

UNITED STATES DEPARTMENT OF THE INTERIOR
INDIAN AFFAIRS

TRIBAL CONSULTATION ON ENROLLMENT DATA
COLLECTION, USE AND DISSEMINATION

Washington, D.C.

Wednesday, June 8, 2022

1 PARTICIPANTS:

2 BRYAN NEWLAND
Assistant Secretary Indian Affairs
3 Office of the Assistant Secretary Indian Affairs

4 JEANNINE BROOKS
Acting Director
5 Indian Affairs Office of Budget and Performance
Management
6 Office of the Assistant Secretary Indian Affairs

7 JASON FREIHAGE
Deputy Assistant Secretary for Management
8 Office of the Assistant Secretary Indian Affairs

9 WIZIPAN "WIZI" GARRIOTT
Principal Deputy Assistant Secretary for Indian
10 Affairs
Office of the Assistant Secretary Indian Affairs
11

12 KEVIN STURLAUGSON
Assistant Chief Information Officer for Indian
Affairs
13 Office of the Assistant Secretary Indian Affairs

14 DARRYL LaCOUNTE
Director
15 Bureau of Indian Affairs

16 JEANETTE HANNA
Deputy Bureau Director, Indian Services
17 Bureau of Indian Affairs

18 BART STEVENS
Deputy Bureau Director, Field Operations
19 Bureau of Indian Affairs

20 CHERYL ANDREWS-MALTAIS
Chairwoman
21 Wampanoag Tribe of Gay Head Aquinnah

22

1 PARTICIPANTS (CONT'D):

2 DYANI BROWN
3 Tribal Enrollment Director
4 Shinnecock Nation

4 JUDITH EATON
5 Executive Tribal Secretary
6 Metlakatla Indian Community

6 CATHERINE EDWARDS
7 Central Council Tlingit and Haida Indian Tribes
8 of Alaska

8 LONI GRENINGER
9 Tribal Vice Chair
10 Jamestown S'Klallam Tribe

10 VERNON LUJAN
11 Deputy Tribal Programs Administrator
12 Taos Pueblo

12 JEANNIE McNEIL
13 Tribal Enrollment
14 Confederated Tribes of Coos, Lower Umpqua, and
15 Siuslaw Indians

14 WILL MICKLIN
15 4th Vice President, Tlingit-Haida Central
16 Council
17 Chairman, Tlingit Haida Tribal Business
18 Corporation
19 CEO, Ewiiapaayp Band of Kumeyaay Indians
20 Executive Director, Statewide Inter-Tribal
21 Association of California Tribes

19 ERIC MORRISON
20 Tribal Administrator, Salamantof Tribe

20 BRIAN PARRY
21 Shoshone Tribe

22

1 PARTICIPANTS (CONT'D):

2 JOSEPH RUPNICK
3 Chairperson
4 Prairie Band Potawatomi Nation

5 SHAWN SAWMICK
6 Enrollment Director / Tribal Clerk
7 Saginaw Chippewa Indian Tribe

8 JULIE SIESTREEM
9 Vice Chair, Tribal Council
10 Confederated Tribes of Coos, Lower Umpqua, and
11 Siuslaw Indians

12 REGGIE TUPPONCE
13 Tribal Administrator
14 Upper Mattaponi Indian Tribe

15 JULIA WILLIS
16 Enrollment and Services Liaison
17 Coquille Indian Tribe

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1 P R O C E E D I N G S

2 (1:03 p.m.)

3 MR. NEWLAND: All right. (Speaks in
4 Native language.) Good afternoon, everybody. I
5 want to welcome you all to our
6 government-to-government consultation on the
7 Department's collection of Tribal enrollment data.
8 My name is Bryan Newland. I am Ojibwe from the
9 Bay Mills Indian Community in Northern Michigan,
10 and I have the privilege of serving as the
11 Assistant Secretary for Indian Affairs here at the
12 Department of the Interior. So I want to make
13 sure that you all know who's on the call from the
14 Department today. We have our Principal Deputy
15 Assistant Secretary Wizipan Little Elk Garriott,
16 our Deputy Assistant Secretary for Management,
17 Jason Freihage, our Acting Director for the Indian
18 Affairs Budget Office, and that is Jeannine
19 Brooks, as well as our Assistant Chief Information
20 Officer, Kevin Sturlaugson. We also have, from
21 the BIA, our Director, Darryl LaCounte, our
22 Director for Field Operations, Bart Stevens, and

1 our Deputy Director for Indian Services, Jeanette
2 Hanna.

3 Before we get started, I want to point
4 out that this consultation session is not intended
5 for the public record with the press or media. If
6 you are a member of the press, I am going to --
7 Shawn, can you -- thank you. If you are a member
8 of the press or the media, I'm going to ask that
9 you disconnect at this time and refer to the
10 Office of Public Affairs here at the Department
11 for any follow-up questions. I also want to make
12 sure I acknowledge and thank the Tribal leaders
13 who worked with us last year in the quick
14 turnaround to provide a total count of enrolled
15 Tribal citizens for each Tribe. Having updated
16 Tribal enrollment data allows Indian Affairs and
17 it allowed Treasury to equitably and quickly
18 allocate more than \$21 billion in funding under
19 President Biden's American Rescue Plan. So we're
20 having this consultation today because collecting
21 updated Tribal enrollment data demonstrated the
22 value of having regularly updated Tribal

1 enrollment data and how we can use it within the
2 Federal Government and at the Department to
3 improve funding and resource decisions. Because
4 of the success, other departments continue to show
5 interest in potentially using updated Tribal
6 enrollment data for their funding allocations and
7 improved program delivery. So again, I want to
8 say miigwech, thanks to all of you for joining us
9 today, taking time out of your schedules and your
10 commitments at home to share your views with us;
11 and I want to thank our BI Director for joining
12 today, and at this time, I will pass it off to
13 Director LaCounte. Darryl, are you here?

