

Tribal SELF-GOVERNANCE DEMONSTRATION PROJECT

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A NEWSLETTER OF THE TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT

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Independent Assessment Of Self-Governance Project Is Underway

Is the Self-Governance Demonstration Project really helping Tribes improve the array of services to their tribal communities, and what exactly has been the impact of Self-Governance on those Tribes that have embarked on this new voyage? Those are just two of the many questions that the ongoing Annual Assessment of the Self-Governance Demonstration Project is addressing.

Independent assessment is underway

The task of assessing and documenting the Project's progress to this point is being undertaken by Northeastern State University in Tahlequah, Oklahoma, in cooperation with the University of Oklahoma. The contractors were selected on the basis of a competitive proposal process with final selection made by a review team comprised of representatives from the first tier Self-Governance Tribes and the Office of Self Governance.

Dr. W. Neil Morton of Northeastern is the assessment team project director and contracting officer, and Dr. Rennard Strickland, from the University of Oklahoma, is the principal investigator.

Morton said Northeastern was most likely selected because the proposal was a joint one with the University of Oklahoma.

"All of the personnel involved have had extensive experience working with Indian Tribes, from social service aspects to legal aspects. Also, Professor Strickland of the American Indian Law and Policy Center at Oklahoma is an Indian law expert in America. He is well known and respected among Indian Tribes," he remarked.

This assessment, he said, involves the first seven tribes that

have signed Self-Governance Compacts and Annual Funding Agreements—the Absentee-Shawnee Tribe, Cherokee Nation of Oklahoma, Hoopa Valley Tribe, Jamestown S'Klallam Tribe, Lummi Indian Nation, Quinault Indian Nation, and the Mille Lacs Band of Chippewa Indians.

These seven Tribal Compacts were implemented in October, 1991, allowing for a full-year operations review. Next year the assessment will expand to 17 Tribes, including the 10 second tier Tribes.

A range of areas are being investigated

Morton said the assessment team is investigating a range of areas that include the following:

- **An analysis of the degree to which each Tribe has redesigned programs under its Compact and Annual Funding Agreement.** Morton commented they would compare what individual programs were like before Self-Governance and what they are like now.
- **An assessment of the effect of the Compact and Annual Funding Agreement on the governmental structures of each Tribe.** He said internal changes made in Tribal government in order to make Self-Governance work will be identified.
- **An assessment of the effect of the Compact and Annual Funding Agreement on program services to Tribal members.** This assessment element will try to determine if the Self-Governance Project enhanced the services delivered to Tribal members, explained Morton.

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■ Identification of Tribal laws and administrative/judicial systems providing administrative due process rights pursuant to the Indian Civil Rights Act with regards to Tribal implementation of the Self-Governance Demonstration Project. Morton said investigators will take note of what was done in implementation of this new process of Self-Governance that would affect judicial processes of the Tribe.

■ An identification of any special circumstances of each Tribe and how each Tribe has dealt with such obstacles relative to implementing the Project. The team, he remarked, will explore this issue in each unique Tribal situation. What were some of the snags in getting the Project started? How were the problems resolved?

■ An assessment of the baseline reporting process for Tribes and the BIA, and its utility as a reporting and accountability tool.

■ An assessment of the degree to which the Department of the Interior, including separately the BIA and Office of Self-Governance, has provided assistance to Self-Governance Tribes. The team, said Morton, will determine how much assistance the federal government agencies have provided the Tribes during the implementation of the Self-Governance process.

■ An assessment of the degree to which the Department of the Interior, including separately the BIA, has reorganized, redesigned, consolidated or otherwise altered its staffing and organizational patterns as a result of the Project.

■ An assessment of the degree to which the Department of the Interior, including separately the BIA, could have reorganized, redesigned, consolidated or otherwise altered its staffing and organizational patterns as a result of the Project.

Morton said the assessment process started with a review of documents provided by the Tribes. "Included in the request for proposals are certain items that must be reviewed, such as Tribal Constitutions, Treaties, audits."

With that information, the team put together a profile analysis "of all of their programs and all of their services...including tribal courts and legal materials, and Self-Governance reports. That gave us a good working knowledge of what each Tribe had going for it," explained Morton.

Face-to-face with the Tribes

The four-person assessment team completed a two-week swing in late June through the West and Northwest, visiting several of the seven Tribes involved in the first assessment, Morton said. He expects the last of the on-site visits should be completed in late July.

