

# Sovereign Nations

NEWSLETTER OF TRIBAL SELF-GOVERNANCE

Sept. /Oct. 1998



*The Muskogee Metal Works is just one of the many Poarch Creek business enterprises.*

## Poarch Creek Tribe Enters Self-Governance Before Moratorium

When the Poarch Band of Creek Indians negotiated their first Self-Governance Compact and Annual Funding Agreement last summer, they didn't realize they might be the last Tribe allowed in before Congress enacted a moratorium on new Self-Governance Tribes. The moratorium was enacted, pending a solution to the contract support cost budget shortages, which Congress has been unwilling to increase. Tribal Vice-Chairman Buford Rolin says the moratorium "goes against everything

President Clinton promised in his executive orders", and does not allow Tribes the right to exercise their sovereignty.

While the moratorium on new Self-Governance Tribes has frustrated the Poarch Creek Band of Indians, they still have a history rich in self-sufficiency and feel Self-Governance is a natural progression in the management of their Tribal programs. The Tribe entered into and completed Self-Governance negotiations with the Indian Health Service (IHS) for FY 1999.

The Poarch Creek Band of Creek Indians is a segment of the original Creek Nation that once occupied a territory covering nearly all of Georgia and Alabama. After living for hundreds of years in peace, the War of 1812 created a division between a party of Upper Creeks hostile to the U.S. government and a group of Upper and Lower Creeks friendly to the U.S. When hostilities climaxed between the two during the years of 1813 and 1814, U.S. assistance ensured the victory of the friendly Creeks.

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# Tribes Bid Farewell to Congressman Yates

*Congressman Sidney Yates will end over 50 years of politics when he retires from his current term as Congressman of the 9<sup>th</sup> Congressional District of Illinois. Congressman Yates has been a long-time friend of American Indian Tribes as well as a strong promoter of environmental and arts issues. The Self-Governance Tribes owe a great deal of gratitude to Congressman Yates and wish to thank him in the following open letter:*

## **The Honorable Sidney R. Yates:**

It has been a long and productive relationship and we are forever grateful that you were in the right place with your keen mind and personal commitment at a critical time in the development of federal - Indian policy.

For many years Tribal Leaders trekked to Washington to plead for funds for Indian programs only to find those funds mismanaged by federal bureaucracies. When the Arizona Republic produced its series of articles, "Fraud in Indian Country", a pivotal turning point was at hand. Under your leadership an Oversight Hearing was held to investigate the allegations of waste and mismanagement in the federal bureaucracy. By focusing on solutions and challenging the responsible federal officials to work with the tribal leadership to solve problems, you helped set in place the process that has transformed the provision of services in Indian Country.

The federal bureaucracy proposed that in return for Tribes waiving the federal trust responsibility and in effect the government - to - government relationship, federally appropriated funds would be turned over to Tribes to manage their own affairs. Tribes rejected this "terminationist" proposition. Instead, Tribes proposed to develop a demonstration project whereby funds would be transferred to the Reservation level while maintaining the federal - Indian relationship. As the first congressional

*(Continued on page 3)*



***"Great Men Like Great Nations, Honor Their Words. The Honorable Sidney R. Yates has made his mark in the history of American Indians and Alaskan Natives as a Great Man. We honor and respect you."***





## Congressman Yates (Continued from page 2)

supporter and advocate for "Tribal Self-Governance", you sided with the Tribes and provided funds and a time-period for ten volunteer Tribes to conduct the research and develop demonstration funding transfer agreements.

Tribes were finally having their sovereignty respected and this Demonstration Project heralded a return to Tribes, once again, becoming the prime governmental authority and service provider on Reservations. We had to come back to you over and over during the last decade for funds and to instruct reluctant federal officials that Congress really meant what it said in turning over this responsibility to Indian Tribes.

Together with our friends on the authorizing Committees you have helped produce a revolution in Indian Country. We are now in the tenth year of Self-Governance. There are now 64 compacts or annual funding agreements relating to BIA programs representing \$200 million dollars and 39 compacts and 55 annual funding agreements relating to IHS funding representing \$410.5 million dollars. The funding agreements, compacts, and principles that were developed have been adopted in self-determination contracting, copied by HUD and DOL in setting up Self-Governance in their departments, and according to outside research, has resulted in improved services in Indian Country.

We have to keep working hard to defend our right to be self-governing. There are constant challenges. But, as we pause to take stock at this tenth year mark, we must assert that the Demonstration Project that you helped parent has been good to Indian Country.