14 MR. LACOUNTE: I'm trying. Thank you,
15 Mr. Newland. I appreciate it. I can't seem to
16 get my video working here. I apologize for that.
17 I think Mr. Newland laid it out pretty clearly,
18 the purpose of this consultation and how important
19 it is for us to know exactly how many people we
20 serve. And to be equitable in funding, to be
21 equitable in services, we actually really need
22 this information and we appreciate your

1 cooperation; and if you have any serious questions
2 about it, we're very open to answering them here
3 on this consultation or with follow-up later. I
4 know some could have concerns. The other thing
5 I'd like to point out is the last time we had one
6 of these, there were concerns from a Tribe, and
7 then we went out on their website and realized
8 that they'd already published their own numbers,
9 the same ones that we had. So anyway, happy to be
10 here today, happy to answer any questions that we
11 can, and I apologize for not being able to run
12 Zoom very well. Thank you.

13 MR. NEWLAND: Thanks, Darryl. Now we're
14 going to turn it over to Deputy Assistant
15 Secretary Jason Freihage.

16 MR. FREIHAGE: Great. Thanks, Darryl.
17 I think it -- it's not just you, don't worry.
18 We're trying to see what's hindering video for
19 some folks so. Thank you. Appreciate, again,
20 thank you for your time today. Just quickly
21 again, and at a very high level, just going to
22 walk through as a reminder what we did last --

1 especially since there may be some new Tribal
2 leaders this year who weren't around when we
3 collected Tribal enrollment data last year -- just
4 walk folks through what we did to collect and
5 manage Tribal enrollment data last year. So
6 again, to initiate the collection process, we sent
7 a Dear Tribal Leader letter out with an Enrollment
8 Certification Form that each Tribe populated,
9 certified, and sent to their servicing BIA
10 Regional Office. The servicing BIA Regional
11 Office then verified the submitted data and
12 forwarded it to BIA Headquarters. So just kind of
13 as a quick reminder, the form we used for
14 certification I'm now sharing on my screen.
15 Again, it's a fairly simple layout, hopefully that
16 you can see where you simply chose the name of the
17 Tribe, you put in the total Tribal enrollment
18 number. Again, we're just looking for that one
19 total number. And then, there's essentially a
20 check- the-box kind of a certification that the
21 information is accurate, and then a signature by
22 the Tribal leader. So it's a fairly simple

1 approach. That's what we used last year when we
2 went through the process. And right now, we
3 would, as we move forward with it, we are planning
4 to use kind of a similar approach there. Once
5 that information, that enrollment data, was, you
6 know, forwarded to BIA Headquarters, it was
7 aggregated securely up to the Headquarters Offices
8 of Indian Services so a full list of the Tribe's
9 total enrollment data could be compiled and be
10 used to inform funding allocations by BIA. The
11 data was also securely shared with Treasury for
12 its ARP funding allocations. During consultation
13 last year, we let you know that our experts on
14 Freedom of Information Acts, Act, or FOIA process,
15 and Open Data Act required, it seems likely that
16 the Tribal enrollment totals cannot be protected
17 from discovery from FOIA, from a FOIA request,
18 should that occur. And that policy still remains
19 true, so I just wanted to let you know that hasn't
20 changed. So anyway, our team looks forward to
21 continuing to work with you to continue to update
22 the, collect the updated enrollment data for the

1 broader interest of Indian Country, for
2 transparency, timely payments, and also helping us
3 create a stronger understanding of (inaudible)
4 across Indian Country. So now I'll turn it back,
5 the speaking role, back to Assistant Secretary
6 Newland.

7 MR. NEWLAND: Thanks so much, Jason.
8 Appreciate you giving that overview and for
9 helping pull this all together and all the other
10 important work you do on behalf of the Department.
11 So to our Tribal leaders, in our Dear Tribal
12 Leader letter and our Consultation Notice, we put
13 several questions to you to frame the
14 conversation. The first question that we've asked
15 is, Did the process used to collect enrollment
16 data during -- pardon me. I would like to ask
17 before I continue just to make sure that everybody
18 mutes their microphone. Just, we're picking up a
19 lot of back noise, background noise from folks.
20 The first question that we asked is, "Did the
21 process used to collect enrollment data during
22 April 2022 work well for your Tribe? What could

1 have helped improve that process?" The second
2 question is, "Do you have concerns with making the
3 Tribal enrollment data publicly accessible such as
4 posting on the BIA's website and sharing with
5 entities, both governmental and non-governmental,
6 who submit requests for the latest data? If you
7 do have concerns, what are those concerns? Do the
8 benefits of making the data accessible outweigh
9 the drawbacks?" And finally, "How frequently
10 should we update this data?" So at this point, I
11 want to open this consultation session up to
12 comments and questions from Tribal leaders. We
13 will prioritize elected Tribal officials first and
14 then designated Tribal representatives and folks
15 from inter-Tribal organizations and also ask that
16 you be respectful. We don't have time limits on
17 comments, but just please be respectful of the
18 folks who are joining us today and their time.
19 And before you come back in and wish to speak a
20 second time, we're going to make sure that
21 everybody has had an opportunity to jump in the
22 conversation. If you would like to speak, you can

1 use the "Raise Hand" function at the bottom of
2 your screen. We can do our best to record
3 comments that are left in the chat; but it's best
4 to make sure that, if you do have a comment, that
5 you raise your hand and you speak them at this
6 time. So we have our first hand raised here in
7 this conversation from Eric Morrison.

