

SOVEREIGN NATIONS

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1994 Spring Self-Governance Conference *"Tribal Self-Governance: The Future is Now"*



Bill Lavell, former Director, Department of Interior Office of Self-Governance and Joe DeLaCruz of the Quinault Indian Nation received special recognition by the Tribal Leadership at the 1994 Spring Self-Governance Conference.

"As Tribal leaders in today's world, we have a formidable task in order to overcome the obstacles that hinder or impede the advancement and strengthening of our Nations. We must keep in mind our forefathers and the great obstacles they had to overcome so that we could be here today to discuss and plan our futures. And, at the same time, we must keep in mind the young and unborn who are relying on our leadership."

Dale Risling, Sr.
Chairman, Hoopa Valley Tribe
Welcome Address
April 4, 1994
San Diego, California

May 1994 Sovereign Nations Issue:

- * House Marks Up H.R. 3508 with Minor Amendments
- * President Clinton Expresses Support for Tribal Self-Governance
- * Ron Brown, Acting Director of the Interior Office of Self-Governance Retires
- * 1994 Spring Self-Governance Conference
- * Statement by Ada E. Deer, Assistant Secretary-Indian Affairs, Department of Interior
- * Will Self-Governance Become Permanent Legislation
- * Sac & Fox Nation/Eight Northern Indian Pueblos Council Inc. Implement Self-Governance Pilot Project with USDA
- * Cocopah Tribe: Deciding Their Own Destiny

HOUSE MARKS UP H.R. 3508 WITH MINOR AMENDMENTS

The House Native American Affairs Subcommittee marked up and reported H.R. 3508, the "Tribal Self-Governance Act" on Tuesday, April 26th with several amendments recommended by the Administration and Tribes. The Subcommittee, rather than considering S. 1618 already passed by the Senate, has moved with deliberate speed to consider Interior Department concerns and issues. Consideration of H.R. 3518 by the full House Committee on Natural Resources is tentatively scheduled for May 18th with possible further amendments regarding the application of Self-Determination provisions to Self-Governance.

Both Native American Affairs Subcommittee Chairman Richardson and Ranking Minority Congressman Thomas expressed full support for the principles of Self-Governance and commitments to pass permanent authorization legislation this year. Basically, the amendments authorize a consortium of Tribes to be treated as a single Tribe for purposes of a Compact if each member Tribe first authorizes consortium participation; requires a Tribal resolution to participate in Self-Governance; allows Tribes to negotiate pass through funds from other Agencies administered by the Interior Department such as roads; provides for the inclusion of programs "which are of special geographic, historical, or cultural significance to the Indian Tribe requesting a Compact;" and, adds "Indians with trust allotments" in the savings clause regarding diminishment of Federal trust responsibilities. This savings provision was added to address concerns expressed at the February 25th Native American Affairs Subcommittee hearing on H.R. 3508 by Tribes whose members have allotments on the Quinault reservation.

RON BROWN, ACTING DIRECTOR OF THE INTERIOR OFFICE OF SELF-GOVERNANCE RETIRES

Ron Brown, Acting Director for the Interior Department's Office of Self-Governance after the January 31st retirement of Bill Lavell, decided to participate in the recently enacted buyout program initiated by the Clinton Administration to streamline the Federal bureaucracy. After twenty-three years of Federal service, including the last three years as Deputy Director for the Office of Self-Governance managing the Northwest Field Office, Brown said, "I'm going to miss all the action and struggles to move Self-Governance forward in the Clinton Administration. Hopefully, I'll be able to continue assisting this historic movement for Indian Affairs from the private sector."

Brown's unexpected departure has heightened Tribal leader's concerns over adequate staffing for the Interior Department's Office of Self-Governance. With only four full-time professionals on board heading into the intensive FY 95 negotiation period, Self-Governance Tribal leaders expressed -

their concerns directly with Assistant Secretary-Indian Affairs Ada Deer in a meeting on Wednesday, April 27th. A suggestion was made to move Karole Overberg, currently Superintendent of the BIA Northern Idaho Agency and most knowledgeable about Self-Governance, into an Acting Director capacity until the Director position can be filled. Assistant Secretary Deer acknowledged the Tribal concerns.

PRESIDENT CLINTON Expresses Support For Tribal Self-Governance in Speech to Tribal Leaders;

Presidential Memorandum Extends Trust Responsibility to All Departments and Agencies

President Clinton and approximately 320 elected Tribal leaders met on the East lawn of the White House on Friday, April 29th for a most historic exchange of issues. After the Tribal leaders presentation, Clinton addressed the gathered Tribal Chairs and made a supportive reference to Tribal Self-Governance. The President said:

"All governments must work together. We must simply be more responsive to the people we serve and to each other. It's the only way we'll be able to do good things with the resources we have. I know that you agree with that. More and more of you are moving to assume fuller control of your governments. Many are moving aggressively to take responsibility for operating your own programs. Each year the Bureau of Indian Affairs is providing more technical services and fewer direct services.

One avenue for greater Tribal control is through Self-Governance contracts. There are about 30 Self-Compacting Tribes today. We're working with Congress to raise that number by 20 Tribes each year. We'd like Self-Governance to become a permanent program. But we must ensure services will still be provided to the smaller Tribes that do not choose to participate."

