

Tribal Self-Governance Demonstration Project

SOVEREIGN NATIONS

December, 1993

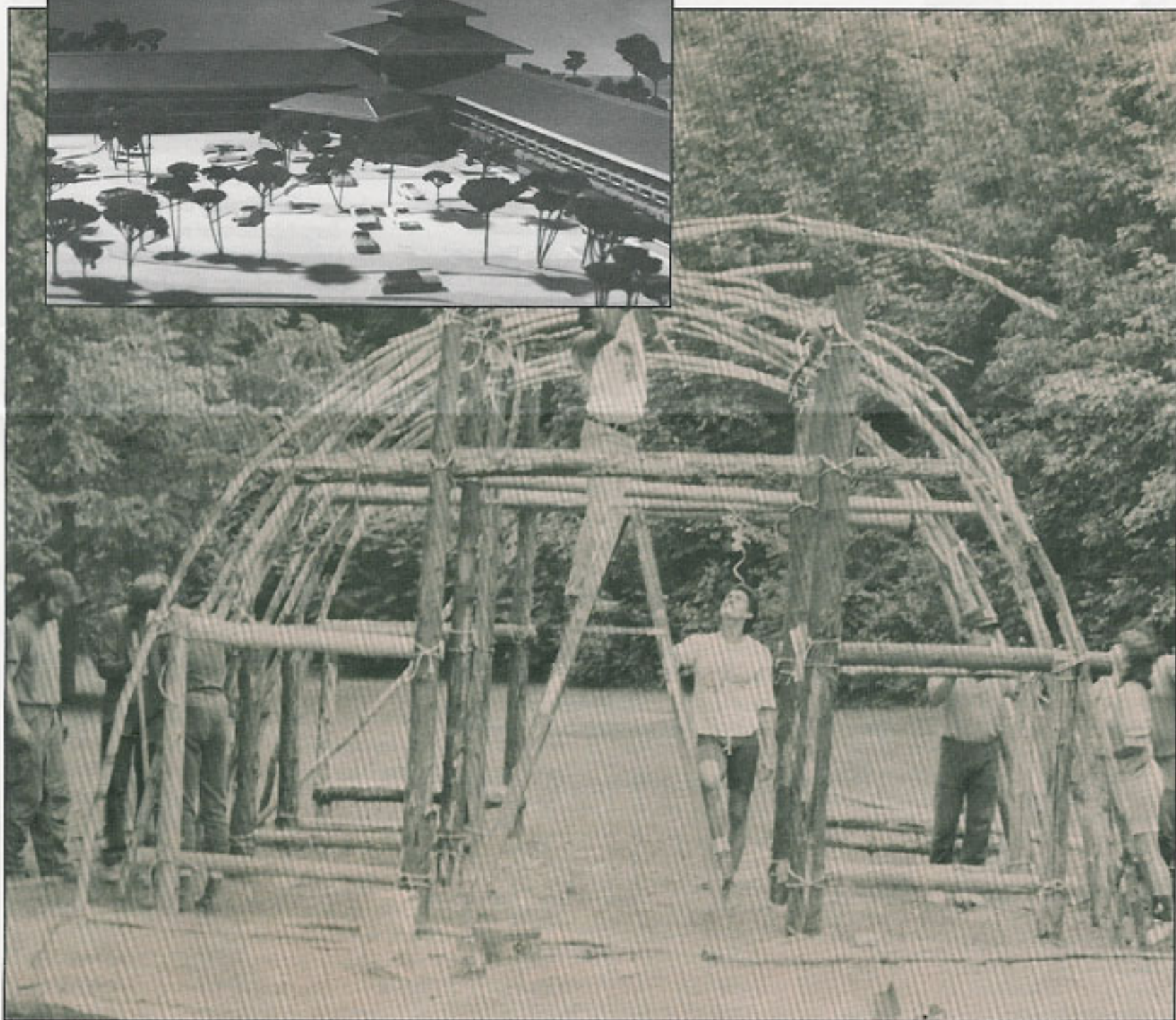
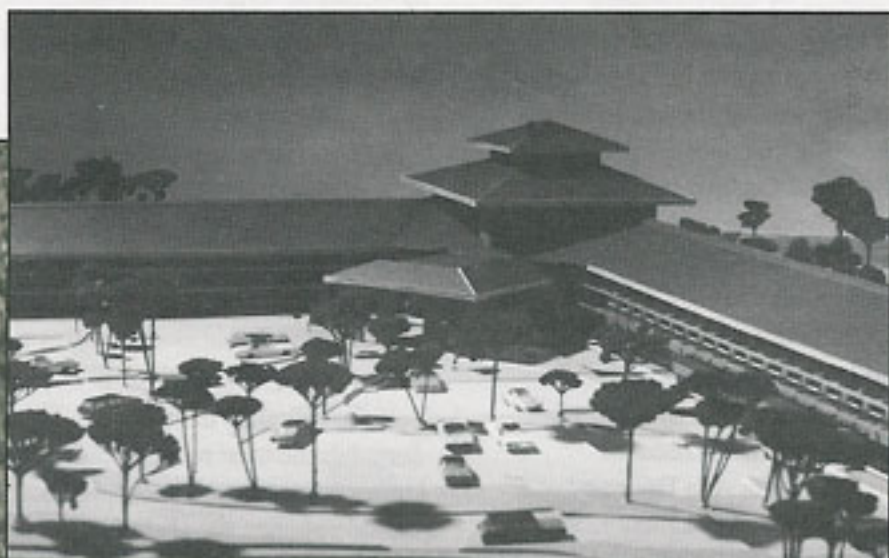
Volume 2

