIFICATION REQUIREMENTS ARE AVAILABLE FOR FILLING A VACANCY, IF ONE OF THEM IS AN INDIAN, HE SHALL BE GIVEN PREFERENCE IN FILLING THE VACANCY. THIS NEW POLICY IS EFFECTIVE IMMEDIATELY AND IS INCORPORATED INTO ALL EXISTING PROGRAMS SUCH AS THE PROMOTION PROGRAM. REVISED MANUAL RELEASES WILL BE ISSUED PROMPTLY FOR REVIEW AND COMMENT. YOU SHOULD TAKE IMMEDIATE STEPS TO NOTIFY ALL EMPLOYEES AND RECOGNIZED UNIONS OF THIS POLICY.

(Sgd.) Louis R. Bruce
 Commissioner"

Additional information concerning this policy is forthcoming from the Central Office and will be transmitted to you as soon as it is received.

Carl W. McChesney
 Personnel Officer



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
FIELD SUPPORT SERVICES OFFICE
600 GOLD AVENUE, S.W.
P.O. BOX 2026
ALBUQUERQUE, NEW MEXICO 87103

JUL 13 1972

Memorandum

To: All Employees

From: Personnel Officer

Subject: Bureau Policy on Indian Preference

618

On June 28, 1972, we advised you that we would provide you with additional information pertaining to the Bureau's policy on Indian preference as it was received.

The attached letter dated July 3, 1972, is a restatement of that policy distributed on June 28, 1972.

Carl M. Truelker
Personnel Officer

Attachment:



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

JUL 3 1972

Memorandum

To: All Bureau Employees
From: Commissioner of Indian Affairs
Subject: Bureau Policy on Indian Preference

On June 23 Secretary Morton announced his approval of this Bureau's proposal to expand the application of Indian preference to include training and promotions, as well as initial employment and reinstatement. In regard to filling positions, the policy provides as follows: where two or more candidates who meet the established qualification requirements are available for filling a vacancy, if one of them is an Indian, he shall be given preference in filling the vacancy.

The new policy has been endorsed by officials of the Civil Service Commission and the Department of the Interior in regard to its basis in Federal statute as well as its effect in furthering the cause of Indian self-determination. We are agreed that it is a proper part of the Bureau's mission. The expansion of Indian preference will basically be a means of enhancing opportunities for Indians in the operation and management of the Bureau's programs, a goal which is consistent with President Nixon's announced policy of increased self-determination in Federal and local matters affecting Indian people.

At the same time, non-Indian employees are assured that this expansion of Indian preference in no way jeopardizes their present jobs or current status. It is not the intention of the Department or the Bureau to hamper the rights of any employees, either Indian or non-Indian. This Bureau and the Indian people whom it serves will continue to need the talent, skill, and dedication which non-Indian employees have displayed over the years. Therefore, I stress our intention to maintain the rights of all employees and our desire for a continuation of each employee's best efforts in our important programs.

Lucian R. Bricker
Commissioner



IN REPLY REFER TO:

Personnel

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
 FIELD SUPPORT SERVICES OFFICE
 500 GOLD AVENUE, S.W.
 P.O. BOX 2028
 ALBUQUERQUE, NEW MEXICO 87103

JUL 27 1972

MEMORANDUM

To: All Employees
 From: Personnel Officer
 Subject: Partial Revision of 44 BIAM 335 Promotion and Internal Placement (Bureau Promotion Plan)

As a result of the Commissioner's recent issuance of the new policy on Indian Preference, certain revisions were required in the Bureau's Promotion Plan that was published on June 26, 1969.

The Bureau has requested that this be disseminated for your information and for your submission of comments if you so desire. As Attachment 1, Commissioner's memorandum dated July 19, 1972, indicates, comments are to be sent to the Division of Personnel Management not later than August 7, 1972. If you have comments concerning these revised sections of the Promotion Plan, please submit them to this office by August 3, 1972. This office will make no attempt to edit any of the comments or suggestions but rather will submit them to the Bureau as written.

The Commissioner has suggested that for ease of your review that the entire text of the particular sub-parts that are revised be furnished to you. (Attachment 2)

During the interim, between now and the time that the revisions are published, the Personnel Office has received instructions to immediately implement these revisions.

Carol L. Miller
 Personnel Officer

Attachments



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Personnel Management

JUL 19 1972

Air Mail

Memorandum

618

To: Area Directors
Acting Administrator, Field Support Services Office
Director of Southeast Agencies

From: Commissioner of Indian Affairs

Subject: Partial Revision of 44 BIAM 335 Promotion and Internal Placement

The attached draft is being forwarded for your review and comments. The changes for the Promotion Program are in accordance with the policy which was announced on June 23 by the Secretary expanding Indian preference to include promotion and training, as well as initial employment and reinstatement.

The only proposed changes in the Promotion Program are ones to implement preference in promotion consideration. A complete revision of the program will be issued later for comment. Before discussions are held with employees, employee organizations, and tribal groups, we suggest that copies of paragraphs of the current program which are being changed be furnished the reviewing officials since in some instances only a portion of the paragraph will be revised.

Please submit your comments and suggestions to the Division of Personnel Management not later than August 7, 1972.

James R. Bruce
Commissioner

Attachment

PRESENT PROMOTION PLAN

- .1 Policy. It is the policy of the Bureau to fill vacancies by promotion or reassignment with the best qualified available persons without discrimination because of race, color, religion, sex or national origin. While this program cannot guarantee promotion, it provides maximum opportunity for consideration.

This program does not restrict the right of management to fill positions by methods other than through promotion when it is in the best interest of the Bureau to do so. Positions may be filled by transfer, reassignment, reinstatement and initial hiring from Civil Service Commission certificates. When a position is filled by initial appointment or by reinstatement in lieu of the promotion program, preference will be given to qualified Indians.

618

PROPOSED REVISION:

This statement will supersede .1 Policy 44 BIAM 335,3.1

.1 Policy - An Indian has preference in appointment in the Bureau. To be eligible for preference in appointment, promotion, and training, an individual must be one-fourth or more degree Indian blood and be a member of a Federally-recognized tribe. It is the policy for promotional consideration that where two or more candidates who meet the established qualification requirements are available for filling a vacancy, if one of them is an Indian, he shall be given preference in filling the vacancy. In accordance with the policy statement approved by the Secretary, the Commissioner may grant exceptions to this policy by approving the selection and appointment of non-Indians, when he considers it in the best interest of the Bureau.

This program does not restrict the right of management to fill positions by methods other than through promotion. Positions may be filled by transfers, reassignment, reinstatement, or initial appointment.

.12 Content of Announcement. The complete POB will contain the following information (see Illustration 7).

- A. Announcement number
- B. Opening date -- closing date
- C. Title, grade, series of position
- D. If it is necessary to specify sex -- tell why
- E. Abbreviated position description
- F. Location
- G. Selective Placement Factors
- H. Whether position has known promotion potential
- I. Statement of non-discrimination

As Permanent Data Sheets are developed to enable us to utilize the abbreviated announcements, we will replace the more complete POB on a grade and series basis with the brief form of announcement. The new system will be keyed to the development and maintenance, at a point accessible to all employees, basic information (on the position and the local living conditions). This basic information will not have to be duplicated with each announcement.

PROPOSED REVISION:

All items remain the same except for I.

.12 Content of Announcement

I. The following statement will be included on each POB issued:
 "In filling vacancies by promotion, original appointment or reinstatement, priority in selection will be given to candidates who are eligible for Indian preference."

.14 Methods and Procedures

- A. Nominations. Any supervisor may nominate any employee, including those who are not under his direct supervision, for any vacancy for which he feels the employee is qualified.
- B. Applications. An employee may file for an announced vacancy by submitting the Application (Illustration 1) or the abbreviated application (Illustration 5), if the position is located in the same Area. The Application for Promotion and Reassignment will be forwarded through channels for completion of the supervisor's appraisals.
- C. Supervisory evaluation. The supervisor will complete the Supervisor's Assessment of Potential (Illustration 2), and Supervisor's Appraisal of Performance (Illustration 3).
- D. The employee's personnel office will forward to the job holding personnel office the employee's nomination or application, the supervisor's assessment of potential, and the supervisor's appraisal of performance. In addition, the personnel office of record should provide any additional information which would be valuable in considering the employee for promotion.

PROPOSED REVISION:

Items A, C, D, E, F, and G remain the same.

.14 Methods and Procedures for Consideration.B. Applications

An employee may file for an announced vacancy by submitting an SF-171 through supervisory channels to the appropriate job holding office. The supervisor will complete an evaluation form to attach to the application.

An employee who claims Indian preference is responsible for submitting a certificate of Indian blood with his application if none is currently on record. Indian preference in promotions will not be considered unless there is a CIB on file.

PRESENT PROMOTION PLAN

.17 Evaluating Eligible Candidates.

- A. Method of evaluating. Candidates will be evaluated on a combination of factors dealing with their overall knowledge, skills, abilities and personal characteristics. This is beyond the determination of basic qualifications which must be made initially.
- B. Evaluation Criteria. Candidates who meet the basic qualifications and are thus equipped for minimum consideration will be evaluated on (1) Career potential, and (2) Quality and relevance of experience.

PROPOSED REVISION:

.17 A & B are new - pen and ink change renumbering old 17B to 17C; old 17C to 17D; old 17D to 17E.