The President signed two memorandums for the Heads of Executive Departments and Agencies during the meeting involving "Government-to-Government Relations with Native American Tribal Governments" and "Policy Concerning the Distribution of Eagle Feathers for Native American Religious Purposes." The "Government-to-Government" memorandum outlined principles for Federal Departments and Agencies in dealings with Tribal governments through inter-Agency cooperation, consultation, and streamlined programs and services. In his memorandum, the President stated: "I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign Tribal governments." Afterwards, several Tribal leaders concluded that it will be the responsibility of the Tribes, themselves, to make the President's words a working reality.

"TRIBAL SELF-GOVERNANCE: THE FUTURE IS NOW"



Lindsey Manning, Chairman, Duck Valley Shoshone Paiute, addresses a panel at the General Assembly.

Over 240 participants, including representation by 60 Tribes, attended the Annual Spring Self-Governance Conference April 4-6, 1994, in San Diego, Calif., entitled "Tribal Self-Governance: The Future is Now."

The Self-Governance Conference opened with an orientation and question and answer session for newcomers.

William Lavell, former Director, Department of Interior Office of Self-Governance, said the biggest problem of Self-Governance has been "a breach of faith." He said this is what Self-Governance Demonstration was set up to do: First, with the Federal government, more service delivery for the same amount of dollars; secondly, find out if the services delivered will be more responsive to the needs of the reservation.

Joe DeLaCruz of the Quinault Nation said "Self-Governance is here to stay." Lynda Jolly, Quinault Self-Governance Coordinator spoke about the planning, negotiations, and implementation at Quinault. She said they learned a lot during negotiations and that "its not always what it appears to be." Jolly concluded that Tribal representatives should "be prepared to fight."

Ron E. Harris, Sr., Sac and Fox Nation Committee Member provided the conference invocation. Opening session host, Henry Cagey, Chairman of the Lummi Nation, said "I would like to encourage the Tribes to participate in the conference and its breakout sessions. This is your conference." After a self-introduction by Tribal leaders in the audience, Cagey said its up to the officials to get involved in Self-Governance. "Its historical . . . its new . . . its not that complicated." This is a Tribally driven conference and it is your meeting."

Ron Allen, Chairman of the Jamestown S'Klallam Tribe, said this is not a war, but one of the battles, and there are a lot of issues. "It is important that we be focused. Self-Governance is exciting for us all."

Ron Brown, Acting Director, DOI Office of Self-Governance advised the audience, "You are going to solve the problems. We're close to permanent legislation for Self-Governance. This is your program, it will be under your control, as long as I'm Director."

Reuben Howard, Acting Director, IHS Office of Tribal Self-Governance gave a slide presentation discussing the Fiscal Year 1994 Self-Governance Negotiation Grants. Howard said 29 proposals were submitted, and six Compact representatives were involved with the rating. The Office of Tribal Self-Governance (OTSG) forwarded the recommendations for the Director's approval, including a slot for an All-Alaska Compact. The Director approved the recommendation April 1, 1994, and notifications were sent to the Tribes. Those Tribes included: Kaw Nation; Fond Du Lac; Squaxin Island; Choctaw Nation; Duck Valley; Mississippi Band of Choctaw; Chippewa Cree; Quinault; Chickasaw; Quechan; Sault Ste. Marie; Wyandotte; Penobscot; Grand Ronde; Coeur d'Alene; and an All Alaska Compact. The IHS Area Offices include: Alaska-1; Bemidji-2; Billings-1; Nashville-2; Oklahoma-4; Phoenix-2; and Portland-4.

Welcoming Address

Dale Risling, Sr., Chairman of the Hoopa Valley Tribe gave the welcoming address, the following are highlights:

There is so much happening in Indian affairs today that I am surprised, but happy, to see so many leaders present. It was also difficult for me, members of my Council and staff to attend, but Self-Governance is such an integral and important part of our government that we made time for this important conference.

During the past two centuries, our people have struggled and survived dozens of major Federal Indian reform programs. Today, we are here to talk about the latest reform in Federal/Indian relations; Self-Governance.

After six years of Tribal planning and successful implementation, Self-Governance, which began as a demonstration project in 1988, is likely to become permanent under authorization legislation this year.

For some of the Tribes, such as Hoopa, the decision to enter into the project in 1988 was due to frustration with the BIA system, inadequate funding, and the poor Tribal/Federal relationship that we were experiencing.

Even with a favorable Tribal attitude, changes within government comes about with great difficulty.

An attractive feature of Self-Governance is that it is an optional way for Tribes to do business with the Federal government. A Tribe may be comfortable and satisfied with their current arrangements with the government and may choose not to go Self-Governance. Or, once a Tribe enters into a Compact, they may retrocede all or part of the Compact at any time.

*"Tribal Self-Governance:
The Future is Now" Welcome
Address by Chairman Risling
continued:*

Another feature about Self-Governance which makes it different from other past Federal reform, is that it is a Tribally driven initiative. Tribal leaders have been in the drivers seat from the beginning, in the designing and development of Self-Governance.