Number 9



Inside:

Self-Governance Conference
Bill Lavell To Retire
Oneida Nation
SG Policy Council
Meeting with IHS
FY '94 Appropriations
Permanent Self-Governance
Legislation Introduced



ONEIDA:

Deep Roots in History, Strong Prospects for Tomorrow

See page 4

Important Self-Governance Conference Conducted

A working conference of Self-Governance Tribes was held October 18-19 in Washington D.C. to review provisions for a permanent Self-Governance authorization bill and to review legislative strategies for Congressional passage. Key Congressional staff had indicated to Self-Governance leadership that the political climate and associated events, such as the Clinton-Gore "Re-invent Government Initiative," made this an opportune time to address permanent Self-Governance legislation for Tribal governments. Following the conference, a Senate Committee on Indian Affairs Oversight Hearing on the Self-Governance Demonstration Project was held on October 20. The content of a bill providing for permanent Self-Governance legislation could range from a very basic, simple transfer of the existing authorization law to permanent status, to a broader bill that would provide a wider range of authorities for Tribes, and expand authorization to other Federal Departments and Agencies.

SOVEREIGN NATIONS

SOVEREIGN NATIONS is a monthly publication of the Tribal Self-Governance Demonstration Project. The purpose of the publication is to disseminate accurate information about Self-Governance. Complimentary subscriptions are available through the Communication & Education Project. Materials contained herein can be reproduced, with proper credits. Appropriate editorial contributions and correspondence are welcome.

Self-Governance is a Tribally driven initiative intended to provide Tribal governments more control over their own destinies. The project fosters the shaping of a "new partnership" between Tribal governments and the government of the United States. We believe that excellence in related communication and education is fundamental to the achievement of these goals.

Note to contributors/editors:

We encourage your input, but cannot guarantee acceptance due to time and space constraints inherent in the publication of this newsletter.

For information, please write to:

Maureen Kinley, Coordinator
Communication & Education
Self-Governance Demonstration Project
c/o Lummi Indian Business Council
2616 Kwina Road
Bellingham, WA 98226
Phone (206) 738-2301
Fax (206) 647-6298

The importance of this conference is obvious in that permanent Self-Governance legislation is envisioned as the cornerstone to expanding these government-to-government principles throughout the Federal government during the remaining years of the millennium. The future of Indian Affairs in the next century will likely be influenced by this legislation.

The Conference Agenda remained relatively open for Tribes to determine priority issues pertaining to the permanent adoption of the Self-Governance concept by the Congress. Other Self-Governance issues addressed ranged from the replacement of soon-to-retire Office of Self-Governance Director Bill Lavell to coordination with the Tribal/BIA Reorganization Task Force. Congressional and Federal speakers at the forum included Senator John McCain (R-AZ), Interior Department Assistant Secretary-Indian Affairs Ada Deer and IHS Acting Director Michel Lincoln. Staff for the Congressional Committees, as well as the Interior and IHS Offices of Self-Governance also participated.

Strategies for the implementation of permanent legislation were developed by participants on the final day of the conference, based on the discussions that had taken place the days before. The conferees concluded that the best course, at this time, was to encourage passage of a very streamlined bill based on P.L. 100-472 Title III provisions with the addition of a negotiated rule-making process and annual allowance for additional Tribes to enter Self-Governance.

Also drafted were "Principles of the Tribal Self-Governance Initiative", reprinted below:

Principles of the Tribal Self-Governance Initiative

1. Self-Governance is a Tribally driven Initiative.
2. Self-Governance is a new opportunity to re-establish the government-to-government relationship.
3. Self-Governance returns decision-making authority and management responsibilities to the Tribe.

