

# Sovereign Nations



Nov. /Dec. 1998

NEWSLETTER OF TRIBAL SELF-GOVERNANCE



*Congressman George Miller announces plans to reintroduce Title V Self-Governance legislation.*

## Self-Governance at the Crossroads

**I**t has been a rough year for Tribal sovereignty: Congress enacted a moratorium on new Tribal contracts and compacts; the Senate failed to pass H.R. 1833, Title V, permanent Self-Governance legislation for the Indian Health Service; and, there are still those nipping at the heels of Tribes, advocating everything from "means testing" to new taxation.

Against this backdrop, came a man that Chairman Henry Cagey, Lummi Nation, said, "is a friend you can count on." Speaking before the Joint BIA/IHS Fall

Self-Governance in Palm Springs, November 16-19, this Tribal "friend" and sponsor of permanent Self-Governance legislation, Congressman George Miller (D-Ca.) said that the "road is getting more difficult." He reminded the Conference attendees that only one major American Indian bill has passed during the past four years.

"Self-Governance is doing away with the antiquated notion that Uncle Sam is taking care of Indians because they can't take care of themselves," he said. "The Tribes need to get Congress to

understand that as we devolve programs to the states, that same philosophy should go forward to Indian nations."

Referring to the Senate's failure to pass H.R. 1833, Title V, Congressman Miller said, "no one Senator should be allowed to stand in the way." Congressman Miller said he plans to reintroduce the bill next session and he would "work as hard as I can to see he ends up on the losing end of this next year. I hope I can continue through my career with Tribes knowing they can count on me."

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## BIA Issues Tackled at Conference

Michael Anderson, Deputy Assistant Secretary for Indian Affairs, Dept. of the Interior, acknowledged that Self-Governance is at a crossroads and asked the questions:

- What is Self-Governance?
- Where is it going?
- Where has it been?
- Is it's future bright or bleak?



*Raynell Morris, Associate Director, Office of Intergovernmental Affairs, Executive Office of the President, presents the final FY 1999 approved budget.*

"Self-Governance works best if ignorance and bigotry are attacked with facts and reason," said Mr. Anderson. Kevin Gover, Assistant Secretary – Indian Affairs, was unable to attend the Conference; however, copies of his speech delivered at the NCAI Conference were handed out which included his list of five items the BIA must accomplish to prepare for the 21<sup>st</sup> century:

1. Persuade Congress to fully fund tribal programmatic needs.
2. BIA must be redesigned to efficiently and effectively carry out its responsibility to protect and enhance tribal trust resources.
3. BIA must be accountable to Congress, the Department of Interior and the Tribes for its management and administration of federal funds.
4. BIA must assume a stronger role in coordinating federal executive branch policy towards the tribes.

5. BIA must redefine its service mission.

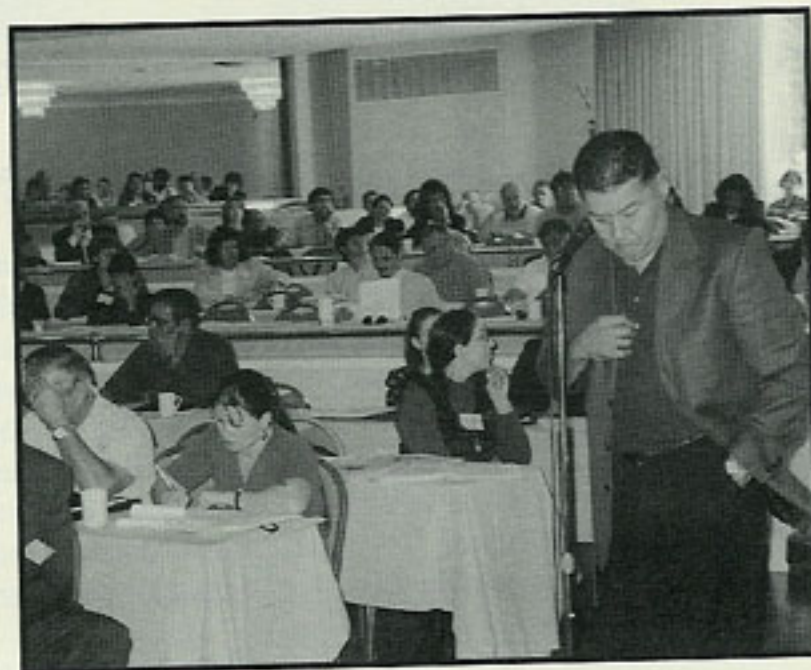
Some of the BIA Conference sessions included:

