S. HRG. 109–665

NOMINATION OF CARL J. ARTMAN

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

THE NOMINATION OF CARL J. ARTMAN TO BE ASSISTANT SECRETARY OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SEPTEMBER 14, 2006
WASHINGTON, DC

U.S. GOVERNMENT PRINTING OFFICE

29–918 PDF WASHINGTON : 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON INDIAN AFFAIRS

JOHN McCAIN, Arizona, *Chairman*
BYRON L. DORGAN, North Dakota, *Vice Chairman*

PETE V. DOMENICI, New Mexico
CRAIG THOMAS, Wyoming
GORDON SMITH, Oregon
LISA MURKOWSKI, Alaska
MICHAEL D. CRAPO, Idaho
RICHARD BURR, North Carolina
TOM COBURN, M.D., Oklahoma

DANIEL K. INOUYE, Hawaii
KENT CONRAD, North Dakota
DANIEL K. AKAKA, Hawaii
TIM JOHNSON, South Dakota
MARIA CANTWELL, Washington

JOHN TAHSUDA, III, *Majority Staff Director*
SARA G. GARLAND, *Minority Staff Director*

CONTENTS

	Page
Statements:	
Artman, Carl J., nominee to be assistant secretary, Indian Affairs, Department of the Interior, Washington, DC	4
Dorgan, Hon. Byron L., U.S. Senator from North Dakota, vice chairman, Committee on Indian Affairs	2
Hughes, Kathy, vice chairwoman, Oneida Nation of Wisconsin	3
Johnson, Hon. Tim, U.S. Senator from South Dakota	3
McCain, Hon. John, U.S. Senator from Arizona, chairman, Committee on Indian Affairs	1
Thomas, Hon. Craig, U.S. Senator from Wyoming	2
APPENDIX	
Prepared statements:	
Artman, Carl J. (with attachment)	9
Conrad, Hon. Kent, U.S. Senator from North Dakota	14
Additional material submitted for the record:	
Inter-Tribal Council of the Five Civilized Tribes Resolution No. 20006–09	15
Letters	17
Biographical and Financial Information Requested of Department/Agency Nominees	29
Questions with responses	49

NOMINATION OF CARL J. ARTMAN

THURSDAY, SEPTEMBER 14, 2006

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m. in room 485 Senate Russell Office Building, Hon. John McCain (chairman of the committee) presiding.

Present: Senators McCain, Dorgan, Johnson, and Thomas.

STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Good morning.

This morning, the committee will receive testimony on the President's nomination of Carl Artman to be Assistant Secretary for Indian Affairs in the Department of the Interior. A statement will also be made by Kathy Hughes, the vice chairperson of the Oneida Tribe of Wisconsin, of which Mr. Artman is a member.

On Thursday of last week, the committee members received a committee memorandum containing the background information for Mr. Artman. In addition, I have had the opportunity to meet personally and I understand that a number of the members have as well. His background and my discussions with him convince me that he possesses the personal and professional qualifications for this job. In fact, I would note that Mr. Artman appears to have a varied background with business and government service intermixed, which will serve him well in what is one of the most challenging positions in the Federal Government. I believe the President has chosen wisely in nominating Mr. Artman.

[Prepared statement of Senator McCain appears in appendix.]

The CHAIRMAN. Mr. Artman, before we proceed, I must add this comment. Among the very significant challenges your agency faces, the trust fund litigation is the greatest. This committee has worked very hard to try to find a reasonable resolution to this disaster. Over 5 weeks ago, the vice chairman and I met with Secretary Kempthorne and Attorney General Gonzales and proffered what we believe to be a reasonable resolution. Both the Secretary and the Attorney General said they would circulate that within the Administration and get back to us. To date, we have had no official response and the window for action this year is closing fast.

Therefore, we have sent a letter to the Secretary and the Attorney General again asking for a final assessment and response. I think it is incomprehensible that the Administration would not be

able to come up with at least a response to what is a product of years of effort on the part of this committee and the interested parties.

Please take this message back to the Secretary. We understand he has been working hard to find a settlement solution, but if we don't act now, this historic opportunity will be lost.

Before we begin, I must note that many of our colleagues have additional commitments this morning, including an Armed Services meeting I must attend. While I know that there are many questions to ask of Mr. Artman, I hope that we can proceed with some dispatch. As we know, Mr. Artman has committed to giving responses to written questions back to us by Monday.

Senator Dorgan.

STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

Senator DORGAN. Mr. Chairman, thank you very much.

Mr. Artman and I had a meeting earlier this morning. I appreciate his time. The vice chairman of the Oneida Tribe is with us today as well, I understand. Kathy Hughes, we welcome you.

I am going to simply put my entire statement in the record. I will defer asking questions as well. I do want to make a comment about the *Cobell* case. I told Mr. Artman this morning that I am going to support him, and I think he is someone who has really excellent qualifications. I suggested that the only reason to take these jobs is to make a difference and to speak out and be strong. In his tenure, I think the *Cobell* case, if unresolved, will weigh over all the other issues and have a profound impact on virtually everything else that the Department of the Interior is trying to do with respect to these Indian issues.

I know that there have been meetings with Interior, Treasury, Justice, and OMB. It seems to me that there is a less urgent interest in this at the Office of Management and Budget. My hope is that the Administration will find a way to bring all these agencies together and understand the urgency of trying to solve this problem, and doing so very soon because the clock is ticking. If we don't get it resolved now, this is going to drag on for years and will impact virtually every other Indian program.

So again, Mr. Artman, thank you for coming in this morning for a good visit. I look forward to hearing your comments today. Then, I look forward to when you are confirmed. I think you will be. I look forward to working with you on some very vexing problems and challenges that we must resolve.

The CHAIRMAN. Senator Thomas.

STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM WYOMING

Senator THOMAS. Thank you, Mr. Chairman. I won't take time. I, too, am impressed with the background that Mr. Artman has. Unfortunately, I have not had an opportunity to visit with him, but I will look forward to doing that, and we can move on with the committee.

The CHAIRMAN. Senator Johnson.

STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Senator JOHNSON. Thank you, Mr. Chairman.

I will just briefly say to Mr. Artman, congratulations. I am supportive of your nomination. In my State, several lawsuits have arisen between tribes and the BIA. While some disputes are probably unavoidable, in many cases an improved commitment to providing meaningful consultation with tribal governments would go a long ways toward reducing the amount of litigation the tribes have felt forced to pursue.

The tribes in my State are some of the poorest in the Nation. So when they choose to exhaust their minimal resources on the cost of litigation against the BIA, it is done only in the most serious feelings of breach of trust. So I hope that, again, consultation will be a very high priority. I appreciated meeting with you in my office yesterday. Your discussion of priorities involving education, economic development and law enforcement are priorities that I believe need to be pursued aggressively.

So again, congratulations, and I look forward to working very closely with you as we deal with these issues in a consultative, government-to-government manner with our tribes.

I will submit my statement for the record.

[Prepared statement of Senator Johnson appears in appendix.]

The CHAIRMAN. Thank you very much.

I understand we are joined this morning by Kathy Hughes, who is the vice chairwoman of the Oneida Nation of Wisconsin, who would like to make a comment concerning the nominee. Welcome, Ms. Hughes. Your entire statement will be made part of the record.

STATEMENT OF KATHY HUGHES, VICE CHAIRWOMAN, ONEIDA NATION OF WISCONSIN

Ms. Hughes. Thank you, and good morning Chairman McCain and members of the committee. I bring you greetings on behalf of Chairman Gerald Danforth, who is extremely disappointed that he cannot be here today to support one of our own, but he had prior obligations as he is also chairman for the Great Lakes Intertribal Council, which convenes today.

I am here to represent nearly 16,000 Oneida members who share my pride as I come forward to express our support and confidence in the nomination of Carl Artman, an enrolled Oneida tribal member. The Oneida continue to be proud of our contributions to the democracy of this Nation. President Lyndon Johnson appointed an Oneida, Robert L. Bennett, to be named the Commissioner of Indian Affairs. Likewise, President George W. Bush named Aurene Martin, a descendant of the Oneida, as the acting secretary. Today, it is another Oneida considered for the BIA's top job, Assistant Secretary of Indian Affairs.

Mr. Artman is a bright and extremely hard-working individual who has a broad and distinguished academic background. Having earned J.D. and an LLM from Washington University, Carl is an accomplished lawyer. Later, Carl returned to school to complete an MBA at the University of Wisconsin in Madison. As such, he is familiar with many legal and economic forces that will impact this office.

Additionally, he has true Washington experience, having worked on Capitol Hill for Congressman Oxley and later in representing the Oneida Tribe and our interests in the halls of Congress. Carl has great skills and broad diversity of experience upon which to call in the exercise of duties as the Assistant Secretary.

Also, the Oneida Tribe applauds President Bush for nominating an individual that truly has experience in working directly for and with tribes. It is important for tribes across the Nation to have a native in this position that understands and appreciates the complexities of being a sovereign within a sovereign. As the Oneida Tribe's Chief Counsel, Carl was a critical member of our team which successfully negotiated several tribal-municipal agreements with those non-Indian communities surrounding Oneida. I believe this experience will prove to be of great benefit to all of Indian country.

In summary, he comes before you with an array of attributes necessary to engage this Administration, understand the relationships with Congress, and appreciate the unique and common issues affecting the Indian nations. We believe Mr. Artman's experience thoroughly qualifies him for this position.

Mr. Chairman, you will recall that in 1976 and again in 1989, this committee heard testimony regarding the role of our Nation in the founding of the United States, the incorporation of many of our governmental concepts into the American Constitution, and our commitment to the colonies in the Revolutionary War, commitments that helped found and serve America.

Our people's long and proud tradition is a part of this country's tradition of governments of and by the people. A tradition of leaders as true public servants guides us and certainly guides Carl. It is therefore right and proper that an Oneida now comes forward to hold this high post. We believe that Carl Artman will do this with honor and distinction.

Thank you.

The CHAIRMAN. Thank you very much, Vice Chairwoman Hughes.

Mr. Artman, I understand you have members of your family here today. Would you like to recognize them?

Mr. ARTMAN. Thank you, Senator, yes, I would.

This is my mother, Carol Artman; my wife, Wendy; one of my two boys, Bennett; and next to Bennett is Bobby Webster, also a member of the Oneida Tribe who came out here.

The CHAIRMAN. Thank you. You are welcome, and we are glad you are here to take part in this great occasion as Mr. Artman agrees to serve our Nation. We thank you, Mr. Artman. Please proceed with your opening statement.

STATEMENT OF CARL J. ARTMAN, NOMINEE TO BE ASSISTANT SECRETARY-INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. ARTMAN. Thank you.

Mr. Chairman, Senator, my name is Carl Artman. It is a privilege and an honor to appear before you this morning seeking your confirmation of my nomination by President Bush to the post of Assistant Secretary for Indian Affairs.

I am a member of the Oneida Tribe of Indians of Wisconsin, one of six Indian nations of the Haudenosaunee or Iroquois Confederacy. I have served my tribe in positions ranging from tribal representative in Washington, DC to chief operating officer of a telecommunications partnership, to most recently chief counsel to the tribe. I currently serve as the Associate Solicitor for Indian Affairs for the Department of the Interior.

I am honored to have been nominated by President Bush and look forward to the challenges that lie ahead. Indian country provides an overwhelming number of challenges, youth suicide, drug abuse, high unemployment rates, lack of adequate health care, challenged education facilities and curricula, crumbling infrastructure from roads to irrigation ditches, and crime outpacing law enforcement.

To these societal plagues, Indian country has its unique, though historically consistent problems, like the erosion of sovereignty, expanding governance and self-determination, fighting to maintain its identity and control over its destiny and lands.

If you asked me why I want this job, my answer will be because of all the challenges that exist, the challenges Indian and Alaska Natives face today seem insurmountable. Yet, I see the determination and potential of Indians and Alaska Natives. Reservation populations are growing. Leaders are digging in to stem the spread of methamphetamines and the lawlessness that follows in its wake. Educators, parents and police are learning to identify youths at risk of committing suicide and interceding.

Teachers at tribal schools provide more with less, and inch by inch tribes are reclaiming their land and the inherent rights of such ownership. As Indians and Alaska Natives reclaim their rights lost through history or to societal plagues, the Department of the Interior must be their partner in these battles. I hope to expedite and streamline access to departmental goals to assist tribal and Alaska Native communities to develop their natural, political and socioeconomic infrastructure.

The trust litigation of the last decade has tested the commitment of many, especially the overarching individual Indian money account litigation. Many in the department are afraid their actions, no matter how well-meaning or beneficial to the tribes, may run afoul of the attorneys or the sitting judge, and that they may be held in contempt. This fear bogs down the department. It impedes Indian-centric goals of the department and hurts tribes and individuals across the Nation. Resolution to this matter is critical, whether it comes from Congress, the Administration or the courts.

From whatever quarter it hails, if confirmed, I stand ready to assist in its development and implementation. The sooner this litigation ends, the sooner we improve our relationship with tribes and the sooner we increase for Indians and Alaska Natives the impact of the benefits of that relationship.

The Department of the Interior can and will be a positive force in Indian country. It is impossible to eliminate immediately that which has festered for years. However, I will lay the foundation for an era that will provide a fresh start and new commitments through action to programmatic goals and mandated duties. This will allow tribal governments, Indians and Alaska Natives to build

bulwarks against societal plagues. They can reclaim their unique cultures, rich in tradition, spirituality and group-centric values, not one of despair or hopelessness.

If confirmed, I will foster an interaction of partnership and mutual goals, not just fiduciary requirements. If confirmed, I will use the Office of the Assistant Secretary for Indian Affairs to promote communications between tribes that have realized financial success through gaming or other business ventures, and those that strive for a fraction of that success, to move beyond the provision of subsistence benefits to their membership.

The success of one tribe, either in business, government administration or cultural preservation, is the best incubator for success of other tribes. Trailblazing tribes allow those that follow to go even further.

If confirmed, I will use the office to promote more vibrant and goal-oriented communications between tribes and their neighbors, be it a local or State government or a business that seeks to partner with a tribe for their mutual benefit. If confirmed, I hope to foster the growth of tribal governments. Tribal sovereignty is inherent and this sovereignty is best exhibited in a vibrant tribal government, one that understands judicious exercise of its jurisdiction for the benefit of its members and the seventh generation.

Tribal governments embody the power of sovereignty. Tribal government cares for the present and plans for the future. It is what the outside examines to judge the health of the tribe. It is the face of the tribe and the hope of the tribe.

Tribal governments can accomplish great things. The peoples and tribes of the Haudenosaunee, the Iroquois Confederacy, comprise the oldest continuous participatory democracy on earth. Authors of our United States representative government, Ben Franklin and Thomas Jefferson, were inspired by the Iroquois Confederacy, its inner workings, and the constitution of the Iroquois known as the Great Binding Law, or in our language, Gayanashagowa.

Our founding fathers' inspirations rooted in the Haudenosaunee guide all of our lives today and continue to motivate people across the globe to achieve a greater freedom for themselves and their countrymen. That is the potential of tribal governments.

But before they inspire neighbors or nations, tribal governments must be able to fight the cancer within, the obstacles of drug abuse, youth suicide, joblessness, hopelessness. Indians and Alaska Natives must reach into their past to find their way and provide impetus for change.

If confirmed, I hope to bring forth the potential of the breadth and depth of the Department of the Interior and specifically the Office of the Assistant Secretary of Indian Affairs so that Indians and Alaska Natives can use these resources, their resources, to conquer problems bearing down on their governments and people to gain that foothold that will propel them upward and preserve a culture and build a legacy, and to provide a future for their seventh generation that is as great as their past.

Mr. Chairman, Senators, thank you.

[Prepared statement of Mr. Artman appears in appendix.]