4. Tribes can deliver services to meet the needs of the Community based upon Tribally determined priorities.
5. Self-Governance requires the respect and trust of Tribes as Tribal Governments. Not the Paternal Guardian-Ward Relationship – rather the acknowledgment of the government-to-government relationship. The formulation of the political relationship rather than simply a relationship of administrative and organizational ties.
6. Self-Governance requires the acknowledgement by the US Administrative, Legislative and Executive Branch that Tribes are competent and capable governmental entities to better meet the needs of our Tribal communities while being fiscally accountable to our people.
7. Self-Governance does not inhibit or diminish the trust responsibility of the United States government. Rather it should enhance the ability of the US government to better meet and live up to those trust responsibilities. This occurs by the elimination of the day-to-day administration of internal tribal governmental operations so that those particular Federal agencies may better protect Tribal resources as identified in our Treaties.
8. The Self-Governance initiative is not about Administrative cuts – but about the empowerment of Tribal governments to improve the quality of life of the Tribal people in our Tribal communities.



On the cover:

(Center) Constructing a traditional longhouse on the Oneida Tribe's museum grounds; (inset) scale model of the Tribe's Radisson Hotel.

Bill Lavell to Retire

Bill Lavell, Director of the Office of Self-Governance, will retire in January, after a career of service to the Tribes that has spanned the past three decades.

"A number of events highlight the illustrious career of this hard-working gentleman," says Jamestown S'Klallam Tribal Chairman Ron Allen. "Not the least of which has been his capable leadership in helping to establish an office that has meant a great deal to the successful initiation of the Self-Governance process."

"Bill's service to the Tribes will not be forgotten," said Joe DeLaCruz, President of the Quinault Indian Nation. "But he did more than just serve the Tribes. His efforts have benefitted Indian and non-Indian alike. He has always stood for honor. And he has always known that through strength and freedom, the Tribes make worthy allies for the government and the people of the United States."

“

I somewhat jokingly responded that it's my job to get the Federal Government out of the Tribes' way so they can govern effectively on the reservations.

BILL LAVELL

”

Under Lavell's administration, the Office of Self-Governance became a visible presence in the Department of the Interior, one which has been a key to that agency's performance and attitude toward the Self-Governance Demonstration Project. The Office was established through Congressional direction by Interior Secretary Lujan and began operations in January, 1991, with Lavell as its first director.

By fate and fortune, Lavell negotiated the original seven Compacts of Self-Governance as Associate Solicitor for Indian Affairs in 1990. His legal knowledge and extensive experience and commitment to Tribal sovereignty made him the ideal first Self-Governance Director. His vision, tenacity and natural humor set the solid threshold for Self-Governance in the Federal system. His labors and policy advancements have established the new Indian Affairs framework and a most memorable legacy.

Following are some selected quotes from Lavell, which provide insight into the man, as well as reflect his perspective of the

Tribes:

"I can see that Self-Governance is just a next natural step in the relationship between the Tribes and the Federal Government. I'm a very strong defender of Tribal sovereignty and Tribal government power. The U.S., when it needed to, made a whole series of deals with the Indians. We made a series of deals...we ought to live up to them. Tribal governments say they can govern their lands. Let's let them have the opportunity."

"When I first came to this job I was asked what my job is. I somewhat jokingly responded that it's my job to get the Federal Government out of the Tribes' way so they can govern effectively on the reservations. As I have grown in this job, that has become less of a joke and more of the real thing."



Bill Lavell

William Lavell – Three Decades of Tribal Service

William "Bill" Lavell's employment history equipped him well to be the first director of the Office of Self-Governance. After receiving a law degree from the University of Cincinnati in 1951, several years of private practice and state service, he began his career of service to the Tribes in the mid-1960's. As a counselor in the Navajo Legal Aid Service, he represented individual Tribal members in civil matters. Then he served as an associate attorney in the Navajo General Counsel's Office, advising officers of the Tribal government and drafting Tribal legislation. He continued to serve that Tribe, as Assistant General Counsel, until June of 1967, when he joined the Southern California Edison Company, where he eventually dealt with Tribes in drafting joint participation contracts and in matters regarding state and Federal air and water pollution control. He served as a Field Solicitor for the U.S. Department of the Interior from 1969 to 1981, then from 1981 to 1983 as General Counsel for the Navajo-Hopi Indian Relocation Commission. From 1983 to 1985, he worked with the Navajo Tribe on land acquisition matters and from 1985 to 1989 as Tribal Attorney for the Colorado River Indian Tribes in Arizona. From 1989 to 1991 he served as Associate Solicitor on Indian Affairs for the U.S. Department of the Interior and from 1991 to present he has served as the Director of the Office of Self-Governance.

An impressive career, indeed. Thank you for your outstanding historical contribution to the Tribes and to Self-Governance, Bill. Best wishes in the years to come!

Oneida: Combining Economic Success and Self-Governance

The Oneida Indian Nation's objectives in becoming a participant in the Self-Governance Demonstration Project have little to do with funding. Very little. The Tribe's own enterprises account for 95 percent of its estimated FY 1994 \$110 million budget.