**Brent Larogue, BIA Division of Law Enforcement,** discussed the recent decision by the BIA to move **Law Enforcement funds from the Tribal TPA to Special Pool Overhead funds.** Tribal leaders were frustrated over the lack of a Department of Justice representative to explain how Self-Governance Tribes would access the new DOJ Law Enforcement funds totaling \$25 million dollars. Mr. Larogue assured Tribal leaders that their AFA law enforcement funding levels would not be reduced.

**W. Ron Allen, Chairman, Jamestown S'Klallam Tribe,** presented an update on the **BIA Workgroup on Tribal Priority Allocations.** Chairman Allen told the attendees that the Tribal Needs Assessment and those promoting redistribution of funds (means testing), is an attempt "to make Tribes equally poor." He assured the Tribes that the Workgroup would be pro-active and provide data that countered means testing and actually shows the need for additional TPA funding.

**Anna Sorrell, Self-Governance Coordinator, Confederated Salish & Kootenai Tribes of the Flathead**

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*Dennis Smith Sr., Vice-Chairman, Shoshone-Paiute Tribes of Duck Valley, provides feedback during one of the many Conference sessions.*



## Dr. Trujillo Addresses IHS Issues at Conference



*Dr. Michael Trujillo, Director, Indian Health Service and Alvin Windy Boy, Chairman, Rocky Boy Health Board, provide an update on the IHS Diabetes Tribal Workgroup.*

IHS Director Dr. Trujillo told the Self-Governance Conference that while he has seen vast improvement of services in Self-Governance Tribes, which now account for 32% of the Tribal population, the road ahead will be difficult as the IHS and Tribes face increases in population, increases in costs of operations, expensive technical advances and changing demographics with over one-half of the Native American population under 25.

"You, the Tribes, have a better understanding of your needs and the ability to look to the future," he said. Dr. Trujillo said it is his desire that the IHS and Tribes work together on issues like contract support, enactment of Title V legislation, Diabetes Initiative and the Indian Health Care Improvement Act.

Dr. Trujillo concluded by saying, "we all come from different families and speak different languages, but we all have the same history. Our spirits are still there. We are carrying on that tradition because of those behind us and those on down the road."

IHS issues discussed at the Conference included:

**Dr. Trujillo assured Tribal leaders he will help support the re-authorization of the Health Care Improvement Act and will provide resources and technical assistance to the Tribes.**

**Dr. Church discussed the Y2K computer problem and its impact on IHS and Tribal facilities.** The IHS has an Indian Health Year 2000 Project Office that has been addressing the problem for the last year. Dr. Church said they are in the final testing of RPMS and will have it ready well in advance of January 1, 2000. He said the IHS is currently conducting an inventory of all medical equipment as some may have problems. All Tribes are encouraged to conduct a review of their facilities remembering to examine other, non-IHS software, hardware systems, and facilities infrastructure such as fire alarm systems, security systems, telecommunications systems, elevators and heating and air conditioning units. The IHS has prepared a workbook entitled "Year 2000 – Solutions for Defusing the Millennium Bomb" and encourages Tribes with questions or concerns to contact the Year 2000 Project Office.

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**"You, the Tribes, have a better understanding of your needs and the ability to look to the future"**

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**Alvin Windy Boy, Chairman, Chippewa Cree Tribe, presented an update on the IHS Diabetes Initiative** by reminding the attendees that the IHS and Tribes will be held accountable for the \$150 million, which is budgeted for the Initiative over a five year period. Fifteen members of the Diabetes Tribal Leaders Committee met to discuss 2<sup>nd</sup> year funding and to develop a Mission Statement and recommendations for Dr. Trujillo.