.17 Evaluating Eligible Candidates

All qualified eligible candidates to be considered for a vacancy will be arranged in two groups - Indian and non-Indian.

- A. Method of Evaluating. Candidates who are basically eligible will be evaluated on a combination of factors dealing with their overall knowledge, skills, education, and experience. Rating panels will be established, unless it is impracticable to do so, in order to rate candidates for positions at GS-5 and above under the Promotion Plan. When rating panels are used in the evaluation process, personnel staff members and the selecting official may serve only in a technical or advisory capacity.
- B. Evaluation of Outside Candidates. When recruitment efforts are extended to include applications from candidates outside the Federal service and other Federal agencies, these applications will be rated, ranked, and certified in the same manner as employees applying for consideration. When written evaluations are not available, telephone contacts with former or present employers will be documented as the supervisor's evaluation.

PRESENT PROMOTION PLAN

.18 Ranking and Selection.

- A. Ranking by Category. Each candidate who meets the minimum requirements will be rated "Qualified". After all candidates have been evaluated, they will be ranked in two groups -- Qualified and Highly Qualified. This determination will be made by considering all of the evaluative criteria available.
- B. Referral of Candidates to Selecting Official.
1. A certificate will be prepared listing normally from three to five of the "Best Qualified" candidates. As many as ten (10) may be certified when meaningful distinctions cannot be made among a smaller group. The candidates will be listed alphabetically. (Illustration 8)
 - (a) If the number of best qualified candidates is insufficient, consideration must be given to expanding the area of consideration and using other sources of recruitment.
 - (b) All qualified candidates from outside the Bureau and all Bureau employees from outside the area of consideration will be listed on the certificate if they are among the best qualified, using the same evaluation criteria as used for Bureau employees from the primary area insofar as possible.
- The selecting official will be furnished the certificate and for each candidate an Application for Promotion or Reassignment, and the Supervisor's Appraisal of Performance and the Supervisor's Assessment of Potential.

PROPOSED REVISION:

This paragraph will supersede entire paragraph .18.

.18 Ranking and Selection

A. Ranking by Category

1. Indian candidates. All Indian candidates who meet the minimum qualification requirements for a position will be rated as qualified and they will be ranked into two groups - Qualified and Highly Qualified according to paragraph .17, "Evaluating Eligible Candidates."
2. Non-Indian Candidates. All non-Indian candidates who meet the minimum qualification requirements for a position will be rated as qualified and they will be ranked into two groups - Qualified and Highly Qualified according to paragraph .17, "Evaluating Eligible Candidates."

B. Referral of Candidates to Selecting Official (Certification)

1. Certificates listing the best qualified Indian and non-Indian candidates will be issued simultaneously to the selecting official. Each certificate will be prepared listing the best three to five of the highly qualified candidates. If meaningful distinctions cannot be made among them, as many as 10 names may be certified. All best qualified candidates will be listed in alphabetical order. Applications of qualified Indian candidates whose names are not listed on the "best qualified" certificate will be referred separately to the selecting official for his review.
2. When a non-Indian is selected to fill a vacancy, and Indian candidates have been certified for selection, the selecting official must submit, by memorandum to the servicing Personnel Office, a complete justification as to why the non-Indian has been selected. The justification will be forwarded to the Washington Office, Bureau Manpower Committee for review and approval by the Commissioner.
3. A selecting official shall not notify a candidate of his selection until the Personnel Office has obtained all necessary clearances.



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
ALBUQUERQUE AREA OFFICE
P. O. BOX 8327
ALBUQUERQUE, NEW MEXICO 87108

JUN 28 1972

3376

PERSONNEL MANAGEMENT LETTER NO. 72-12 (300, 335, 410)

Subject: Indian Preference

Incorporated in this letter is the content of a teletype received from Commissioner Bruce at 4:30 p.m., Monday, June 26, 1972. The nature of the teletype is self-explanatory. Further clarification will be made by issuance of Bureau Manual releases. This information is to be made known to all employees under your jurisdiction.

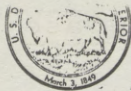
"The Secretary of the Interior announced today he has approved the Bureau's policy to extend Indian Preference to training and filling vacancies by original appointment, reinstatement and promotions. The new policy was discussed with the National President of the National Federation of Federal Employees under National Consultation Rights NFFE has with the Department. Secretary Morton and I jointly stress that careful attention must be given to protecting the Rights of non-Indian employees. The new policy provides as follows: Where two or more candidates who meet the established requirements are available for filling a vacancy. If one of them is an Indian, he shall be given preference in filling the vacancy. This policy is effective immediately, and is incorporated into all existing programs such as the Promotion Program. Revised Manual releases will be issued promptly for review and comment. You should take immediate steps to notify all employees and recognized unions under this policy."

Walter O. Olson
Area Director



DISTRIBUTION: A & B

GOVERNOR, PUEBLO OF ZUNI
RAMAN NAVAJO AGENCY
COCHITI PROJECT COORDINATOR
ROSWELL TRAINING CENTER
DENVER FIELD EMPLOYMENT ASSISTANCE OFFICE



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Aberdeen Area Office
and
Minneapolis Area Office
Division of Administration
Aberdeen, South Dakota 57401

JUN 27 1972

Memorandum No. 44-948

To: All Employees, Aberdeen and
Minneapolis Areas
All Union Locals Having Exclusive Recognition,
Aberdeen and Minneapolis Areas

From: Assistant Area Director, Administration

Subject: New Bureau Policy Extending Indian Preference

For information and guidance a teletype message dated June 24, 1972 received from the Commissioner of Indian Affairs is quoted as follows:

THE SECRETARY OF THE INTERIOR ANNOUNCED TODAY HE HAS APPROVED THE BUREAU'S POLICY TO EXTEND INDIAN PREFERENCE TO TRAINING AND TO FILLING VACANCIES BY ORIGINAL APPOINTMENT, REINSTATEMENT, AND PROMOTION. THE NEW POLICY WAS DISCUSSED WITH THE NATIONAL PRESIDENT OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES UNDER NATIONAL CONSULTATION RIGHTS NFFE HAS WITH THE DEPARTMENT. SECRETARY MORTON AND I JOINTLY STRESS THAT CAREFUL ATTENTION MUST BE GIVEN TO PROTECTING THE RIGHTS OF NON-INDIAN EMPLOYEES. THE NEW POLICY PROVIDES AS FOLLOWS: WHERE TWO OR MORE CANDIDATES WHO MEET THE ESTABLISHED QUALIFICATION REQUIREMENTS ARE AVAILABLE FOR FILLING A VACANCY, IF ONE OF THEM IS AN INDIAN HE SHALL BE GIVEN PREFERENCE IN FILLING THE VACANCY. THIS NEW POLICY IS EFFECTIVE IMMEDIATELY AND IS INCORPORATED INTO ALL EXISTING PROGRAMS SUCH AS THE PROMOTION PROGRAM. REVISED MANUAL RELEASES WILL BE ISSUED PROMPTLY FOR REVIEW AND COMMENT. YOU SHOULD TAKE IMMEDIATE STEPS TO NOTIFY ALL EMPLOYEES AND RECOGNIZED UNIONS OF THIS POLICY.

Francis Briscoe

Assistant Area Director,
Administration

news release

OFFICE OF THE SECRETARY

3596

For Release to PM's, June 23, 1972INTERIOR EXPANDS POLICY OF INDIAN PREFERENCE
IN BUREAU OF INDIAN AFFAIRS

Secretary of the Interior Rogers C. B. Morton today announced that he has approved recommendations of Bureau of Indian Affairs Commissioner Louis R. Bruce to extend the policy of Indian Preference to filling vacancies, whether by original appointment, reinstatement or promotion.

In addition, greater emphasis on training efforts will be directed toward the development of Indians. The changes will be effective immediately within the Bureau of Indian Affairs.

"A careful review of statutes covering Indian Preference has led us to the conclusion that our past practice of giving preference in the Bureau of Indian Affairs in cases of new hire and reduction in force should be extended to include the filling of all vacancies," Secretary Morton said.

Secretary Morton stressed that in the implementation of this new policy, careful attention will be given to protecting the rights of non-Indian employees to the greatest extent possible within statutory requirements.

The new policy is in support of President Nixon's program for Indians, and is designed to enable Indian personnel in the Bureau of Indian Affairs to progress as rapidly as their capabilities allow.

Implementing procedures are now being prepared by the Bureau of Indian Affairs.

#

Subject: Central Office Teletype Concerning Extension of Indian Preference to Training and Promotion

Below is quoted a teletype received this date from the Commissioner:

THE SECRETARY OF THE INTERIOR ANNOUNCED TODAY HE HAS APPROVED THE BUREAU'S POLICY TO EXTEND INDIAN PREFERENCE TO TRAINING AND TO FILLING VACANCIES BY ORIGINAL APPOINTMENT, REINSTATEMENT, AND PROMOTION. THE NEW POLICY WAS DISCUSSED WITH THE NATIONAL PRESIDENT OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES UNDER NATIONAL CONSULTATION RIGHTS NFFE HAS WITH THE DEPARTMENT. SECRETARY MORTON AND I JOINTLY STRESS THAT CAREFUL ATTENTION MUST BE GIVEN TO PROTECTING THE RIGHTS OF NON-INDIAN EMPLOYEES. THE NEW POLICY PROVIDES AS FOLLOWS: WHERE TWO OR MORE CANDIDATES WHO MEET THE ESTABLISHED QUALIFICATION REQUIREMENTS ARE AVAILABLE FOR FILLING A VACANCY, IF ONE OF THEM IS AN INDIAN HE SHALL BE GIVEN PREFERENCE IN FILLING THE VACANCY. THIS NEW POLICY IS EFFECTIVE IMMEDIATELY AND IS INCORPORATED INTO ALL EXISTING PROGRAMS SUCH AS THE PROMOTION PROGRAM. REVISED MANUAL RELEASES WILL BE ISSUED PROMPTLY FOR REVIEW AND COMMENT. YOU SHOULD TAKE IMMEDIATE STEPS TO NOTIFY ALL EMPLOYEES AND RECOGNIZED UNIONS OF THIS POLICY.