The Tribe's objectives in the process are far more related to a belief that social development must keep pace with economic development if progress is to continue toward true self-sufficiency. The Tribe's government is dedicated to the development of a process which will address all aspects of the infrastructure which the community will need in order to resolve competing needs and demands. This process will require that the Tribe have control over as many of the resources available to it as possible, to make incremental changes as it implements future development strategies.

The Self-Governance program is one such resource the Tribe considers valuable in its quest for self-sufficiency as a Tribe...and in its assertion of sovereignty as a nation.

History

The Oneida Tribe has its share of experience in self-sufficiency, successful government and sovereignty...it is a member of the Iroquois Confederacy, a league of Indian nations that has been credited for inspiring the development of the Constitution of the United States. In the mid-1770's however, the Oneida's decision to support the American Revolution led to the loss of their homes, crops and animals at the hands of other members of the Confederacy. Also, early developers desired the Oneida homeland in New York State, because it was choice farmland and it was in the area of the Erie Canal route. Faced with a difficult situation, in which their lands were being eroded, many Oneidas chose to move to Wisconsin. In the 1820's, Oneidas settled along Duck Creek, about 10 miles from the city of Green Bay. The original five million acres of land purchased by the Oneidas from the Menominee Tribe in the 1820's was reduced to 65,000 acres by the U.S. Government. In 1838 the U.S. signed a treaty formally recognizing the present boundaries of the reservation, which encompass the Townships of Oneida and Hobart.

The traditional form of Oneida government deteriorated after the Tribe settled in

Wisconsin. In 1934, the Oneidas formed a constitutional government under the Indian Reorganization Act and provided for elections by a General Tribal Council. The Tribe struggled through the next three decades, but in the 1960's, after passage of the Indian Self-Determination Act, the Tribe began to grow. In the early 1960's, the Tribe employed four people. It now employs 1,800 people. Eighty percent of these people are Tribal members, and most work for Tribal enterprises.

The Tribe Today

The Oneida Tribe's dramatic growth and economic prosperity during the last three decades has resulted in an overall improvement in the general health and well-being of members living on or near the Reservation. Substantial revenues from the Tribe's extensive gaming and other business operations are allocated to health programs, social services, education and job training, public safety, conservation and environmental protection programs. Many of these activities depended almost entirely on federal funds for their existence during the early years of the Tribe's resurgence. Today, the Tribe's dependence on federal inter-governmental transfers has been significantly reduced. As a result, individual members of the Tribe, the Tribe itself, and the environment of the Oneida Reservation have grown and prospered. The Tribe's economic success has made things possible that were only dreamed of in earlier years. The Tribe took action several years ago to vigorously pursue the re-acquisition of land within the original Reservation boundaries. More recently, the Tribe decided to establish and administer a trust fund for the benefit of Tribal elders — those people whose hard work, perseverance and dedication to the Tribe made possible the success the Tribe enjoys today. At the other end of the age spectrum, the Tribe has broken ground for a new K-8 school and is aggressively pursuing plans to expand the school through the high school grades. Traditional Oneida language



Ground-breaking of Industrial Park to develop a mall.

and culture form the foundation of the entire curriculum of this new educational institution.

Because of its financial success, the Tribe is able to concentrate more fully on programs and issues of cultural significance. Reflective of this is the fact that the Tribal school is being built in the shape of a turtle, one of the symbols upon which the Tribe's culture is based.

"Ten years ago we couldn't have considered such things to this degree," says Chris Johns, Oneida's Self-Governance Coordinator.

Self-Governance Objectives

"Self-Governance is the natural next step in our governmental evolution," said Johns. "It is a good example of the full exercise of sovereignty." He said the Tribe is looking forward to the adoption of permanent legislation by Congress, and to the time when every Federal Agency and every Federal Department will be subject to permanent Self-Governance legislation. The way it should work is that once a year our chairman should get together with the President of the United States and sign a compact. We'd also like to see the process adopted at the state level." The state of Wisconsin, where the Oneida Tribe is located, is a PL 280 state. "That means the state has some say about what happens on the Reservation. We've lived with that long enough. It can complicate things sometimes. We want it to change."