There are many, many accomplishments that we know you can look to in your extraordinary career of public service. For the Self-Governance Tribes, your role in the formation and the development of the Project, is a singular achievement. Without your wisdom and conviction, we would not be where we are. We are extremely grateful to you and are proud to have worked together for the betterment of Indian Tribes and peoples.

## 105th Congress Adjourns

The 105th Congress has completed its work and, once again, the Tribes have had to remain vigilant in the fight for Tribal sovereignty and Self-Determination. Once again, many negative bills and riders were beaten down by Tribal leaders in the last days of the sessions. In addition, there were two Tribally driven legislative measures which were defeated: H.R. 1833, IHS Self-Governance permanent authority (Title V) and S. 1770, the elevation of the IHS Director to Assistant Secretary - Indian Health. And, if all of this isn't bad enough, Tribes are still having to fight with policy officials within the BIA and IHS over issues like expansion of Self-Governance compactable programs, negotiated rule-making, and arbitrary removal of shares from Annual Funding Agreements.

The Self-Governance Fall Conference in Palm Springs, California, November 16-19, will address many of the legislative and policy issues threatening Self-Governance. The Tribal leaders of the Self-Governance Communication and Education Project wrote other Tribal leaders, saying, "over the last decade, Tribal Self-Governance has enjoyed many successes for the Tribes who have chosen this path of self-determination. However, the past few years have been turbulent times for Self-Governance Tribes. We seek your direct input and participation during our general sessions (at Fall Conference) with Interior and Indian Health Service, as well as in the daily Tribal caucuses that have been scheduled to establish strategies and action plans by the Tribal policy officials."

One of the most serious legislative riders is the moratorium on new Self-Governance Tribes until the Contract Support Cost shortfall is addressed. The Tribal leaders said, "we must formulate a unified strategy and action plan for the 106<sup>th</sup> Congress and the Administration to reverse the negative trends that are eroding our right to Self-Governance. We cannot do this without your help and direct involvement as it will require the strength of all Self-Governance Tribes to influence this anti-Self-Governance attack on our sovereign nations."

While there is a prepared agenda during the conference week, the Conference leaders are fully prepared to set aside scheduled presentations and time frames to fully discuss and solicit potential solutions on those items which are deemed the highest priority to the Self-Governance Tribal leaders.





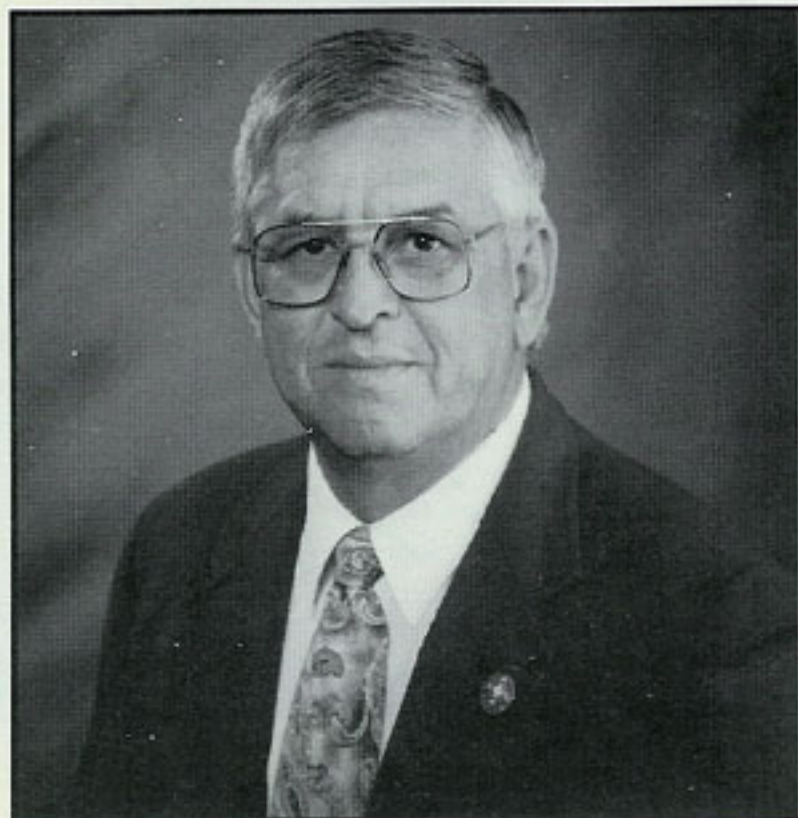
## Tribal Profile:

# Poarch Band of Creek Indians

*(Continued from page 1)*

Upon this victory, President Andrew Jackson arranged the Treaty of Fort Jackson, forever changing the face of the great Creek Nation. The treaty ceded to the United States more than twenty-one million acres of land belonging to both the Upper and Lower Creeks. Although the Creek signatories signed under protest, their efforts were futile. Several years later, in 1830, the historic Trail of Tears forced the resettlement of the Creek Nation from the remaining lands to present day Oklahoma.