How can his rights be protected when he does not receive equal considerations? There are also different levels of being protected. One may be more protected than the other and thus should be selected on his merit of general public regardless of whether he is Indian or white? I believe this policy is against the intent of the Constitution of the United States.

*Received 6-2-52
From Mr. [unclear] [unclear]
[unclear]*

Please bring this to the attention of all employees.

Unions which have official recognition within your organization should be notified formally with a copy of your notification to this office.

[Signature]
Special Agent in Charge



United States Department of the Interior
 BUREAU OF INDIAN AFFAIRS
 PHOENIX AREA OFFICE
 P.O. Box 7007
 Phoenix, Arizona 85011

IN REPLY REFER TO:
 Personnel

June 27, 1972

PHOENIX AREA PERSONNEL MANAGEMENT MEMORANDUM 72-46 (713)

To: All Employees - Phoenix Area

From: Area Director

3575

Subject: Policy Regarding Indian Preference

Quoted in full below is a telegram received from the Commissioner, dated June 24, 1972:

THE SECRETARY OF THE INTERIOR ANNOUNCED TODAY HE HAS APPROVED THE BUREAU'S POLICY TO EXTEND INDIAN PREFERENCE TO TRAINING AND TO FILLING VACANCIES BY ORIGINAL APPOINTMENT, REINSTATEMENT, AND PROMOTION. THE NEW POLICY WAS DISCUSSED WITH THE NATIONAL PRESIDENT OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES UNDER NATIONAL CONSULTATION RIGHTS NFFE HAS WITH THE DEPARTMENT. SECRETARY MORTON AND I JOINTLY STRESS THAT CAREFUL ATTENTION MUST BE GIVEN TO PROTECTING THE RIGHTS OF NON-INDIAN EMPLOYEES. THE NEW POLICY PROVIDES AS FOLLOWS: WHERE TWO OR MORE CANDIDATES WHO MEET THE ESTABLISHED QUALIFICATION REQUIREMENTS ARE AVAILABLE FOR FILLING A VACANCY, IF ONE OF THEM IS AN INDIAN HE SHALL BE GIVEN PREFERENCE IN FILLING THE VACANCY. THIS NEW POLICY IS EFFECTIVE IMMEDIATELY AND IS INCORPORATED INTO ALL EXISTING PROGRAMS SUCH AS THE PROMOTION PROGRAM. REVISED MANUAL RELEASES WILL BE ISSUED PROMPTLY FOR REVIEW AND COMMENT. YOU SHOULD TAKE IMMEDIATE STEPS TO NOTIFY ALL EMPLOYEES AND RECOGNIZED UNIONS OF THIS POLICY.

You will be advised regarding the provisions of the revised manual releases as soon as they are made available to us. Superintendents and officers-in-charge are hereby requested to duplicate this memorandum locally and to furnish a copy to each of their employees without delay. Copies are also to be transmitted to tribal chairmen and presidents of union locals which have been granted recognition as exclusive representatives of employee units at their respective installations.

John Artshok
 Area Director



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JAN 12 1973

MEMORANDUM

To: Director of Administrative Services,
Bureau of Indian Affairs

From: Assistant Secretary - Management and Budget

Subject: Indian Preference Policy

Your memorandum of January 10 requested clarification of the Department's Indian preference policy in light of the decision of December 21, 1972, in Freeman v. Morton, et al. Civil Action No. 327-71, United States District Court for the District of Columbia.

The Solicitor's Office currently has this decision under study to determine its effect on our existing Indian preference policy. Pending such a determination, the policy approved by the Secretary on June 22, 1972, and implementing procedures approved by me on October 30, 1972, remain unchanged. All personnel actions in the Bureau of Indian Affairs should, therefore, continue to be effected under the present Indian preference policy.

K. A. ...

DEPARTMENT OF THE INTERIOR, BUREAU OF
INDIAN AFFAIRS, WASHINGTON, D. C.

2

JAN 5 1973

K51-01/x/1299/4330

1/5/73

MICE REED

202-343-9306

SEE ATTACHED LIST (12)

THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA RECENTLY ISSUED ITS DECISION IN THE CASE OF FREEMAN V. LITTON. THIS SUIT WAS INITIATED IN FEBRUARY 1971 BY A GROUP OF INDIAN EMPLOYEES OF BIA WHO CONTENDED THAT THE INDIAN PREFERENCE STATUTES REQUIRE THE APPLICATION OF PREFERENCE TO PROMOTIONS AND TRAINING. THE COURT DENIED ITS RELEVANCE TO TRAINING, BUT OTHERWISE UPHOLD THE PLAINTIFFS. THE SUMMARY DECISION READS AS FOLLOWS:

IT IS ACCORDINGLY ORDERED THIS 21ST DAY OF DECEMBER, 1972, THAT ALL INITIAL HIRINGS, PROMOTIONS, LATERAL TRANSFERS, AND REASSIGNMENTS IN THE BUREAU OF INDIAN AFFAIRS AS WELL AS ANY OTHER PERSONNEL MOVEMENT THEREIN INTENDED TO FILL VACANCIES IN THAT AGENCY, HOWEVER CREATED, BE DECLARED GOVERNED BY 25 U.S.C. SEC. 1472 WHICH REQUIRES THAT PREFERENCE BE AFFORDED QUALIFIED INDIAN CANDIDATES.

ALTHOUGH WE ARE NOW AWAITING GUIDANCE FROM THE OFFICE OF THE SOLICITOR, WE THOUGHT YOU SHOULD BE AWARE OF IT IMMEDIATELY. WE WILL ISSUE GUIDELINES AND ANY NECESSARY REGULATORY REVISIONS AS SOON AS POSSIBLE. IT APPEARS THAT NEITHER PARTY WILL APPEAL THE DECISION. COPIES OF THE DECISION FOLLOW BY MAIL.

1st Robert M. Patterson
ACTING CHIEF PERSONNEL OFFICER

Mreed:baf:1/5/73

cc: Mr. Patterson Mr. E. Spillers Branch Chrony
Mr. Schipper C/O Reading File Hold Copy 1
Mr. H. Reinhold C/O Chrony

OCT 30 1972

Memorandum

To: Commissioner, Bureau of Indian Affairs

From: Assistant Secretary - Management and Budget

Subject: Implementation of New Indian Preference Policy

Your proposed procedures implementing the new policy extending Indian preference into promotions have been reviewed by this office. The attached procedures, which have been amended to conform to Departmental policy, are approved for implementation in the Bureau.

We understand the difficulties faced by your staff in developing these procedures. The new Indian preference policy and procedures will have a significant impact on employment practices in the Bureau. Their development has required a special sensitivity to this impact to insure the application of preference on an equitable basis within statutory limitations.

Training

Your covering memorandum of August 14 and the proposed procedures addresses the issue of preference in training. Although the policy statement approved by the Secretary on June 22, 1972, provided for greater emphasis on training for the development of Indian employees, it did not extend absolute preference into training. By letter dated July 5, 1972, Chairman Hampton of the Civil Service Commission endorsed our new Indian preference policy. We have since had discussions with members of the Commission staff and they point out that Chairman Hampton's endorsement of our policy did not include an endorsement of preference in training.

Training will continue to be performed in accordance with Federal training policy and Chapter 41 of Title 5, USC, i.e., to meet the immediate and long-range needs of the agency. Any reference to Indian preference in training must be deleted from Bureau issuances.

Promotions, Reinstatements and Initial Appointments.

The statement of policy outlined in the Bureau's implementing procedures states in the last sentence, first paragraph: "Positions may be filled by transfers, reassignments, reinstatement, or initial appointment, but Indian preference applies in all cases except (1) when the Commissioner makes an exception and (2) in lateral transfer and reassignment before a Promotional Opportunity Bulletin is issued."

The policy statement approved by the Secretary extended Indian preference into filling of vacancies by original appointment, reinstatement, and promotion. Transfers into the Bureau from other Federal agencies should be considered original appointments to the Bureau rolls and therefore subject to the same requirements as original appointments as far as Indian preference is concerned. The noncompetitive reassignment of employees within the Bureau was not covered by the policy statement. We believe that the application of Indian preference in lateral reassignment actions would restrict unnecessarily your authority to reassign employees as the needs of Bureau programs may dictate. Since the non-competitive lateral reassignment (actions which do not result in reassignment to a position with known promotion potential) would not place an employee in a better competitive position for advancement, preference would serve no useful purpose. Therefore, such actions should be exempt from the Indian preference requirements. However, there will be instances when an employee is reassigned to a position with known potential for advancement. In making a reassignment of this nature, Indian preference must be applied, since a promotion would ultimately result. We have amended the approved procedures accordingly.

Keeping Employees Informed.