There are no "experts" on Self-Governance. We are in the infancy stage and still learning and developing. It is important to realize that Self-Governance has a lot of growth ahead. Today, we are only dealing with two agencies of the Federal government and there are many more to expand to and bring under our Compacts, such as HUD, EPA, DOL, and Agriculture.

Obstacles

To date, we have faced many obstacles in the planning, negotiation and implementation of Self-Governance. We have had success in overcoming many of them; however, much work still needs to be done. For example, at Hoopa, we were told that we could not bring certain pass through and trust programs under our Compacts, such as road construction and fire suppression. After months of intense negotiation, we succeeded and brought them into our Compact.

To date, we have not been presented with a true national budget from the BIA or IHS so that we can identify our true Tribal shares. And, we have found that there are no national funding distribution formulas. Funding distribution by these agencies is mainly what is referred to as "traditionally based." There is no rhyme or reason for this process. After our Compacts have been negotiated, we see consultant contracts or other special projects issued that were never identified or laid on the table during our negotiations. There are large pools of discretionary funds that are not being revealed to us.

Unfortunately, there is opposition and obstruction within the agencies, from bureaucrats who oppose Self-Governance and spread mis-information

within the system and to non-Self-Governance Tribes. They mis-inform Tribes that Self-Governance is the reason that certain services cannot be continued or that Self-Governance is the reason for their budget reductions. Yet, they fail to mention that all Self-Governance annual budgets are circulated to Tribes within their BIA Agencies for comment or challenge or that Title III makes it unlawful for Self-Governance Tribes to negatively impact another Tribe financially.

Clinton Health Security Act

The Clinton Health Security Act presents some serious and unresolved issues on how Tribal and IHS services centers will interface with the plan, or how Tribal and IHS hospitals and clinics will be able to compete with other health care providers under this new proposal.

Self-Governance calls for Federal Agency restructuring and downsizing as Compacts are negotiated and funds and functions are shifted to Tribes. This is one of the methods that was chosen by Congress to reverse the pyramid of only one dollar out of ten going out to Indian Country. Instead of downsizing and restructuring under Self-Governance and putting the nine dollars out of ten back into Indian Country, what happened? The Administration beat us to the punch or cut us off at the pass, as they say; they are now doing the downsizing and restructuring to budgets available under Self-Governance and are channeling these dollars into their Treasury coffers to offset their national debt.

In addition to the problems and obstacles we encounter with Self-Governance and health care reform, we now see attempts by the U.S. to challenge the jurisdiction, authority and sovereignty of Tribal Governments. In a January 14, 1994 BIA letter to House Committee on Natural Resources Chairman Miller, the Administration's designation of historic and non-historic Tribes has the potential of destroying the nature of sovereign powers of IRA Tribes across the Nation.

In any event, Tribes must move forward with or without Administration support or commitment.

Once Self-Governance becomes permanent legislation, I believe it will be taken more seriously by Federal agencies. It will no longer be just another demonstration project which is temporary in nature and short-lived.

To date under Self-Governance, the Federal government has not set out a process for waiving unnecessary regulations under Self-Governance Compacts. The waiver of regulations that becomes obstacles or impede the advancement of Tribes under Self-Governance is provided for under Title III. Under permanent legislation, we are proposing that this process be termed "regulatory reform," instead of waiver of regulations, and that waivers be negotiated with annual agreements or prior to the regulations becoming an obstacle. When a Tribe is forced to request a waiver from the Federal government, we are placed in a disadvantaged position. If we identify the regulation to be waived up front and go through the negotiation process, the Tribes will be on a more even playing field with the Federal agencies.

One of the greatest problems that Self-Governance Tribes have encountered since 1988 is the continued attempts by Federal bureaucrats to nationalize or standardize formulas and methods for dealing with Tribal Compacts.

Self-Governance Tribes insisted that the Office of Self-Governance be placed in the Secretary of the Interior's Office above and out of reach of the BIA, so we were able to obtain fair government-to-government negotiations and Compacts. We prevailed, but unfortunately, the functions of that Office have been allowed to slip back into the hands and control of the BIA. This issue must be addressed immediately and corrected. The OSG within the IHS should be elevated to the Secretary's level and should not be controlled by the Council of Associate and Area Directors, or CAAD. Self-Governance Tribes have been meeting with HHS officials regarding this matter and are seeking a meeting with Secretary Shalala regarding these policies.

"Tribal Self-Governance: The Future is Now"
Welcome Address by Chairman Risling continued:

To meet the challenges ahead and clear the path for Self-Determination and Self-Governance, Tribes must work, plan and share together such as we are doing here. We must support and encourage all of our Tribal Nations to put in place strong governmental infrastructure. This includes properly ratified constitutions and enrollment standards, Tribal regulatory systems, courts and law enforcement. We must all take an honest and objective look at our existing governments and constitutions, identify and commit ourselves to correcting the weak areas. We must put in place processes and procedures that will bring about trust, confidence, and respect for our governments from our memberships. This includes assurances of membership input in significant Tribal activities, effective communication, due process, and appropriate checks and balances within the governmental operations. When this level of government is accomplished, stability and continuity in leadership will occur naturally.