Over all, the Tribe sees very positive things happening with the Self-Governance process and the prospect of greater

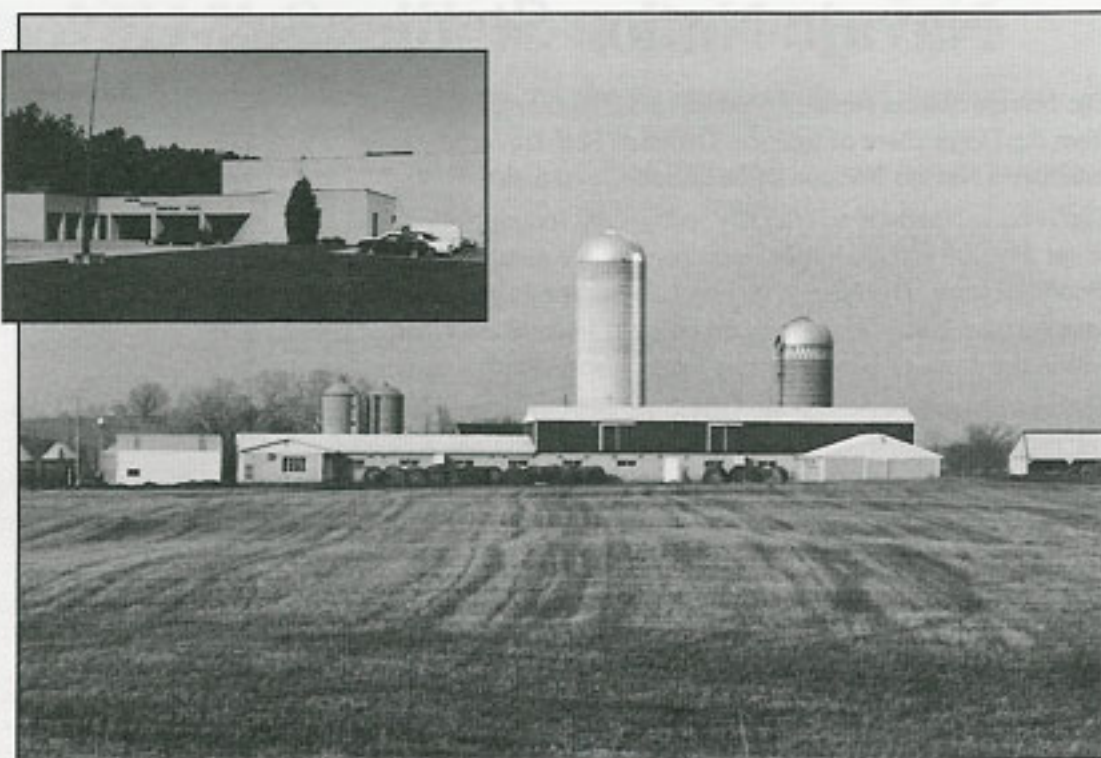
(Continued on next page)

ONEIDA

(Continued from preceding page)

opportunities to secure true sovereignty, particularly at the Federal level. The addition of two close long-time associates as top ranking Federal officials – Ada Deer as the Director of the BIA and Donna Shalala as the head of the Department of Health and Human Services – will hopefully help assure this. The Tribe worked with both in their former capacities at the University of Wisconsin, and with Ada Deer in her former capacity as chair of the Menominee Tribe.

"We are looking forward to great things ahead," said Johns. In fact, the combination of economic success, high employment rates and true Self-Governance seems to be the way to go. It is the right combination to permit the greatest possible opportunity to plan for the future. As is the tradition in Indian Country, the Tribe aspires to make decisions based on how they will affect their children in seven generations. "We have gone from the point of having to think only of today



Above: Oneida Tribal Farm. Inset: Oneida Nation Memorial Building, Recreation Center and Gymnasium.

and are now planning five, 10 and even 20 years into the future. Making the most of Self-Governance, and doing the best

we can to have the ability to make our own decisions, at the Tribal level, is an important part of those plans."

Ada Deer Convenes First Interior Self-Governance Policy Council Meeting of the Clinton Administration

Assistant Secretary-Indian Affairs Ada Deer has convened the first Interior Department Self-Governance Policy Council meeting to provide orientation on the Self-Governance Demonstration Project to Council members and review pending issues presented by the Office of Self-Governance. The Self-Governance Policy Council, established by former Interior Secretary Manuel Lujan in the fall of 1990, serves an advisory function to the Assistant Secretary-Indian Affairs in determining Administration policy to implement the Demonstration Project. The Council is scheduled to expire in December unless renewed by Interior Secretary Babbitt.

Interior Department representatives for the Council, besides Council Chair Deer, included: John Duffy, Counselor to the Secretary; Sharee Freeman from the Solicitor's Office; Wyman Babby, Acting Deputy Commissioner for Indian Affairs; Carol Bacon, Director of the BIA Office of Tribal Services; Ken Reinfeld of the Secretary's Office of Planning, Budget and Management; Gary Ceccucci, BIA

Budget Office; and Office of Self-Governance Director Bill Lavell. Tribal representatives attending included: Quinault Nation Chairman, Joe DeLaCruz; Hoopa Valley Tribal Chairman, Dale Risling Sr.; Lummi Nation Chairman, Henry Cagey; Jamestown S'Klallam Tribal Chairman, Ron Allen; and Makah Tribal Self-Governance Coordinator, Matt Kallapa.