You proposed to provide a copy of the justification for selecting a non-Indian employee to each candidate or applicant who was not selected from a promotion certificate. It is our opinion that such action would have no value. In addition, Federal Merit Promotion Policy, contained in FPM Chapter 335, states that: "An employee is not entitled to see an appraisal of another employee." Since the justification for selecting a non-Indian employee for promotion would of necessity take the form of an evaluation or appraisal of his capabilities to perform in a particular position, such justification would be inappropriate for distribution to all candidates. We have deleted this statement from your procedures.

Exceptions to Indian Preference in Promotion.

Exceptions to the Indian preference policy are expected to be limited, according to the approved policy. It is contemplated that exceptions will be granted only in those rare instances where the qualifications of a non-Indian candidate for promotion are so superior to competing Indian candidates that a decision not to select him will jeopardize the success of a program or project. We feel that it is important to all employees that the credibility of the Indian preference policy be maintained. Any exceptions will be subjected to close scrutiny by Indian and rigid requirements of the policy.

Richard S. [unclear]

Enclosure

...cluding lateral transfer from outside the Bureau, reinstatement, and promotion. To be eligible for preference, an individual must be one-fourth or more degree Indian blood and be a member of a Federally-recognized tribe. It is the policy for promotional consideration that where two or more candidates who meet the qualification requirements are available for filling a vacancy, if one of them is an Indian, he shall be given the preference in filling the vacancy. In accordance with the policy statement approved by the Secretary, the Commissioner may grant exceptions to this policy by approving the selection and appointment of non-Indians, when he considers it in the best interest of the Bureau. Positions may be filled by transfer, reassignment, reinstatement, or initial appointment, but Indian preference applies in all cases except (1) when the Commissioner makes an exception and (2) in reassignment within the Bureau.

The Promotion Program does not restrict the right of management to fill positions by methods other than through promotion.

.12 Content of Announcement

I. The following statement will be included on each POB issued: "In filling this vacancy by promotion, initial appointment, lateral transfer from outside the Bureau, or reinstatement, priority in selection will be given to candidates who present proof of eligibility for Indian preference. A Certificate of Indian Blood must be part of the official personnel record of an applicant who claims Indian preference."

...ns A, C, D, E, F, and G re ...

.14 Methods and Procedures for Consideration.

B. Applications

An employee may file for an announced vacancy by submitting an SF-171 through supervisory channels to the appropriate job holding office. The supervisor will complete an evaluation form to attach to the application and forward it to the Personnel Office for submission to the job-holding Personnel Office.

An employee who claims Indian preference is responsible for submitting a Certificate of Indian Blood with his application if none is currently on record. Employees are responsible for submitting a CIB to the job-holding Personnel Office, if other than their current servicing Personnel Office. Indian preference in promotion will not be considered unless there is a CIB on file for the applicant claiming preference.

1/0 to 1/10, and Old 1/10 to 1/10

.17 Evaluating Eligible Candidates

All qualified candidates to be considered for a vacancy will be arranged in two groups - Indian and non-Indian.

A. Method of Evaluating. Candidates who are basically eligible will be evaluated on a combination of factors dealing with their overall knowledge, skills, education, and experience. Rating panels will be established, unless it is impracticable to do so, in order to rate candidates for positions at GS-5 and above under the Promotion Plan. When rating panels are used in the evaluation process, personnel staff members and the selecting official may serve only in a technical or advisory capacity.

B. Evaluation of Outside Candidates. When recruitment efforts are extended to include applications from candidates outside the Federal service and other Federal agencies, these applications will be rated, ranked, and certified in the same manner as Bureau employees applying for consideration. When written evaluations are not available, telephone contacts with former or present employers will be documented as the supervisor's evaluation.

This paragraph will supersede entire paragraph .18

.18 Ranking and Selection

A. Ranking by Category

1. Indian candidates. All Indian candidates who meet the minimum qualification requirements for a position will be rated as qualified and they will be ranked into two groups - Qualified and Highly Qualified according to paragraph .17, "Evaluating Eligible Candidates." The best qualified will be selected from the Highly Qualified group.
2. Non-Indian Candidates. All non-Indian candidates who meet the minimum qualification requirements for a position will be rated as qualified and they will be ranked into two groups - Qualified and Highly Qualified according to paragraph .17, "Evaluating Eligible Candidates." The best qualified will be selected from the Highly Qualified group.

B. Referral of Candidates to Selection Official (Certification)

1. Three to 5 of the best qualified Indian candidates will be listed on the certificate. If meaningful distinctions cannot be made among the best qualified candidates as many as 10 names may be certified.
2. Where there are no best qualified Indian candidates available, 3 to 5 of the best qualified non-Indian candidates will be certified together with all qualified Indian candidates. Consideration of non-Indians will not be made until all qualified Indians have been considered. Selection of a best qualified non-Indian candidate, when there are qualified Indian candidates on the certificate, will require approval by the Commissioner as an exception to the Indian preference policy.

C. Exceptions. Requests for approval of the selection of a non-Indian will be submitted to the Commissioner. Exceptions will be granted only in those rare instances where the qualifications of a non-Indian candidate for promotion are so superior to competing Indian candidates in relation to job requirements, including any special needs, that a decision not to select him will jeopardize the success of a program or project.

1. Justification for Exception. A complete justification of why the selected non-Indian has superior qualification to the qualified Indian shall be submitted to the Washington Office together with the certificate of eligibles, applications, and supervisors evaluations.

SECURITY CLASSIFICATION	
UNCLASSIFIED	
TYPE OF MESSAGE	
<input type="checkbox"/>	SINGLE
<input type="checkbox"/>	BOOK
<input checked="" type="checkbox"/>	MULTIPLE-ADDRESS

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO: AREA DIRECTORS (SEE ATTACHED LIST)
ACTING ADMINISTRATOR, FSSO

1-16-73

IN REGARD TO THE INDIAN PREFERENCE CASE OF FREEMAN VS. MORTON,
ASSISTANT SECRETARY BODMAN HAS ADVISED US AS FOLLOWS:

QUOTE THE SOLICITOR'S OFFICE CURRENTLY HAS THIS DECISION
UNDER STUDY TO DETERMINE ITS EFFECT ON OUR EXISTING INDIAN
PREFERENCE POLICY. PENDING SUCH A DETERMINATION, THE POLICY
APPROVED BY THE SECRETARY ON JUNE 22, 1972, AND IMPLEMENTING
PROCEDURES APPROVED BY ME ON OCTOBER 30, 1972, REMAIN
UNCHANGED. ALL PERSONNEL ACTIONS IN THE BUREAU OF INDIAN
AFFAIRS SHOULD, THEREFORE, CONTINUE TO BE EFFECTED UNDER
THE PRESENT INDIAN PREFERENCE POLICY. UNQUOTE.

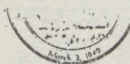
PLEASE NOTIFY YOUR FIELD OFFICES ACCORDINGLY.

Richard P. Parker

ACTING CHIEF PERSONNEL OFFICER

Copy to: Mr. Schipper, Code 875

SECURITY CLASSIFICATION	
PAGE NO.	NO. OF PGS.
1	1
UNCLASSIFIED	



IN REPLY REFER TO:

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

June 17, 1974

MEMORANDUM FOR CENTRAL OFFICE STAFF

SUBJECT: Mancari Decision -- Indian Preference

The Supreme Court today in an unanimous decision upheld Indian preference for the Bureau of Indian Affairs. The Supreme Court ruled that Indian Preference does not constitute invidious discrimination but is reasonable, and rational and designed to further Indian self-government.

Tom Oxendine



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:
Personnel Management

JUN 28 1974

Memorandum

To: Area Directors
Acting Executive Officer, Administrative
Services Center
Area Director, Eastern Area Office

From: Commissioner of Indian Affairs *M. Thompson*

Subject: Supreme Court Ruling June 17, 1974,

The Supreme Court ruled June 17, 1974, on the Morton vs. Mancari case which had been pending since April 24, 1974. The Government's policy of giving preference to Indians in hiring and promotion within the Bureau of Indian Affairs was upheld.

The decision of the court was basically that (1) Congress did not intend to repeal the Indian preference, and the District Court erred in holding that it was repealed by the Equal Employment Opportunities Act of 1972 and (2) Indian preference does not constitute invidious racial discrimination in violation of the Due Process Clause of the Fifth Amendment but is reasonable and rationally designed to further Indian self-government.

Personnel actions will be in accordance with the provisions of the Court Decision in the Freeman vs. Morton case. The partial stay was vacated by the Court on April 25, 1974. Non-Indians may be appointed, promoted, reassigned or laterally transferred to vacancies, however created, only when there are no qualified Indians available.

The Bureau Personnel regulations will be updated to conform with all current applicable court decisions after a full study is completed.



Save Energy and You Serve America!