8 MR. MORRISON: Hi, thank you. I'm Eric
9 Morrison. I'm the Tribal Administrator for the
10 Salamantof Tribe, and just a couple of issues.
11 One, we've, you know, this notice just went to the
12 Chairman and I had to respond secondhand and never
13 did get a verification that I was acknowledged.
14 So I, and I think -- one, I think if you look on
15 your records, we're probably the newest Tribe at,
16 that is registered and receiving funds; and we've
17 had a lot of issues with trying to get ourselves
18 fairly organized. One, we've been trying to --
19 well, our recent enrollment, because of CoVid
20 funds, we've been able to increase our numbers by
21 four times. This also increased our
22 responsibilities to our Tribal members as well as

1 physical obligation. So I noted that the
2 enrollment data for increased funding was due in
3 March, and of course, we missed that. So I'm
4 hoping that, because of the CoVid and having to
5 reach out to so many people, that we can get a
6 waiver on that. Also, in our trying to work with
7 the area office on things like getting original
8 documents from original applicants to figure out
9 languages and clans and all that (inaudible)
10 received a blank (phonetic) and have talked to
11 their regional office, and they said well, I told
12 them that we'd need to respond to the office in
13 D.C. and they said well, we don't communicate with
14 them and they don't with us so it won't make any
15 difference. But my immediate concern is hoping
16 that we can get some assistance with our huge jump
17 in enrollment. Thank you.

18 MR. NEWLAND: Thank you, Eric, for your
19 comments with regard to notice for these
20 consultation sessions. Because they are
21 government-to-government sessions, we do direct
22 our communications to elected Tribal leaders who,

1 the last electeds (phonetic) that we have, and so
2 we -- I know that, within each Tribe, internal
3 communications are always a challenge in making
4 sure that we're reaching everybody; but you know,
5 we do make -- that's how we get these notices out
6 and also post them on our website. So I apologize
7 for inconvenience that causes. There's really not
8 a better option for us on that. And with respect
9 to your deadline, I'm happy to follow up, have our
10 team follow up offline here from this conversation
11 to see what we can do with your particular
12 situation. But thank you.

13 MR. FREIHAGE: Chairwoman
14 Andrews-Maltais noted she'd like to speak.

15 MR. NEWLAND: Okay. I'll go to, first,
16 Joseph Rupnick and then Chairwoman
17 Andrews-Maltais.

18 MR. RUPNICK: (Speaking in Native
19 language.) Assistant Secretary Newland, it's good
20 to see you again. As far as the comments that I
21 have, one of the -- I didn't have a problem with
22 the form. I could probably see where it may be

1 challenging for some Tribes where their internet
2 isn't that good, but I didn't have a problem with
3 that. My concerns about the data publishing? I
4 don't know if I really agree that Tribal
5 information should be posted on the website where
6 everybody can grab it. I do, however, think that
7 it should be available to those other agencies.
8 As you know, we had to sue Treasury over the
9 distribution of the CARES dollars because they
10 were using Indian Housing Block Grant formula to
11 determine Tribal population. I don't really agree
12 with that, and I think that the Interior and
13 whoever else that has that power should be able to
14 make that change so that Tribes are funded based
15 on their Tribal population. There's another
16 department, or Department of Transportation, where
17 we received funding through the FAST Act. That
18 one there uses the same Indian Housing Block Grant
19 formula to determine Tribal population. So
20 anything that we can do to correct that to make
21 sure Tribes are funded fairly and equitably across
22 the board based on their Tribal population, we're

1 going to be better for it. That's all I have,
2 thank you.

3 MR. NEWLAND: Great, thank you so much,
4 Joseph, and it's great to hear from you. All
5 right, we'll turn to Chairwoman Cheryl
6 Andrews-Maltais.

7 MS. ANDREWS-MALTAIS: Good afternoon,
8 and thank you so very much. Good to see you all.
9 I just wanted to say how much we appreciate the
10 efforts that you guys have put forward to be able
11 to have the Tribes self-certify our population
12 rolls, because that is the only appropriate
13 documentation which is respecting Tribe's right to
14 self-certify. I do -- excuse me. I do agree that
15 (inaudible) numbers were way off; but with regard
16 to the questions posed, I think the process was
17 very simplified and very easy, and I really
18 appreciated having a single form very simplified.
19 But to the Chairman's point that there can also be
20 those challenges with regard to Tribes that may
21 not have consistent internet, but I'm sure you
22 guys have (phonetic) figured that out, that it can

1 be a mail- in or fax-in form as well. I do have
2 some concerns with the public being able to access
3 all of our Tribal data, even though it's just
4 enrollment numbers because we also know that we
5 have a lot of people that are trying to do
6 anything they can to undermine. However, I have
7 absolutely no problem with interagency sharing as
8 well as inter-Tribal sharing. But if it's a
9 choice of being able to have it this way and not
10 (inaudible), I can live with those concerns. I
11 think, as far as the reporting frequency, that
12 annually is good; or unless a Tribe has a desire
13 to update Bureau (phonetic) more frequently, as
14 long as it's filling out that form and signed by
15 their Tribal official, I think it's not a problem
16 and I think that that provides the flexibility so
17 that, when you do have a spike in increase in your
18 Tribal population, it not only gives the Tribe
19 time but it also gives you guys at Bureau time to
20 be able to take that information and incorporate
21 it into whatever formulas or calculations you need
22 to. The one thing I am a little bit concerned

1 about is that any and all Tribal information
2 should be fully exempt, but that's a conversation
3 for another day. But thank you very much for the
4 opportunity, thank you for making the form
5 simplified, and looking forward to reporting on
6 our increased numbers as well. Have a great
7 afternoon.

8 MR. NEWLAND: Thank you so much,
9 Chairwoman. Appreciate those comments, and
10 they're very helpful. Our next speaker in the
11 queue is Loni Greninger. I hope I pronounced that
12 right, Loni.