Tribal representatives and Self-Governance Director Lavell provided a background briefing on the legislative and administrative history of Self-Governance and expectations for future direction. The Tribal representatives requested support for continuation of the Self-Governance Policy Council; Tribal participation on the Policy Council with flexible representation according to the particular issue; Interior Department support to implement the Delegations of Authority between the BIA and Office of Self-Governance approved by former Assistant Secretary Eddie Brown; expanded financial management capabilities in the Self-Governance Office; establishment of a South-

west Field Office; and operation of a Northwest Field Office model with further delegated authority from the Central Office to streamline decision-making at the regional level.

Lavell presented other agenda items for consideration by the Council involving establishment of a formula to determine Tribal negotiated shares of the BIA Central Office; coordination between the Self-Governance Demonstration Project and the Tribal / BIA Reorganization Task Force; and development of a Report to Congress on the costs and benefits of Self-Governance including a separate report from the Tribes. Ken Reinfeld will be in charge of the Interior Department report with likely visits to each of the Tribes with Self-Governance Compacts. The first Self-Governance Policy Council meeting was basically an informative session for the new members and a presentation opportunity for Tribal leaders. The Office of Self-Governance will be preparing decision-documents for future consideration by the Council and Assistant Secretary Deer.

Navajo Nation Studies Self-Governance Concept

The Navajo Nation recently received a \$250,000 planning grant from the Department of Interior, Office of Self-Governance, to establish a Navajo Nation Office of Self-Governance.

The Navajo Nation is a Federally-recognized Indian Nation with about 219,000 enrolled Tribal members of one quarter or more blood quantum. The Navajo Nation also has the largest Indian land base encompassing 25,500 square miles of Federal trust land within the states of New Mexico, Arizona and Utah.

The newly-established Navajo Office of Self-Governance is currently in the early stages of planning and organizing. A Self-Governance Working Group has been established with representatives from each of the 12 Divisions of the Executive Branch of the Navajo government.

The group is meeting bi-weekly to discuss various options available under the concept of Self-Governance. The Self-Governance Working Group is currently reviewing P.L. 93-638 ("Self-Determination") contracts the Navajo Nation has with U.S. government agencies. The Navajo Nation has more than twenty '638 contracts.

Plans for the Navajo Nation Office of Self-Governance include assessing the effectiveness and efficiency of existing Bureau of Indian Affairs (BIA) and Navajo Nation programs. Group members are now compiling extensive program and budget data.

The Navajo Nation estimates that the planning grant will cover a one-year period although work is expected to last two years in duration. As the largest Federally-recognized Tribe, the Navajo Nation accounts for at least 40 percent of the total BIA budget and 40 percent of the national Indian Health Service (IHS) budget.

President Peterson Zah is supportive of the concept of Self-Governance and has assigned Ms. Merlee M. Arviso to guide the Self-Governance Program. Ms. Arviso can be reached at (602) 871-6352-55.



AMERICAN INDIAN POPULATION OF THE LOWER 48 WESTERN STATES

AMERICAN INDIAN POPULATION BY SELECTED URBAN AREAS

AREA	POPULATION	PERCENT
ARIZONA Cities Total	23,415	3.26
NEW MEXICO Cities Total	16,252	2.26
UTAH Cities Total	8,362	1.17
COLORADO Cities Total	8,673	1.21
CALIFORNIA		
Los Angeles, Long Beach, and Anaheim Area	81,948	11.42
San Francisco, Oakland, and San Jose Area	31,955	4.45
TEXAS		
Dallas, Fort Worth Area	11,076	1.54
Houston City	6,377	0.88
GRAND TOTAL URBAN AREAS	188,058	26.20

NOTE: Percentages for above against total urban Indian population of 717,700

OTHER FACTS FROM 1980 CENSUS

Total Indians counted in the United States	1,364,033	100.00
Total Indians counted on RESERVATIONS	340,315	24.95
Total Indians counted in cities	717,700	52.62
Total Indians counted in off-Reservation rural areas	306,018	22.43
Total Indians counted on Navajo Reservation (inc. 2,039 on HPL of FJUA & 3 satellite Reservations in New Mexico)	110,201	32.38
Largest Reservation Indian population in the U.S.:		
Arizona	113,754	33.43
New Mexico	60,146	17.67
CALIFORNIA has LARGEST American Indian population	198,155	15.53
Reservation	9,145	2.69
Cities	161,192	22.46
Off-Reservation Rural Areas	27,818	9.09
OKLAHOMA has SECOND LARGEST American Indian population	169,292	12.41
Reservation	4,749	13.95
Cities	83,936	11.69
Off-Reservation Rural Areas	80,607	26.34
ARIZONA has the THIRD LARGEST American Indian population	152,498	11.18
Reservation	113,754	33.43
Elsewhere in state, including cities	38,744	N/A
NEW MEXICO has FOURTH LARGEST American Indian population	105,976	7.77
Reservation	60,146	17.67
Cities	31,316	4.36
Off-Reservation Rural Areas	14,514	4.74

NOTE: Percentages assessed against category total, i.e., State Indian population against total American Indian population; Reservation against overall Reservation American Indian population, etc.