Senator DORGAN [presiding]. Mr. Artman, thank you very much.

Chairman McCain had to leave for the Committee on Armed Services where they are considering the issue of tribunals for the prosecution of terrorists. As all of you know from having been reading the papers in recent days, Chairman McCain is one of the central discussants in this issue, and had to be down at Armed Services right now. He apologizes, but we will proceed to consider the issues on the agenda in the absence of Senator McCain. He has asked me to proceed.

Let me ask whether Senator Thomas has any questions of Mr. Artman?

Senator THOMAS. Thank you.

Thank you for your testimony. Certainly, your experience will be useful.

It is my understanding that in your tribe, you have been involved in some off-reservation casino activity. Tell me what your position is on that. Will you recuse yourself on this? What is the situation?

Mr. ARTMAN. Thank you, Senator, for the question.

To answer the last part of the question, first, yes, when I was chief counsel for the Oneida Tribe of Indians of Wisconsin, I was involved in a New York land claims matter that did involve the potential of an off-reservation gaming site as part of the settlement. With regards to the recusal, in my packet I have included a letter from our ethics office at the Department of the Interior which outlines my recusal, which will be very narrow and it will focus on the issues that have involved the Oneida Tribe of Indians of Wisconsin in the past. The letter goes into further detail on that.

With regards to off-reservation gaming itself, I know that has been a very hot-button issue of recent years, and certainly looking at even yesterday on the House side, with the consideration of the legislation. At this point, the Indian Gaming Regulatory Act has considered the potential of off-reservation gaming, and it has outlined in broad form how that may occur. The rules as implemented by the Department of the Interior of what we will call section 20 expand on that further. Soon, the Department of the Interior will be issuing the section 20 regulations to bring those into the Federal Register process, to make those processes public and consistent.

Since that has been considered by the Congress in IGRA and it requires a two-part determination, one that looks at the impact to the local governments, to other communities, to the tribal communities that may be nearby, and a concurrence by the Governor. That is something we take very seriously. In that initial analysis done by the Secretary of the Interior, we look at all sorts of factors, and that analysis takes a long time. Out of the dozens that have been submitted, I believe only three have passed so far, and none in recent years.

If Congress should decide to change, amend IGRA to address the off-reservation gaming issue, if confirmed I stand ready to implement the law as written.

Senator THOMAS. Thank you.

Senator DORGAN. Mr. Artman, again we thank you for taking on this mission. It is in the interests of this committee and the entire Congress, and I think our country, that you succeed. We have, as I said, very difficult problems to grapple with, very high unemployment, a crisis in health care, housing and education on many res-

ervations in this country. We want you to succeed and we appreciate your willingness to accept this role in public service.

Unless there is objection, we will by unanimous consent this morning approve the nomination and report the nomination to the floor of the Senate. Without objection, the nomination will be approved.

This hearing is adjourned.

[Whereupon, at 10 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF CARL J. ARTMAN, NOMINEE, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. Chairman, Senators, my name is Carl Artman. It is a privilege and an honor to appear before you this morning seeking your confirmation of my nomination by President Bush to the post of assistant secretary for Indian Affairs.

I am a member of the Oneida Tribe of Indians of Wisconsin, one of six Indian nations of the Haudenosaunee, or Iroquois Confederacy. I have served my tribe in positions ranging from the tribal representative in Washington, DC to chief operating officer in a telecommunications partnership to, most recently, chief counsel of the tribe. I currently serve as the associate solicitor for Indian Affairs in the office of the solicitor within the Department of the Interior.

I am honored to have been nominated by President Bush and look forward to the challenges that lie ahead. Indian country provides an overwhelming number of challenges: Youth suicide, methamphetamine abuse, high unemployment rates on many reservations, lack of adequate health care, challenged education facilities and curriculums, crumbling infrastructures from roads to irrigation ditches, and crime outpacing law enforcement personnel and funds. Additionally, Indian country has its unique, though historically consistent, problems like the erosion of sovereignty, expanding self-governance and self-determination, ensuring adequate housing, and fighting to maintain its identity and control over its destiny and lands.

If you ask me why I want this job? My answer will be: Because of all the challenges that exist. The challenges Indians and Alaska Natives face today seem insurmountable. Yet, I see the determination and the potential of Indians and Alaska Natives. Reservation populations are growing. Leaders are digging in to stem the spread of methamphetamines and the lawlessness that follows in its wake. Educators, parents, and police are learning to identify youth at-risk of committing suicide and interceding. Teachers at tribal schools provide more with less. Inch by inch tribes are reclaiming their land and the inherent rights of such ownership.

As Indians and Alaska Natives reclaim their rights lost through history or to societal plagues, the Department of the Interior must be their partner in these battles. I hope to expedite and streamline access to Departmental programs to assist tribal and Alaska Native communities to develop their natural, political, and socio-economic infrastructure.

The trust litigation of the last decade has tested the commitment of many, especially the overarching Individual Indian Money Account litigation. Many in the Department are afraid their actions, no matter how well meaning or beneficial to the tribes, will run afoul of the plaintiffs attorneys and the sifting judge, and that they may be held in contempt. This fear bogs down the Department, impedes the Indian-centric goals of the Department, and hurts tribes and individual Indians across the nation. Resolution to this matter is critical, whether it comes from Congress, the Administration, or the courts. From whatever quarter it hales, if confirmed, I will assist in its development and implementation. The sooner this litigation ends, the

sooner we improve our relationship with tribes, and the sooner we increase for Indians and Alaska Natives the impact of the benefits of that relationship.

The Department of the Interior can and will be a positive force in Indian country. It is impossible to eliminate immediately that which has festered for years. However, I will lay the foundation for an era that will provide a fresh start and new commitments, through action, to programmatic goals and mandated duties. This will allow tribal governments, Indians, and Alaska Natives to build bulwarks against the societal plagues. They can further reclaim their unique cultures rich in tradition, spirituality, and group-centric values, not one of despair and hopelessness.

If confirmed, I will foster an interaction born of a partnership and mutual goals, not just fiduciary requirements.

If confirmed, I will use the Office of the Assistant Secretary for Indian Affairs to promote communications between tribes that have realized financial success, either through gaming or other business ventures, and those that strive for a fraction of that success to move beyond provision of subsistence benefits for their membership. The success of one tribe, either in business, government administration, or cultural preservation, is the best incubator for success of other tribes. Trailblazing tribes allow those that follow to go even further.

If confirmed, I will use the Office to promote more vibrant and goal-oriented communications between tribes and their neighbors, be it a local or State Government or a business that seeks to partner with the tribe for their mutual benefit.

If confirmed I hope to foster the growth of tribal-governments. Tribal sovereignty is inherent, and this sovereignty is best exhibited in a vibrant tribal government one that understands judicious exercise of its jurisdiction for the benefit of its members and the seventh generation. Tribal governments embody the power of sovereignty. The tribal government cares for the present and plans for the future. It is what the outside examines to judge the health of the tribe. It is the face of the tribe and hope of the tribe's future.

Tribal governments can accomplish great things. The peoples and tribes of the Haudenosaunee, the Iroquois Confederacy, comprise the oldest continuous participatory democracy on Earth. Authors of our, the United States, representative government, Ben Franklin and Thomas Jefferson were inspired by the Iroquois Confederacy, its inner-workings, and the Constitution of the Iroquois Nations known as the Great Binding Law, GAYANALAGOWA. Our Founding Fathers' inspirations, rooted in the Haudenosaunee, guide all of our lives today and continue to motivate people across the globe to achieve a greater freedom for themselves and their fellow countrymen.

This is the potential of tribal governments.

But before they inspire neighbors or nations, tribal governments must be able to fight the cancer within—the obstacles of drug abuse, youth suicide, joblessness, and hopelessness. Indians and Alaska Natives must reach into their great pasts to find their way and provide the impetus for change. And if confirmed, I hope to bring forth the potential of the breadth and depth of the Department of the Interior, and specifically the Office of the Assistant Secretary for Indian Affairs, so that Indians and Alaska Natives can use these resources—their resources to conquer the problems bearing down on their governments and people, to gain that foothold that will propel them upward, to preserve a culture and build a legacy, and to provide a future for their seventh generation that is as great as their past.

Mr. Chairman, Senators, thank you.

CARL J. ARTMAN

EDUCATION

University of Denver, College of Law, Denver, Colorado; LLM (Natural Resources and Environmental Law), 2003

University of Wisconsin School of Business, Madison, Wisconsin; MBA, 1999

Washington University School of Law, St. Louis, Missouri; JD, 1991

Columbia College, Columbia, Missouri; Bachelor of Arts, 1987

EXPERIENCE

United States Department of the Interior, Washington, D.C., February 2006 to Present
Associate Solicitor - Indian Affairs

- Oversee and manage legal affairs pertaining to the Department's oversight of Indian affairs.
- Manage Office of Solicitor's Division of Indian Affairs.

Oneida Tribe of Indians of Wisconsin, Green Bay, WI, December 2002 to Present
Chief Legal Counsel

- Oversee and manage all legal affairs of the tribe.
- Manage in-house law office attorneys and staff, and non-conflicting external attorneys.
- Provide legal guidance for Tribal-wide reorganization and development of corporate entities.

Sole Practitioner, Denver, CO, September 2001 to December 2002

- Practice Areas include: Oil and Gas, Corporate, Emerging Technologies, Telecommunications.

Qubit Technology, Denver, CO, April 2000 to September 2001
General Counsel

- Oversaw and managed legal matters of the company, including management of external firms.
- Assisted in business development.

VoiceStream Wireless, Milwaukee, WI, November 1999 to April 2000
General Manager of Development and Operations

- Managed $45 million wireless network deployment project.
- Directed negotiations with city zoning boards, city councils, and landowners.

Airadigm Communications, Little Chute, WI, October 1995 to October 1999
Vice-President of Legal Affairs

- Coordinated legal and corporate development affairs of the company.
- Represented company before Federal Communications Commission and state and local governments.

Chief Operating Officer

- Managed company through start-up, deployment, and commercial rollout phases.
- Negotiated agreements with vendors, investors, strategic partners, and roaming partners.

Oneida Tribe of Indians of Wisconsin, Washington, DC, October 1994 to October 1995
Director of Federal Affairs

- Represented and advocated the position of the Oneida Tribe in United States Congress and federal agencies.

WilTel/Williams Companies, Washington, DC, February 1994 to October 1994
Director of Government Affairs

- Advocated company's position on legislation to Congress.
- Represented company at the Federal Communications Commission.

Congressman Michael G. Oxley, Washington, DC, January 1991 to February 1994
Legislative Assistant

- Focused on telecommunications issues.
- Drafted legislation, composed speeches and floor statements for Congressman.

CONSULTANCIES

Lucent Technologies, April 1999 to August 1999
Advised Lucent on entering the Indian reservation market through strategic partnerships with the Indian Nations, equipment vendors, and tangential cellular providers.

Oneida Tribe of Indians of Wisconsin, June 1999 to October 1999
Consulted on political, financial, and telecommunications issues. Represented Tribe on issues before the Federal Communications Commission, United States Congress, and the White House.

LICENSES AND AFFILIATIONS

- Licensed to practice law in Wisconsin, Colorado, and Pennsylvania

CURRENT AND PREVIOUS PROFESSIONAL ACTIVITIES

Bush-Cheney '04 Wisconsin Steering Committee, Vice Chair

Presidential Board of Advisors on Tribal Colleges and Universities, Board Member

Haskell Indian Nations University, Board of Regents, alternate

Oneida Nation Electronics, Board of Directors

Qubit Technology Inc., Secretary, Board of Directors (non-voting position)

Airadigm Communications, Inc., Board of Directors

Personal Communications Industry Association, Board of Directors

Personal Communications Industry Association, Chairman, Small Business Committee

GSM-Ericsson User Group, Chairman, Regulatory Subcommittee

GSM Alliance, Management Committee

SPEECHES AND PUBLICATIONS

Land Tenure Center, University of Wisconsin-Madison, The Oneida Land Claim, History and Status.

Law Seminars International, Developing Tribal Utilities.

Land Tenure Center, University of Wisconsin-Madison, Impact of Land Claims Issues on Tribal Policy-making.

Denver Journal of International Law and Policy, Editor

Global Reach: Telecommunications in the New Century (conference title), Preparing the Foundation for Advanced Services and Increased Competition – Impact of Tomorrow's Services on the Local Jurisdiction.

United States Small Business Administration Roundtable, "Broadband Deployment by Small Entities"

Federal Communications Commission Hearing, "Overcoming Obstacles to Telephone Service for Indians on Reservations," witness on the Solutions Panel

GSM In North America Conference: Successful Marketing Strategies – Targeting the Business Users

PCS '98 Speech: State of the Industry

PCS '98 Panel Moderator: Branding the Wireless Commodity

National American Indian Telecommunications Workshop Speech: How Wireless Systems Can Enhance or Improve Communication Capabilities in Tribal Communities

PCS '97 Speech: PCS: Up and Running—An Insider's Account

Wireless Week, April 28, 1997: "Guest Opinion: Brand Identity Critical"

Federal Communications Law Journal, volume 46, December 1993: "The Cable-Telco Cross-Ownership Provision: First Amendment Infringement Through Obsolescence" (co-authored with Congressman Michael Oxley)

PREPARED STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Mr. Chairman, thank you for holding this hearing today to discuss the nomination of Carl J. Artman to head the Bureau of Indian Affairs at the Department of the Interior.

The position of Assistant Secretary for Indian Affairs has been vacant for more than 1½ years I am pleased that the committee will be acting today on his nomination so that we can quickly fill this very important position.

I have not had an opportunity to meet directly with Mr. Artman, but I do want to take 1 moment to highlight some of the issues of concern to me and the tribes in my State. I continue to be concerned about the lack of oversight by the BIA over the Joint Tribal Advisory Committee [JTAC] funds provided to the Standing Rock Sioux Tribe and the Three Affiliated Tribes. These funds were provided as compensation for the land lost due to the construction of the dams along the Missouri River. Unfortunately, despite guidance from Congress on how the funds were to be spent, funds released by the BIA have not always been used for the intended purposes.

I also continue to be concerned about the BIA's lack of support for United Tribes Technical College [UTTC] located in Bismarck, ND. United Tribes is a unique institution; it is the only intertribally-controlled postsecondary vocational institution in the country. UTTC provides valuable educational opportunities to students from more than 40 tribes across the Nation. While the BIA believes the college's funding through the Department of Education is adequate to meet its needs, UTTC cannot keep its doors open without the funding it has received from the BIA.

Housing, health care, education, and economic development are also great needs across Indian country that have not been adequately addressed by this Administration.

These are just a few of the many challenges facing tribes and Native Americans in my State. I hope that soon after he is confirmed Mr. Artman will visit North Dakota and sit down with tribal leaders and hear from them directly. I think such a meeting would be very valuable as he tackles this great new challenge.

The great plains tribes have worked very hard to strengthen government-to-government relations between Indian nations and the Federal Government. As the head of the BIA, Mr. Artman will help guide these relations and set the tone for the Administration with respect to Federal Indian policy.

Programs and services targeting Native Americans result not from Federal largess; they are part of a commitment to tribes by our country. We need to live up to those obligations by ensuring adequate resources for health care, housing, education, and economic development. And part of that obligation is a strong working partnership between the Federal Government and tribal nations.

Mr. Chairman, the tasks facing Mr. Artman are serious and challenging. I think this is one of the hardest jobs anywhere. I wish him well and hope that he will be a good advocate within the Federal Government for the tribes of this Nation.

Thank you, Mr. Chairman.