Self-Governance is a mechanism that can assist Tribal Nations in advancing their governments into the future. We need to ensure that Self-Governance becomes the new way of doing business between Indian Nations and the Federal Government that Congress and the Tribes intended it to be. We need to assure that Self-Governance is implemented in a way that each Tribal Compact is designed to meet the specific and unique needs of the individual Compacting Tribes. Self-Governance must remain flexible and we must make sure that it streamlines Federal/Indian relations as Congress intended. We need to promote and maintain policies to assure that Self-Governance does not become "bogged down and stymied" in Federal rules and bureaucracy, which would violate the intention of Congress and Tribal Nations.

After Risling's well-received speech, several panels and speakers provided views on Self-Governance. Highlights included:

Improve the Overall Health

Dr. Michael Trujillo, Director, Indian Health Service, in his remarks noted: "Self-Governance is a creative process that will be productive for the Tribes."

Trujillo said this was an important era of health care reform and that he hopes to work with the Tribes in an open manner, as the overall goal is to improve the overall health of Indian people." He expressed that availability of resources will be an ongoing concern. We need quality data. Self-Governance is an essential concept.

"If we can be successful, there are other arenas. We would like to visit other regions, sit down with individual Tribes, discussing issues, because we need to go forward," said Trujillo.

Dr. Ron Wahlberg, Chief Medical Officer, Bemidji Area Office gave a slide presentation about the Incidence First Lower Extremity Amputation Due to Diabetes. "What excites me about Self-Governance is we can start focusing on the quality care of Indian people," he concluded.

Dr. Kathleen Annette, Director, Bemidji Area Office, said she has visited all 29 Tribes in the Bemidji Area Office. There are two Self-Governance Tribes in the area. She said basic questions to ask the Tribes including: What is inherently Federal? What is trust responsibility? And what kind of structure is necessary to carry that out?

Henry Cagey, Chairman of the Lummi Nation said its getting difficult to work with IHS. "The negotiations are incomplete and some budget issues are not being discussed. How do we get past this? There are levels of frustration of the Tribes. There has to be a better way to meet our people's health needs."

Karole Overberg, Superintendent, BIA Northern Idaho Agency, said everybody looks at Self-Governance differently. "I do feel this administration supports Self-Governance. The Tribes continue to take the lead," he said.

He said recently the BIA has been in the process of looking at changes of how they do business with the Tribes. "How do we want the direction of the BIA to go. Self-Governance is the wave of the future."

"We could improve in the area of being able to listen. The key is for the BIA to be flexible, listen to the Tribes as to what they want. Self-Governance is going to become permanent," Overberg concluded.

Joe DeLaCruz, Quinault Indian Nation, said the Tribes must move forward, but move slowly. "We have a long way to go. Our people never did give up our rights."

DeLaCruz said there has been six generations of paternalism. Change is hard. "We all need to be together in a partnership to make it better for our people," he said.

Dan Lewis, Minority Staff Director, Senate Committee on Indian Affairs confirmed, "We will see permanent legislation signed."

The day concluded with the Sycuan Tribe hosting a reception. See article "Special Recognition: Bill Lavell and Joe DeLaCruz."

*"Self-Governance is the
wave of the future."*

SPECIAL RECOGNITION *Bill Lavell and Joe DeLaCruz*

Two leaders were recognized for their contributions to Indian Country. Bill Lavell, former Director, Department of Interior Office of Self-Governance and Joe DeLaCruz of the Quinault Indian Nation were honored on April 4th at the Pan Pacific Hotel.

Daniel Tucker, Sycuan Tribal Chairman welcomed all the Tribal leadership as the host Tribe at the reception.

Lavell said, "I am overwhelmed, its been a real privilege to work with Indians."

He went on to say, "You people will make it work." Lavell said his staff has been a real help. He acknowledged his wife, Joan, who was in the audience, thanking her for all her support.

Lavell received a number of gifts from Tribal leaders from throughout the U.S. "I look forward to sharing in your successes," he said.

Tribal leaders shared stories about DeLaCruz. There was a clear message . . . "A strong voice for Tribal sovereignty."

Joe DeLaCruz stepped down as President for the Quinault Nation recently after three decades of service to his people.

Dale Risling, Chairman of the Hoopa Valley Tribe, said Joe is a protector of our sovereignty, and a teacher of sovereignty. "May our trails meet again, Joe."

Karen Ekstrom of the Mille Lacs Band said, "Thank you for your leadership, especially in Self-Governance."

Joe Tallakson of SENSE, Inc., said, "He taught me a lot about life. He taught me you never give up. He gave me a foundation I'll never forget."

DeLaCruz also received beautiful gifts from Tribal leaders from throughout Indian Country.

"Since 1967, I've been involved with exciting things. Tribes of Self-Governance need to caucus, network, and communicate. It's a matter of where our children and grandchildren will be in the future," DeLaCruz said.



Joe DeLaCruz is presented a painting by Ron Allen, Chairman of the Jamestown S'Klallam Tribe.

APPRECIATION TO SYCUAN TRIBE

To the Honorable Chairman Daniel Tucker,

On behalf of the Tribes, we would like to extend a grateful appreciation for the hospitality that you have demonstrated to the 1994 Spring Self-Governance Conference.