Attachment #3

EMPLOYEES IN GS-1/710 SERIES AS OF OCTOBER 3, 1974

CLASSROOM TEACHERS	TOTAL	NON-INDIAN	INDIAN
Elementary	1,379	1,093	286
Kindergarten & Early Childhood	7	7	0
Subject Matter	682	558	124
TOTAL	2,068	1,658	410
Guidance Counselors & Supv. Guid. Counselors	210	165	45
Supv. School Positions (Principal, Ass't. Principal, Principal Teacher, Supv. Teacher	321	267	54
Education Specialist (All options)	325	96	229
Education Program Administrator	67	40	27
TOTAL	2,991	2,226	765

Attachment #4

GENERAL SCHEDULE

GRD	BUREAU		ABERDEEN			ANADARKO			BILLINGS			JONEAU			MIDWATER			MUSKOGEE									
	NI	I	NI	I	HQTRS	AREA	NI	I	HQTRS	AREA	NI	I	HQTRS	AREA	NI	I	HQTRS	AREA	NI	I	HQTRS						
1		60	20	2		1																					
2	6	287	33			1	3			21		1			43	7			13		7						
3	41	1911	6238	24		88		5	1	75	11	23	6						62		6						
4	220	2853	28228	6	24	5	125		10	15	104	5	17		15	151	5	21	4	88	1	14					
5	338	1059	42113	12	14	10	77	4	13	29	69	7	8		19	40	7	19	2	28	1	7					
6	124	344	13	39	7	5	6	14	2		12	8	3	2	7	13	3	5	4	6	1	1	5				
7	306	527	43	49	4	7	12	34	1	9	11	40	3	6	29	20	4	7	10	4	5		3				
8	12	25	2							3	1	2			1									1			
9	2124	660	364	74	12	10	57	65	2	6	28	28	6	6	25	24	11	4	20	7				31	43	4	8
10	53	5	10							2					20				1								
11	954	358	104	41	18	8	78	58	1	3	65	23	11	4	57	24	14	8	16	13	2	3	33	17	7	4	
12	681	211	50	31	12	7	27	27	6	8	14	9	22	3	35	5	16	1	21	6	9			38	26	7	10
13	292	98	27	12	17	5	11	7	5	6	17	5	13	5	13	9	11	5	7	4	6	3	13	7	6	1	
14	191	67	8	10	8	5	8	5	4	4	7	3	2	1	4	1	3	1	8	5	6	3	8	5	7	4	
15	34	15	1	1	1		1	1	1	1	1	1	1	1	1	1	1	1									
16	3	2																									
17	0	2																									
18																											
SUB	5,379	8,484	296	891		215	505			235	386				460	434			100	130					153	357	
TOTAL	13,863		1,487	208		720	90			621	139				894	180			230	60					510	122	

ORD	CENTRAL OFFICE TOTAL		DENVER COLORADO		CENTRAL OFFICE WASHINGTON		ALBUQUERQUE NEW MEXICO		BRIGHAM CITY UTAH		SEATTLE WASHINGTON	
	NI	I	NI	I	NI	I	NI	I	NI	I	NI	I
1		3						3				
2	4	15				3		5	4			
3	4	48		1		8	1	33		1		
4	11	66		3	3	10	5	37	3	3		
5	32	73		5	8	20	19	46	3	1		
6	14	13		1	7	5	5	7	2			
7	29	61		1	16	24	13	33				
8	1						1					
9	51	42	3		20	15	28	26				
10												
11	63	18	3	1	15	7	37	8	2	1		
12	95	16	15	2	17	8	56	4	3	1		
13	73	11	4	1	32	6	32	3	4			
14	63	12		2	43	8	20	1				
15	29	7	1		21	6	6	1			1	
16	3	2			3	2						
17	0	2			1	1						
OTHER	25	118				1	7	8		2		
SUB	497	507	26	17	186	124	230	215	21	9	1	
TOTAL		1,004		43		310		445		30		1

(Continued General Schedule)

GRD	FACILITIES ENGINEERING CONSTRUCTION PROJECT	
	NI	I
1		0
2		7
3	3	5
4		13
5	2	1
6	0	0
7		3
8		
9		1
10		
11	6	1
12	4	1
13	1	1
14		1
15		
16		
17		
OTHER	18	107
SUB	34	141
TOTAL		175

(*OTHER - Temporary Employment)

(CFWS continued)

FACILITIES ENGINEERING TEMPORARY CONSTRUCTION PROJ.		
GRD	NI	I
1		13
2		15
3		20
4	1	5
5		40
6	2	20
7		9
8	1	12
9		5
10		
11		
12		
13		
14		
15		
16		
17		
SUB	4	139
TOTAL		143

(*OTHER - Temporary Employment)

PENN STATE UNIVERSITY

NATIVE AMERICAN ADMINISTRATORS' PROGRAM PARTICIPANTS

Program I, June 1970 - August 1971

Program II, September 1971 - August 1972

Program III, September 1972 - August 1973

Program IV, September 1973 - August 1974

<u>Name, Age & Tribe</u> (at entry)	<u>Position on</u> <u>Entering Program</u>	<u>Present</u> <u>Position</u>	<u>Degree</u> <u>Objectiv</u>
Wallace Allen 34, Sac-Fox	Counselor, Ft. Sill High School, BIA Program I & II	Education Specialist, Anadarko Area Office BIA	Ed.D.
Jimmie Baker 32, Choctaw	Teacher, Intermountain School, BIA Program I & II	Superintendent, BIA Chilocco Indian School Chilocco, Okla.	D.Ed.
Dennis Billie 29, Navajo	Teacher, Shiprock, New Mexico, BIA Program I & II	Director of Higher Education, Navajo Nation Window Rock	M.Ed. 1971
Delton Cox 29, Choctaw	Teacher, Ft. Sill High School, BIA Program I & II	Field Coordinator, Title IV, Wilburton, Okla.	Ph.D.
Ralph Davis 32, Navajo	Teacher, Ft. Wingate, New Mexico, BIA Program I & II	Director, Vocational Ed. Navajo Community College Tsalie, Ariz.	M.Ed. 1971
Dennis Fox 29, Gros Ventre- Mandan	Teacher, Eagle Butte, South Dakota School, BIA Program I & II	Director of Scholarships, Aberdeen Area Office, BIA	Ed.D.
Gerald Gipp 31, Standing Rock Sioux	Teacher, Eagle Butte School, South Dak., BIA Program I & II	Associate Director Native Am. Program Penn State Univ.	D.Ed. 1971
Richard Hansen 40, Tlingit	Teacher, Sitka, Alaska, Public Schools Program I	Assistant Principal, Sitka High School Sitka, Alaska	M.Ed. 1971
Irvin Jones 33, Navajo	Scholarship Officer, Window Rock, Arizona, BIA Program I & II	Higher Ed., Director Window Rock, BIA	Ph.D.

<u>Name, Age & Tribe</u>	<u>Position on Entering Program</u>	<u>Present Position</u>	<u>Degree Object</u>
Andrew Lawson 33, Tsimpsean	Teacher, Chemawa School, BIA Program I & II	E.EO Specialist Dept. of Interior Portland, Ore.	* D.Ed.
James MacDonald 31, Flathead	Seminarian, Mr. Angel, Oregon Program II	Assistant to Mayor, Portland, Oregon	M.Ed.
Fritz Poocha 39, Hopi	Teacher, Tuba City, Arizona, BIA Program I	Principal, Polacca Day School, BIA	M.Ed. 1971
John Reimer 32, Eskimo	Teacher, Unalakleet, Alaska, BIA Program I & III	Director, Higher Ed. Program, Alaska Federation of Natives Anchorage, Alaska	M.Ed.
Pauline Sanchez 30, Navajo	Teacher, Shiprock, New Mexico, BIA Program I & II	Special Education Consultant, Navajo Community College	Ph.D.
Cletis Satepauhoodle 35, Kiowa	Teacher, Jefferson County College Schools Program II	Human Dev., Director Am. Indian Higher Ed. Consortium, Denver, Colo.	Ph.D.
Leroy Shing 30, Hopi	Head Start Dir., Hopi Tribe Program II	Principal, Moencopi Day School, BIA	Ph.D.
Felipe Tagaban 31, Tlingit	Teacher, Tuba City, Ariz. BIA Program I	Principal, BIA Point Barrow, Alaska	M.Ed. 1971
Robert Thomas 32, Non-Indian, Black	Counselor, Riverside Indian School, BIA Program I	Assistant Principal, Riverside Jr. High School	M.Ed. 1971
John Tippeconaic 29, Cherokee-Comanche	Teacher, Tuba City School, BIA Program I & II	Vice President, Navajo Community College	M.Ed. 1972 Ph.D.
James C. Whitman 29, Mandon	Teacher, Ft. Wingate, New Mexico, BIA Program II & III	Doctoral Candidate and Field Director, Teacher Training Program University of North Dakota	Ph.D.
Earl Yeaqhuo 40, Kiowa	Education Program Specialist Anadarko Area Office, BIA Program II	Education Program Specialist Anadarko Area Office, BIA, Program II	Ph.D.
Richard Zephier 27, Pine Ridge Sioux	Teacher, Eagle Butte School, BIA Program I & II	Project Coordinator College of Nursing Univ. of North Dakota	D.Ed.