The INTER-TRIBAL COUNCIL Of the FIVE CIVILIZED TRIBES

Organized February 3, 1950

RESOLUTION NO. 2006-09

A Resolution Supporting President George W. Bush's Nomination and Senate Confirmation of Carl Joseph Artman for the Assistant Secretary for the Bureau of Indian Affairs

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes is an organization which unites the tribal governments of the Muscogee (Creek), Seminole, Cherokee, Choctaw and Chickasaw Nations, representing over 450,000 tribal members throughout the United States, and,

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes has been an organization since 1950; and,

WHEREAS, in 1906, Congress affirmed "that the tribal existence and present tribal governments of the of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations are hereby confirmed in full force and effect for all purposes authorized by law, until otherwise provided by law, . . ."; and,

WHEREAS, in 1970, legislation was enacted to authorize the popular selection of the Principal Chiefs and Governor of the Five Civilized Tribes of Oklahoma; and,

WHEREAS, in 1975 President Nixon approved the "Indian Self-Determination and Educational Assistance Act". This legislation officially renounced and rejected as a matter of official United States public policy the paternalistic behavior of the federal government which suppressed the rights of self-governance and self-sufficiency of Indian Tribes for more than a century; and.

WHEREAS, every President and Congress since 1975 have endorsed the congressional policy of self-determination yet; and,

WHEREAS, the Department of Interior, primarily through the Bureau of Indian Affairs is the lead federal agency charged with carrying out the United States' relationship with Indian tribal governments and the Assistant Secretary for the Bureau of Indian Affairs is that agency's chief spokesperson and ambassador to tribal governments; and

WHEREAS, August 1, 2006, President George W. Bush announced the nomination of Carl Joseph Artman, of Colorado, to be Assistant Secretary of the Interior for Indian Affairs

WHEREAS, Mr. Artman, has demonstrated and proven credentials relevant to the position of Assistant Secretary of the Bureau of Indian Affairs, and possess a superior record of achievement pertinent to the position of Assistant Secretary of the

Bureau of Indian Affairs, and is knowledgeable and experienced in matters of concern to Indian Country, and

NOW, THEREFORE, BE IT RESOLVED, the Inter-Tribal Council of the Five Civilized Tribes does hereby fully endorse and support President George W. Bush's nomination of Carl Joseph Artman, to be Assistant Secretary of the Interior for Indian Affairs and support his United States Senate confirmation.

General Resolution 2006-02 ___, is hereby affirmed as requested by the Inter-Tribal Council of the Five Civilized Tribes.

Executed by teleconference of The Inter-Tribal Council of the Five Civilized Tribes, on August 28, 2006, by a vote of 4 ayes, ___ nays, ___ and abstentions.

Bill Anoatubby Governor
The Chickasaw Nation

A. D. Ellis, Principal Chief
Muscogee (Creek) Nation

Gregory E. Pyle, Chief
Choctaw Nation of Oklahoma

Enoch Kelly Haney, Chief
Seminole Nation of Oklahoma

Chadwick Smith, Chief
Cherokee Nation

Carl Artman
7 Pipestem Court
Potomac, MD 20854

August 3, 2006

Shayla Freeman Simmons
Designated Agency Ethics Official and Director, Ethics Office
U.S. Department of the Interior
1849 C St. NW. MS 4356
Washington, DC 20240

Dear Ms. Simmons:

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption pursuant to section 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse, minor children, or any general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Pursuant to 5 C.F.R. § 2635.502, for the duration of my government service in the position of Assistant Secretary, I will not participate in any particular matter involving specific parties in which I previously participated in my capacity as Chief Counsel of the Oneida Tribe of Indians of Wisconsin, unless I am authorized to participate by the DAEO. In addition, for a period of one year after I terminated my position as Chief Counsel (February 17, 2006), I will not participate in any particular matter involving specific parties in which the Oneida Tribe of Indians of Wisconsin is or represents a party, if it is determined that the circumstances would cause a reasonable person with knowledge of the relevant facts to question my impartiality in the matter, unless I am authorized to participate by the DAEO.

I further certify that in accordance with 5 C.F.R. § 2635.502, where I know that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of my household, or know that a person with whom I have a covered relationship is or represents a party to such matter and I determine that the circumstances would cause a reasonable person with knowledge of the relevant facts to question my impartiality in the matter, I will not participate in the matter unless authorized by your office

Sincerely,

Carl Artman

United States Department of the Interior

OFFICE OF THE SOLICITOR
1849 C STREET N.W.
WASHINGTON, DC 20240

August 11, 2006

Mr. Robert I. Cusick
Director
U.S. Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington, D.C. 20005-3917

Dear Mr. Cusick:

The enclosed financial disclosure report (Enclosure 1) signed by Carl Artman for the position of Assistant Secretary-Indian Affairs has been reviewed and found to be in compliance with 5 C.F.R. § 2634.605, the conflict of interest prohibitions contained in 18 U.S.C. § 201-209 and Executive Order 12674 (as modified).

Mr. Artman has been counseled on the statutory restriction in 18 U.S.C. § 208 which prohibits him, in his official capacity, from becoming personally and substantially involved in a particular matter when he, his spouse, minor child, general partner or outside business associate, has a financial interest in that matter. He understands that he is personally responsible for being aware of, and avoiding any action that may place him in violation of 18 U.S.C. § 208 or any other ethics law or regulation.

Mr. Artman has also been counseled on the standards of conduct regulations contained in 5 C.F.R. Part 2635. He was advised that in the event that he has any questions on the application of any conflict of interest statutes or regulations to a specific situation, he shall immediately seek advice from me or from a member of my ethics staff.

Mr. Artman has signed an ethics agreement (Enclosure 2) outlining the actions he will take upon confirmation to eliminate any real or apparent conflicts of interest.

Based on our review and analysis of the information provided, and on Mr. Artman's ethics agreement, I have determined that Mr. Artman will be in full compliance with the ethics statutes and regulations which apply to the Assistant Secretary of the Department of the Interior.

If you have any questions concerning this matter, please contact me on (202) 208-7960.

Sincerely,

Shayla Freeman Simmons

Shayla Freeman Simmons
Designated Agency Ethics Official and
Director, Ethics Office

United States Department of the Interior

OFFICE OF THE SOLICITOR
1849 C STREET N.W.
WASHINGTON, DC 20240

August 22, 2006

Mr. Robert I. Cusick
Director
U.S. Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington, D.C. 20005-3917

Dear Mr. Cusick:

Please find enclosed a revised ethics agreement for Carl Artman for the position of Assistant Secretary – Indian affairs. This ethics agreement is a revised copy of the ethics agreement previously submitted to you on August 11th. This ethics agreement has been amended and revised per guidance from your office provided on August 17th. If you have any questions, please contact Matthew Costello of my staff. He can be reached on (202) 208-4110.

Sincerely,

Shayla Freeman Simmons

Shayla Freeman Simmons
Designated Agency Ethics Official and
Director, Ethics Office

Enclosures

Carl Artman
7 Pipestem Court
Potomac, MD 20854

August 21 2006

Shayla Freeman Simmons
Designated Agency Ethics Official and Director, Ethics Office
U.S. Department of the Interior
1849 C St. NW. MS 4356
Washington, DC 20240

Dear Ms. Simmons:

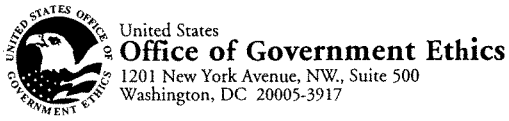
As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption pursuant to section 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse, minor children, or any general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

For the duration of my government service in the position of Assistant Secretary, I will not participate in any particular matter involving specific parties in which I previously participated in my capacity as Chief Counsel of the Oneida Tribe of Indians of Wisconsin, unless I am authorized to participate by the DAEO. In addition, pursuant to 5 C.F.R. § 2635.502, for a period of one year after I terminated my position as Chief Counsel (February 17, 2006), I will not participate in any particular matter involving specific parties in which the Oneida Tribe of Indians of Wisconsin is or represents a party, unless I am authorized to participate.

I further certify that in accordance with 5 C.F.R. § 2635.502, where I know that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of my household, or know that a person with whom I have a covered relationship is or represents a party to such matter and I determine that the circumstances would cause a reasonable person with knowledge of the relevant facts to question my impartiality in the matter, I will not participate in the matter unless authorized by your office

Sincerely,

Carl Artman



September 7, 2006

The Honorable John McCain
Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510-6450

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Carl J. Artman, who has been nominated by President Bush for the position of Assistant Secretary for Indian Affairs, Department of the Interior.

We have reviewed the report and have also obtained advice from the Department of the Interior concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is a letter dated August 21, 2006, from Mr. Artman to the Department's ethics official, outlining the steps he will take to avoid conflicts of interest. Unless a specific date has been agreed to, the nominee must fully comply within three months of his confirmation date with the actions he agreed to take in his ethics agreement.

Based thereon, we believe that Mr. Artman is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Robert I. Cusick
Director

Enclosures

SF 278 (R . . 03 ^00)
5 C.F.R Part 2
U.S. Office of Government Ethics

Form Approve
OMB No. 3209-000

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Date of Appointment, Candidacy, Election or Nomination (*Month, Day, Year*)	Reporting Status (*Check appropriate boxes*)	Incumbent [ ]	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate [X]	Termination Filer [ ] / Termination Date (*If Applicable*) (*Month, Day, Year*)
Reporting Individual's Name	Last Name: Artman			First Name and Middle Initial: Carl J	
Position for Which Filing	Title of Position: Assistant Secretary - Indian Affairs			Department or Agency (*If Applicable*): U.S. Department of the Interior	
Location of Present Office (or forwarding address)	Address (*Number, Street, City, State, and ZIP Code*): 1849 C Street NW, Washington DC 20240			Telephone No. (*Include Area Code*): 202-208-4591	
Position(s) Held with the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held: Associate Solicitor for Indian Affairs, US Department of the Interior 2/06 - Present				
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Senate Committee on Indian Affairs			Do You Intend to Create a Qualified Diversified Trust? [ ] Yes [X] No	
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge	Signature of Reporting Individual			Date (*Month, Day, Year*): August 8, 2006	
Other Review (If desired by agency)	Signature of Other Reviewer			Date (*Month, Day, Year*)	
Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below)	Signature of Designated Agency Ethics Official/Reviewing Official: Sharla Freeman Simmons			Date (*Month, Day, Year*): 8-11-06	
Office of Government Ethics Use Only	Signature: Robert I. Cusick			Date (*Month, Day, Year*): 9/1/06	

Comments of Reviewing Officials (*If additional space is required, use the reverse side of this sheet*)

(*Check box if filing extension granted & indicate number of days* _____) [ ]

(*Check box if comments are continued on the reverse side*) [ ]

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period shall be subject to a $200 fee.

Reporting Periods
Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A—The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

Schedule B—Not applicable.

Schedule C, Part I (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)—Show any agreements or arrangements as of the date of filing.

Schedule D—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

OGE Use Only
AUG 14 2006

5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Artman, Carl

SCHEDULE A

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual acount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Asset	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples	Central Airlines Common				X												X						X										
	Doe Jones & Smith, Hometown, State			X																												Law Partnership Income $150.00	
	Kempstone Equity Fund					X								X										X									
	IRA: Heartland 500 Index Fund							X						X											X								
1	Oneida Tribe of Indians of Wisconsin 2005																															Salary $120,000.00	
2	Oneida Tribe of Indians of Wisconsin 2006																															Salary $135,000.00	
3	Wells Fargo Money Market Account			X																	X												
4	Wells Fargo Advantage FDS TR Money Market			X															X			X											
5 S	GroundFloor Media																															Salary	
6 S	American Capital World Growth and Income Fund		X											X							X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children mark the other higher categories of value, as appropriate.

Prior Editions Cannot be Used.

SF278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Artman, Carl

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

None ☐

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	S American Balanced Fund		X											X							X												
2																																	
3																																	
4																																	
5																																	
6																																	
7																																	
8																																	
9																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot be Used.

SF 278 (Rev. 03/2000)
5 C.F.R Part 2634
U.S. Office of Government Ethics

Do not Complete Schedule B if you are a new entrant, nominee, Vice Presidential or Presidential Candidate

Reporting Individual's Name: Artman, Carl

SCHEDULE B

Part I: Transactions

None ☐

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

	Identification of Assets	Transaction Type (x): Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	Amount of Transaction (x): $1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Certificate of
Example:	Central Airlines Common	x			2/1/99			x									
1	N/A																
2																	
3																	
4																	
5																	

* This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $260, and (2) travel-related cash reimbursements received from one source totaling more than $260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Exclude** anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $104 or less. See instructions for other exclusions.

None ☐

	Source (Name and Address)	Brief Description	Value
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	$500
	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$300
1	N/A		
2			
3			
4			
5			

Prior Editions Cannot Be Used.

SF 278 (Rev. 03/2000)
5 C.F.R Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Artman, Carl

SCHEDULE C

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None [X]

	Creditors (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	$10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			X								
	John Jones, 123 J St., Washington, DC	Promissory note	1999	10 %	on demand					X						
1																
2																
3																
4																
5																

* This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: continuing participation in an employee benefit plan (e.g. 401k, deferred compensation; (2) continuation payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None [X]

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00	Doe Jones & Smith, Hometown, State	7/85
1			
2			
3			
4			
5			
6			

Prior Editions Cannot Be Used.

SF 278 (Rev. 03/2000)
5 C.F.R Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name		Page Number
Artman, Carl	**SCHEDULE D**	6 of 6

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☐

	Organization (*Name and Address*)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples	Nat'l Assn of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1	Oneida Tribe of Indians of Wisconsin	Tribal Government	Chief Counsel	12/02	02/06
2					
3					
4					
5					
6					

Part II: Compensation In Excess Of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate

None ☐

	Source (*Name and Address*)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	Oneida Tribe of Indians of Wisconsin	Legal Services
2		
3		
4		
5		
6		

Prior Editions Cannot Be Used.

Carl Artman
7 Pipestem Court
Potomac, MD 20854

September 7, 2006

Shayla Freeman Simmons
Designated Agency Ethics Official and Director, Ethics Office
U.S. Department of the Interior
1849 C St. NW. MS 4356
Washington, DC 20240

Dear Ms. Simmons:

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption pursuant to section 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse, minor children, or any general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

For the duration of my government service in the position of Assistant Secretary, I will not participate in any particular matter involving specific parties in which I previously participated in my capacity as Chief Counsel of the Oneida Tribe of Indians of Wisconsin, unless I am authorized to participate by the DAEO. In addition, pursuant to 5 C.F.R. § 2635.502, for a period of one year after I terminated my position as Chief Counsel (February 17, 2006), I will not participate in any particular matter involving specific parties in which the Oneida Tribe of Indians of Wisconsin is or represents a party, unless I am authorized to participate. In addition, I will not participate personally and substantially in any particular matter that has a direct and predictable affect on the Oneida Tribe of Indians of Wisconsin until I consult with the Designated Agency Ethics Official regarding any potential conflicts.

I further certify that in accordance with 5 C.F.R. § 2635.502, where I know that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of my household, or know that a person with whom I have a covered relationship is or represents a party to such matter and I determine that the circumstances would cause a reasonable person with knowledge of the relevant facts to question my impartiality in the matter, I will not participate in the matter unless authorized by your office.

Sincerely,

Carl Artman

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF DEPARTMENT/AGENCY NOMINEES

Instructions: Nominees are asked to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if a question does not apply to the nominee. Please return printed answers to Committee.