We honored two leaders, Bill Lavell, former Director, Department of Interior Office of Self-Governance and a lifetime advocate for Indian Country and the renowned Joe DeLaCruz, former President of the Quinault Indian Nation and Tribal Leader. This reception was a very special evening for all.

We were able to enjoy an evening honoring these individuals, because of the hospitality that your Tribe has shown. Again, we would like to thank you for giving us such a gracious welcome and may our paths always meet in harmony.

"Tribal Self-Governance: The Future is Now"
continued:

Day Two - April 5th

John Sunchild Sr., Chairman of the Chippewa Cree Tribe began the General Assembly on April 5th with an invocation, singing a song about an eagle flying to the sun with wisdom, courage, and bravery.

Joe DeLaCruz, Quinault Indian Nation, and William Lavell, former Director, Department of Interior Office of Self-Governance spoke about the Past, Present and Future of Self-Governance. Both acknowledged the audience for the recognition they received at the reception.

DeLaCruz said we need to understand that "green book" (B.I.A. Budget Justification) and know where every penny goes.

Lavell said, "Keep in mind your history, have no doubts, and never despair." His advice to the Federal officials, "Make your actions fit your words." The success in a program lies upon attitude.

He said, "In government, there is always a solution. How do we motivate our people to make Self-Governance work? The implementation of Self-Governance is an act of democracy."

"It has been a real pleasure working with all of you. You are all in my heart and will remain there," concluded Lavell.

The keynote address by Dr. Jo Ivey Boufford, Principal Deputy Assistant Secretary for Health followed.

"We in the Department are committed to working with you to facilitate this Tribally driven initiative in every possible way."

*"Tribal Self-Governance: The Future is Now"
Day Two - April 5th continued:*

The following are highlights of a keynote address by Jo Ivey Boufford, M.D., Principal Deputy Assistant Secretary for Health, April 5, 1994, at the 1994 Spring Self-Governance Conference held in San Diego, California:

Thank you for inviting me to participate in this important meeting on Self-Governance.

I am here primarily to learn and look forward to listening to your issues and concerns and carrying them back to Dr. Lee and the Secretary.

This meeting is an important addition to a series of regional meetings that I have participated in with Dr. Lee around the country. We have been to Albuquerque, and have met with Southwestern Tribes; Eastern and Southern Tribes in Washington, D.C.; Northwestern Tribes in Portland, Oregon; and next a regional meeting with the Aberdeen Area Tribes in Billings, Montana.

These regional forums will culminate in a national meeting in late May in Washington, D.C.

We must use these opportunities to make sure the IHS and the Tribal health programs can take advantage of this historic opportunity, both of the President's Health Security Act and the new Administration to build on what is best about our health care system and fix what is wrong.

In many ways, the historic approach to Indian Health programs is a model for what we hope to achieve in Health Care Reform.

You have long combined disease prevention and health promotion with direct clinical services emphasizing primary care and community based care. Attention to environmental, sanitation, and broad public health concerns are critical to achieving a broader concept of health and they are an important part of Indian Country health services. Finally, the striving for culturally sensitive care combining traditional healing and spiritual values with modern medical interventions represents a kind of holistic approach missing in much of the health care delivery system.

The leadership represented by those Tribes who have chosen to embark on the path of Self-Governance adds the critical dimension of community responsiveness and control envisioned in the Health Security Act -- the goal to empower communities to shape their own programs to meet their own needs. We in the Department are committed to working with you to facilitate this Tribally driven initiative in every possible way.

As you spend these days working through the detailed programs needed to assure the effective implementation of -

Self-Governance in both the Department of Interior and Department of Health and Human Services, it is important to consider the new context of Health Care Reform and its opportunities.

The Health Security Act is committed to respecting Tribal sovereignty. The idea of inherent Tribal sovereignty has come to serve as the basis for contemporary U.S. - Indian Government relations. It is a recognition in law that Indian societies were here first.

The Health Security Act is in no way intended to interfere with a Tribe's choice to retain or establish its own health system.

* The intent of the legislation is to accommodate the range of systems Tribes define.

* And, all parts of the legislation pertaining to Indian health must be carefully reviewed during this period of debate.

* And proposed revisions to the Act need to be communicated to us and to Congress at the earliest possible time.

The leadership represented by those Tribes who have chosen to embark on the path of Self-Governance adds the critical dimension of community responsiveness and control envisioned in the Health Security Act -- the goal to empower communities to shape their own programs to meet their own needs.

This is important because the Health Security Act reaffirms the unique Federal role and responsibility for health care to Indian people by creating special provisions in Title VII, Subtitle D and by retaining applicable existing Federal statutes related to health.

These are difficult times in government and we must work hard to identify our priorities and use the resources we have most effectively.

This seems to me the essence of the Self-Governance concept - that is to allow Tribes who wish it, to identify their priorities and use their available resources most effectively.

By my presence here, and the meetings Dr. Lee is holding around the country, we hope to demonstrate our commitment to work with Tribal leaders in choosing your preferred relationship with the U.S. government for health services. And, with the new leader of the Indian Health Service, we seek not only to learn to problem-solve together, but also to deliver on a promise of better health for Indian people. We should hold each other accountable for this action.