Despite this, a number of Creek Indians escaped the removal



*Chairman Edward Tullis*

Tribal offices and reservation of the Poarch Band of Creek Indians is six miles northeast of Atmore, Alabama, in Escambia County. The Tribe's service area comprises Escambia, Baldwin, Monroe and Mobile counties in Alabama and Escambia County in Florida.

The Tribal government is comprised of a nine-member Council, with one-third of the members elected each year. The Tribe operates the departments of: Central Administration, Accounting, Employment and Training, Education, Social Services, Health Services, Community Development, Public Safety, Public Works, Tribal Enrollment, Environmental Protection, Economic Development, Tribal



*Poarch Creek dental facilities are part of extensive health services.*

and settled in the Poarch community, today totaling nearly 2,200 Tribal members. Located in southwest Alabama, the





Utilities, Tribal Court and Planning and Real Estate.

The Tribe compacted all of their health programs, which include primary care, dental, contract health, health education, community nursing and alcohol and substance abuse. Vice-Chairman Rolin said the Tribe hopes to utilize some of the Self-Governance funds for preventive programs. "While we need resources for many unmet

**"We have always known we could do a better job ourselves," said Vice-Chairman Rolin. "Self-Governance is a challenge we are looking forward to."**

needs, we believe the key to any health success is in preventive programs," he said. In fact, a study conducted by the National Indian Health Board, of which Vice-Chairman Rolin is Chairman, found that more funds are spent on preventive programs by Self-Governance Tribes



*Tribal culture and history are kept alive through demonstrations, dancing, art, and language.*



*Tribal youth participate in annual Poarch Creek Pow Wow.*

than non-Self-Governance Tribes. Vice-Chairman Rolin said Tribal leaders "have to take care of themselves and be the example for their community."

The Poarch Band of Creek Indians has a long history of successfully managing their programs under 638 contracts. In addition, the Tribe has developed many successful economic ventures including the operation of a: Best Western Motel, Bingo Palace, PCI Communications, Muskogee Metal Works, Perdido River Farms, Creek Indian Arts Council, and the Calvin McGhee Cultural Center. Consequently, Self-Governance is a natural progression for the Tribe. "Our philosophy as a Tribe is to work out issues with the BIA and IHS through mutual consent," said Vice-Chairman Rolin. "We have never looked at the IHS or BIA in adversarial roles." In fact, the Tribe was able to complete their Self-Governance negotiations in less than two days.





# Negotiations Guide Developed for Information Resources Management

How many Tribal leaders and Self-Governance coordinators have successfully negotiated an IHS Annual Funding Agreement and wondered what they had agreed to regarding Information Resources Management (IRM)? Also, what if a Tribe wants to support the national information database but wants to use something other than RPMS? And what does APC, ARMS, NPIRS and OXRY mean anyway? Recently, the IHS and Tribes completed a document which should clear up much of the confusion over Self-Governance tribal shares of this program.

In the summer of 1998, the Indian Health Leadership Council (IHLC) chartered an Information Systems Workgroup (ISW) to provide recommendations in seven critical areas of concern. Their decision was based on commentary received from Tribes, Urban programs and IHS staff recommending areas for improvement in the overall information systems of the Indian Health Program.

Seven specific charges were identified for the workgroup addressing the immediate concerns of the Indian Health Service, Tribal health, and Urban health (I/T/U) community, including:

1. Information Resource Management (IRM) -Tribal Negotiations Guide
2. IRM Strategic Plan
3. Information for HQ's Core Functions
4. Integration of Clinical and Fiscal Information
5. IRM Management
6. Immediate Third Party Billing Needs
7. Establishment of an Information Systems Advisory Committee

IHS and Tribal negotiators have expressed their concerns over the difficulty in understanding, explaining and negotiating IRM shares. They expressed a need for a clear, concise and simple guide to be used in negotiations, to enable the Tribes

to make an informed choice when considering IRM shares.