Begin each section (i.e., "A", "B". etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names or nicknames used.)
Carl Joseph Artman, III

2. **Position to which nominated:**
United States Department of the Interior, Assistant Secretary for Indian Affairs

3. **Date of nomination:**
August 1, 2006

4. **Address:** (List current place of residence and office addresses.)
7 Pipestem Court, Potomac, Maryland 20854

5. **Date and place of birth:**
March 15, 1965, Des Moines, Iowa

6. **Marital status:** (Include maiden name of wife or husband's name.)
Married, Wendy Sue Artman (Daugs)

7. **Names and ages of children:** (Include stepchildren and children from previous marriages.)
Bennett Hunter Artman, 5; Caleb Joseph Artman, 2

8. **Education:** (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)
University of Denver, College of Law, Denver, Colorado; 2001-2003, LLM (Natural Resources and Environmental Law), 2003
University of Wisconsin School of Business, Madison, Wisconsin; 1997-1999, MBA, 1999
Washington University School of Law, St. Louis, Missouri; 1988-1991, JD, 1991
Columbia College, Columbia, Missouri; 1985-1987, Bachelor of Arts, 1987
University of Missouri, Columbia, Columbia, Missouri; 1983-1984

9. **Employment record:** (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment, including any military service.)

Employer	Title or description	Location	Employment Dates
U.S. Department of the Interior	Associate Solicitor of Indian Affairs	Washington, D.C.	February 2006 to Present
Oneida Tribe of Indians of Wisconsin	Chief Counsel	Oneida, WI	December 2002 to February 2006
Self - Sole Practitioner	Attorney	Golden, CO	September 2001 to December 2002
Qubit Technology	General Counsel	Golden, CO	April 2000 to September 2001
VoiceStream Wireless	General Manager	Milwaukee, WI	November 1999 to April 2000

Self – Consultant	Consultant	Milwaukee, WI	April 1999 to October 1999
Airadigm Communications	Vice President / Chief Operating Officer	Little Chute, WI	October 1995 to April 1999
Oneida Tribe of Indians of Wisconsin	Director of Federal Affairs	Washington, D.C.	October 1994 to October 1995
WilTel Communications (Williams Companies)	Director of Government Affairs	Washington, D.C.	February 1994 to October 1994
Representative Michael Oxley	Legislative Assistant	Washington, D.C.	August 1991 to February 1994
Representative Michael Oxley	Intern	Washington, D.C.	January 1991 to May 1991
Weiss and Associates	Law clerk	St. Louis, MO	January 1990 to December 1990
American Bar Association	Legal Intern	Washington, D.C.	June 1989 to August 1989
U.S. Department of Education	Assistant in Office of Legislation and Office of Intergovernmental and Interagency Affairs	Washington, D.C.	September 1987 to August 1988
U.S. Committee on the Bicentennial of the Constitution	Administrative Assistant	Washington, D.C.	Summer 1987

10. **Government experience:** (List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.)

    Presidents Board of Advisors on Tribal Colleges and Universities, Board Member, July 2002 to May 2006

11. **Business relationships:** (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.)

    Board Positions
    Haskell Indian Nations University, Board of Regents, alternate, Winter 2005 to February 2006
    Oneida Nation Electronics, Board of Directors, April 2003 to October 2003
    Qubit Technology Inc., Secretary, Board of Directors (a non-voting position), July 2000 to April 2001

Airadigm Communications, Inc., Board of Directors, 1996 to 1999
Personal Communications Industry Association, Board of Directors, 1998 to 1999
Personal Communications Industry Association, Chairman, Small Business Committee, 1998
GSM-Ericsson User Group, Chairman, Regulatory Subcommittee, 1998
GSM Alliance, Management Committee, 1998

Officer
Airadigm Communications, Chief Operating Officer, 1995 to 1998

Consultancies
Lucent Technologies, April 1999 to August 1999
Oneida Tribe of Indians of Wisconsin, June 1999 to October 1999

12. **Memberships:** (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)

Wisconsin State Bar Association, Current member
Colorado State Bar Association, Current member

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Bush-Cheney '04 Wisconsin Steering Committee, Vice Chair

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years.

None

14. **Honors and awards:** (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.)
- Keystone Scholarship, 1985 – 1986
- Cornerstone Scholarship, 1985 – 1987
- Lucinda van Meter Haynie Scholarship, 1985 – 1987
- Oneida Tribal Scholarship, 1986 – 1987
- (The above scholarships were received in college and the dates are approximate)

15. **Published writings:** (List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.)

- Wireless Week, April 28, 1997: "Guest Opinion: Brand Identity Critical"
- Federal Communications Law Journal, volume 46, December 1993: "The Cable-Telco Cross-Ownership Provision: First Amendment Infringement Through Obsolescence" (researched and contributed to writing of primary author Congressman Michael Oxley) (Please see attached).

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated.

Please see attached three (3) speeches.

17. **Selection:**

(a) Do you know why you were selected for the position to which you have been nominated by the President?

The President nominated me to this position because of my experience working with and for tribal governments and Native Americans.

(b) What in your background or employment experience do you believe affirmatively qualifies you for this particular appointment?

The following affirmatively qualifies me for the position of Assistant Secretary for Indian Affairs:

I have experience working with tribes in numerous positions, thereby gaining a multi-faceted perspective on the problems and opportunities in Indian Country, how tribes position themselves to cope with these issues, and the Federal Government's interaction with tribal governments and Indians.

As Associate Solicitor for Indian Affairs, I work within the legal parameters of the Department of the Interior's unique relationship with tribes. In this position, I have worked with the Department's policy makers to craft solutions to tribes' unique needs while ensuring the legal integrity of the Department's actions. I have witnessed the ramifications of and sought resolution to lawsuits against the Department, that debilitate the Department, the tribes engaged in the lawsuit, and the rest of Indian Country. These suits impede, directly and indirectly, Departmental initiatives and processes that benefit the whole of Indian Country.

As chief counsel for the Oneida Tribe of Indians of Wisconsin, I represented the Tribe and dealt with obstacles faced by the Tribe within the Bureau of Indian Affairs. These obstacles may have been caused by ongoing litigation, bureau processes bogged down by lack of funding or personnel, an unanticipated increase in tribal participation, or other issues. As tribal counsel, I avoided interminable court battles, by seeking instead expeditious resolution to matters through imaginative solutions that perhaps changed the

onus of responsibility or developed partnerships focused on the accomplishment of a single task.

I have managed and engaged, at varying levels, in business development within Indian Country as Chief Counsel and Chief Operating Officer at Airadigm Communications (a telecommunications company fifty percent owned by the Oneida Tribe). Indian Country has unique business development and managerial issues in which I have experience, which I can bring to the fore when dealing mediating a path between tribal needs and the Department's role as the trustee, facilitator, liaison, or other role it may play in working with the tribes to realize their goals.

I come to this nomination as a lawyer, manager, and business person that has realized both success and failure with businesses. From the former I have garnered humility and noted the path that led to the success; from the latter I relish the lessons taught by the failures and look at a proposal's potential failure with an even more jaundiced eye, seeking to develop both a measured and balanced progression. I understand well that neither a person nor an organization can become paralyzed within the dichotomy of success or failure, but must progress with measured expeditiousness, especially when participating or leading in the resolution of many of the crises within Indian country

In addition, my experience in the legislative process and executive policymaking contributes to an overall understanding of what opportunities face the Assistant Secretary for Indian Affairs.

Conclusion:

Both my experience and education have prepared me to be the Assistant Secretary for Indian Affairs by providing me with a unique insight into tribal government operations, the needs of Indian country, experience in many facets of organizational and financial management, and the legal and policy penumbra under which all this resides.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations, or business organizations if you are confirmed by the Senate?

   I serve currently as the Associate Solicitor for Indian Affairs for the U.S. Department of the Interior and will terminate duties associated with that position if confirmed.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, please explain.

   No, I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the Government.

3. Do you have any plans, commitments, or agreements after completing government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization?

   No, I do not have any plans, commitments, or agreements after completing government service to resume employment, affiliation, or practice with any previous employer, business firm, association, or organization.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   No person or entity has made a commitment to employ me in any capacity after I leave government service.

   1. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

      Yes, if confirmed, I expect to serve out my full term or until the next Presidential election.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

   I am constrained by no financial arrangements, deferred compensation agreements, or other continuing dealings with business associates, clients, or customers. Please see the attached Ethics Agreement for additional information.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

   I have no investment, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which I have been nominated. Please see the attached Ethics Agreement and financial disclosure information.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

   I was Chief Counsel for the Oneida Tribe of Indians of Wisconsin prior to the appointment as Associate Solicitor for Division of Indian Affair and to this nomination to the position of the Assistant Secretary for Indian Affairs. Potential conflicts of interest issues were reviewed by the Department's Ethics Office as part of the appointment to Associate Solicitor and subsequent to the nomination. Please refer to the attached Ethics Agreement for formal resolution.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

   I have not engaged in activity in the past 10 years in which I have directly or indirectly influenced the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

   In addition to the assertions made in the Ethics Agreement, I will consult with the Department of the Interior's Ethics Office if potential issues arise.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

   Yes, a written agreement has been drafted by the Department's ethics officer and submitted to the Committee.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

   No, I have not been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation, or ordinance, other than for a minor traffic offense? If so, please explain.

   No, I have not been investigated, arrested, charged, or held by any Federal, State, tribal or other law enforcement authority for violation of any Federal, State, county, tribal or municipal law, regulation, or ordinance.

3. Have you or any entity, partnership or other association, whether incorporated or unincorporated, of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

   No entity, partnership, or association has been involved in an administrative agency proceeding or civil litigation while I served as an officer.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

   No, I have not been convicted of any criminal violation.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

   I know of no additional information that should be disclosed in connection with my nomination.

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees?

   If confirmed as Assistant Secretary for Indian Affairs, I will comply, to the best of my ability, with deadlines for information set by congressional committees.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

   If confirmed as Assistant Secretary for Indian Affairs, I will comply with the laws, regulations, and Departmental manual guidelines and mandates associated with the protection from reprisal of congressional witnesses and whistle blowers for proffered testimony or disclosures.

3. Will you cooperate in providing the committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

   If confirmed as Assistant Secretary for Indian Affairs, I will cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee.

4. Please explain how if confirmed, you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

   If confirmed, the Office of the Assistant Secretary for Indian Affairs will achieve the following when drafting regulations:
   1) Compliance with the laws passed by Congress;
   2) Tribal input through the tribal consultation process prior to and during the drafting of regulations;
   3) Communications with the relevant congressional committees, when appropriate, prior to and during the drafting of regulations; and
   4) Inclusive review of the public comments.

5. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

   If confirmed, I will, when appropriate, appear and testify before any duly constituted committee of the Congress when requested.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How does your previous professional experiences and education qualify you for the position for which you have been nominated?

In addition to the answer to A(17)(b), the following serves to illustrate how my professional experiences and education qualify me to serve as the Assistant Secretary for Indian Affairs.

Experience

My management experience has exposed me to a broad array of workplace scenarios, organizational objectives, and human resources. Each experience has offered me another facet of how the people in an organization work to achieve a goal. For example, the law office illustrates a situation in which people, with a generally uniform set of skills, work within the deep complexities of a law suit or legal question to achieve uniformly the goals of the client. In the telecommunications arena, I worked with a large group of people whose skills ranged from engineering to finance to marketing or to real estate. The challenge, in such a scenario, was to focus and organize these disparate skills into separate, but cohesive, units that achieved a single goal in a timely and cost-efficient manner.

The common denominator in any management situation is proactive and transparent communications throughout the organization and leadership. Without such communications, people work without understanding the importance of the milestones. Global understanding of the interim and final goals, and alterations therein, promotes ownership of the goals by the whole organization, and allows the best ideas and people to rise to the challenges presented to them. In addition, experience that elucidates leadership is critical to good management.

In addition to the management and business experience, I served as both Chief Counsel and Director of Federal Affairs for my Tribe, the Oneida Tribe of Indians of Wisconsin. In those positions I worked to promote the betterment of the Tribe, developed insight into the acute needs of all tribes, came to understand how tribal governments perceive the Department of the Interior, and fought to achieve the realization of the tribal expectations of the relationship between the tribes and the Department of the Interior. By serving my Tribe in the above positions and serving my country and Indian Country as Associate Solicitor for the Division of Indian Affairs, I have coalesced the intricacies of this relationship, both expressed through laws and treaties and understood through years of working with one another. As such, I am prepared to serve both the Secretary of the Interior and his fiduciary constituents in Indian Country.

Education:

I have a law degree from Washington University School of Law, a master of law in natural resources and environmental law and policy from the University of Denver College of Law, and a master in business administration from the University of Wisconsin School of Business. The law degrees provide an academic foundation for the work that interests me and force me to approach

issues from a particularly methodical manner. The education attained during the business masters program has helped me tackle successfully issues ranging from finance and financial management, marketing, and organization management.

Conclusion:

Both my experience and education have prepared me to be the Assistant Secretary for Indian Affairs by providing me with a unique insight into tribal government operations, the needs of Indian country, experience in many facets of organizational and financial management, and the legal and policy penumbra under which all this resides.

2. Why do you wish to serve in the position for which you have been nominated?

I view the opportunity to serve as Assistant Secretary for Indian Affairs as a critical chance to participate in ending some of the issues that have debilitated the Department of the Interior's role in Indian Country and evolving the foundational relationship between tribal governments and the Department. The Secretary has made positive attempts to ascertain the goals and needs of tribal governments. However, ongoing litigation overshadows the benefits Indian Country derives from the Department. If the Assistant Secretary's office expects to improve services it provides to tribes, it must emerge from the shadows of litigation and face head-on the challenges that lie before it. If confirmed as Assistant Secretary, I will promote proactive interaction with the tribal governments and the individual Indians they serve. I will promote proactive development of new initiatives and better execution of current programs within the statutes, regulations, treaties, and common law that guide our actions.

3. What goals have you established for your first two years in this position, if confirmed?

I will work with the Secretary of the Interior and the relevant congressional committees to develop the specific goals for my tenure, if confirmed, as Assistant Secretary for Indian Affairs. I expect the goals will include methods to improve education and jump-start school construction projects throughout Indian Country; water issues including the identifying specific Indian water settlements to conclude and ascertainable methods to mitigate or eradicate the ongoing degradation of tribal irrigation systems; actionable plans to increase law enforcement presence on reservations, and a cooperative, multi-party plan to eliminate the cause and symptoms of methamphetamine abuse on the reservation.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

I cannot assess at this pre-confirmation juncture the skills I may not possess to successfully carry out this position, if confirmed. Upon discovery of a need to compensate for lack of necessary skills, I will take the necessary steps to obtain those skills for myself, or for the organization through the hiring of personnel with the requisite skills set or through use of education resources within the Department, such as the National Indian Programs Training Center in Albuquerque, NM.

5. Please discuss your philosophical views on the role of government. Include a discussion of when

you believe the government should involve itself in the private sector, when society's problems should be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

My views, within the context of this questionnaire will be limited to interaction of the United States government with tribal governments. Even with such a limitation, a discussion of the intertwined relationships between two sovereigns could encompass volumes, as has been illustrated by many historical and legal scholars.

From earliest treaties signed between the tribes and representatives of a new-born country to the development of the trust doctrine in the acts of the three branches, and in the acts that dot the historical landscape shared by the sovereigns, the Federal Government has exerted a strong involvement in Indian Country. The depth of the involvement has changed through eras. In the current era of self-determination and self-governance, Federal Government involvement has not lessened, but the purpose of such acts has changed.

While tribal governments tackle many of the issues within the reservation and of great pertinence to their membership, some problems are too large for many of these governments to face on their own. Some of the problems may be traced back to promises made or actions taken a century or more ago by the Federal Government, and the latter cannot abandon Indian country to deal with the ramifications. In addition, many of the issues can only be dealt with on a global level and through a partnership between the Federal Government and tribal governments. These include the critical need to improve education throughout all grade levels in Indian Country, ceasing the viral spread of methamphetamine abuse, and building a foundation for economic development on Indian lands.

Congress has, through its plenary powers over tribes, promulgated standards to determine the level of the Federal Government's involvement with tribal governments. If confirmed, I will adhere to these laws and regulations.