PENN STATE UNIVERSITY
NATIVE AMERICAN ADMINISTRATORS' PROGRAM PARTICIPANTS

PROGRAM III PARTICIPANTS

<u>Name, Age & Tribe</u>	<u>Position on Entering Program</u>	<u>Present Position</u>	<u>Degree Objective</u>
Paige Baker 23, Mandon	Scholarship Officer, Aberdeen Area Office, BIA	Research & Financial Specialist, A.I.H.E.C. Washington, D. C.	M.Ed.
Billy Cypress 30, Seminole, Fla.	Scholarship Director, Hollywood, Fla., BIA	Community Development Specialist, BIA Hollywood, Fla.	Ph.D.
Anselm Davis 34, Navajo	Legislative Liason BIA, Washington, D. C.	Administrative Asst. Window Rock Public Sch. Pt. Defiance, Ariz.	D.Ed.
Patricia Grayson 24, Navajo	Reading Evaluation, National Program for Educational Leadership	Cooperative Education A.I.H.E.C. Navajo Community College Tsalie, Ariz.	M.Ed.
Frieda Havens 33, Jicarilla	Program Development Jicarilla Apache Tribe, New Mexico	Teacher, Dulce Indep. School District, N.Mex.	M.Ed.
Robert Jenkins 35, Hopi-Santa Clara	Teacher Corp, Shonto, Arizona, BIA	Supervisor, Guidance, BIA Shonto Boarding School Shonto, Ariz.	D.Ed.
Roland Kekahbah 38, Kaw-Polawatami	Education Specialist, Anadarko Area, BIA	Education Specialist, Anadarko Area, BIA	D.Ed.
Art Maillet 27, Shoshone, Paiute	Substitute Teacher, Owens Valley, Calif.	Law Student San Francisco, Calif.	M.Ed.
Twila Martin 25, Chippawa	Education Project Director University of N. Dak.	Director, Turtle Mt. Community College Belcourt, N.Dak.	M.Ed.
Lawrence Matson 48, Aleut-Creole	Graduate of Teacher Ed. Program, Alaska Methodist University	Director, Alaska Native Corporation Kenai, Alaska	M.Ed.
Tully Norris 29, Navajo	Education Specialist, Sanostee, N. Mex., BIA	Education Specialist Sanostee, N.Mex., BIA	D.Ed.

<u>Name, Age & Tribe</u>	<u>Position on Entering Program</u>	<u>Present Position</u>	<u>Degree Objective</u>
Linda Oxendine 25, Lumbee	Teacher, Liason between Federal and National Congress of Am. Indian	Program Specialist U.S. Office of Ed. Washington, D.C.	M.Ed.
Gabe Paxton 47, Choctaw	Director of Education, Anadarko Area, BIA	Director of Ed. Anadarko Area, BIA	D.Ed.
Rupert Thompson 44, Kiowa	Teacher, Ft. Sill School BIA	Superintendent, BIA Riverside Indian School, Anadarko, Okla.	M.Ed.
Douglas Young 33, Sioux	Director: Special Services Utah State University	Internship, Admin. Asst. Center for Teaching and Learning Univ. of N. Dak.	M.Ed.

PENN STATE UNIVERSITY
 NATIVE AMERICAN ADMINISTRATORS' PROGRAM PARTICIPANTS

Program IV, Current Participants

September 1973 - August 1974

<u>Name, Age & Tribe</u>	<u>Position on Entering Program</u>	<u>Present Position</u>	<u>Degree Objective</u>
Patrick Gardner Haida	Teacher, Mt. Edgecombe Alaska, BIA	Internship, Principal Neah Bay, Wash.	M.Ed.
Sharon Higgins Blackfeet	Teacher, Harrisburg Public Schools	Internship, Harrisburg Public Schools	M.Ed.
Harvey Jacobs Cherokee	Director, Tribal Recreation Program Cherokee, N.C.	Internship, Human Dev. Specialist, HEW Regional Office Philadelphia, Pa.	M.Ed.
Marshall Lester Navajo	Teacher	Internship Ramah School Ramah, N. Mex.	M.Ed.
Janet Lope Navajo	Education Specialist Navajo Div. of Education	Internship Indian Educational Leadership Corp. Albuquerque, N.Mex.	M.Ed.
Naomi Norris	Teacher	Internship Sanoskee Boarding Sch. Shiprock, N.Mex.	M.Ed.
Jerry Spivey Cherokee		Internship Indian Educational Leadership Corp. Albuquerque, N.Mex.	M.Ed.
Mary Baker Mandan/Hidatsa	Teacher, Mandaree N.Dak., Contract School	Presently on campus University Park, Pa.	M.Ed.
James E. Davis Chippewa	Director, Title VII Turtle Mt. Schools Belcourt, N.Dak.	On Campus	M.Ed.
Edward Clark Comanche	Teacher, Special Education Oklahoma	On Campus	D.Ed.
Edward Thomas Haida	Guidance Counselor Craig Public School Craig, Alaska	On Campus	M.Ed.

<u>Name, Age & Tribe</u>	<u>Position on Entering Program</u>	<u>Present Position</u>	<u>Degree Objective</u>
Stewart Tonemah Kiowa	Director, Native Am. Program Dartmouth College	On Campus	D.Ed.
Maribel Printup Seneca	Education Specialist, BIA Syracuse, N.Y.	On Campus	M.Ed.
Bruce Ramirez Mission Sioux	Teacher Dzilh-na-o-dith-hle School	On Campus	D.Ed.
Judy Weahkee Hopi		Summer 1974	M.Ed.
Leroy Demmert Tlingit	Instructor, Sheldon Jackson College, Sitka, Alaska	(Summer 1974)	M.Ed.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

Personnel Management
BCCO 8506 - 8504 - 8489

Honorable James Abourezk
United States Senate
Washington, D.C. 20510

NOV 21 1974

Dear Senator Abourezk:

In our October 25 letter to you, we promised that we would provide you with other information which you requested during the oversight hearings.

The following attachments will provide you with additional information.

- Attachment 1 Explanation of personnel actions in specific cases in Albuquerque which were mentioned during the hearings.
- Attachment 2 List of Albuquerque employees who have not been placed as of November 8, 1974.
- Attachment 3 List of employees who were reassigned at a change to lower grade in Albuquerque.
- Attachment 4 List of employees who were reassigned at a change to lower grade in Washington.
- Attachment 5 Washington Office employees who were offered positions and declined.

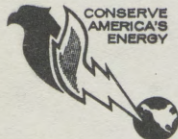
As of November 8, a total of 19 employees have been reassigned at a change to lower grade. Seven of these employees were Indian. To date, there have been no employees separated as a result of the reduction-in-force.

You also requested a list of all married couples employed by the Bureau. We should have this information to you within two weeks.

Sincerely yours,

Commissioner of Indian Affairs

Enclosures



Save Energy and You Serve America!

Attachment 1

Following are our comments on the issues raised in testimony given during the Oversight Hearings. The issues are paraphrased in quotation marks.

"The realignment of Facilities Engineering includes many Architects and Engineers but these are not of professional background."

All of the professional positions are filled with professionally qualified individuals.

"The RIF was limited to Central Office positions in Albuquerque and a previous RIF included all BIA positions in Albuquerque."

A RIF conducted in 1967 by the Albuquerque Area Office did include all BIA positions in Albuquerque. The Competitive Area was changed subsequent to that and the Albuquerque Area Office and Central Office positions in Albuquerque were put in separate competitive areas.

"Mr. Roe would only permit employees to see the retention register which pertained to the employee's subgroup and series."

Employees or their representatives were allowed to see the retention register of the competitive level in which the employee belonged. This list included, in retention order, all employees in the same competitive level as the employee. Employees were permitted to have access to only those retention registers they were affected by. Officials of NFFE Local 40 were given access to the entire retention register.

"The local union Representative requested from Mr. Charles Roe a copy of Indian Preference Decision and guidelines from FPM used by BIA in current RIF."

The Acting President of NFFE Local 40 made the request of the Acting Assistant Director of ASC who asked Mr. Joseph Savilla to respond. All the regulations and guidelines pertaining to reduction-in-force procedures were promptly furnished.

"The Majority of the non-Indians will retain their jobs with little or no loss in grade and pay."

There were more non-Indians than Indians who were not assigned a position in the new organization. No one, Indian or non-Indian, has been terminated from their position as yet. Every effort possible is being made to locate assignments for all employees not placed in the new organization.

"Were non-Indian women kept on jobs who were married to higher-up BIA officials?"

All positions in the new organization were filled in strict accordance with Civil Service, Departmental and BIA RIF regulations without regard to the marital status of any employee.

Mr. Shortman stated, "I had to file a discrimination suit so I could come in from the field."

There is no record that Mr. Shortman filed a discrimination complaint in order to be reassigned to a position in the office. Mr. Shortman submitted a request dated June 1, 1970 to be reassigned to a position in the office of what was then Plant Design and Construction. He wishes to receive training in the field of drafting.

On June 2, 1970, management initiated a request for personnel action to reassign Mr. Shortman from Surveying Aid, GS-4 to Engineering Draftsman GS-4. The action was effected on June 14, 1970.

On December 22, 1970, management submitted a request for personnel action to promote Mr. Shortman to a GS-5 Engineering Draftsman. Management stated that in the six months Mr. Shortman had been assigned to the position of Draftsman, he had progressed to the point where he was performing above the GS-4 level. The promotion action was effected on December 22, 1970.

"Mr. Morgan is not a Professional Engineer."

Mr. Morgan was certified by the Civil Service Commission and placed in a position as Civil Engineer, GS-810-5 by the Corps of Engineers on December 26, 1954.

He was promoted to Civil Engineer, GS-7 on June 26, 1955, to Civil Engineer, GS-9 on June 25, 1956, reassigned to Construction Management Engineer, GS-9 on September 16, 1956, promoted to GS-11 on October 13, 1957, reassigned to Mechanical Engineer, GS-830-11 on June 21, 1959 and promoted to Mechanical Engineer, GS-830-12 on June 19, 1960. He requested a change to lower grade in September 1962 to return to New Mexico and was placed in a position of Civil Engineer, GS-810-11. He was subsequently selected for a position as Mechanical Engineer, GS-830-12 in the Bureau of Indian Affairs and was transferred from the Corps of Engineers on April 5, 1963.