13 MS. GRENINGER: You did. Thank you so
14 much. Hello, everyone. My name is Loni
15 Greninger. I'm the Vice Chairwoman for the
16 Jamestown S'Klallam Tribe located in Sequim,
17 Washington, and I just wanted to offer a couple of
18 comments. I agree with Cheryl Andrews' comments
19 on, just that appreciation for the recognition on
20 the fact that Tribes can self-certify their
21 enrollment numbers, so I just thank you for that
22 opportunity. So in regards to the form, it was

1 pretty darn easy for us. We happen to have an
2 enrollment database that makes it easy for us to
3 collect aggregate data that was asked for. So as
4 far as the form was concerned and the means, we
5 were good with that. Concerns with making Tribal
6 enrollment data publicly accessible, I share very
7 similar concerns. I don't think the general
8 public, unless the Tribe chooses, you know, to put
9 their own enrollment numbers on their own
10 websites, but as far as making this accessible
11 from the BIA standpoint, I agree with Chairwoman
12 Andrews. There are folks out there right now --
13 we're in a sensitive time as far as, you know,
14 court cases are concerned; and folks are saying
15 that ICWA is unconstitutional. I don't want any
16 data used against us. I also agree that, you
17 know, having intergovernmental agencies having
18 access, I think that's fine. However, I would
19 strongly suggest that we have data sharing
20 agreements so that the Tribes know and sign off
21 and approve on the exact purpose of the uses for
22 the data, who exactly is using the data, is it a

1 government agency, is it an organization that's
2 being subcontracted with a government
3 organization, so on and so forth. I, I want to
4 know exactly what the purpose is that those
5 numbers are being used for; because when I think
6 about this data, it's data sovereignty. These are
7 my people. These are sovereign citizens, and I
8 don't want their data being taken advantage of,
9 and I don't want their data being shared without
10 us knowing exactly what's going on, and so I'm
11 here to protect that data. Let's see here. I
12 know you guys had another question. How
13 frequently should the data be updated? I'm also
14 in the category of annually. And so, for now, I
15 think I'll pause on my comments. Thank you very
16 much.

17 MR. NEWLAND: Thank you, Madam Vice
18 Chair. Appreciate your taking the time to share
19 those comments with us this morning on the West
20 Coast. Okay. We have -- don't have any speakers
21 in the queue at this moment. If you are a Tribal
22 leader representative wishing to get in the queue

1 for this government-to-government consultation,
2 you can use the "Raise My Hand" function on the
3 bottom of your screen. If you're calling in, you
4 can press *9. Our next speaker is Reggie
5 Tupponce. I think I got it right this time,
6 right?

7 MR. TUPPONCE: Thank you, Bryan. Yes,
8 you got it right this time.

9 MR. NEWLAND: All right.

10 MR. TUPPONCE: This is Reggie Tupponce.
11 I'm the Tribal Administrator for the Upper
12 Mattaponi Indian Tribe, and I just want to echo
13 Chairwoman Maltais' comments and the comments of
14 others. I think annually is fine. I did like the
15 comment of where, if a Tribe had a significant
16 increase in their population, that they would be
17 able to update it, you know, in between that time.
18 And I have the same concerns about the data being
19 readily available. Again, I don't think it should
20 be foible; but if that's the way it comes down,
21 that's fine. I would not like to see it on the
22 website. As mentioned before, these are kind of

1 trying times. There's numerous different
2 organizations that are trying to strip sovereignty
3 from Tribes, and I would hate to have our internal
4 information used against us in court action. And
5 I think I'll stop there so I'm not repetitive, but
6 the same concerns that were stated earlier. Thank
7 you.

8 MR. NEWLAND: Thank you very much for
9 those comments. Our next -- we have two more
10 speakers in the queue. In order, we'll recognize
11 Dyani Brown and then Catherine Edwards.

12 MS. BROWN: Hello, I'm Dyani Brown from
13 the Shinnecock Indian Nation. I'm the Tribal
14 Enrollment Director here, and this morning we had
15 a meeting with housing and FEMA and they were
16 going over data collection things, too, for us to,
17 you know, get our housing in order; and we were
18 talking about the use of census data and the
19 American Community Survey. And in doing the
20 census, you know, this past 2020 effort, I took a
21 really involved role with a local organization
22 that, you know, was meant to inform, you know,

1 Tribal people to claim Native on their census,
2 Native only, so that we could get those funds
3 directed to our communities. And one of the
4 things that I still did notice, even with that, is
5 just the large gap of misinformation between like,
6 even like where we live, like there's -- because
7 where our land is undetermined and, you know, the
8 addresses aren't in the national database like
9 when we're putting our information on these forms,
10 it goes to (inaudible) or, you know, there's
11 issues where people just can't even be able to put
12 their information in because it doesn't recognize
13 their address at all. And one of the things I was
14 wondering is if we can work, or is there a way to
15 work with the census and the American Community
16 Survey whose data is like really even more sparse
17 because nobody knows them and they're coming to
18 the community like, you know, without announcing
19 themselves, getting what they can, which is really
20 maybe a tenth of what the data actually is out
21 there. Is there any way where Tribes can actually
22 work directly with these organizations to

1 facilitate that information (inaudible) through,
2 through our offices, because it really is just a
3 great (phonetic), just, just misuse of information
4 if, you know, they're collecting it and it's not
5 right, and then we have to go back and challenge
6 it later. It's a lie/lot (phonetic).

7 MR. NEWLAND: And could -- Jason, did
8 you want to jump in?

9 MR. FREIHAGE: Yeah, just to make one
10 comment. We are working, kind of creating,
11 working in an interagency setting to look for
12 these opportunities to improve data quality,
13 whether it's us collecting enrollment data that
14 other agencies might be interested in, whether
15 it's census also, so that, hopefully, that's
16 something that's on the radar screen and,
17 hopefully, something down the road will be,
18 hopefully, can present the Tribes on some
19 strategies to address that.