"Tribal Self-Governance: The Future is Now"
Day Two - April 5th continued:

There were concurrent sessions during the day as priority topics, including: IHS Finance and Budget; BIA/IHS Office of Self-Governance; BIA/IHS Restructuring-Policy Discussion; BIA/IHS Residual/Inherent Federal Functions Discussion; Calendar/Fiscal Year Trust Resource Reviews; Alternative Trust Transactions; Update on DOI Self-Governance Policy; Tribal Leader Discussion with Dr. Jo Ivey Boufford.

A Work Group Summary Session; reviewed the individual sessions and collectively determined action strategies.

A Self-Governance Coordinator's informal Get Together and a Tribal Issues Round Table were held during the early evening.



Self-Governance Coordinators, such as Carol Nuttle of the Kaw Nation of Oklahoma introduced themselves to the group.

Day Three - April 6th

Edwin Tafoya of Santa Clara Pueblo gave the invocation at the General Assembly on April 6th. Followed by Niles Cesar, Director, BIA Juneau Area Office and Chairman of the BIA Self-Governance Work Group gave a status report of the Group's purpose and plans.

Under a directive from the Acting Deputy Commissioner of Indian Affairs, a Self-Governance Work Group was established. The work group is to examine seven specific issues: Core Functions; Delegation of Authority; Nationwide criteria for distribution of resources; Shortfall/Restructuring/Administrative issues; Compact issues and Annual Funding Agreement review; and Retention of Central Office Functions.

Each of the Area Offices were assigned a subject of study most closely related to the resources they address. The basic assumption is that 100% of Tribes with compacts in their areas (e.g. Forestry for Portland Area; Agriculture and Real Estate for Aberdeen Area, etc.), and what core functions will remain. The concurrent sessions included: BIA Finance and Budget; Self-Governance Administration and Management.

The individual sessions were reviewed, action strategies determined, and they will appear in a future Sovereign Nations newsletter.

**Sac and Fox Nation & Eight
Northern Indian Pueblos Council,
Inc. Implement Self-Governance
Pilot Project with USDA**

Although the Department of Agriculture - Food and Nutrition Service (FNS) does not come under the Self-Governance provisions of P.L. 100-472, Title III or subsequent bills, the FNS Southwest Region (Dallas, Texas) implemented a Tribally driven special project for the Food Distribution Program on Indian Reservations (FDPIR) to emulate the concepts of Self-Governance. The general purpose of the project was to establish a new approach to inter-governmental relations and develop new methodologies for program management that would ultimately improve service delivery for the project and the other Food Distribution Programs in the Southwest Region (SWRO). The project was implemented on October 1, 1992, by the Sac and Fox Nation and the Eight Northern Indian Pueblos Council, Inc., and has been re-authorized by the Southwest Regional Administrator for an additional two years.

The implementation of this project resulted in significant and unprecedented changes in the manner in which the SWRO dealt with Native American affairs:

**SELF-GOVERNANCE PROJECT
PARTICIPANTS**

- * Allowed program directors to deal with issues in an expeditious and local specific manner.
- * Resulted in improved client services and benefit delivery procedures.
- * Resulted in improved accountability and program oversight at the local level.
- * Resulted in improved efficiency in which programs utilize their program funds.

ALL SOUTHWEST REGION TRIBES

- * The concepts of Self-Governance and government-to-government relationship were embraced by the region to the extent that on November 17, 1992, an Office of Native Programs (ONAP) was established to ensure that the Regional dealt with **all** Tribes in a politically and culturally sensitive manner.
- * An advisory committee composed of Tribal representatives from FDPIR and Nutrition Program for the Elderly (NPE) Title-VI programs has been established to guide ONAP in its dealings with Tribal Governments.
- * All Program Directors were given additional latitude and funds to set their own funding and program priorities.
- * Policy and funding issues are addressed in a more expeditious and streamlined manner.
- * Coordination with WIC, School Lunch Program, and NPE Title-VI has resulted in improved client service to all program participants.

Sac and Fox Nation & Eight Northern Pueblos Council, Inc. Implement Self-Governance Pilot Project with USDA article continued:

A copy of the FY 1993 Annual Assessment of this project was distributed by the Sac and Fox Nation during the Annual Spring Self-Governance Conference in San Diego, California. This Assessment provides an in-depth description of the Project's design, accomplishments and impact on the Southwest Region's approach to Native American Affairs. For additional information on this project or copies of the FY 1993 Assessment, please contact Sac and Fox Nation's Community Services Director, Ms. Eugenia Tyner-Dawson at (918) 968-3526; or Eight Northern Indian Pueblos Council, Inc., FDPIR Director, Mr. Victor O. Lujan at (505) 455-2288; or ONAP Regional Director, Mr. Ismael (Chuck) Tercero at (214) 767-2146.

Statement of Ms. Ada E. Deer, Assistant Secretary-Indian Affairs, Department of the Interior, Before the House Subcommittee on Native American Affairs, United States House of Representatives, on H.R. 3508, "Tribal Self-Governance Act" dated February 25, 1994 . . .

a Bill to provide for Tribal Self-Governance and for other Purposes.