Mr. Morgan is a professional Engineer and has been for nearly 20 years.

SARRACINO

"When Ms. Sarracino went to Personnel about the possibility of bumping Ms. Morgan, Mr. Morgan said this could not be done and became abusive."

Ms. Sarracino was counseled by members of the Personnel Office and advised that she and Ms. Morgan were in different competitive levels and Ms. Sarracino could not bump Ms. Morgan.

Our findings indicate that Ms. Sarracino was fairly treated and was given job offers fully in accordance with her rights. We discussed this with her several times. We might add that Mr. Morgan is employed in Facilities Engineering and not in Personnel.

The new organization had a position for a GS-4 Clerk Typist but not for a Secretary-Steno GS-5. Ms. Miriam Sarracino was a Secretary-Steno GS-318-5 and her competitive level was Clerk-Steno and/or Secretary-Steno GS-5. Ms. Sarracino had never been a Clerk-Typist, GS-4 and therefore would have only "bumping" rights (the right to displace another employee) in the next lower subgroup. Ms. Kinsel was a Clerk-Typist GS-4 and her competitive level was Clerk-Typist GS-4. Since Ms. Sarracino and Ms. Kinsel were both subgroup IBI, Ms. Sarracino could not bump Ms. Kinsel.

The new organization contained ten Secretary or Clerk-Steno GS-5 positions. At the time the assignments were made, Ms. Sarracino was number 11 in her competitive level. (Mildred Weller had already transferred to Indian Health.) The best offer we could make Ms. Sarracino at that time was a position as Clerk Typist, GS-3 in Disbursements, which she accepted.

Subsequently, Betty Dillman, who had accepted a position as a Clerk-Steno, GS-5 in Education was selected for a position in the Albuquerque Area Office. As Ms. Sarracino was the next in line, she was then offered and accepted the GS-5 position vacated by Ms. Dillman.

Ms. Sarracino was told that there were no positions at the GS-5 level to which she had more rights than other individuals. Ms. Morgan was a Secretary/DMT GS-5 and as such was offered a position as Clerk Typist, GS-5. This was in her competitive level and therefore she was not subject to bumping by Ms. Sarracino.

Ms. Doreen Fernando was a Secretary-Typing GS-5. There were no such positions established in Education and as she had more rights than others to a position as Clerk Typist GS-5 in Facilities Engineering, an offer of a position as Clerk Typist GS-5 was made to her and she accepted it.

It was explained repeatedly to Ms. Sarracino that her competitive level was Secretary or Clerk-Steno, GS-5. She had bumping rights into the next lower subgroup, to Typist positions GS-5 and below. There were no Typists at the 5 or the 4 level who were Career Conditional and therefore subject to bumping by Ms. Sarracino.

However, in summary, Ms. Sarracino did retain her GS-5 grade rating in one of the newly established positions.

MANZANARES

Ms. Manzanares was a Clerk-Steno GS-5. Her competitive level was Secretary or Clerk-Steno, GS-5. There were no positions at the GS-5 or 4 level to which she had more rights than other employees. She was offered and she accepted a position as Clerk Typist, GS-3 in the Scheduling Unit in Disbursements.

Ms. Marie was offered a position as a Clerk-Steno GS-5 in the Finance and Accounting Office, Administrative Office, the position held by Ms. Manzanares in the old organization. However, before the effective date of the reassignment Ms. Marie was selected for promotion to a position as Secretary/Steno, GS-7 in the Indian Education Resources Center. This then left the GS-5 position available and it was then offered to Ms. Kinnard who was next in line. She accepted.

Ms. Manzanares was retained in the office for a period of time to acquaint Ms. Kinnard, who was assigned to the position previously held by Ms. Manzanares, with the duties of the position. She is now permanently assigned to that position.

We do not recall that her supervisor ever called Personnel objecting to the change to lower grade.

PAPPAN-TRACE

Mr. Bert Pappan was a Program Analyst GS-345-14. There were no Program Analyst, GS-14 positions established in the new organization. There was a position established as Program Analyst, GS-345-13 and Mr. Pappan was offered this position with salary retention which he accepted.

Mr. John Trace, was an Education Specialist, GS-1710-14. His standing in this competitive level was such that he was entitled to a GS-14, Education Specialist position in the new organization. He was offered such a position and he accepted the offer. Mr. Trace was never reduced to a GS-13.

Mr. Pappan could not be considered for an Education Specialist GS-1710-14 position because he does not meet the education and experience requirements. Mr. Pappan was and is qualified in a number of series but there were no other positions at the GS-14 level to which he had as much right as the other employees at the GS-14 level.

GUBERMAN

Ms. Bell Guberman was a Voucher Examiner Supervisor GS-540-9. There was such a position established in the new organization to which she had more rights than other employees. She has been working on special projects and is currently assigned the responsibility for rewriting and updating procedures manual for the Disbursements Section.

OWENS (WHITT)

Ms. Juanita Whitt, formerly Ms. Juanita Owens, was a Supervisory General Accounting Specialist, GS-501-9 which was established as her competitive level.

An identical position was established in the new organization. She was offered the position and accepted. Ms. Whitt had more rights to this position than other employees.

The grade level of the position previously occupied by Ms. Whitt was established on the basis of the duties and responsibilities incorporated into the position and the technical knowledge and expertise required to carry out those duties and responsibilities. These requirements are still present in the newly established position. The number of employees supervised is not a grade determinant factor in the classification of a position.

LEEDS

Mr. Leeds was an Accounting Technician GS-525-5. He was appointed to this position after receiving his degree and although he did not have the required experience, was qualified for this position on the basis of his degree.

Mr. Leeds was a Career Conditional-Veteran-Indian. Ms. McKay was a General Accounting Specialist, GS-501-7. She was a career-non-veteran-non-Indian. She had previously been an Accounting Technician, GS-525-5 and 6. As there were no positions at the GS-6 or 7 level to which she had more rights than other employees, she was offered the Accounting Technician, GS-525-5 position to which she had more rights than Mr. Leeds because she had career status and Mr. Leeds had career conditional status. She accepted the offer.

Mr. Leeds was offered and he accepted a position as Voucher Examiner, GS-540-4 with saved salary.

Subsequently, due to a retirement, we were able to offer Ms. McKay a position as an Accounting Technician, GS-525-6 which she accepted. We were then able to offer Mr. Leeds the position as Accounting Technician GS-525-5 which he accepted.

Mr. Leeds was never reduced to a Clerk-Typist, GS-3.

JOHNSON

Juanita Johnson was a Secretary-Steno GS-318-7. This was established as her competitive level. There was sufficient Secretary-Steno, GS-7 positions to offer one to Ms. Johnson.

The position in Mr. Overfield's office was established and classified as a Program Assistant, GS-7. All those Program Assistants at the GS-7 level were placed in Program Assistant positions elsewhere in the organization.

In line with efforts to place employees in positions in their former organization wherever possible, Ms. Johnson was offered the position as Program Assistant, GS-7 for which she was qualified and which she accepted. There were no other employees at the GS-7 level who were not offered GS-7 positions in the new organization who would qualify for the position.

The GS-7 Secretarial position which could have been offered to Ms. Johnson was then advertised and one of the GS-5 Indian secretaries was selected and promoted which in turn allowed us to retain another GS-5 who was due to be reduced in grade.

ROMERO-VIGIL-ABEITA

Mr. Trinidad Romero, Architect, GS-808-7, career-veteran-Indian, Mr. Eliu Vigil, Civil Engineer, GS-810-11, career-non-veteran-non-Indian and Mr. Raymond Abeita, Clerk, GS-301-3, career-non-veteran-Indian, had no rights to positions in the new organization in their competitive level. Mr. Romero and Mr. Vigil both qualified for GS-4 Computer Aid by virtue of previous education and/or experience. Those were the highest ~~graded~~ positions we could offer these individuals to which they had more rights than other employees. Mr. Romero and Mr. Vigil were both offered GS-4, Computer Aid positions with salary retention. Mr. Romero accepted the offer and Mr. Vigil declined.

Mr. Raymond Abeita was qualified by virtue of previous experience and/or education for Computer Aid, GS-3 which was his grade level at that time. His retention standing gave him more rights to a position as Computer Aid GS-3 than other employees. Such a position was offered to him and he accepted.

None of the three mentioned above had prior experience as Computer Aids. They were qualified on the basis of previous education and general experience.

Attachment 2

EMPLOYEES NOT PLACED

<u>Names</u>	<u>Present Title, Grade, & Series</u>
Bennet, James M.	Urban Planner, GS-20-13
Burton, Ernest E.	Engineering Technician, GS-00802-12
Cornwell, Allen B. Jr.	Architect, GS-00808-12
Del Mastro, Mike A.	Architect, GS-00808-12
Dexter, Peter L.	Electrical Engineer Technician GS-802-9
Dudley, Fred B.	Mechanical Engineer Technician GS-00802-7
Formes, Stanwood B.	Architect, GS-808-12
Gonzales, Anthony B.	Architect, GS-808-11
Hately, Edith	Secretary (Steno), GS-318-6
Jensen, John A.	Civil Engineer Technician, GS-802-9
Kaskalla, David	Engineering Draftsman, GS-818-5
Lucero, George H.	Engineering Tech. (Sanitary) GS-802-11
McCray, Charles D.	Architect, GS-808-12
Myers, Claude	Electrical Engineering Tech. GS-802-9
Muller, John H.	Structural Engineer, GS-810-12
Oland, Sherman, E.	Civil Engineer Technician, GS-802-7
Paisano, Gabriel	Engineering Draftsman, GS-818-5
Romero, Edward	Architect Technician, GS-802-7
Shortman, Lawrence	Engineering Draftsman, GS-818-5

Attachment 2 (Cont.)