20 MR. LACOUNTE: I would, I think my
21 camera's working now. I'm Darryl LaCounte. I'm
22 the Director of Bureau of Indian Affairs. I

1 appreciate the question. We had a lot of contact
2 with the Census Bureau prior to the 2020 Census,
3 and we found them very difficult to work with; and
4 so, I would encourage Tribes on their own, and we
5 will continue it as well, to recognize you as
6 sovereigns and recognize your jurisdictions. They
7 were trying to tell us what was Indian Country and
8 what wasn't; and finally, I had enough and said,
9 no, that we're the ones that know that, you don't.
10 But they were difficult to work with. I know some
11 bureaus are much easier to work with than others,
12 and some agencies are much easier to work with,
13 but Census was not our good friend during the
14 2020. So I encourage you all to have independent
15 conversations with them.

16 MR. NEWLAND: Thanks, Darryl. Thanks,
17 Dyani, for your -- Dyani, sorry, for your
18 comments. Next, we'll call on Catherine Edwards.

19 MS. EDWARDS: Thank you. Catherine
20 Edwards, Vice President, Central Council Tlingit
21 and Haida Indian Tribes of Alaska. When you were
22 talking about the Census Bureau, I mean, if it's

1 difficult for the BIA to work with, you can
2 imagine how difficult it is for the rest of us to
3 work with; and the problem for me has always been
4 using the census data is we know that we are
5 severely undercounted in the census, because
6 getting our citizens to even want to answer this,
7 this census is even more difficult. So it was
8 happy, we were happy to see that -- first, we were
9 troubled to see, then know, that some agency could
10 just using census data to give us funds or not and
11 so we were happy with this process and like, we
12 will, we're in agreement, full agreement, with
13 Chairwoman Andrews- Maltais and Vice Chair Roy
14 from Sequim, with what they were saying. This is
15 data sovereignty. We should be the ones that are
16 in charge of our data. We tell you what our
17 numbers are, so we were appreciate of the ability
18 to do that. I know, at Tlingit and Haida, we have
19 four meetings per year to update our numbers; and
20 they usually do change at that time, but we would
21 agree with them being updated annually. And we're
22 going to agree with the Chairwoman, too, about the

1 FOIA thing; and I think that that's a conversation
2 that Tribes need to be looking at, having with, I
3 don't know which Federal agencies that would be a
4 consultation with; but I think that's where we
5 need to, we definitely need to go there. And I'll
6 leave my comments there. I think that the process
7 is easy. I think it should be up to us how often
8 that we update our numbers to the system, but you
9 can change the numbers annually, and we should
10 have some control about who's able to see those
11 numbers that, like we said, inter-Tribal and
12 interagency, maybe to the general public. Some
13 Tribes are -- ours are posted, but some Tribes
14 have difficulty with that. Sovereignty isn't
15 something that anybody should be telling the
16 Tribes if they are or aren't sovereign, or U.S.
17 Census Bureau or anybody else. Thank you.

18 MR. NEWLAND: Thank you, Catherine.
19 Appreciate you taking time to share that with us
20 this morning. And just in the 30 minutes we've
21 been on the line here, you know, hearing some very
22 clear themes from folks that the form itself that

1 we've been using is easy and simple, needing to
2 make sure that there's accommodations for Tribes
3 and staff who don't have access to Broadband and
4 high speed internet, to make sure that they have
5 the ability to submit, that the data should be
6 made available to other Federal agencies but that
7 we, you know, should have a process for that with
8 some guardrails and there seems to be some, there
9 are some views that this data shouldn't be shared
10 on a website or made public subject to FOIA and
11 other Federal Laws that might require disclosure
12 on request. So we have another hand raised in our
13 speaker's queue. Vernon Lujan.

14 MR. LUJAN: Good morning, everybody.
15 Secretary. I just wanted to say that I'm in
16 agreement with some of the comments that were made
17 earlier about protecting confidentiality of our
18 Tribal members. We might have a bit of an issue
19 with the annual requirement for updated
20 information. Not all of our Tribal members are
21 forthcoming with their information on the move
22 from one place to another, so sometimes our

1 information can be outdated by a year. So that
2 might be a bit difficult for us, but otherwise,
3 protecting information and keeping it confidential
4 as much as possible would be appreciated. I know
5 it's information that Federal agencies need all
6 the time. I mean, we produce it all the time for
7 RAFT applications and things like that. But I
8 feel that, with these days of mass media and
9 anybody whose business starts with an H and ends
10 with an R, as in hacker, can obtain that
11 information; and we would not want that to happen.
12 Thank you, sir.

13 MR. NEWLAND: Thank you. All right. We
14 have no pending speakers in the queue. Oh, spoke
15 too soon. I will turn it to Jeannie McNeil.

16 MS. MCNEIL: Oh, thank you very much.
17 My name is Jeannie McNeil, and I'm with the
18 Confederated Tribes of Coos, Lower Umpqua, and
19 Siuslaw Indians in Oregon. I'm the Enrollment
20 Specialist, and also joining all of you today is
21 our Vice Chair, Julie Siestreem, for this
22 conversation. I just wanted to say that, you

1 know, I agree with several of the comments as
2 well. Indian Housing Block Grant formula, you
3 know, was not good in any way, and I appreciate
4 very, very much our ability to self-report like
5 everyone else. Our enrollment process is four
6 times a year. I know that throughout our
7 reporting deadlines, sometimes it didn't meet the
8 criteria; so the availability for us to be able to
9 report once our enrollment has increased would be
10 wonderful. If there was a self-reporting
11 mechanism on the BIA's website for certified
12 people to do that, that may be something that
13 could be considered possibly to help with those
14 different enrollment periods, you know, and when
15 the funding allocations and any future funding or
16 benefit allocations would be considered, then all
17 of our data would be constant and accurate. So
18 that would be my comment on that. I know that our
19 number data is on our website for our membership,
20 so I wanted to share that as well, that we do
21 publicly say what our data is for our amount of
22 enrolled members to our community locally, but I

1 do see all the concerns of having it public to
2 everyone because of all the issues being raised.
3 So I wanted to share that as well and that we
4 really, really appreciate the process for the
5 allocation of the funding. It worked very well
6 for us. Thank you.