"We met with Tribal representatives on an interview basis. The material which we received and reviewed gave us a good background feel for each Tribe. We'll fill in the gaps and pay specific attention to those points" outlined in the request for proposals, said Morton.

"What we'll do with that information is come up with a profile of what the Tribes feel about the process (of Self-Governance), the problems they encountered, and we'll get specific examples of how Self-Governance has provided the opportunity for Tribes to provide a wider array of services, and more in-depth service to Tribal members. We'll also see if anything was unique to all of the Tribes," he said.

BIA, Office of Self-Governance will also face assessment

When the on-site visits are completed and the information from the Tribes reviewed and analyzed, the assessment team will begin assessing the Bureau of Indian Affairs and the Interior Department's Office of Self-Governance. That work, said Morton, should be completed by the end of the summer.

As for the information contained in the assessment report, Morton said, "We'll boil it down to come out with something that will be useful. We hope to have a draft of the document completed in early September, and have the final document in October."

Ultimate audience is Congress

"The seven Tribes involved will be responsible for reviewing the document...and of course our ultimate audience will be Congress," he said.

Based on this report and the baseline measure reports generated by the participating Tribes and the BIA, Congress will determine whether the Self-Governance process should become a permanent program.

"As far as any initial report findings, it would be premature (to conclude anything now). We are, however, overwhelmed by the degree of cooperation by the Tribes. They are doing their very best to make the process work. I've seen just a tremendous amount of enthusiasm among the Tribes for this process. People are so open and willing to discuss what works and what doesn't," Morton commented.

Plans Progress To Include IHS In Project

The Cherokee Nation of Oklahoma has begun work on what might be called a 'how-to guide' for Tribes planning to administer and provide services under Self-Governance Compacts which are now provided by the Indian Health Service.

Working as part of a seven-member Self-Governance Project planning group, the Cherokee Nation was granted \$500,000 by IHS to perform budget research and determine viable strategies to apply the Self-Governance Demonstration Project to IHS.

This initiative, supported by the Congressional Interior Appropriations Committees in fiscal year 1993, coincides with the provisions of Public Law 102-184, which authorized the Secretary of Health and Human Services to conduct a study on the feasibility of expanding the Self-Governance Demonstration Project to include activities, programs, functions and services of the IHS.

The 17 Self-Governance Tribes, in order to get the best planning possible for the amount of money available, decided to award the grant to one Tribe instead of spreading it out among all the Compact Tribes. This research and planning work by the Tribes with the IHS is being done to avoid many of the difficulties experienced by Tribes in implementing the Demonstration Project with the BIA.

The Cherokee Nation was selected because of its experience, expertise and willingness to take on the project, said Jim Danielson, the Tribe's Executive Director of programs and a member of the seven-member planning group.

With one of the largest and most complex Indian health care delivery systems, the Cherokees have already started the Self-Governance process within their own medical system, and have a number of individuals with extensive experience working with health care delivery systems, he remarked.

The first task of the project is to "design processes that would allow each individual Tribe to do a budget analysis that would allow them to operate IHS activities in their Area," Danielson explained.

Currently, IHS doesn't allocate funds on a Tribe-by-Tribe basis. Instead, money is allocated to IHS Area Offices, and it is difficult for Tribes to know how much money might be available to them to administer their own health care services.

The Cherokee project group is developing a format that would allow Tribes to identify funds they could access to operate their own programs. "By identifying all of these resources, you put Tribes in the position to negotiate for a final dollar figure," Danielson said.

In addition, the Cherokee project will also take a look at whether IHS funds are being distributed fairly, explaining that "there are large amounts of money for which they don't have an allocation formula."

The group's second task is "the development of some instruments to identify the way IHS allocates resources, and to make determinations whether equity exists for a given location," he said. If funds aren't allocated fairly, the group will

make some suggestions for changes, and then determine whether either legislation or regulation is needed to put the changes into effect, he conjectured.

Danielson said IHS has been very helpful in providing budget information, and project staff already have compiled a lot of information that now must be organized and analyzed.

The planning group is collaborating with Doug Black, IHS Associate Director for the Office of Tribal Affairs. Black says his aim is to help the group "take budget information and translate it into a format that is more understandable and helpful in local planning."