6. Describe the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated.

The mission of the office of the Assistant Secretary for Indian Affairs is two fold. From the perspective of the Bureau of Indian Affairs, the mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect the trust assets of the American Indians, Indian tribes, and Alaskan natives. The Bureau of Indian Affairs accomplishes this through the delivery of quality services while maintaining government-to-government relationships within the spirit of Indian self-determination.

In addition, a large part of its budget is dedicated to meeting the education needs of Indian Country. Through the Bureau of Indian Education, the office of the Assistant Secretary for Indian Affairs seeks to unite and promote healthy communities through lifelong learning. It seeks to provide quality education opportunities from early childhood through life in accordance with the tribes' needs for cultural and economic well-being and in keeping with the wide diversity of Indian tribes and Alaskan Native villages as distinct cultural and governmental entities.

7. What do you believe to be the top three challenges facing the department/agency and why?

The Department faces many challenges in Indian Country, and three of the largest challenges are:

1) Improving the quality of education throughout the continuum starting at early childhood learning and spanning to the post-secondary level;
2) Ending the debilitating spread the methamphetamine and other drug abuse; and
3) Developing a foundation and promoting economic development on reservations and other Indian lands.

8. In reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

If confirmed, I will determine what factors have prohibited the Department of the Interior from achieving all of the goals within its mission over the past several years. From my current vantage point, it appears the rash of breach of trust lawsuits has become a substantial hindrance to the Department achieving its milestones.

9. Who are the stakeholders in the work of this department/agency?

The primary stakeholders in the work of the Assistant Secretary for Indian Affairs are the tribes, tribal members and Alaskan natives for whom the Department serves as a trustee. A large subset of the former creates an additional stakeholder as recipients of the benefits of programs the Department oversees, such Indian education or law enforcement. Laws mandate additional shareholders at times, such as states or communities within or near Indian lands or reservations.

10. What is the proper relationship between the position to which you have been nominated, and the stakeholders identified in question number nine?

The proper relationship between the Department and the stakeholders depends on the situation. For example, sometimes the Department is trustee; at other times it manages a relationship meant to promote self-governance and self-determination. In other situations, the Department is recipient of comments and arbiter of the impact those comments will have in a determination or regulation.

11. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices.

a) What do you believe are your responsibilities, if confirmed, to ensure that your department/agency has proper management and accounting controls?

If confirmed I will work with the proper Department offices to ensure the Office of the Assistant Secretary for Indian Affairs has the proper management and accounting controls for the matters it oversees.

b) What experience do you have in managing a large organization?

I have managed organizations ranging from eight attorneys and support staff to 125 employees from disparate disciplines.

12. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals.

a) What benefits, if any, do you see in identifying performance goals and reporting on progress in achieving those goals?

Identifying performance goals offers managers and employees a valuable tool to improve the efficiency of a program. It allows the manager to create program goals, establish methods to measure performance in achieving such goals, and may highlight a specific delta, and the cause thereof, between goals and performance.

b) What steps should Congress consider taking when a department/agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing, or consolidation of departments and/or programs?

Any steps Congress may take as a result of a Department failing to achieve its performance goals should be tailored to the goals of the Department and the needs of its stakeholders.

c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

If confirmed, I will work closely with the necessary Department personnel to develop performance goals applicable to the Office of the Assistant Secretary for Indian Affairs.

13. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

My management experience has exposed me to a broad array of workplace scenarios, organizational objectives, and human resources. Each experience has offered me another facet of how the people work in an organization to achieve a goal. For example, the law office illustrates a situation in which people, with a generally uniform set of skills, work within the deep complexities of a law suit or legal question to achieve uniformly the goals of the client. In the telecommunications arena, I worked with a large group of people whose skills ranged from engineering to finance to marketing or to real estate. The challenge, in such a scenario, was to focus and organize these disparate skills into separate, but cohesive, units that achieved a single goal in a timely and cost-efficient manner.

The common denominator in any management situation is proactive and transparent communications throughout the organization and leadership. Without such communications, people work without understanding the importance of the milestones. Global understanding of the

interim and final goals, and alterations therein, promotes ownership of the goals by the whole organization, and allows the best ideas and people to rise to the challenges presented to them. In addition, experience elucidates leadership is critical to good management.

No employee complaints have been brought against me.

14. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please explain.

In my current position, I do not have consistent communications with Members of Congress or its committees. I have participated in meetings or conversations with staff from Members offices regarding various constituent concerns. Over a decade ago, I met with Senators, Representatives and staff in my previous positions as Director of Federal Affairs for the Oneida Tribe of Indians of Wisconsin and as Director of Government Affairs for WilTel.

15. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

In my current position as Associate Solicitor and, if confirmed, as a Assistant Secretary for Indian Affairs I am a public servant, and as such I must and will cooperate with the Office of the Inspector General as it engages in its duties in accordance with the Inspector General Act and the Department of the Interior Departmental Manual.

16. In the areas under the department/agency's jurisdiction to which you have been nominated, what legislative action(s) should Congress consider as priorities? Please state your personal views.

The Department of the Interior and Congress, through the Senate Indian Affairs Committee and the House Resources Committee, focus extensively on the critical matters relevant to tribal governments and Native Americans. It is difficult to highlight a set of priorities from the large number of Indian issues.

For example, Congress could tackle the spectrum of issues afflicting Indian education or the range of the problems under the penumbra of Indian Country law enforcement, such as the stopping methamphetamine abuse and distribution to addressing the staffing and funding deficits within the BIA jails system. Congressional hearings on economic development within Indian Country will enumerate the issues as well as yield excellent ideas to promote such development. Congress could address also the array of problems within trust reform.

If confirmed, I will work with both chambers and tribal representatives to develop a set of priorities to address in the upcoming congressional session.

17. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria? If yes, please explain what steps you intend to take and a time frame for their implementation. If not, please explain why.

If confirmed, I will, immediately and expeditiously, work with the proper Department personnel to develop and implement a system that allocates discretionary spending in an open manner, and one subject to fair, objective and established criteria.

G. FINANCIAL DATA (Will not be released to the public.)

1. Provide a complete and current financial net worth statement which itemizes in detail:
   (a) The identity and value of all assets held, directly or indirectly, with a value in excess of $1,000. This itemization should include, but not be limited to, bank accounts, securities, commodities futures, real estate, trusts, investments, and other personal property held in a trade or business or for investment. Household furnishings, clothing, and automobiles need not be reported.

   - Please see attached Financial Statement.
   - The following items are not included in the Financial Statement:
     - House located in Green Bay, WI, valued at $352,000.00.
     - Personal checking account, average value of $1500.
     - Joint checking account, average value of $2000.

   (b) The identity and amount of each liability owed, directly or indirectly, which is in excess of $1,000. This should include, but not be limited to, debts, mortgages, loans and other financial obligations for which you, your spouse, or your dependents have a direct liability or which may be guaranteed by yourself, your spouse, or your dependents. In identifying each such liability, indicate the nature of the liability, the name of the person owed and the terms of payment.

Liability	Amount	Entity owed	Terms
Mortgage	$234,000	Oneida Tribe of WI	Monthly payments
Home Equity Loan	$14,800	Oneida Tribe of WI	Monthly payments
Auto loan	$7,000	GMAC	Monthly payments
Auto Loan	$6,000	Ford Credit	Monthly payments
Credit Card	$1,200	Citibank	Revolving credit
Credit Card (Spouse)	$9,000	American Express	Revolving credit
Credit Card (Spouse)	$4,000	Discover	Revolving credit
Business LOC (Spouse)	$12,000	Wells Fargo	LOC – Revolving Credit

2. Provide a list of all other liabilities owed, directly or indirectly, having a value in excess of $1,000 at any time during the last 12 months. Identify the nature of each liability, the amount, and the name of the person owed. Describe the terms of each liability, the security or collateral for each liability, and the current status of the debt repayment.

   - Please see 1(b).

3. Provide the identity, date, and amount of all transactions, directly or indirectly, in securities, commodities futures, real estate, or other investments, having a value in excess of $1,000, which have taken place within the last 12 months. For purposes of this paragraph, the identity of individuals or charitable organizations need not be reported but should be indicated.

   - Please see attached Financial Statement. Any transactions would have taken place within the securities listed in the Financial Statement. As these securities are held in mutual funds, I do not exercise control over specific investments.

4. Provide the identity of and description of any interest in an option, mineral lease, copyright, or patent held, directly or indirectly, during the past 12 months and indicate which, if any, have been divested and the date of divestment.

   - I have no interest in any option, mineral lease, copyright, or patent.

5. Describe the terms of any beneficial trust or blind trust of which you, your spouse, or your dependents may be a beneficiary. In the case of a blind trust, provide the name of the trustee(s) and a copy of the trust agreement.

   - Neither my spouse nor I are beneficiaries of a beneficial or blind trust.

6. Provide a description of any fiduciary responsibility or power of attorney which you hold for or on behalf of any other person.

   - I do not have or hold any fiduciary responsibilities or powers of attorney.

7. List sources and amounts of all items of value in an amount exceeding $250 received by you, your spouse, and your dependents during each of the last 3 years. This should include, but not be limited to, salaries wages, fees, dividends, capital gains or losses, interest gifts, rents, royalties, patents, and honoraria. Gifts received from members of your immediate family need not be listed.

   - Carl Artman: Salary, (present) $131,000.00, United States of America (U.S. Department of the Interior)
   - Carl Artman: Salary, (from 2004 to 2006) $120,000.00 to 135,000.00, Oneida Tribe of Indians of Wisconsin
   - Carl Artman: Per capita payment, (2004 to present) $750 per year for last three years, Oneida Tribe of Indians of Wisconsin
   - Carl Artman: Bonus (2004), $1500.00, Oneida Tribe of Indians of Wisconsin
   - Carl Artman: Bonus (2005), $500.00, Oneida Tribe of Indians of Wisconsin
   - Carl Artman: Inheritance (2005), $27,000.00, Father
   - Wendy Artman: Salary, (2004 to present) $70,000.00 to $80,000.00, Ground Floor Media
   - Wendy Artman: Consulting Fees (2004 to present), $30,000.00, BVK. Inc.
   - Wendy Artman: Bonus (2005), $2000.00, Ground Floor Media
   - Wendy Artman: Bonus (2004), $1500.00, Ground Floor Media

8. List sources, amounts, and dates of all anticipated receipts from deferred income arrangements, stock options, executory contracts, and other future benefits which you expect to derive from current or previous business relationships, professional services and firm memberships, employers, clients, and customers.

   - Not applicable

9. Have you filed a Federal income tax return for each of the past 10 years? If not, please explain.

   - Yes, we have filed a Federal income tax return for each of the past ten years.

10. Have your taxes always been paid on time?

- Yes, our taxes have been paid on time.

11. Were all of your taxes, Federal, State, and local, current (filed and paid) as of the date of your nomination?

    - Yes, all of our taxes were current as of the date of my nomination.

12. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

    - No, the Internal Revenue Service has not audited our Federal tax returns.

13. Have any tax liens, either Federal, State, or local, been filed against you or against any real property or personal property which you own either individually, jointly, or in partnership.

    - No tax liens have been field against me or any real or personal property.

14. Provide for the Committee copies of your Federal income tax returns for the past 3 years. These documents will be made available only to Senators and staff persons designated by the Chairman and Ranking Minority Member. They will not be made available for public inspection.

    - Please see the attached requested tax returns.

(Nominee is to include this signed affidavit along with answers to the above questions.)

Affidavit

Carl Artman being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Signature of Nominee

Subscribed and sworn before me this 5th day of Sept, 2006.

Wanda C. Franklin
Notary Public

WANDA C. FRANKLIN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 14, 2008

Assistant Secretary – Indian Affairs – Designate Artman

Senator McCain

1. The job of Assistant Secretary–Indian Affairs requires, of necessity, the ability to make exceedingly difficult decisions--decisions that have no easy answer or that will inevitably leave someone, perhaps everyone, unhappy, and the safest thing to do is to make no decision at all. I think the Hoopa-Yurok matter may be an example of this.

Question. Are you willing to make these kinds of difficult decisions? We need to know this, because that is what this job is all about.

Answer: Yes, I am willing to make these difficult decisions, and I understand this position requires complex and difficult decision-making. As Associate Solicitor for Indian Affairs I have faced complex matters that emanate from Indian country, and advocated for or recommended solutions to matters that balance the legalities and equities of that issue, often contrary to certain stakeholders.

Question 2. With regard to the $90 million Settlement Fund established under the Hoopa-Yurok Settlement Act, we understand that the Department of the Interior is again reviewing its authority to administer that Fund. Could you please tell us the status of the Department's review?

Answer: The Office of the Solicitor's Division of Indian Affairs has reviewed the Department of the Interior's (Department) authority to distribute the money in the Settlement Fund pursuant to and in accordance with the Hoopa-Yurok Settlement Act. The memorandum and recommendation are under review in the Office of the Solicitor, and will be forwarded to the client-representative immediately after it is finalized. I expect this process to culminate shortly.

Senator McCain

3. The Department of the Interior is engaged in a Rights-of-Way study regarding energy transmission.

Question: What is the Department of the Interior's role as to transmission and the price of energy?

Answer: The Department approves rights-of-way for transmission facilities across Indian trust lands. The Department has no role in setting the price of energy.

Assistant Secretary – Indian Affairs – Designate Artman

Senator McCain

The GAO recently released a report that was sharply critical of the great variation in how tribes' fee-to-trust applications are handled by the BIA. Some applications have languished before the BIA for many, many years.

Question 4: What are you going to do to expedite delays in BIA decision-making in land-into-trust applications?

> Answer: The Bureau of Indian Affairs (BIA) has drafted new regulations to govern the processing of fee-to-trust applications. The BIA also plans to develop a Fee-to-Trust Handbook that will describe how to process applications, including detailed guidance on the time frames for decisions and appeals.

Senator McCain

Question 5: Can the process for applications for housing and non-gaming economic development be expedited? Can the process be expedited for tribes seeking land contiguous to their existing reservations?

> Answer: If confirmed I will study the current land-into-trust process and the impact the draft 151 regulations will have on it. In addition, I plan to evaluate the resource conflicts that have contributed to the slow pace of completing fee-to-trust decisions.

Senator McCain

The Committee has received testimony that the BIA Title Status Report process which describes the ownership status of a tract is not where it should be. It has been described as a barrier to home ownership, slow, at best, and results in delays or denials of mortgages for Indian people.

> Question 6: What creative ideas would you bring to the BIA to help remedy this longstanding problem?
>
> Answer: The BIA has addressed this problem through improvements to the BIA Title System, one of which is the recently completed conversion to the Trust Asset and Accounting Management System (TAAMS) for processing Titles. The system is now being used at all Land Titles and Records program offices. The system has improved greatly our ability to provide accurate title information to tribes and Indian landowners in a timely manner.

Senator McCain

Mr. Artman, in your testimony you speak movingly of the great potential tribal governments have to help their people.

Question 7. Can you describe what "tribal sovereignty" means or should mean in the year 2006 and what rights or responsibilities are associated with sovereignty?

> Answer: In the case *Cherokee Nation vs. Georgia*, the Supreme Court established the principal of self-government. I support self-determination and the government-to-government relationship between the United States and Indian tribes. It is the policy of this government to recognize and support tribal leaders and officials. It is the responsibility of tribal leaders to set priorities for programs and funding, as well as to interact with federal and non-federal entities in the pursuit of opportunities to move their communities to self-sufficiency.

Senator McCain

Question 8. How has tribal sovereignty changed through time and how should non-Indian people understand the impact that tribal sovereignty may have on their lives?

> Answer: The government-to-government relationship between the United States and tribes has evolved. In recent years the courts have recognized and protected tribal sovereignty and Congress has enacted statutes to facilitate the development and exercise of that sovereignty through well organized and responsible tribal governments. Sound tribal governments will benefit both tribal members and the surrounding non-Indian community.