7 MR. NEWLAND: Thank you, Jeannie.
8 Appreciate those comments, and thanks for taking
9 time to join us today. Just a quick time check
10 for folks. As it stands right now, I believe
11 we've got another 20 minutes left in this
12 scheduled consultation session. Vernon, did you
13 have your hand raised again? Vernon Lujan?

14 MR. LUJAN: Yes --

15 MR. NEWLAND: Okay.

16 MR. LUJAN: Honorable Assistant
17 Secretary Newland. I just wanted to apologize for
18 not following your protocol and introducing myself
19 to everybody. My name is Vernon Lujan. I am from
20 Taos Pueblo. I am Deputy Tribal Administrator
21 here at the Pueblo. I also oversee enrollment,
22 our Enrollment Office, and our recent revision of

1 our Enrollment Ordinance. Thank you.

2 MR. NEWLAND: Thank you so much, and I
3 appreciate that. Okay. I'll do another call for
4 Tribal leaders to raise their hands and speak. I
5 see we have Julia Willis. Julia, your microphone
6 is very faint.

7 MS. WILLIS: What about now?

8 MR. NEWLAND: Not much better.

9 MS. WILLIS: Hold on, let's try
10 something else. How about now?

11 MR. NEWLAND: Yeah. Loud and clear.

12 MS. WILLIS: Okay. I'm so sorry. Thank
13 you so much for having me. I just want to say
14 that I agree with the comments previously, and my
15 concern that I've been thinking about during this
16 conversation is, if we have Tribes that have
17 technological barriers to report these numbers, is
18 there a way that -- is there support for them? Is
19 there a way that they can be assisted in
20 overcoming that? I'm sorry. I'm from the
21 Coquille Indian Tribe. I'm the Enrollment and
22 Services Liaison, and I wanted to say that the

1 process was very simple for us. Again, we have a
2 database like other Tribes where we simply pull up
3 that number; and I would hate to think that there
4 are Tribes that are struggling to come up with
5 their full enrollment for the funding that they
6 need. Thank you so much.

7 MR. NEWLAND: Thank you, Julia. We
8 appreciate those questions. I see Jason is coming
9 onto the screen, so I'll let you respond, Jason.

10 MR. FRIEHAGE: Yeah, and if Darryl or
11 Jeanette Hanna want to pop in, too. I think the
12 Regional Directors, when we collected it last
13 year, did everything they could to work with
14 Tribes to get the data. So at the end of the day,
15 if it needed to be faxed and they could or, you
16 know, but if necessary, we could go to a mail-in
17 option, too, especially -- the benefit of doing
18 this on a regular basis is it would allow
19 everybody to plan, there wouldn't be such a quick
20 turnaround and so 1) we could work on longer term
21 technical strategies and, but also if more paper
22 based approaches work for folks, we can make that

1 work, too. And again, by having it regular, that
2 gives everybody a chance to plan in advance to do
3 that. So it is possible to do that.

4 MR. NEWLAND: Thanks, Jason. So we have
5 two return speakers in the queue. Before I call
6 on them, just want to check to see if anybody who
7 hasn't had an opportunity to speak yet would like
8 to make some comments. We've got about 20 minutes
9 left in this section. So our next speaker --
10 Joseph and Loni, I'll come back to you. Our next
11 speaker we'll have is Brian Parry.

12 MR. PARRY: Yes, my name is Brian Parry.
13 I'm a Special Program Manager for the Northwest
14 Band of the Shoshone Nation. We're a small Tribe,
15 and I just wanted to comment that the census is
16 important to us and I think that the form that you
17 have is really adequate and we're able to use that
18 to our advantage quite a bit, quite well.
19 However, we've noticed that when we apply to
20 different agencies through/for (phonetic) grants,
21 sometimes total numbers fit best for our Tribe;
22 but sometime, the formula used by the Indian

1 Housing Block Grant to allocate funds (phonetic)
2 is also very useful to us. We would hate to see
3 it go away. If there was some way that funds
4 could be calculated both ways and that the Tribes
5 could choose which methodology they could use to
6 get (phonetic) the funding that is being
7 appropriated for Tribal use, I think that that
8 would be a lot better way to do it. I would just
9 hate to see the block grant funding just disappear
10 as, you know, and just have the total Tribal
11 enrollment be what funding is based on because our
12 Tribe, being a small Tribe, sometimes that's a
13 disadvantage to us. Thank you.

14 MR. NEWLAND: Thank you for that. Okay.
15 So I don't see any new speakers in the queue. In
16 order, we're going to come back to Joseph Rupnick
17 and then Loni Greninger.

18 MR. RUPNICK: Secretary Newland, I
19 wanted to apologize because I didn't follow your
20 protocol either. I didn't introduce myself, so I
21 got shamed by another Tribal leader. Joe Rupnick.
22 I'm the Chairman for Prairie Band Potawatomi

1 Nation. Thank you.

2 MR. NEWLAND: Thank you, Chairman. Vice
3 Chair Greninger.

4 MS. GRENINGER: Thank you, Secretary
5 Newman. I just want to speak real quick to the
6 equity and fairness issues on how enrollment data
7 is used, and I'll, we'll make sure to also submit
8 these comments in writing for the record. So we
9 have Tribes with large enrollment population
10 numbers, and then we have Tribes that are a lot
11 smaller; and we all choose to serve our
12 populations in different ways. Some of us choose
13 to serve only in area. Some choose to serve in
14 and out of service area. And then some Tribes
15 even choose to serve other community members,
16 other Natives, even non-Natives in some of their
17 services. So keeping that in mind, we want to
18 make sure that we, that Tribes are honored in the
19 way that we serve. So I know that we made
20 comments about this earlier. I'm concerned on how
21 the enrollment data is going to be used,
22 especially that it's likely going to be