Consequently, the Information Systems Workgroup completed a simplified Negotiations Guide that organized the 34 categories of funding under Information Resources Management into four major categories:

1. National Database Repository
2. Telecommunications
3. RPMS Software Development and Maintenance
4. RPMS Systems Support and Training

The Negotiations Guide outlines the programs, functions, services and activities under respective budget items and the resources currently dedicated to providing services. In addition, the guide includes a description of the inter-relationship of IRM functions at the local, Area and National levels. A Tribe negotiating shares of any of the four major categories will now know exactly what services and programs are included.

The guide includes a well researched Frequently Asked Questions (FAQ) section which includes answers to common questions like:

- What functions should we leave with IHS if we want to be included in the IHS report to Congress?
- Why do I need both Headquarters and Area information support services?
- Who will be responsible for the quality of the data of a compacting/contracting tribe?
- What are the required data elements?

The Negotiations Guide will be presented at the Fall Self-Governance Conference for discussion and comments before the IHS begins training sessions for IHS and Tribal negotiators.





### Update on BIA/Tribal Workgroup on Tribal Needs Assessments

The BIA/Tribal Workgroup on Tribal Needs Assessments (including TPA and Contract Support Costs) has held four meetings since its formation in June 1998. The Workgroup is Co-Chaired by BIA Assistant Secretary - Indian Affairs Kevin Gover and W. Ron Allen, NCAI President and Tribal Chairman, Jamestown S'Klallam Tribe. Workgroup membership is comprised of BIA and Tribal officials including Tribal leaders and technical support staff.

The Workgroup has adopted a formal mission statement and scope of work which states... *The goal of the BIA/Tribal Workgroup on Tribal Needs Assessments is to identify and develop quantifiable data and information regarding Tribal program needs, including Tribal Priority Allocations (TPA) and Contract Support Costs (CSC) funding, and to provide information which supports adequate funding of Tribal and BIA services.* The Workgroup has adopted the overall theme of "Empowerment of Tribal Governments" and identified five sub-groups to complete the various tasks and assignments. These sub-groups include: (1) TPA history and distribution; (2) identification of national standards and comparisons to Tribal programs; (3) overview of federal obligation to Indian Tribes; (4) overview of all federal funding for Indian programs; and (5) contract support costs.

The Workgroup has established a deadline of April 1, 1999 for completing its charge. The Workgroup will solicit input and consult with Tribal governments in its deliberations and development of products and recommendations as they continue their work. Upcoming Workgroup meetings have been scheduled for December 8-10, 1998, January 26-28, 1999, February 2-4, 1999, February 23-25, 1999 and March 16-18, 1999. All Workgroup meetings are open and will be held in the Washington, D.C. area.

For further information on the Workgroup meeting logistics and products, please contact Cyndi Holmes, Jamestown S'Klallam Tribe at (360) 681-4612 (phone) or [jamestown@olympus.net](mailto:jamestown@olympus.net) (e-mail).

### IHS Budget Approved With 6.7% Increase

Congress approved a \$2.239 billion FY 1999 budget for the Indian Health Service, a 6.7% increase over last year. The budget includes a 5.9% increase for the health services account, including a 20.8% increase (\$35,079,000) for contract support costs. The final budget is \$120 million more than the President's request and \$83 million over the Senate Interior Committee request.

Thanks to relentless tribal advocacy, the Congress made a last minute change to strike the proposed national pro-rata distribution of contract support costs, which would have severely crippled established tribal programs. The \$35 million contract support cost increase is expected to be distributed to proposed agreements that are now on the IHS Queue, based on a formula to be determined later.

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*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 communications and education is fundamental to the achievement of these goals.*

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## Updates (continued from page 7)

### BIA Budget Approved With 2.5% Increase

Congress approved a \$1.703 billion FY 1999 budget for the Bureau of Indian Affairs, an increase of 2.5% (\$43.2 million) over last year, but \$97.7 million below the President's request. Adjusting for the transfer of law enforcement funding from Tribal Priority Allocation (TPA) to Special Programs/Pooled Overhead, the budget provides an increase of about \$14 million to TPA.

The agreement includes bill language authorizing tribes to return federal funds to the BIA to be re-distributed to other tribes; requiring the BIA to complete a report on alternative methods to fund TPA base programs by April 1999; authorizing the BIA to access data concerning tribal revenue from federal agencies; and defining tribal revenue.