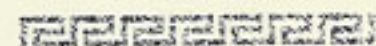
In addition to Danielson, planning group members include Edith Manning, Shoshone-Paiute Tribes, Owyhee NV; Deanna Fairbanks, Mille Lacs Tribe, Onamia, MN; Loretta Bullard, Kawerak, Nome, AK; Henry Cagey, Lummi Nation, Bellingham, WA; and Joe DeLaCruz, Quinault Nation, Taholah, WA.

After the budget data is analyzed, and by the end of the fiscal year, the Cherokee project will have developed a set of documents that will assist Tribes in deciding whether they want to take over the delivery of services now provided by IHS, Danielson said.

If a Tribe decides to proceed, it will be provided information on the IHS budget process, and a system to analyze data so available funds can be identified. The documents will also include sample Self-Governance compacts and funding agreements, he said.

Finally, the documents will also include information on model health care delivery systems put together in a report form, he said.

With these tools in hand, individual Tribes will be able to design systems that will more economically and effectively meet local needs and concerns, Danielson said, adding that, in essence, this is what Self-Governance is all about.



Newsletter Of The Tribal Self-Governance Demonstration Project

This newsletter is a publication of the Tribal Self-Governance Demonstration Project. It is produced and circulated by the project to inform Indian Nations and those affected by Self-Governance about the Tribal Self-Governance Demonstration Project, its goals and its progress. For information, write to:

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Stripping Away Layers Of Bureaucracy

Self-Governance offered an opportunity for Tlingit and Haida to exercise more control over their own programs.



Edward K. Thomas

The Tlingit and Haida Tribes seemed to lose money every time they met with the Bureau of Indian Affairs on budget matters for their Tribal contract programs. So when the Self-Governance Demonstration Project came along, the Tlingit and Haida leadership saw this as an opportunity to change the way the Tribes get funds for their programs.

Edward K. Thomas, President of the Tlingit and Haida Central Council, said, "We were very dissatisfied every time we went to an IPS (Indian Priority System) meeting. The BIA always wanted to reduce our base funding for programs in order to satisfy their own administrative needs."

He said the Tribes endured the IPS, which is part of the BIA budget process, and finally reached a point where they wanted a more fair and logical way of determining the amount of funds allocated annually for their contract programs. Tlingit and Haida envisioned the Self-Governance Project as a way to start stripping away layers of bureaucracy, streamlining an administrative process that was becoming difficult for them to manage.

The Tlingit and Haida were brought together into a Central Council by the Congressional Jurisdiction Act of 1935. For the

purpose of dealing with the federal government, the Council is considered one Tribe, but they are distinct Tribes with different languages, and Tribal members reside in different historical homelands.

Members of the Tribes live in villages on many islands in Southeastern Alaska, and each community has Tribal recognition under the Indian Reorganization Act of 1937.

Self-Governance offered more Tribal control of programs

The Self-Governance Project, said Thomas, offered an opportunity for Tribes to exercise more control over their own programs, and it was important that Tlingit and Haida get in on the ground level of the project.

"We were one of the 10 Tribes involved in getting (Title III of P.L. 100-472, Self-Governance Demonstration Project) enacted...We attended all of the original hearings. We were able to give our input into the designing of the Project. We tried to make it clear that there were no 'sacred cows' in the BIA

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budget, and we (testified) that there should be no Bureau programs inaccessible to the Project," he remarked.

One of the first accomplishments by Tlingit and Haida was a successful effort to strip away some of the BIA bureaucracy that seemed to consistently drain funds from tribal contract programs. Thomas explained, "We were able to get rid of the Southeast Agency (the Alaska BIA agency which serves the Tlingit and Haida region), and eventually convert those administrative dollars to tribal program dollars."

"Now the Southeast Agency no longer exists," he said, remarking that the Central Council was able to assume the Agency functions as part of its regular duties.

The Tribes now deal with the Area Office in Juneau "for those few things that we have to, such as getting approval for drawdown of funds, or for trust services, particularly in realty," Thomas said.

There was, of course, some resistance to the Self-Governance concept, particularly the abolition of the BIA agency, he said. Initially, some Tribes were hesitant about the entire project because they incorrectly linked it to the old block grant method of distributing funds among Tribes. "In the early stages there was concern that this was a block grant and not a demonstration project," he said.