Good morning Mr. Chairman and Members of the Committee. I appreciate the opportunity to present the Department's views on H.R. 3508 and S. 1618, regarding Tribal Self-Governance. The Department strongly supports the enactment of this legislation.

As former chairperson of the Menominee Nation, I know first hand how important it is for a Tribe's government to have control over sufficient resources to meet the needs of its people. I have engaged in numerous discussions over the years with Tribal leaders about the need for a more balanced relationship with the United States. I want to do everything I possibly can to assist Tribes in preparing for the 21st century.

Mr. Chairman, I have two over-arching recommendations. First, the Self-Governance Demonstration Project should be made permanent and available to more Tribes. Second, I am proposing that this legislation be separated from the Indian Self-Determination Act and enacted as a free-standing law. I believe that the policy of Self-Governance is the most significant Federal policy for Tribes since the Indian Reorganization Act of 1934. Self-Governance will be the policy that will guide the relationship between the Federal government and Tribes into the 21st century. Creating a separate public law for a permanent Self-Governance program would symbolize its importance.

We believe that recognizing Tribal Self-Governance and self-determination is our greatest responsibility in our Federal trust relationship with Indian Tribes. We see Self-Governance as a crucial step in making self-determination a reality. Self-governance makes Tribal governments closer and more accountable to the political processes of those they govern.

In the demonstration phase of Tribal Self-Governance, we have seen numerous benefits to participating Tribes. Paper work for Tribes and the Bureau has been minimized. Tribal social services and law enforcement have witnessed increased cooperation. Preliminary evidence indicates that voter participation in the Lummi Nation has increased dramatically under the Self-Governance Compact--from 20 percent before the Compact to 58 percent after the Compact--a clear indication that the people feel they have a stake in their government.

Let's also be candid. As originally designed, the Self-Governance Demonstration Project was justified because it would streamline the Bureau and eliminate unnecessary bureaucracy. It has done just that. As the program continues to expand, it is inevitable that certain programs administered by the Bureau in accordance with our Federal relationship will be affected and, in some cases, curtailed. While I want to accelerate the trend toward Self-Governance, I wish to respect the rights of those Tribes that choose not to participate. Thus, it is critical that support for non-participating Tribes be maintained.

Section 407 of the bill provides for negotiated rulemaking between the Department and a majority of participating Tribes. We have serious concerns about restricting the negotiations to participating Tribes. Mandating negotiated rulemaking in this context would result in a cumbersome, unworkable process that likely will not adequately represent all interests. We recommend the administrative formal rulemaking process to provide an open forum for all interested parties, including potentially affected non-participating Tribes.

Finally, I would like to inform you that the Department has undertaken a comprehensive study of the demonstration project, the results of which are expected by June of this year. I am hopeful that this legislation will move at a deliberate pace so that our respective staffs can work together to address any unresolved issues. The Department will propose necessary amendments to address these issues and provide for the effective implementation of the program.

Among other matters, the Administration and the Congress, in consultation with the Tribes, must address the Federal relationship and trust responsibility to Tribes and individual Indians in the context of Self-Governance and this legislation, and the proper scope of the program. Also, the Department is considering the proper application of standards for ensuring public health and safety and quality control in the context of Self-Governance Compacts for certain programs such as construction. Beginning today, I look forward to continuing to work with the Committee on these and other matters.

Again, thank you for inviting me to present the Department's views on this important legislation. At this time I would be glad to answer any questions you may have.

Lyn Dennis, Editor, interviewed Dan Lewis at the Annual 1994 Spring Self-Governance Conference in San Diego, California...

"This began as a Tribal initiative and has to remain a Tribal initiative."

Dan Lewis, Minority Staff Director, appointed by Senator McCain.



(left to right) Paul Alexander, Attorney, Dan Lewis, Minority Staff Director, Joe Tallakson, SENSE, Inc., and Phil Baker-Shenk, Attorney, gave a Self-Governance permanent authorization legislation update during the General Assembly.

Dan Lewis is an enrolled member of the Navajo Nation and has worked in Washington, D.C. for the past 11 years. His experience has been a Tribal Lobbyist for the Navajo Nation, Director of the Bureau of Indian Affairs' Office of Congressional and Legislative Affairs, and is currently serving as the Minority Staff Director for the Senate Committee on Indian Affairs.

Since you've been on the hill, how have you seen Self-Governance evolve?

"Self-governance evolved fairly quickly. The Self-Governance Demonstration Project was authorized in 1988 at the same time that the Congress enacted legislation to streamline 638 regulations. It's interesting that we are now on the verge of enacting permanent Self-Governance legislation and we're still waiting for the BIA and IHS to issue final 638 regulations. Initially, there was the perception that Self-Governance would lead to termination. I think that issue has been overcome and will not resurface as long as the participating Tribes continue to educate their Tribal members, other Indian Tribes, and members of Congress about Self-Governance."

This began as a Tribal initiative and has to remain a Tribal initiative. The moment Self-Governance is not a Tribal initiative is the moment Self-Governance becomes another Federal program. And the Federal bureaucrats would like nothing better. But I've got news for them, it's not going to happen."