Senator McCain

Congress amended the BIA Self-Governance Title IV in 1996 to foster more uniform and efficient tribal administration of contracts and agreements.

Question 9. What further revisions do you think should be made to self-governance to improve tribal administration and should they be more consistent with the Self-Governance provisions for the IHS?

> Answer: If confirmed I will research the necessity of further revisions to self-governance. I know the Department has been working with the Title IV Tribal Task Force to explore the need for amendments to Title IV. I think that the consistency and approach embodied in Self-Governance provisions applicable to the Department and those applicable to the IHS should be evaluated carefully.

Assistant Secretary – Indian Affairs – Designate Artman

Senator McCain

Indian tribes have raised concerns that program funding levels have been diverted to pay for trust management. For example, tribes have raised concerns that water resource funding has, in recent years, been diverted to litigation activities of the BIA and away from tribal water program operations. This appears to be discouraging tribes from expanding their Self Governance program participation.

Question 10: Can you explain what steps the Department could take to ensure programmatic funding will be safeguarded against diversions?

> Answer: If confirmed, I will work with the tribes during the budget formulation process so that their concerns and priorities are addressed. Once the budget has been submitted, I will work with Congress on the appropriate funding for both trust and non-trust programs. At the same time, I am committed to fulfilling the Department's fiduciary trust responsibilities. Managing the Indian trust is one of the greatest responsibilities faced by the Department of the Interior, and we must fulfill our responsibilities to our beneficiaries.

Senator McCain

Six years ago, Congress established the National Fund for Excellence in American Indian Education and authorized the Secretary to transfer certain funds to the Fund to support the education of Indian children in BIA-funded schools. But, six years later, those funds have yet to be transferred.

Question 11: When will the Department transfer those funds so that the National Fund can facilitate its mission of supporting the education of Indian children at BIA funded schools?

> Answer: If confirmed, I will work with the Foundation to help it fulfill its mission. The Bureau of Indian Education's (BIE) new director met with the Foundation's representative on August 2, and is scheduled to conduct a follow up meeting on September 18 to discuss a strategic business plan, including administrative support for the Foundation. We are also working with the Foundation to help them comply with requirements that will allow for the transfer of individual endowment funds.

Assistant Secretary – Indian Affairs – Designate Artman

Senator McCain

According to the 2005 National Assessment of Education Progress report issued this summer, test scores of many Indian children fell below proficiency standards in math and reading.

Question 12: What is your plan for improving these results for Indian children?

> Answer: As you are aware, the Department of the Interior is supporting an improved management structure for Indian education. The new Bureau of Indian Education will improve the effectiveness of educational services by providing the oversight necessary to ensure that all schools make progress in student academic achievement. BIE has worked with tribes and the Department of Education to develop an action plan, with goals and milestones, to achieve Adequate Yearly Progress at all Bureau-funded schools.
>
> If confirmed, I will continue to support necessary changes to ensure that all students meet proficiency standards in math, reading and language.

Senator McCain

The Committee is concerned about the safety of Indian children at BIA schools, particularly in the areas of school violence and behavioral health, such as suicide risks.

Question 13: What comprehensive plans do you have for addressing school safety, including coordination with the Indian Health Service?

> Answer: I am concerned about the safety of Indian children in Bureau-funded schools. I have been informed that the Bureau of Indian Education Director has implemented measures to ensure Bureau-funded schools are safe, secure and provide healthy learning environments for students. As of September 15th I understand all Bureau-funded schools have submitted assurances stating that there are no holding cells on their properties and that there is no use of restraints, e.g. on students. All schools will conduct a "stand down" exercise to provide safety awareness training on the proper handling of unruly students and students who have consumed drugs or alcohol. I also understand that all schools will ensure that every school employee is issued a card with instructions and emergency numbers to contact in case of emergency. Every school is required to have an agreement in place with local law enforcement and emergency medical services.
>
> Also, as a result of a meeting between the Department of the Interior and the Indian Health Services last spring, the agencies have established working committees to address the health concerns in the Bureau-funded schools.
>
> Safe schools are a priority for me and I will work with the Director of the BIE to make additional necessary improvements.

Assistant Secretary – Indian Affairs – Designate Artman

Senator McCain

The Department of Interior, Office of the Inspector General 2004 report on Indian Detention Facilities, stated that the Bureau of Indian Affairs, Office of Law Enforcement Services (OLES) was unable to produce any annual budget submissions for Indian detention facilities. These fiscal management failures have affected every aspect of detention facility operation from providing the adequate number of detention personnel and personnel training, to the ensuring the health and safety of inmates and the detention officers, to building maintenance and construction of new facilities. I understand much progress has been made to address this problem.

Question 14: How do you intend to address this situation? Where do you intend to start?

> Answer: The Office of Law Enforcement Services (OLES) has already begun taking actions to address the issues with Detention facilities. Beginning in October 2005, as part of an overall program improvement plan, a budget for the Detention program was allocated, separate from the policing operations side of OLES. This plan, which included a Staffing Analysis, has brought about more accountability and monitoring of the Program. We have also hired more staff at detention facilities with critical staffing shortages.
>
> I understand that OLES is conducting on–site assessments at the BIA facilities and that corrective action plans are in place and being monitored for progress. The Professional Standards Division has now inspected all BIA facilities and is now in the process of inspecting the facilities of the P.L. 93-638 Contracted Programs. OLES has shifted resources to the Indian Police Academy (IPA) and has more classes at IPA to address the Basic Correctional Officers Training Program and the Correctional Armed Transport Training.
>
> If confirmed, I intend to meet with staff immediately and oversee the implementation of these improvements.

Senator McCain

Several of the juvenile detention facilities were closed, and correctly so, due to lack of adequate staffing or from poor building conditions. New detention facilities are being built, for example the new detention facility at Peach Springs, Arizona, on the Hualapai Tribe reservation, but in the interim, transportation of juveniles to remote temporary holding facilities is quickly becoming a crisis in Indian county.

Question 15: How do you intend to address this transportation problem?

> Answer: I am informed that the Division of Corrections currently utilizes police officers to conduct transports due to shortage of trained correctional personnel. I am also informed that to address this issue, the Division of Corrections is acquiring new transport vehicles and, in partnership with the Indian Police Academy, created a Correctional Armed Transport Training (CATT) program and recently graduated its first class.

Assistant Secretary – Indian Affairs – Designate Artman

Senator McCain

Question 16: How do you intend to ensure that new detention facilities open as quickly and safely as possible?

> Answer: If confirmed, I will work with the Division of Corrections and the Office of Facilities Management and Construction to review facilities and resolve any safety issues so that facilities can open. I will also work to properly staff facilities for which BIA has direct responsibility.

Senator McCain

At least one of your predecessors recused himself from some very important responsibilities of the Assistant Secretary, for example, delegating to others decisions on Indian gaming and tribal recognition. You have informed me personally that you will retain full responsibility for the duties of the office.

Question: 17: Your commitment to take responsibility for all issues over which your office has jurisdiction is still valid, correct?

> Answer: If confirmed, I will take full responsibility over issues that fall within the jurisdiction of the Assistant Secretary for Indian Affairs. I will not participate in any matter involving specific parties in which the Oneida Tribe of Indians of Wisconsin is also a party. I will adhere to the August 21, 2006, letter addressed to Ms. Shayla Freeman Simmons, the Department of the Interior's designated agency ethics official and director of the ethics office. This letter, attached to the submitted Biographical and Financial Information questionnaire, addresses this narrow recusal and the other statutorily mandated recusals.

Senator McCain

I understand that the Department has been engaged in drafting regulations to implement Section 20 of IGRA which limits the circumstances on which tribes can conduct gaming on lands acquired after 1988 and which has been the source of many tribes attempting to conduct gaming off their traditional reservations.

Question 18: What is the status of these regulations?

> Answer: The Department sent draft regulations to tribal leaders on March 15, 2006, and subsequently conducted extensive government-to-government consultations with Indian tribes to solicit comments. The Department has incorporated a number of comments in the proposed regulations. We hope to publish a proposed rule in the Federal Register soon.

Assistant Secretary – Indian Affairs – Designate Artman

Senator McCain

Question 19: What effect would the regulations have on the approximately 70 Section 20 applications that we understand are pending before the BIA?

> Answer: Indian tribes with pending Section 20 applications would have to comply with new regulatory requirements imposed through the regulations. The Department has decided against including a "grandfather" clause in the proposed rule that would exempt pending applications from new regulatory requirements.

Senator McCain

Congress enacted SAFETY-LU two years ago to authorize and allocate road construction funding by formula to states and tribes through FY 2009 from the Highway Trust Fund. It also added express authority for a tribe to use its annual road funding to pay the debt service on loans used to finance roads projects.

Question 20: Upon what basis has the Department relied in its determination that an Indian tribe may use no more than 50% of its annual roads funding allocation for roads loan payments?

> Answer: Tribes determine if they wish to use flexible financing. They can use this method in the same manner as States to finance Indian Reservation Road transportation projects. We believe a tribe should reserve at least 50 percent of its annual roads funding allocation for other projects the tribe may wish to pursue because the roads inventory is constantly changing. Since the inventory determines the amount of the tribe's allocation, that amount will fluctuate with changes in the inventory, and could drop in future years. If a tribe devotes its entire allocation to the debt service and then has a reduced allocation, it may be unable to fully repay the debt using its road funding allocation.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Conrad

Tribal Colleges
I am a strong supporter of our nation's tribal colleges. Over the last three decades, 34 tribal colleges have been established to help Native Americans of all ages reach their fullest potential. More than 30,000 students from 250 tribes nationwide attend tribal colleges.

Federal resources – especially core funding support from the Department of the Interior – are vital to these colleges. These colleges do not receive state support, as other community colleges do, and their students and communities can provide only modest financial support. The federal investments in tribal colleges have already paid great dividends in terms of employment, education, and economic development; continuation and expansion of this investment makes sound fiscal sense.

Question 21: Under your leadership, will the Department of the Interior begin more adequately fund the programs of the nation's tribal colleges? Will you commit to working toward providing the colleges with the $6,000 per student authorized funding level?

> Answer: I am committed to working with the tribes, the Administration, and the Congress with regard to the funding for tribal colleges. Under the new Bureau of Indian Education's management structure, a senior position has been created to supervise the Bureau's responsibilities for post-secondary institutions, including funding issues. As a former member of the President's Board of Advisors on Tribal Colleges and Universities, I am particularly interested in the success of these institutions.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Conrad

Tribal colleges continue to operate on shoestring budgets. Because they are not forward funded, the chronic delays in getting funds to the tribal colleges each year pose a considerable problem. Often the colleges must take out lines of credit to pay bills and meet payroll until their annual funding is distributed. Last year, the Interior appropriations bill was signed into law prior to the August recess, yet it was well into November before the first payments were made. The BIA's process for distributing funds is in serious need of an overhaul. One way to expedite this process would be to separate requests for institutional operations under the Tribal College Act I the annual budget, one for the 26 institutions funded under Title I and one for Diné College funded under Title II. This would allow for separate appropriations for each of these titles, eliminating the extra step of having to determine how much each Title is to receive in any given year.

Question 22: To address these two issues, would you agree to designate a senior BIA official, someone with authority to reform the process, to work with Congress to 1) forward fund the tribal colleges institutional operating grants; and 2) to seek separate requests for institutional operating grants for Title I (26 reservation based colleges) and Title II (Diné College)?

> Answer: Under the Bureau of Indian Education's new management structure, a Deputy Director for Policy and Evaluation, and Post Secondary Education, along with a Division Chief, Post Secondary Education will provide policy leadership, and management for all post secondary education issues. I will ask the Bureau of Indian Education to examine these issues.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Conrad

United Tribes Technical College
For the past five years, the Administration has proposed eliminating funding for United Tribe Technical College in Bismarck, North Dakota. United Tribes is the only intertribally-controlled postsecondary vocational institution in the country. Prior to this Administration, funding was provided for the college in every budget since 1981.

UTTC provides valuable educational opportunities to students from over 40 tribes across the nation, as well as services for their families. The college has a retention rate of 85 percent, a placement rate of 95 percent, and a projected return on federal investment of 20 to 1. UTTC does not receive assistance under the Tribally Controlled College or University Assistance Act; therefore it is dependent on funds from the BIA to keep the college up and running.

Question 23: Do you believe that UTTC is a valuable institution and will you commit to providing funding for the college in future budget requests?

> Answer: I believe that tribal colleges are valuable institutions. If I am confirmed, I will meet with the BIA/Tribal Budget Advisory Council, OMB and Congress to gain an understanding of the budget priorities.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Conrad

Education
I continue to be concerned about the backlog of new school construction in Indian country. While we have made progress in recent years in tackling the $1 billion school construction backlog, more must be done. We have children attending schools that are in abominable condition, and I believe this is preventing them from receiving a quality education.

Question 24. What new ideas do you have to help address this problem, and how do you plan to implement them?

> Answer: I believe I need a better understanding of the backlog before I can offer my opinions on how it should be addressed. If confirmed, I plan to meet with appropriate BIA staff in gaining the necessary insight and visit with tribes on the issue.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Conrad

Economic Development
Slow economic growth and limited employment opportunities have typified life in Indian Country for far too long. While some tribes have seen success with gaming and other business opportunities, far too many tribes still suffer from a lack of jobs, high unemployment, and poverty. Despite a national unemployment rate of 6.1 percent, the jobless rate on the reservations in my state of North Dakota averages 63 percent.

Question 25. What creative ideas do you have to spur economic development in Indian Country?

> Answer: An office of Indian Energy and Economic Development has been officially established in the office of the Assistant Secretary for Indian Affairs. This office is charged with being innovative, collaborative, and results-oriented in working with tribes to maximize their economic potential. I plan on working closely with and supporting this office as it establishes its programs and projects with tribes.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Conrad

Mandaree Streets Project: For the past three years, I have been working with the Bureau of Indian Affairs on the Mandaree Streets project. At issue was whether the project plans produced by the Bureau were defective, and, if so, did those defects result in increased project costs for the subcontractor that should be reimbursed?

As agreed to by all parties, a Professor in the Engineering Department at the University of North Dakota began reviewing the project to provide an independent analysis of the subcontractor's claim. The professor began his work in September of last year. Despite repeated requests for information from the BIA, the Professor did not receive the information he needed to reach a final amount owed to the subcontractor as a result of the defective plans. Now, BIA is attempting to gather the information that was requested on several occasions over the past year, further delaying resolution in this matter.

Question 26: Will you commit to working with me to reach a quick resolution on this longstanding matter?

Answer: If confirmed, I will research this issue further.

Senator Dorgan

General Qualifications

Question: The vast majority of your professional career has been spent working for one tribe. Yet, if confirmed, you will be responsible for overseeing the Bureau's activities with regards to ALL tribes in the Nation. Can you describe your familiarity with the various issues that face all tribes, including those that are regionally based, and how your work experience has prepared you to address these wide-ranging issues?

> Answer: In the positions I held with Oneida, and in my current post of Associate Solicitor for the Division of Indian Affairs, I have been exposed to and advocated for national issues of great importance to Native Americans. This includes addressing the health care needs of Indian Country, increasing education funding ranging from Head Start funds to Johnson O'Malley appropriations, and developing professional benefits for law enforcement personnel. Working within the government structure of Oneida Tribe of Indians of Wisconsin and representing the needs of my fellow tribal members made me empathetic to the needs of Indians, Alaska Natives and tribal governments.
>
> If confirmed, I will seek input from the tribal leaders as well as the regional and national leadership. Armed with the empathy learned while representing a medium-sized, upper Midwest tribe, I will listen carefully for the nuances and distinctions that make each tribe and each region unique.