**The Tribes again expressed the desire to elevate the position of Director of the IHS to Assistant Secretary level, but were briefed in a policy session that the legislation was held up with the contract support issue.**



Chairman Norman Deschampe

## *Tribal Profile:*

# Grand Portage Band of Chippewa

According to Norman Deschampe, Chairman, Grand Portage Band of Chippewa Indians, Self-Governance was the logical step after years of performing most of their BIA programs under contracts. "What especially interested the Grand Portage Band," said Chairman Deschampe, "was the availability to include non-BIA programs in our Self-Governance Annual Funding Agreement (AFA), specifically the Grand Portage National Monument of the National Park Service." The inclusion of the single largest program, management of maintenance operations, of the Grand Portage National Monument in the Grand Portage Tribe's AFA was the first such agreement in the history of the National Park Service.

"The Monument is a National Park that is entirely on our reservation, and was formed with lands donated by the Band over fifty years ago with the promise of jobs and economic development for tribal members," said Chairman Deschampe. However, the inclusion of Grand Portage National Monument programs in the Tribe's AFA was no easy matter. "The greatest obstacle we faced was learning to communicate in the same language," said Chairman Deschampe. "By that we mean the Band and the Park Service needed to identify what each others interest

were and how our respective bureaucratic cultures differed. We ultimately agreed to disagree on several matters, but we built enough trust in each other through constant communications that we learned the disagreements are more theoretical than practical."

The Band and Park Service focused on "shared interest" that both groups had in striving to successfully operate the Monument in it's best interest. Chairman Deschampe said the success of the Monument negotiations was due to the positive relationship they had with the Park Superintendent. And, as is often the case, the most difficulty in the Monument negotiations was dealing with the Washington DC bureaucracy and lengthy reviews by the Solicitor's Office. It took over a year of reviews before the AFA negotiations were approved and placed in the Band's FY 1999 AFA.

The Grand Portage Reservation is located on the northwestern shoreline in one of the most scenic settings of Lake Superior, the "tip of the arrowhead country." It is enclosed by natural boundaries, the Pigeon River which forms the international boundary at Lake Superior between the United States and Canada, the Reservation River to the south and Lake Superior to the east.

The Grand Portage Reservation was created by the Treaty of 1854 in La Pointe, Wisconsin. There, Lake Superior, Mississippi, and the Bois Forte Chippewa Bands ceded iron-rich land at the western tip of Lake Superior, north to the U.S. Canadian border. Two small reservations were created by Treaty of 1854. One was Fond du Lac,



*The Natural Resources Program at Grand Portage has blossomed under Self-Governance. Previously staffed only to cut and sell timber, the program now boasts a GIS, Recreation, Realty and Biology department. Here, Grand Portage biologists check a stream for coaster brook trout. One of only two native trout to Lake Superior, the "coasters", nearly extirpated from the area for the past 70 years, have been successfully re-introduced by the Grand Portage program.*



*The lakes and forests of the Grand Portage Reservation are typical of the Minnesota border country. Forests of pine, birch and aspen blanket the 90 square mile Reservation.*

and the other was Grand Portage. The Treaty was signed by Shaganahshins, Ahdikonce, and two clan chiefs.

In 1889, Congress passed the Nelson Act, which called for the removal of all Chippewa to the White Earth Reservation with the only exception being those Chippewa living at Red Lake. The Nelson Act was an attempt by the timber barons in Minnesota to acquire the timber-rich lands of the seven Indian reservations. This act was eventually repealed in 1902, but only after severe damage and land loss to the Chippewa Indians. Under the strong leadership of Chief I-ah-be-dway-waish-kung, the people of Grand Portage avoided forced removal, and while the Band suffered land loss, the reservation still existed.

In 1913, seven Minnesota bands of Chippewa created the Chippewa General Council, located in Cass Lake, Minnesota. The Council dealt with reservation affairs until 1927, when the Red Lake Band, overwhelmed by the larger and partly mixed blood White

Earth reservation, withdrew. In 1934, Congress passed the Indian Reorganization Act (IRA), affording tribes the right to elect leaders and govern themselves provided that the tribe adopted a constitution. Many of



*Grand Portage Reservation is home to the highest waterfall in Minnesota. Appropriately named, "High Falls" of the Pigeon River is also the site of Grand Portage State Park, the only state park in the nation located on tribal trust land.*

the Minnesota Chippewa saw the act as a chance to strengthen tribal ties.