SOURCE: 1980 Census; Abstracted by Division of Community Development

Interior Fiscal Year 1994 Appropriations Becomes Law

The Senate Interior and Related Agencies Appropriations Subcommittee Fiscal Year 1994 provisions mirrored the House actions with a \$70,000 restoration of funds for the Interior Departments' Office of Self-Governance to the FY 93 level, a \$3 million dollar appropriation for IHS Self-Governance shortfall, and bill language to extend Federal Tort Claims Act coverage to IHS Self-Governance Compacts. The Committee also included report language for both the BIA and IHS requesting pre-planning by both Agencies to accommodate Self-Governance. In a Senate floor debate on September 15 regarding the Interior and Related Agencies' appropriations, Senator Stevens (R-AK) received basic confirmation from Senate Appropriations Committee Chairman Byrd that the Interior Department's request to pay Fiscal Year 1992 Contract Support for Self-Governance Tribes would be honored if sufficient funding was available. Senator Stevens requested that IHS Self-Governance Compact consideration be given to the Yukon-Kuskokwim Health Corporation of Bethel, Alaska.

The House-Senate Interior Appropriations Subcommittee's Fiscal Year 1994 conference agreed on the separate provisions for Self-Governance funding and FTCA coverage. The following report language further clarified congressional intent.

Bureau of Indian Affairs

"The managers agree that self-governance shortfall funds may continue to be used for planning grants, if needed, and the Lummi education project in 1994. The report requested by the Senate on staffing and funding by area, and levels of contracting, should be provided by April 1, 1994.

"The Committee is concerned that as additional Tribes enter into Self-Governance compacts and Tribes are contracting for additional programs, the Bureau does not have a long-term strategy for effectively managing the changing programmatic and staffing requirements at the area and agency offices. In order to better understand the impact that the Self-Governance compacts and increased contracting has had Bureauwide, the BIA should provide the Committee with detailed information by area and agency on funding and staffing by program from fiscal year 1991 through fiscal year 1994. The information should indicate by program the level of contracting and the

portion of the program which the Bureau continues to operate for each year and the related staffing. The Bureau should also indicate by program any residual oversight responsibilities which remain with the program where contracting has occurred, such as contract monitoring or technical assistance, and the staff and administrative costs associated with such oversight. The information should indicate changes in staffing that result from addressing identified material weaknesses, Inspector General or General Accounting Office findings; increased oversight responsibilities, such as gaming; or Congressional mandates. For fiscal year 1994, the information should indicate where staffing reductions occurred as a result of the administrative streamlining reductions and the associated funding. The information should indicate how Federal employment policies impact the Bureau's ability to eliminate staff where programs are fully contracted by the Tribes within an agency or area office. This information should be provided to the Committee concurrently with the submission of the fiscal year 1995 budget.

Indian Health Service

Provided further, That, notwithstanding any other provision of law, funds previously or herein made available to a Tribe or Tribal organization through a contract, grant, or agreement authorized by Title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a Self-Governance funding agreement under Title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

"Self-Governance – The Committee recommends an increase of \$3,000,000, as proposed by the House, to fund shortfalls associated with the switch to compact funding. In implementing these compacts, there may be situations where the transfer of a portion of a program's funds to a compact Tribe could jeopardize the continuation of services for noncompact Tribes. These funds are provided to address these situations and in the future, IHS should budget for these costs. As more compacts are implemented, the Committee expects IHS to identify where operational and staffing reductions might be made as the Tribes assume even

greater responsibility and oversight of their programs."

"The Committee has also agreed to language proposed by the House to ensure that Self-Governance compact funds remain available to the Tribes without fiscal year limitation. Language is also included to ensure Federal Tort Claims Act protection is extended to Tribal employees under Self-Governance compacts, as is currently provided for self-determination contracts."

"The Committee is concerned about the failure of Indian Health Service to adequately investigate allegations of mismanagement, possible fraud and interference with Self-Governance at the Owyhee service unit in Nevada. Within 60 days of this report, IHS shall provide the Committee with a full report pertaining to these matters. As part of this report, IHS shall also outline the steps it will take to ensure an orderly transition to Self-Governance at Owyhee."

The strongly worded directive to IHS regarding the Owyhee Service Unit and Self-Governance entwines an historical difficulty the Duck Valley Shoshone-Paiute Tribe situation, and the emergence of Self-Governance. According to Edith Manning, Self-Governance Coordinator for the Duck Valley Shoshone-Paiute Tribe, the Senate report language has focused IHS attention and hopes these long-term management problems with the Agency can be finally resolved to the Tribal Council's satisfaction.