1 undercounted; because here's another example, too,
2 in choosing who we serve. You know, for example,
3 Jamestown, we choose to serve descendants which
4 are non-enrolled members; and if we are only
5 counting, if we're only counting our enrolled
6 members, then we actually end up undercounting who
7 we actually serve; and our descendants are very
8 much still a part of our population here. They're
9 still a very much part of our community, very
10 integrated into our culture and ceremonies,
11 integrated into our programs and services. So
12 just keeping that, keeping that in mind. And then
13 one more comment I have is the use of enrollment
14 data in funding formulas should really consider
15 whether other factor, or should consider other
16 factors, you know, maybe a tier or grouping
17 approach, you know, maybe establishing a ceiling,
18 providing a base amount of funding to smaller and
19 disadvantaged Tribes. And I know I'll confess my
20 bias. We're a smaller Tribe. We only have 525
21 members, and so having these population formulas
22 can sometimes be very difficult for us. But

1 having these kinds of options would be an
2 appropriate means of ensuring equitable and fair
3 measures that are being employed for Tribes in
4 funding. Anyways, thank you.

5 MR. NEWLAND: Thank you so much for your
6 comment. Next up we have Judith Eaton and then,
7 if we have no new speakers, then I'll turn to
8 Chairwoman Andrews-Maltais. Judith?

9 MS. EATON: Good morning to some, and
10 good afternoon to others. My name is Judith
11 Eaton. I'm the Executive Tribal Secretary and
12 also do the enrollment for our small Tribal, and
13 the one thing that I do have a problem with is
14 also with the census in some of the ones because
15 we do not have dual membership, and we're still
16 finding some that are dual and dually enrolled.
17 And as a small Tribe, I do agree with Loni that we
18 still need to be looked at, you know, because some
19 of our requests are in great need for our
20 community and for our membership. Thank you, and
21 thank you for this opportunity to speak.

22 MR. NEWLAND: And could, Judith, and can

1 you share your, which Tribe you're from?

2 MS. EATON: Oh, sorry. Metlakatla
3 Indian Community.

4 MR. NEWLAND: All right. There we go.

5 MS. EATON: Thank you. Sorry.

6 MR. FREIHAGE: Bryan, we have one
7 question in the chat that just says what
8 (inaudible) does BIA or Interior publish our
9 enrollment data. So first, we don't publish your
10 data. That's one of the reasons we're raising it
11 here. So just to say right now, we have not
12 published enrollment data in a long time; but we
13 haven't quite determined yet a date on which we
14 would, if we, you know, if we start collecting it
15 annually, what date that would be, so that's still
16 open to be determined.

17 MR. NEWLAND: Thanks, Jason. So
18 Chairwoman, I'm going to skip you because we have
19 a couple of other folks in the queue and, with our
20 limited time, I want to make sure everyone gets a
21 chance to speak. We'll go to Shawn Sawmick and
22 then Will Micklin.

1 MR. SAWMICK: (Speaking in Native
2 language.) I'm Shawn Sawmick, the Enrollment
3 Director and Tribal Clerk of the Saginaw Chippewa
4 Indian Tribe of Michigan, and I also stand in
5 agreement with the sharing of our enrollment data.
6 I feel strongly that it should be at the
7 discretion of each Tribe to, you know, let who and
8 what they want to share with the general public.
9 I mean, I understand the need for, you know,
10 inter-Tribal or interdepartmental sharing; and I
11 feel that (inaudible) they (phonetic)
12 user-friendly (inaudible). Thank you.

13 MR. NEWLAND: (Speaking in Native
14 language.) Thank you so much, Shawn. Next, we'll
15 turn to Will Micklin and then, just to note that
16 we've got about 12 minutes left.

17 MR. MICKLIN: Thank you, Assistant
18 Secretary Newland. Will Micklin, the Vice
19 President of Central Council of Tlingit Haida
20 Indian Tribes of Alaska and CEO, Ewiiaapaayp Band
21 of Kumeyaay Indians in, for the recognized Tribes
22 in Southern California. Vice President Catherine

1 Edwards presented the views of Central Council,
2 and I just wanted to follow up on a couple of
3 items. One is to note that Central Council is the
4 most accurate reporter of its enrollment. We are,
5 in Alaska, particularly challenged with census
6 reporting or service area reporting because of the
7 inaccuracy, particularly for Central Council who's
8 one of two regional Tribes in the State of Alaska.
9 We're the regional Tribe for all of Southeast
10 Alaska, along with the other IRA Tribes in
11 Southeast. So with the census, Tribal citizens
12 are, can be a citizen of their IRA Tribe in their
13 community, which is defined by their service area.
14 They can also be, they're also a citizen of
15 Central Council, and they're also a village
16 corporation shareholder, and could be original
17 corporation shareholder. So with the census
18 responses, we have Tribal citizens that may have
19 the opportunity to report under one category; and
20 often, they report that they're a village
21 corporation shareholder, or regional, or an IRA
22 Tribe, or sometimes Central Council. So the

1 census has a particular challenge in accurate
2 reporting, so our reporting is superior. Our
3 service area is also largely in the Juneau area
4 and IRA Tribes that join into/Indian (phonetic)
5 compacts for our providing services through
6 Central Council to communities so that's not an
7 accurate (phonetic) -- that's a very limited
8 representation of our shareholders, of our Tribal
9 citizens who reside in Southeast Alaska, but they
10 may also be in the rest of (phonetic) Alaska,
11 particularly Anchorage or Fairbanks, or outside of
12 Alaska, particularly concentrated in Western
13 Washington or in California or Oregon. So it's
14 important that we recognize that the Tribe is the
15 most accurate reporter of its members. If it's
16 just a report of the raw number of enrollment,
17 that is accurate. However, as in the former BIA
18 Tribal Report that I think was last reported in
19 2013, there's a number of other attributes of
20 Tribal citizens that were either reported or
21 attempted to be reported in those prior reports or
22 had been contemplated to be added, demographic