What is the future of Self-Governance in the eyes of Congress?

"Very strong bi-partisan support in Congress. Congress is frustrated at the inability of the Federal agencies to operate programs and services in a manner that truly benefits the Indian people."

Under Self-Governance, the Tribes have come to the Congress with their own initiative and have said: "Give us a chance to utilize Federal resources according to our own goals and objectives." Lewis said he sees continued strong support in the Congress.

He said it is important for the Self-Governance Tribes to keep members of Congress informed about the positive aspects and obstacles of Self-Governance. By keeping the Congress informed, Tribes not only have the opportunity to increase the number of Congressional proponents, but it also helps to ensure that Federal funding is maintained for Indian programs.

When is permanent legislation going to be passed?

"Either the end of April or early May. The permanent legislation has already passed the Senate and is now pending in the House of Representatives. I am pleased that the legislation has moved fairly quickly. Hopefully, the House will follow the example set by the Senate."

When do you see Federal legislation expanding to other Federal agencies and how?

"It will occur on a case-by-case basis. It's best that the Tribes work to stabilize Self-Governance at the Bureau of Indian Affairs and the Indian Health Service. Other Federal agencies, for better or worse, will look to the BIA and the IHS for guidance on how they should handle Self-Governance. Consequently, it's critical to place Self-Governance on a solid foundation. If you expand too rapidly, it could harm Self-Governance."

*Design, Layout & Reporting by
Lyn D. Dennis
Lummi Nation*

COCOPAH INDIAN RESERVATION

"Self-Governance will be another step for Tribes in deciding their own destiny."



"Twenty-three years ago in LOOK magazine, June 1970, Cocopah was listed as one of the ten poorest Tribes in the U.S. Now it is a Tribe providing for their people and just a step away from Self-Governance," said Bob Kennerly, Self-Governance Coordinator/Planner for the Cocopah Tribe.

Kennerly said their experience of planning for Self-Governance has been good. "The Self-Governance Tribes have been very helpful to the new Self-Governance Tribes. They are carrying the banner."

The Cocopah Tribe sat in on the negotiations with their Area office observing Duck Valley; Duck Water and Ely Shoshone. "It was helpful to us in knowing what to do when our time comes for negotiations," Kennerly added this is an example of Inter-Tribal cooperation.

Kennerly said they will be planning negotiations, submitting a proposal for their Compact - - the Annual Funding Agreement.

"What is key in Self-Governance is the Tribal Council will have the authority to budget and spend funds without restrictions; then, you have to be accountable for those funds. This is a new responsibility and part of the independence of being a government," said Kennerly.

"This is a great opportunity for the Tribes to be finally recognized as a government and be able to function as a true government," he said.

"Self-Governance will be another step for Tribes in deciding their own destiny," concluded Kennerly.

Background

The Cocopah Tribe is located in Somerton, Arizona, consisting of 750 Tribal members, including three reservations.

The Cocopah Indian Reservation was established through Executive Order No. 2711 by President Woodrow Wilson on September 27, 1917. This Executive Order established the West and East Reservation with approximately 1,772 acres.

On April 18, 1985, President Reagan signed the Cocopah Land Acquisition law which increased the Cocopah Reservation by nearly 4,237 acres, including the establishment of a third separate reservation of 600 acres.

The community is governed by a Cocopah Tribal Chairman; Vice-Chairman; and three Council members.

Economy

* The Tribal economy traditionally relies on agriculture including mainstay grain and vegetable crops. Since agriculture is very important to the Cocopah economy, with about 1,600 acres of irrigated land on the reservation. Approximately 900 acres of land are farmed through land leases to non-Indians.

* With the acquisition of 4,000 acres of land in 1985, the Tribe started several new businesses and developments. In 1987, a convenience store, gas station, smoke shop and the Cocopah Bingo Hall were opened in joint ventures with private developers. Job opportunities were created for Tribal members, along with a goal in mind . . . self-sufficiency for the Cocopah Tribe.

* The Tribe operates a bingo hall and casino directly under a gaming compact with the State of Arizona. The 40,000 square foot facility offers slot machines and a 500 seated capacity bingo hall.

* The Cocopah Bend Recreational Vehicle Resort is four miles from downtown Yuma, Arizona. The resort has full hook-ups, on-site management, and a full-time activity director. Amenities include an 18-hole golf course, olympic-size swimming pool, tennis courts, community building and dance hall. Initially under contracted management, this will soon be a Tribal operated facility.

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 U.S. We believe that excellence in related communication and education is fundamental to the achievement of these goals.

We encourage your input. For information contact:
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Self-Governance Photo Collection

A collection of photos are currently being compiled of "Who's Who in Self-Governance." Lyn Dennis, Editor, took photos of participants at the 1994 Spring Self-Governance Conference in San Diego, California, recently.

I HOLD THE KEY

*I've spent my lifetime waiting-
For someone to set me free.
I could not grow-
I did not know,
That in my hand-
I held the key.*

"This is Yakutat"
Fiction by KADASHAN
Essays by NAATS'KEEK



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