And closer to home, Thomas said there was resistance among some Alaska Natives to abolishing the Southeast Agency. "When you get rid of an agency, you must have 100 percent agreement among the Tribes served by that agency. Some Tribes didn't agree. I guess they felt they needed to have someplace to go to sit down, have a cup of coffee and talk about what's wrong," Thomas said.

Redesigning, administering programs beneficial for Tlingit and Haida

Redesigning and operating certain programs under the Self-Governance Project has been beneficial for Tlingit and Haida, particularly in the management of funds.

When the agency was eliminated, Thomas explained, "Not only were we able to take the agency dollars, but also some Area Office residual dollars as well. Most of the residual money in the BIA Area Office involves trust services and realty functions. Those dollars in trust services we left alone."

Other programs such as the Tribal court, substance abuse program, enrollment, and Indian Child Welfare benefited. "In the case of some, we were able to start a new program, or in the case of Child Welfare, we added another dimension—legal advocacy."

Also benefiting is the Tribes' college scholarship program. Under the old BIA guidelines, a student had to settle for a set scholarship amount even if the financial need and expenses were higher.

"We have changed the way we are required to give out money. We've added new categories of need and academic excellence. Previously, the most a student could get was \$1,600

or \$1,700 for the entire year," Thomas said, and in individual circumstances that was often not enough to keep a student in school.

The Tribes now have incentive programs where students can get a couple of thousand dollars more a year if they qualify, and there is a President's Award scholarship of \$5,000 for the truly achievement-oriented student.

Thomas said one of the important benefits created under the Self-Governance Project is an administrative improvement. Most of the Native communities in Southeast Alaska are isolated, and sharing information about Tribal government and even about other communities is difficult, he said.

Under Self-Governance, a program of community based reporting, involving visiting villages to share information about budgets, contracts and Self-Governance has added meaningful management improvement for Tlingit and Haida.

"We're not out to change everything"

Thomas said the Tribes have deliberately gone about making changes in their programs under the Self-Governance Project. "We're not out to change everything, we're here to do things better. There's not enough money to make drastic changes. We wanted to reduce the layers of bureaucracy and carry out our mission. We felt we were doing a good job already, we just wanted to do a better job," he said.

Self-Governance "allows us to continue to try to expand our existing programs without having Congress reducing appropriations, and by the bureau taking the lion's share of the money," Thomas said.

Dealing with resistance

Not all, of course, has been positive. There has been resistance by BIA employees, he said, "but that is something that the Tribes anticipated in the beginning. I wanted to have regulations passed that would spell out how this system would work."

Thomas explained that if there are no methods of accountability and consequences, people won't do their jobs.

"I wanted that in the Act, but it didn't get in. It didn't even get in the Congressional Record," he said.

Of course not all BIA employees are guilty of resisting the Project, he said, there are good people in the Bureau. Though the Bureau's leadership has voiced support for the Self-Governance concept, there continues to be resistance among some employees in the field.

Tlingit and Haida, as with most other Self-Governance Tribes, has had difficulty getting budget information from the BIA in preparation for negotiation of the Annual Funding Agreement.

For last year's negotiation, Thomas remarked, "We asked for the BIA budget information in 1988, and we didn't get it until May 1991, three weeks before negotiation. In spite of the

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waiting...I was pleased with the information once it was put together. Once it was available, it was useful."

Tribes must be very active to make Self-Governance work

The Self-Governance Demonstration Project is creating changes in the federal bureaucracy, but the Tribes have to also make changes, Thomas said. "We've also got to change with the times. Tribal administration is going to have to be streamlined."

Tribes need to be very active in making the Self-Governance Project work. Thomas said after Tlingit and Haida signed its first Annual Funding Agreement last year, the BIA was 30 days late in delivering funds, which were to enable the Tribes to manage and operate their programs. It appeared the delay was going to be extensive.

Tlingit and Haida subsequently sued the BIA to free up the money under Self-Governance, and the funds were made

available 30 days later. "We couldn't afford to be passive in a situation like that," he said.

As for the overall concept of Self-Governance, Thomas said it has served the needs of the Tribes better than the way they were operating before. "I think it's a step in the right direction. The BIA needs to be open and honest in its effort, the Tribes have to also be open and honest. It has to be a partnership."

"The integrity of a lot of people is at stake. We have to do the best we can for our people and not let egos get in the way," Thomas said.

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