Senator Dorgan

Question 28: Your two predecessors both resigned after serving less than 18 months each? Are you committed to serving the remainder of this Presidential term?

> Answer: If confirmed, I plan to serve the remainder of the Presidential term.

Senator Dorgan

Question 29: What role do you believe Congress plays in fulfilling the federal trust responsibility?

> Answer: Under the Constitution, Congress has plenary authority over Indian affairs; therefore, Congress must assume ultimate responsibility for Indian affairs and for defining the nature and extent of the federal government's trust responsibility.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 30: How would you describe the Department of the Interior's trust responsibility to Indian tribes and Indian individuals?

Answer: The Department of the Interior is the primary executive branch agency tasked by Congress with carrying out the trust responsibilities of the United States to Indian tribes and individual Indians. The federal government's trust responsibility to Indian tribes and individual Indians is founded in treaties between our government and the representatives of Indian governments and in the express statutory mandates from Congress defining that responsibility.

Senator Dorgan

Question 31: There have been many lawsuits brought recently involving the scope of the federal trust responsibility to Indian tribes. Plaintiffs in many of these lawsuits argue that the common law of trusts applies to the federal government in its dealings with Indian tribes and Indian individuals. The federal agencies, in many cases, have argued that the duties of the federal government as trustee is limited to only those duties expressly stated in the relevant laws. Mr. Artman, how do you view the federal trust responsibility to (1) Indian tribes, and (2) Indian individuals? Do you believe the common law of trust applies in all cases involving Indian tribes and individual? If not in all cases, then what kinds of cases?

Answer: I view the federal trust responsibility as a solemn obligation of the United States that Congress in the exercise of its constitutional authority has tasked primarily to the Department of the Interior to protect and implement. In some instances, Congress has given the Department express statutory guidance on how to carry out that responsibility and in other instances Congress has left the decisions on how to carry out that responsibility to the discretion of the Secretary, recognizing that the Department may be a more flexible and responsive vehicle for discharging those responsibilities. I believe that the federal trust responsibility is defined in the first instance by the treaties ratified and statutes enacted by Congress because a breach of those responsibilities exposes the United States to liability, and only Congress has authority to waive the sovereign immunity of the United States. It is only when Congress does not define the nature and extent of the federal trust responsibility that courts are justified in applying the common law of trusts.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 32: The federal trust responsibility is one that has developed out of the historic relationship between the federal government and Indian tribes, but specifically a responsibility established by early decisions of the United States Supreme Court. The Supreme Court in Cherokee Nation v. Georgia (1831) specifically states that Indian tribes "are in a state of pupilage: their relation to the United States resembles that of a ward to his guardian." Do you believe the federal trust responsibility to Indian tribes and individuals needs to change? If so, how would you change it?

> Answer: I believe the federal trust responsibility arises out of a dynamic relationship that has evolved and changed over time and will continue to do so. In the last 100 or so years we have seen the allotment policies give way to the tribal revitalization policies of the 1930s and, later, the termination policies of the 1950s and 1960s. For the last 30 years the trend has been to define the federal trust responsibility largely by the policies of self-determination and self-governance. I see more and more tribes willing to manage matters previously handled by the Department and accept the responsibility of that management. I would continue to encourage and facilitate this direction.

Senator Dorgan

Question 33: Your responses to the Committee's questionnaire emphasize the importance of the federal government's trust responsibility to American Indians, though you also state the need for federal and tribal government partnerships to address economic development, education, and law enforcement needs of individual Indian communities. Can you elaborate on the factors that make-up a successful federal-tribal partnership?

> Answer: The federal trust responsibility arises out of a dynamic relationship that has evolved and changed over time and continues to do so. For the last 30 years the trend has been to define the federal trust responsibility largely by policies of self-determination and self-governance. While I see more tribes willing to manage matters previously handled by the department and accept responsibility for that management, I believe tribes will benefit by working or partnering with the Department, and other government agencies, as they develop foundational systems needed by their tribes to support economic development, education, or law enforcement.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 34. Tribes have stressed to us time and time again that government-to-government consultation is very important and key to furthering policy objectives for Indian Country. However, too often I am told by tribal leaders that consultation does not happen until AFTER the Department has decided what the problem is and developed a solution WITHOUT tribal involvement. Will you commit to consulting with Indian tribes PRIOR to developing initial regulations or initial proposals to matters that directly impact Indian tribes? Too often tribes feel they do not have a voice in the decision-making on matters directly relevant to them because the Department fails to consult with them in the actual development of solutions. Another concern is that once tribes are given the opportunity to provide their comments, there is no meaningful response by the Department to those comments. This leads tribes and some lawmakers to believe that the Department has made up its mind prior to consulting with tribes. Will you commit to ensuring that meaningful responses are provided to tribal comments, and that tribal consultation becomes a meaningful dialogue.

> Answer: If confirmed I will consult with tribes in a meaningful manner. I will actively listen and respond meaningfully whenever possible in order to promote a more effective government-to-government dialogue.

Senator Dorgan

***Cobell v. Kempthorne* Litigation**

Question 35. As you know, Senators McCain and Dorgan introduced a bill, S.1439, in July 2005 that would settle the *Cobell* litigation and related claims regarding the mismanagement of trust funds and assets (including lands and natural resources). Over the last several weeks, representatives from the Departments of the Interior, Treasury, and Justice have met with our staff in an effort to obtain passage of a settlement bill this congressional session. If confirmed, are you committed to obtaining a timely settlement of this litigation? Do you support a legislative settlement of the litigation and related claims in this congressional session?

> Answer: As Secretary Kempthorne has indicated, the Department is committed to working with the Committee to find a just resolution to the *Cobell* litigation. If confirmed, I look forward to supporting that effort.

Senator Dorgan

Question 36. Should the *Cobell* litigation be resolved, how do you propose dealing with similar claims that may arise in the future?

> Answer: The *Cobell* litigation should be resolved, and any settlement should be comprehensively enough to ensure that similar claims are addressed.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Impact of *Cobell* Litigation on Indian Program Funding

Question 37. Please tell us what steps you might take to ensure that funding levels for tribal operating programs are protected during a time when defending the *Cobell* lawsuit raises pressures on federal officials to harbor funds to pay for defensive trust management practices? For example, tribes have raised concerns that more and more of the approximately $15 million in recurring water resource funding has, in recent years, been diverted to litigation activities of the BIA and away from tribal water program operations. The tribal program allocation in the Midwest Region has gone from $950,000 in 2000 to $200,000 in 2006, even as the national water program funding account, Water Rights Planning & Pre-Development, has been steadily requested and funded at $7.5 million. This would appear to be a result of pressures related to the *Cobell* lawsuit strategy rather than an objective distribution of funding according to need at the Reservation level.

> Answer: If confirmed, I will work with tribes during the budget formulation process so that their concerns and priorities are addressed. Once the budget has been submitted, I will work with Congress on the appropriate funding for both trust and non-trust programs. At the same time, I am committed to fulfilling the Department's fiduciary trust responsibilities. Managing the Indian trust is one of the greatest responsibilities faced by the Department, and we must fulfill our responsibilities to our beneficiaries.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 38: In your response to the Committee questionnaire, you state that you "have witnessed the ramifications of and sought resolution to lawsuits against the Department, [lawsuits] that debilitate the Department, the tribes engaged in the lawsuit, and the rest of Indian Country. These suits impede, directly and indirectly, Departmental initiatives and processes that benefit the whole of Indian Country." Can you describe with greater particularity the lawsuits you reference in your statement and explain these and other suits that impede the Department's work? In light of your view that litigation is debilitating to the Department, why does the Department continue to pursue litigation instead of negotiated settlements? If confirmed, would you continue to purse litigation or would you recommend other solutions for resolving pending litigation?

Answer: I do not contest the correctness of these suits, only that the litigation places an enormous strain on the Departmental personnel and impedes it from achieving its goals.

The most compelling example is the *Cobell* litigation. The multiple and voluminous requests for production of documents required many Department employees to suspend their normal duties for days and weeks on end in order to conduct searches for and reviews of documents responsive to those requests. To date, over 6 million documents have been produced. Many other employees, including a number of high-level managers, had to take large amounts of time out of their schedules to prepare for and engage in depositions and to give testimony in the various hearings over the years. Last summer's hearing about information security technology lasted for 59 days, during which other projects had to be delayed. In the course of this litigation there have been approximately 270 days of such hearings. Disconnection of some bureaus from the internet has caused huge inefficiencies, dramatically slowing down the normal processing of information necessary to fulfilling our responsibilities to Indian beneficiaries.

Tribal trust lawsuits cause similar disruption. The typical evaluation of the tribal claim involves a team of historians and economists traveling to one or more Departmental offices and spending two or three days interviewing employees and gathering documents. The document productions also must often occur at multiple locations throughout the Department and are often similar to those in the *Cobell* suit in terms of effort and time needed. Other examples include the Indian water rights litigation and lawsuits over education and reorganization issues.

The Department encourages the negotiated settlement of matters, but is often forced into litigation, either by the inability to reach agreement or to protect a principle important to the United States government. If confirmed, I will work with the Secretary, the Solicitor and the Department of Justice to determine the best solution to the lawsuits on a case by case basis. I will support the path that provides the best solution for all stakeholders.

Senator Dorgan

Land Fractionation and Probate

Question 39. The highly fractionated nature of Indian lands makes it difficult to manage and make productive. Do you believe that fractionation is a problem? What do you think can be done to minimize the land fractionation problem? What role should tribes and individual Indians play in the solution to the land fractionation problem?

> Answer: Fractionation is a problem that plagues Indian country, and I believe that it should be attacked in three ways. The first is through decreasing the transfers of interests to multiple owners through probate. The second is to conduct an aggressive re-purchase program. The third is to encourage individual Indians to consolidate their holdings.
>
> I would encourage the direct participation of the tribes and individual Indians in solving the fractionation problem. Current federal law allows owners of a highly fractionated parcel to request a sale of the parcel. Additionally individual owners may consolidate their interest through consolidation agreements and prepare wills to reduce the number of beneficiaries.

Senator Dorgan

Question 40: Two reasons why land fractionation is such a problem is (1) the lack of wills being used by individual Indians, and (2) the long period of time the Department takes in probating Indian estates. How do you believe these two problems can be addressed?

> Answer: The American Indian Probate Reform Act created a uniform probate code for Indian Country which includes a single heir rule. In addition, through drafting a will, an individual Indian can designate a beneficiary, thereby helping to prevent additional fractionation of an already highly fractionated parcel.
>
> The Department recognizes the need to quickly and accurately distribute trust estate assets and has taken aggressive steps to reduce the backlog of probate cases. Through the continued dedication of additional resources and holding managers accountable for specific quotas, the Department is working to complete all backlog cases by the planned completion date of September 30, 2008.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 41: Until this year, the Department provided will writing services to individual Indians. Why has the Department stopped providing those services? Do you believe providing individual Indians with assistance in writing wills is part of the federal trust responsibility? Even if you don't believe it is part of the trust responsibility do you believe it is assistance that the Department should provide given the problem of land fractionation?

> Answer: Due to limited resources and the potential conflict of interest in advising an individual Indian to will his or her interest to fewer heirs, I believe the Department should not be involved in providing will drafting advice.
>
> I do not believe it is part of the federal trust responsibility to provide will writing assistance to individual Indian landowners. One of the principal causes of fractionation is intestate succession in accordance with state law. Through the drafting of a will, an individual Indian can designate a beneficiary, thereby helping to prevent additional fractionation of an already highly fractionated parcel. We will assist individual Indians in finding competent legal counsel to draft a will, but I do not believe that Departmental staff should provide that service.

Senator Dorgan

Economic Development

Question 42: Tribal communities continue to be the poorest in the nation. This is in part due to the high unemployment rate on reservations and the lack of sustainable economies in many tribal communities. You stated that economic development would be priority for you. What economic development initiatives do you think would help tribal communities?

> Answer: An office of Indian Energy and Economic Development has been officially established in the office of the Assistant Secretary for Indian Affairs. This office is charged with being innovative, collaborative, and results-oriented in working with tribes to maximize their economic potential. I plan on working closely with and supporting this office as it establishes its programs and projects with tribes.

Senator Dorgan

Question 43: Do you agree that the limited ability of tribal governments to tax individuals and enterprises on Indian lands hinders the ability of tribes to develop infrastructure to support strong economies? If so, how can the Department assist in resolving this problem? Do you believe Congress should play a role in resolving this problem, and if so, what options should Congress consider?

> Answer: If confirmed, I will look forward to learning more about and working with Congress and the rest of the Administration on this issue.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 44: Some tribes have come to Congress stating that it is difficult for them to develop their lands due to the trust or restricted status of their lands. Many tribes are finding it difficult to obtain conventional financing because of the status of their lands. In some cases, tribes are asking Congress to take a portion of their lands out of trust. Do you believe that the trust or restricted status of Indian lands has also been a factor in the limited development of tribal economies? If so, how can this problem be resolved?

> Answer: It is true that most Americans have the ability to monetize their real property in the financial markets, giving them access to capital for investment, and that tribes lack this ability. However, this is an issue that needs to be addressed, discussed, and resolved by the tribes themselves as they look at their needs and plan their future.

Senator Dorgan

Education

Question 45: In our responses to the Committee's questionnaire, you state that increasing school construction is a priority for you. How do you intend to increase school construction?

> Answer: If confirmed, I plan to meet with appropriate personnel in the Facilities and Education offices to get an understanding of the school construction process so that I can further this goal.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 46: As you know, a federal court in South Dakota recently ruled that the Department cannot move forward on plans to reorganize Education Line Officers. This decision was based, in part, on the Department's failure to adequately consult with impacted Indian tribes and provide sufficient information to the tribes. A similar lawsuit has now been filed in federal court in New Mexico. If confirmed, how do you plan to proceed with the reorganization of the Education Line Officers? Does the Department plan to initiate more consultation with impacted Indian tribes in this matter?

> Answer: The Department is complying fully with the Preliminary Injunction issued by Judge Schreier of the U.S. District Court for South Dakota on July 14, 2006. I am informed that the Bureau of Indian Education has scheduled additional consultation meetings to be held in Fort Yates, North Dakota on Thursday, September 28, 2006 and in Pierre, South Dakota on Friday, September 29, 2006. The BIE will provide the tribes with information and answer questions regarding any aspect of the restructuring plan, e.g., office locations, staff positions, and rationale. We look forward to suggestions and alternative proposals presented by the tribes that will assist the BIE with supporting BIE-funded schools, and improve student learning and Adequate Yearly Progress requirements under the No Child Left Behind Act.
>
> Additionally, BIE staff have held two settlement meetings with the Navajo Nation to help resolve their complaint. We have received a ruling from Judge Johnson of the U.S. District Court for New Mexico on Friday and are examining his decision.

Senator Dorgan

Question 47: Six years ago, Congress established the National Fund for Excellence in American Indian Education. If confirmed, you will be an honorary board member of this Foundation. The Department is authorized to provide startup funds for the Foundation, but has yet to do so. The Committee understands the funds have been identified for transfer to the Foundation. If confirmed, will you commit to locating and transferring startup funds to this Foundation in a timely manner?

> Answer: If confirmed, I will work with the Foundation to help it fulfill its mission. The Bureau of Indian Education's new director met with the Foundation's representative on August 2, and is scheduled to conduct a follow up meeting on September 18 to discuss a strategic business plan, including administrative support for the Foundation. We are also working with the Foundation to help them comply with requirements that will allow for the transfer of individual endowment funds.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Land into Trust Process

Question 48: Mr. Artman, the GAO recently released a report that was sharply critical of the great variation in how fee to trust land applications are handled by the BIA. What are you going to do to streamline the land-into-trust process so that applications are no longer taking years to have a decision? Do you support the concept of expediting applications for housing and non-gaming economic development on lands within reservation boundaries or contiguous to existing reservation land?