<u>Name</u>	<u>Present Title, Grade, & Series</u>
Sieben, Eva M.	Engineering Draftsman, GS-818-5
Skotchdopole, Henry	Engineering Draftsman, GS-818-5
Sotel, Dorothy M.	Civil Engineer Technician, GS-802-7
Trujillo, Glen E.	Civil Egnineer Technician, GS-802-9
Wacondo, Matthew	Administrative Assistant, GS-341-9
Zohn, Bernard	General Engineer, GS-801-12

9	Indians
<u>1</u> 6	Non-Indians
2 5	Total employees to be placed

Attachment 3

<u>Name</u>	<u>Prior to Reassignment Title & Grade</u>	<u>Offered Reassignment Title & Grade</u>
Katherine Dyer	Program Clerk, GS-00301-5	Clerk-Typist, GS-00322-4
Bette McKay	Accounting Specialist, GS-00501-7	Accounting Technician, GS-00525-6
Steven Chiwiwi	Clerk, GS-00301-5	Mail & File Clerk, GS-00305-4
Geneva Rabke	Clerk, GS-00301-5	Clerk-Typist, GS-00322-4
Trinidad Romero	Architect, GS-00808-7	Computer Aid, GS-00335-4
Vernon Humphries	Construction Representative, GS-00809-9	Computer Aid, GS-00335-4
Barry Cinniginnie	Program Assistant, GS-00301-4	Computer Aid, GS-00335-3
Rosalie A. Lente	Peripheral Equipment Operator, GS-00332-4	Peripheral Equipment Operator, GS-00332-3
Marcelle Knowlton	Clerk-Steno, GS-00312-4	Clerk-Typist, GS-00322-3
Carmelita Lucero	Mail & File Supervisor, GS-00305-4	Clerk-Typist, GS-00322-3
Adele Littlejohn	Clerk-Steno, GS-00312-4	Clerk-Typist, GS-00322-3

Attachment 4	<u>Name</u>	<u>Prior to Realignment Title & Grade</u>	<u>Reassigned September 18, 1974 Title & Grade</u>
Raymond Bobb	Administrative Trainee, GS-301-9	Contract Specialist, GS-1102-7	
Harold Cox	Director of Management Systems GS-301-16	Management Analysis Officer, GS-343-15	
Thomas Burden	Program Officer, GS-301-14	Training Coordinator, GS-301-13	
Katherine Wettereau	Correspondence Clerk, GS-301-9	Secretary Steno, GS-318-7	
James Wilson	Trade Specialist, GS-1140-14	Economic Research Specialist, GS-1101-13	
Janet Griffith	Secretary, GS-318-9	Secretary, GS-318-7	
Zelma Barrow	Tribal Operations Specialist, GS-301-14	Tribal Relations Specialist, GS-301-13	
Ray Esquibel	Mail Supervisor, GS-305-9	Mail Supervisor, GS-305-8	

Attachment 5

<u>Name</u>	<u>Prior to Realignment Title & Grade</u>	<u>Declined Offered of Reassignment Title & Grade</u>
George Scott	Deputy Director of Education Programs, GS-301-14	Special Assistant, GS-301-14
Ramona Osborne	Education Specialist, GS-1710-12	Training Specialist, GS-301-12
Wayne Sumatzkuku	Administrative Intern, GS-301-7	Secretary (Steno), GS-318-7

Efforts are being made to find vacancies which will be acceptable to these employees.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

BY EMPLOY NUMBER 202

Personnel Management

DEC 19 1974

Honorable James Abourezk
United States Senate
Washington, D.C. 20510

Dear Senator Abourezk:

We have been providing you with information requested during the oversight hearings. The two attachments are also a part of the information which was requested.

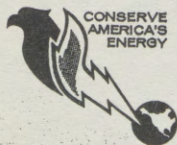
Attachment 1. Information regarding married couples in the Bureau.

Attachment 2. Background information leading to the Central Office reduction-in-force.

Sincerely yours,

Commissioner of Indian Affairs

Attachments

*Save Energy and You Serve America!*

Attachment I

MARRIED COUPLES EMPLOYED IN THE BUREAU

The attached sheets are reports from the Area Offices and the Central Office listing information regarding married couples employed in the Bureau.

<u>Area</u>	<u>No. of Married Couples Reported</u>
Aberdeen Area	147
Albuquerque Area	58
Anadarko Area	86
Billings Area	30
Juneau Area	133
Minneapolis Area	3
Muskogee Area	12
Navajo Area	551
Phoenix Area	119
Portland Area	30
Sacramento Area	6
Eastern Area	28
Central Office	<u>35</u>
Total	1,238

BACKGROUND INFORMATION - CENTRAL OFFICE
REDUCTION-IN-FORCE

Secretary Morton announced on May 15, 1973, the realignment of the Central Office functions and responsibilities of the Bureau of Indian Affairs. New staffing plans were developed and plans were made to carry out the implementation of Secretarial Order 2954 which provided for a reorganization of the Central Office. The Bureau had been alerted that there would be a reduction in staff when former Assistant Secretary Bodman announced on January 18, 1973, that the total Central Office employment would be reduced to 715 employees. The employment at that time was 1018.

After former Assistant Secretary Bodman made the announcement of the cut in the Central Office, Secretary Morton announced on February 7, 1973, the selection of Mr. Marvin L. Franklin as Assistant to the Secretary for Indian Affairs pending the legislative approval of a position as Assistant Secretary for Indian Affairs. Under Mr. Franklin's leadership various committees and study groups continued to draw up plans to carry out the original announcement to reduce the Central Office staff to 715. However, on July 6, 1973, Mr. Franklin advised the Office of the Secretary that he was withdrawing as a candidate for the position of Assistant Secretary for Indian Affairs or Commissioner. During this time we were faced with the conflicting court decisions regarding Indian preference, therefore, plans subsided for an immediate reorganization. It was felt, too, that the new Commissioner should have an opportunity to review the proposed changes and made the recommendation to the Secretary.

Secretary Morton began new recruitment efforts for the position of Commissioner of Indian Affairs which had been vacant since January 20, 1973. On December 4, 1973, Morris Thompson was sworn in as Commissioner. Commissioner Thompson picked up the proposed staffing for the Central Office and after many hours of briefings, study, and review, he requested an additional 92 positions which he felt were needed for the Central Office to provide adequate staff support to the Commissioner and the field offices. Authority was received for 72 additional positions, therefore, we now have a complement of 787 positions in the Central Office organization. Secretary Morton approved the reorganization on May 20, 1974, and we proceeded to staff the organization through RIF procedures. The two activities receiving the largest reduction were the Divisions of Facilities Engineering and Indian Education Program.

Beginning on May 23, in the Washington Office we conducted group meetings explaining to the employees how we would implement the Secretarial Order and staff the organization through reduction-in-force procedures. Our general reduction-in-force notices were issued on June 10 for 90 days. During this period the retention registers were worked and assignments were offered to employees on August 7, in accordance with reduction-in-force regulations.

The new Bureau structure incorporated changes in all the programs, as well as the staff for each program. Upon completion of the first round of competition in working the retention registers, we then screened the background and experience of each employee who was not placed, looked for vacant positions in which we could utilize the expertise of trained employees, and offered them reassignments.

On August 7 when the specific notices were issued we did have 77 vacant positions in the Washington Office. Employment had virtually been at a standstill for almost 18 months in anticipation of this reduction-in-force. If we had not curtailed the filling of positions, many employees would have been separated rather than having the opportunity for reassignment, many within their same line of work and others to a new field.

The Washington Office Division of Indian Education Programs received one of the largest cuts in the reorganization, a reduction of 10 positions. The three Washington Office witnesses at the hearings were members of the Indian Education staff and two were offered reassignments out of Education. Due to the excessive cut in Education, it was necessary to offer reassignments outside of the Education Program to four professional educators. We were able to find other positions in the Washington Office where the education and experience of these employees would enhance the programs to which they were reassigned. Three of these employees accepted their reassignment. Other non-professional and clerical employees were reassigned to positions where they had previously had experience or were capable of effectively performing the duties of the positions.

We are well aware that any time an employee's job, career, or salary is being affected, the human concern takes precedence. Every effort was made to adhere to Federal regulations and to place employees in vacancies where their talents would be of greatest benefit to the Indian programs.

○

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

Second block of faint, illegible text, continuing the document's content.

Third block of faint, illegible text, appearing as a distinct section.

Fourth block of faint, illegible text, possibly a list or detailed notes.

Fifth block of faint, illegible text, continuing the main body of the document.

Sixth block of faint, illegible text, possibly a concluding paragraph or signature area.

Seventh block of faint, illegible text, appearing as a final section.

Eighth block of faint, illegible text, possibly a footer or additional notes.

Ninth block of faint, illegible text at the bottom of the page.