The House-Senate Interior and Related Agencies Appropriations Subcommittees Conference on the Fiscal Year 1994 bill is expected the last week in September. In the case of a Congressional Continuing Resolution on the Interior appropriations into Fiscal Year 1994, Tribes with IHS Compacts activated on October 1 are securing separate insurance coverage until the appropriations bill is signed into law clearly providing Federal Tort Claims Act coverage. As of October 1, 1993, a new Self-Governance threshold will be reached with Tribal management of health services.

After a protracted Senate filibuster over the raising of grazing fees which extended the FY94 Interior Appropriations under Continuing Resolution several times, the Administration and Senate reached a settlement allowing passage of this funding bill into law on November 11, 1993.

Permanent Self-Governance Legislation Introduced in Senate and House

Senator John McCain (R-AZ), with co-sponsorship by Senators Daniel Inouye (D-HI), Frank Murkowski (R-AK), Paul Simon (D-IL), and Slade Gorton (R-WA), introduced S.1518, the "Tribal Self-Governance Act of 1993" on November 4, 1993.

In his introductory remarks on the Senate floor, Senator McCain stated: "I believe we have a chance to write a new chapter in Federal-Indian relations. As we do, it is important to remember that from time immemorial, Indian Tribes have been and will continue to be permanent governmental bodies exercising those basic powers of government, as do Federal and State governments, to fulfill the needs of their citizens. Under our constitutional system of government, the right of Tribes to be self-governing and to share in our Federal system must not be diminished."

The Senate authorization to make Self-Governance permanent is expected to move quickly with possible Senate passage prior to the late November recess.

Congressman Bill Richardson (D-NM), as Chairman of the House Native American Affairs Subcommittee, introduced a companion measure, H.R. 3508, on November 15, 1993. Due to time constraints in the waning days of this Congressional session, the House Subcommittee will likely hold hearings on H.R. 3508 in late January, 1994.

The "Tribal Self-Governance Act of 1993", S.1518, sets forth findings that there is a unique relationship between the U.S. government and Tribal governments, and that each Tribe has an inherent right to Self-Governance. The bill also refers to the success of the Tribal Self-Governance Demonstration Project in improving and perpetuating this unique relationship by strengthening Tribal control over Federal funding and program management intended to benefit Indians.

The Tribal Self-Governance Act of 1993 also declares as its policy the permanent establishment of Self-Governance within the Department of the Interior in order to accomplish certain goals. These include:

- improving the government-to-govern-

ment relationship between the United States Government and the Indian Tribes.

- permitting each Tribe to choose the extent of its participation in Self-Governance.
- having Self-Governance co-exist with other Indian Self-Determination Act arrangements with the Tribes.



*...from time
immemorial,
Indian Tribes
have been and
will continue to be
permanent
governmental bodies
exercising those
basic powers
of government...*

SENATOR JOHN MCCAIN



- ensuring the perpetuation of the trust responsibility of the United States to Indian Tribes and Indian individuals, and
- permitting an orderly transition from Federal domination of programs and services benefitting Indians to Tribal authority and control over those benefits with an accompanying reduction in the Federal bureaucracy.

The act permits the Department of the Interior to increase the number of Tribes participating in Self-Governance by up to 20 new Tribes per year. The new Tribes must meet the following requirements:

To be a qualified applicant to begin participation in Self-Governance, Tribes must have successfully completed a planning phase, and must have requested to participate in the Self-Governance process. Also, the Tribe must have demonstrated financial stability and financial management capability, i.e., it can have no material audit exceptions for the last three fiscal years in the required annual audits of its self-determination contracts under Public Law 93-638.

The planning subsection of the bill requires that each Tribe applying to begin participation in Self-Governance complete a planning phase that includes legal and budgetary research and internal Tribal government planning and organizational preparation. Each Tribe is eligible to receive a grant from the Department of the Interior to carry out planning and negotiation activities.

The bill also lays out terms for funding agreements between the United States and the Tribes, and directs the Department of the Interior to enter into written annual funding agreements with participating Tribes.

To receive a full copy of the bill, and a detailed summary, please contact the Self-Governance Demonstration Project's Communication and Education Office, (206) 738-2301.

Testifying on the Permanent Legislation were several high level Tribal officials, as well as Michel Lincoln, acting director of the Indian Health Service, and William Lavell, director of the Office of Self-Governance. Testimony provided by Lincoln and Lavell is described in an article on page 9 of this edition. To provide a sense of Tribal testimony, the statements of Michael Pablo, chairman of the Confederated Salish and Kootenai Tribes, and Joseph C. Raphael, chairman of the Grand Traverse Band of Ottawa and Chippewa Indians are also included.