> Answer: If confirmed, I will study the current land-into-trust process and the impact the draft 151 regulations will have on it. The draft regulations will result in expedited procedures; however, I will continue to seek methods to improve the process.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Federal Recognition

Question 49: This Committee is aware that the administrative process for acknowledging an Indian tribe is a solemn undertaking, as it establishes a government-to-government relationship between a newly recognized tribe and the federal government. While it is important that a petitioning group substantiate that it meets the mandatory criteria for recognition, we also know that petitioners may be in the process for decades, and that groups that sought status clarification in the 1970s still have not received even a preliminary determination. Yet, repeatedly, the BIA opposes legislative recognition, saying that groups should go through the administrative process. What are your thoughts on how the federal acknowledgement process might be improved to give petitioning groups a more timely decision as well as be a fair process?

Answer: I agree that acknowledgment of the continued tribal existence of another sovereign is one of the most solemn and important responsibilities delegated to the Secretary of the Interior. Although Congress has the authority to recognize a "distinctly Indian community" as an Indian tribe, it is important that all interested parties have the opportunity to review all the information available before recognition is granted. I therefore support the regulatory process it provides a deliberative, uniform and fair mechanism to review and consider groups seeking Indian tribal status. I do, however, recognize that some legislation may be needed given unique historical circumstances of certain Indians throughout the United States.

I will review the General Accountability Office's (GAO) report on improvements needed in the federal acknowledgment process and its recommendations of timeliness and transparency. I believe that increased staffing, appropriate contracting, and improved technology for the federal acknowledgment process will lead to speedier review and evaluation of the petitioners' voluminous documentation, as well as increasing the transparency of the decisions. I will work with the Committee and officials to look for other ways to improve the federal acknowledgment process.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Expanded Self-Governance Authority

Question 50: As you know, the Indian Self-Determination Act has proven to be a successful tool in allowing tribes to conduct self-governance. Currently, tribes may only contract for those programs under the Bureau of Indian Affairs and the Indian Health Service. Do you believe that the contracting authority of tribes should be expanded beyond the Bureau of Indian Affairs and the Indian Health Service? If so, what programs do you believe contracting authority should be expanded to?

> Answer: The contracting authority of Indian tribes under the Indian Self-Determination Act already goes beyond programs of the Bureau of Indian Affairs and the Indian Health Service. It currently extends to programs administered by either Secretary for the benefit of Indians for which appropriations are made to agencies other than the Departments of the Interior or Health and Human Services, and to programs for the benefit of Indians because of their status as Indians without regard to the agency or office of the Department of Health and Human Services or the Department of the Interior within which it is performed.

Senator Dorgan

Energy Development on Indian Lands

Question 51: Energy development is an issue that many tribes are looking at for economic development. Those tribes that have been successful in energy development have usually done so with the assistance of private sector energy companies. How do you think the Department can assist tribes in the development of energy resources on tribal lands?

> Answer: The Department has recently formed the Office of Indian Energy and Economic Development. This office was specifically formed to combine the resources within the Department that focus on economic advancement and energy development, allowing these resources to work in concert to foster energy development. This office also has the responsibility of administering the Department's portion of Title V of the recently enacted Energy Policy Act of 2005—including Tribal Energy Resource Agreements—which will provide significant opportunities for tribal self-management of energy development. Draft regulations implementing the Tribal Energy Resource Agreements section of the law were recently published and will be finalized by the end of the year.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 52: Do you think there needs to be changes to federal law to increase the level of energy development on tribal lands, and if so, what changes do you think need to be made?

Answer: If confirmed I will review the existing federal laws to see if revisions should be proposed.

Senator Dorgan

Question 53: Do you believe tribal utilities are helpful in the development of energy resources on tribal lands? How do you believe the Department can strengthen and assist tribes in developing more tribal utilities?

Answer: I consider formation of tribal electrical utilities to be of critical importance in developing self-sustaining economies not wholly dependent upon energy sources outside the reservation. I understand that, on March 13 and 14, 2006, the Office of Indian Energy and Economic Development sponsored a tribal workshop hosted by the Aha Macav Power Service, a tribal utility of the Ft. Mojave Indian Tribe in Mohave Valley, Arizona. Numerous tribes attended this conference to learn about acquiring electric utility assets from incumbent cooperatives, municipalities, or investor owned electric utilities; how utilities contribute to the economic health and sovereignty of a tribe; and how to access transmission capacity. I also understand that the Office is working with individual tribes on development of electrical utilities.

Senator Dorgan

Question 54: Do you believe it would be beneficial for the Department to work with people with energy experience at the Department of Energy to develop and strengthen energy development on tribal lands?

Answer: The Office of Indian Energy and Economic Development has been working extensively with their counterparts at the Department of Energy (DOE), as well as DOE laboratories such as the National Renewable Energy Laboratory, Argonne National Laboratory, and Sandia National Laboratories over the last few years. I will support the efforts of the Office of Indian Energy and Economic Development in pursuing these types of collaborations on Indian energy development.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 55: During your tenure at the Department, did the Department work with the Indian Energy Office at the Department of Energy? If confirmed, will you commit to working with the newly created Indian Energy Office at the Department of Energy?

Answer: My understanding is that the Department of Energy is currently in the process of establishing the DOE Indian Energy Office and selecting its leadership. If confirmed, I will ask my Office of Indian Energy and Economic Development to establish the same good working relationship with the DOE Indian Energy Office that it currently has with DOE.

Senator Dorgan

Question 56: Section 1813(b)(1) of the Energy Policy Act of 2005 requires the Department to conduct an analysis of historic rates of compensation paid for energy rights on tribal lands. After conducting the analysis what conclusion was reached in the draft report regarding the historic rates of compensation paid to tribes? To what extent was the Bureau of Indian Affairs responsible for or instrumental in setting these historic rates of compensation? In conducting your analysis did you find any rights of way that were granted in perpetuity? If so, when were these rights of ways granted and under what authority? What compensation did the tribe receive at the time the right of way was granted, and what compensation is the tribe currently receiving for that right of way in perpetuity?

Answer: I have been informed that, due to time and resource constraints, the Department was unable to perform a comprehensive analysis of the tens of thousands of energy rights-of-way across tribal land. In addition, access to both tribal and company proprietary information limited our ability to develop a comprehensive analysis. Therefore, we used a "case study" approach based upon volunteer information from four tribes and one company. Compensation for energy rights-of-way vary considerably based upon what terms were negotiated and consented to by the tribes. Consent from the tribe for a right-of-way has been a requirement for Department approval since 1934 for tribes organized under the Indian Reorganization Act, and since 1951 for all tribes. The research did reveal cases of rights-of-way that have been issued in perpetuity, and if confirmed I will collect, review, and share with you the information regarding authority and compensation for perpetual grants.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 57: In the draft Section 1813 report, the Department never mentions its trust responsibility to Indian tribes. Why doesn't the report include a discussion of trust responsibility and how the trust responsibility influences energy policy on tribal lands? Because the Department is involved in the approval of rights of ways across tribal lands do you believe the report should include a discussion of how the Department's involvement fulfills its trust responsibility to Indian tribes?

Answer: We have received many thoughtful comments on this draft report, including comments on the trust responsibility of the United States. As we develop the final report, we intend to include additional information on a number of issues.

Senator Dorgan

Question 58: The draft Section 1813 report makes little to no mention of treaties with Indian tribes and their relationship to federal energy policy and use of tribal lands. Why do you think this is, and do you believe the draft report should include a discussion on these issues? Although every treaty is different and not all tribes have treaties, do you believe a discussion of these issues would be informative and relevant to the overall report? And even though each treaty is unique, wouldn't you agree that examples from specific treaties would be information or relevant to the analysis in the report?

Answer: We have received many thoughtful comments on this draft report, including comments on treaties. As you are aware, there are a significant number of treaties and they vary significantly with respect to their terms. As we develop the final report, we intend to include additional information on a number of issues, including treaties.

Senator Dorgan

Question 59: Section 1813 specifically requests recommendations for appropriate standards and procedures for determining compensation for rights of ways on tribal lands. Why do you believe the Department failed to include recommendations? The draft report characterizes the suggestions offered in it as "options", rather than recommendations. Don't you believe that Congress would have been informed by any recommendations you could have made based on your agency expertise and study of this issue?

Answer: This is a draft report where we solicited input on the information that had been collected and presented. We are currently in the process of analyzing all of the information provided during the comment period. We will give careful consideration to the many useful and informative comments we received and they will guide our development of the final report.

Senator Dorgan

Question 60: The draft Section 1813 report provides an option for Congress to condemn tribal lands. The citations in the report are unclear and inadequate. Under what specific authority do you believe Congress has to condemn lands, and please be more specific than what is cited in the draft report?

Answer: The Department believes that this authority resides under the plenary power of Congress under the Constitution, which includes the power to abrogate treaties and condemn land within the United States. The inherent right of the United States to condemn both allotted and tribal lands has been recognized by Congress in 25 U.S.C. 341; Congress also specifically authorized condemnation of allotted lands at 25 U.S.C. 357. The Supreme Court has upheld Congress's power to authorize specific rights-of-way across particular tribal tracts.

Senator Dorgan

Development of Tribal Water Systems

Question 61: In your responses to the Committee's questionnaire, you state that development of tribal irrigation systems is an issue that you intend to address if confirmed as Assistant Secretary. Adequate tribal irrigation systems are critical to tribes in the West, but are also very costly. How do you intend to increase the development of tribal irrigation systems?

Answer: If confirmed, I will meet with tribes and the BIA irrigation personnel to expand my understanding of tribal irrigation systems and associated issues so that I can make an informed decision on appropriate development.

Senator Dorgan

Question 62: Will you commit to developing stronger relationships between the Bureau of Indian Affairs and other bureaus within the Department on matters relating to Indian tribes, including the development of tribal water systems? If confirmed, will you commit to providing the Committee with a progress report on the efforts you have taken within your first six months on strengthening the Bureau of Indian Affairs relationship with other bureaus within the Department?

Answer: Strong working relationships and effective communication between the Bureau of Indian Affairs and its sister bureaus within the Department of Interior on all matters relating to Indian tribes, are crucial to the successful discharge of the Department's responsibility to Indian tribes. As Associate Solicitor, I have formed good working relationships with many senior-level officials outside of the Bureau of Indian Affairs. I am committed to strengthening the Bureau's relationship with the Department's other bureaus and, if confirmed, I look forward to updating the Committee on my efforts.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Water Litigation

Question 63. In your responses to the Committee questionnaire, you stated that litigation, including litigation over Indian claims to water, is stymieing the Department. How many Indian water rights cases and/or settlements are currently pending before the Department? How do you propose resolving these matters in a timely fashion?

> Answer: There are approximately 26 active adjudication cases that involve the Department. The Department has established 19 water rights negotiation teams. The process established by the "Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims," 55 Fed. Reg. 9223 (March 12, 1990) is an appropriate way to proceed with resolving water rights issues.

Senator Dorgan

Question 64: Have you been involved in the negotiation and/or implementation of Indian water rights settlements during your tenure at the Department?

> Answer: I have had no direct involvement with the negotiation or implementation of water rights settlement during my tenure in the Department.

Senator Dorgan

Question 65: What is your view of the well-established role of the federal team for making settlement recommendations to the Secretary and the guidelines that govern the formulation of the federal team's recommendation to the Secretary?

> Answer: The Criteria and Procedures provide a workable process that allows the federal team to make a recommendation to the Department's Working Group on Indian Water Settlements. After a thorough vetting of issues and consultations with the Office of Management and Budget and the Department of Justice, the Working Group then makes a recommendation to the Secretary. This process allows the Secretary to exercise his discretion in formulating a federal negotiation position.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 66: Do you view the federal guidelines for negotiating water settlements (as set forth in the Code of Federal Regulations) as strict rules to follow or as advisory principles that can be reinterpreted differently for each settlement? Do you believe it is appropriate for the federal government to apply the federal guidelines in a way contrary to administrative precedent, and if so, what do you think should be the legal standard of review applied to the new application of the guidelines?

Answer: The Criteria and Procedures are guidelines that provide a structure for federal involvement in negotiations and for development of a federal position. They are guidelines, not legal principles, with the flexibility to meet the unique needs of each settlement and allow the Secretary to exercise his discretion.

Senator Dorgan

Question 67: Have the federal guidelines for negotiation water settlements, as written or applied, changed during your tenure at the Department? If so, please explain how.

Answer: No. My understanding is that the Department has been consistent in its application. See answers to above questions.

Senator Dorgan

Question 68: What is your view of the proper role of the Office of Management and Budget and the Department of Justice under the federal settlement guidelines set forth in the Code of Federal Regulations?

Answer: The Criteria and Procedures provide a workable process that allows the federal team to make a recommendation to the Department's Working Group on Indian Water Settlements. After a thorough vetting of issues and consultations with the Office of Management and Budget and the Department of Justice, the Working Group then makes a recommendation to the Secretary. This process allows the Secretary to exercise his discretion in formulating a federal negotiation position. If confirmed, I will review this process to determine, for the stakeholders, the efficiency of the process.

Senator Dorgan

Question 69: If confirmed, how will you work with other federal agencies and offices to resolve the pending water litigations?

Answer: If confirmed, I will be an active member of the Department's Working Group on Indian Water Settlements and work closely with the Secretary's Office, the Office of Management and Budget, and the Department of Justice.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Question 70: This question is over thirty year relicensing battle over the Cushman Dam Hydroelectric facility on the Skokomish River, in Washington State. I understand that the D.C. Circuit Court of Appeal for the D.C. recently issued an opinion upholding the Department interior's absolute authority to issue mandatory 4(e) conditions. For the Cushman Project, the Interior Department issued its mandatory 4(e) conditions in 1997, which were intended to protect the Skokomish Reservation. The Tribe views this recent decision as a major victory in its efforts to address the many impacts that this Project has had on the Tribe's Reservation, its people, and its Treaty protected resources. The Court in upholding Interior's 4(e) authority, remanded the Cushman license back to FERC to reissue the license or to engage in a debate with Interior on the merits of the conditions and seek to change Interior's view of these conditions. The Skokomish Tribe wants to ensure that Interior continues to support the original conditions and that it advocates as the Tribe's trustee for them in any discussions with FERC. Does the BIA, the Tribe's most important advocate within Interior, intend to work to ensure that the original 4(e) conditions remain in place and are ultimately included in the final license?

Answer: The Bureau of Indian Affairs is currently consulting with the Skokomish Indian Tribe to address the most appropriate response to the recent D.C. Circuit opinion regarding the Cushman Hydroelectric Project.

Assistant Secretary – Indian Affairs – Designate Artman

Senator Dorgan

Telecommunications

Question 71: The service penetration rate in tribal communities continues to be dramatically lower than the rest of the nation. Tribal communities are the very last communities to receive equitable service and universal access to telecommunications service promised by the Communications Act of 1934. Given your experience in telecommunications, how do you think tribes can obtain increased access to telecommunications services for their tribal communities? How do you think the Department can be helpful in increasing access to telecommunications services on Indian lands?

> **Answer**: Introduction of new technologies obviates pulling wire to each house to deliver telecommunications services, an obstacle to provision of telecommunications services in previous generations to sparsely population and vast reservations. Today, high speed data and voice communications may be delivered wirelessly over large swatches of land, either through traditional cellular infrastructure, newer 802.11 wi-fi technology, satellite delivery, or a hybrid of the aforementioned or other systems. This reduces substantially cost, manpower, and time for creation of a modern telecommunications infrastructure. The Federal Communications Commission and other government agencies are studying this topic and developing solutions. Some tribes invested in their own solutions and can provide valuable insight into this dialogue. If confirmed, I will work with other departments, agencies, commissions, and tribes to contribute to this process and commence delivery of solutions to the Indians and Alaska Natives.

○