1 information. And frankly, we're unable to provide
2 that. We don't have the resources to do that for
3 almost 34,000 Tribal citizens. And so if there
4 is, and we think there -- we would benefit from a
5 more detailed demographic report on our Tribal
6 citizens, we would need substantially more
7 resources to provide the investigation and
8 iterative (phonetic) questions of our Tribal
9 citizens about things like their income level, or
10 their employment, or who they get their health
11 care from, where their, what their residence is by
12 address. All those things are things that we
13 would benefit from but, substantially, don't have
14 the resources to obtain and it's inaccurate as
15 represented from census. It's, I think, important
16 to reflect also that there is use of information
17 that can be inappropriate, as has been mentioned
18 in other calls. In the State of California, the
19 state, through its franchise tax board, has a
20 discretionary so far, but (inaudible) mandatory
21 form that requires the Tribal leader to sign under
22 penalty of perjury the residence of their Tribal

1 citizens, and we've resisted this. The Tribal
2 Chairs are not responsible under penalty of
3 perjury for determining the specific residence of
4 their Tribal citizens. They can report them on a
5 good faith basis but certainly not under penalty
6 of perjury, and we think the Department should
7 push back on the state assertion which is really
8 based on taxation issues for state income tax for
9 those that reside on their, on a federally
10 recognized Tribe's reservation, that this is the
11 improper imposition on Tribal leaders and the
12 Tribal governments themselves.

13 And finally, I'd just like to point out
14 that there's a, in Federal statute, a five-year
15 period for reports of governments where all
16 governments of the United States make a report and
17 those are provided once analyzed, and every
18 government in the United States is included in
19 that, except Tribes. And we think that's
20 important. Tribes are governments and would
21 benefit from reporting under that provision under
22 the Federal Law through (phonetic) the

1 interpretation, their Tribes would be eligible.

2 Thank you for the opportunity to comment.

3 MR. NEWLAND: Thank you. Appreciate
4 that, especially the last comment about the
5 government reporting statute and program. We've
6 got time for one more comment, so I will, I'm
7 going to recognize Chairwoman Andrews-Maltais, and
8 then we'll wrap up the consultation. Before --
9 Chairwoman, before you speak, I want to remind
10 folks that, like always, we are happy to receive
11 your comments in writing as well. You can submit
12 them to us on this topic all the way until
13 midnight on July the 8th, and you can send those
14 written comments to consultation@BIA.gov. So with
15 that, Chairwoman Andrews- Maltais, I'll turn it
16 over to you for a final comment today.

17 MS. ANDREWS-MALTAIS: Thank you very
18 much. I will be brief, because I know you have a
19 lot. With regard, I just want to agree with Vice
20 Chairman Greninger with regard to having
21 servicing. If these numbers are provided for one
22 of the many data factors funding formula equity

1 that may be adding an additional, optional data
2 point of community members served, because that
3 does take into account when we serve husbands or
4 spouses and/or living companions of our Tribal
5 members that are part of our community but not
6 necessarily reflected on our enrollment numbers
7 because they are not enrolled members but they are
8 part of our community. And again, just to
9 reiterate, anytime that we're using population
10 data, that should only be one of many factors, or
11 at least a few factors, in order to develop true
12 (inaudible) and equity for funding formulas for
13 all Tribes. Thank you. And I'll put it in the
14 chat.

15 MR. NEWLAND: Thank you so much, and I
16 want to thank everybody again for taking time to
17 join us today. I know, for some of you, it's
18 earlier in the morning and others it's mid-day.
19 Thank you for taking time out of your busy
20 schedules to submit comments. This has been very
21 helpful for me and for our team to understand
22 Indian Country's viewpoints on enrollment data

1 collection. A lot of the comments we heard today
2 were very consistent with one another, and that
3 always really makes it clear for us, not only when
4 we're developing policy but responding to other
5 agencies and inquiries in helping other agencies
6 in our co-equal branches of government develop
7 policies, so that's very helpful. Your support,
8 of course, to help us maintain and use regularly
9 updated enrollment data would enable us to make
10 sure that we have more accurate, timely, and
11 transparent payments to Indian Country. It will
12 also reduce redundant reporting requests from
13 other agencies and help increase the understanding
14 of resource needs for Tribes. I know there's an
15 interest, as we heard today, in other data sets
16 and other data needs which can advance these
17 goals. We have an interagency effort to identify
18 other data priorities to bring Tribes back to you.
19 Excuse me, to bring back to you and other Tribes
20 for consultation later this year. I look forward
21 to continuing to work with all of you on these
22 issues as well as all the other important work

1 that we're doing in our partnership together, and
2 I wish you all well. Good health to you, your
3 families, your communities, and safe travels
4 wherever they may take you. And for those of you
5 who are going to be at NCAI next week, I look
6 forward to seeing you there. Miigwetch. Thank
7 you. That concludes our consultation today.

8 (Whereupon, at 1:59 p.m., the
9 PROCEEDINGS were adjourned.)

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CERTIFICATE OF NOTARY PUBLIC

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I, Rachel Egyed, notary public in and for the Commonwealth of Virginia, do hereby certify that the forgoing PROCEEDING was duly recorded and thereafter reduced to print under my direction; that the witnesses were sworn to tell the truth under penalty of perjury; that said transcript is a true record of the testimony given by witnesses; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was called; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Rachel Egyed



**Notary Public, in and for the Commonwealth of
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My Commission Expires: January 31, 2025

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