In 1939, the newly created "Minnesota Chippewa Tribe" approved sub-charters for the six member reservations by a vote of 754 to 154. These "six Constituent Bands" of the Minnesota Chippewa Tribe included: White Earth, Leech Lake, Grand Portage, Fond du Lac, Bois Forte and Mille Lacs. The first governing body of Grand Portage to be elected pursuant to the Constitution of the Minnesota Chippewa Tribe took office shortly thereafter.

The Grand Portage Band of Chippewa Indians is governed by the Constitution and Bylaws of the MCT, the umbrella organization comprised of the six bands. However, the reservation governs itself in all matters which do not concern the other MCT Member Bands.

The Grand Portage Tribal Council is comprised of a Chairperson, a Secretary/Treasurer, and three members elected at large by the entire Band. The Tribal Council (RTC) operates as a representative democracy – the leaders and members are elected by the people. The officers are elected to serve four-year terms. The Chairperson and Secretary/Treasurer of the RTC represent the reservation on the Tribal Executive Committee of the Minnesota Chippewa Tribe, the duly elected governing body of the Tribe.

In spite of being the smallest Band within the MCT, the Band ranks second with regard to tribally held land acreage of 38,909 acres. Total acreage is 56,000 with 7,086 being individually held. Grand Portage is the most geographically isolated tribe within the State of Minnesota.

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## Self-Governance at the Crossroads (Continued from cover)

One of the more pressing issues discussed at the Conference, and one that could delay or halt the passage of Title V, is the shortage of contract support funds. Initially Congress was going to cut the contract support budget, but after intense lobbying by Tribal leaders, they added \$35 million for IHS and \$9 million for the BIA contract support budgets. However, by conservative estimates, both the IHS and BIA combined are expecting a contract support shortfall of nearly \$150 million dollars. Consequently, the Senate held up Title V legislation, enacted a moratorium on new contracts and compacts and issued a report from the Senate Appropriations Committee that directed the General Accounting Office (GAO) to conduct a comprehensive examination and issue a report by June 1, 1999.

In an update to the Conference, Tribal attorney Lloyd Miller said, "there is nothing more sacred than contract support costs." Mr. Miller pointed out that the lack of resolution over contract support has cost the tribes the passage of Title V legislation and the moratorium on new Self-Governance Compacts. "If we can not tackle this difficult issue this next year, then Self-Governance itself is in jeopardy," he said.

Tribal attorney Joe Webster discussed some of possibilities of a solution, including:

- Moving away from Indirect rates and move to a formula base.
- Refine the current system.
- Attempt to have Congress define Contract Support as a legal entitlement, which would exempt it from the annual budget process.
- Base budgeting of Contract Support.
- System that rewards Tribes that reduce their Indirect rate.

Whatever the options, all on the Conference panel agreed that better forecasting is needed and a better understanding of the factors that influence the Contract Support Cost budget. The National Congress of American Indians (NCAI) has formed a National Policy Workgroup on Contract Support Costs to develop long-term solutions and reform of CSC funding and policy issues.

Because Self-Governance may indeed be at a crossroads, many Tribal leaders ranging from Henry Cagey, Chairman, Lummi Nation, to Anthony Pico, Chairman, Viejas Band of

Kumeyaay Indians, felt it is time to answer some basic questions and misperceptions surrounding Self-Governance. "We need to use the word sovereignty so that people understand," said Chairman Pico. While Chairman Cagey added, "we need to begin looking at defining Self-Governance and Self-Determination and what it means to Tribes and where we've been the last 10 years."

Tribes need to counter misperceptions. Chairman Cagey added, "We're not just gaming Tribes looking for more money." "Our generation will not have the luxury to stand back and say the struggle is over," Chairman Pico told the attendees. "I hope it is over for our children. We need to prevail so our children can have a place to stand in dignity."

Other policy issues covered included:

**Raynell Morris, Associate Director, Office of Intergovernmental Affairs, Executive Office of the President, presented the final approved budgets figures.** In a pledge to be the "best advocate I can be", she invited Tribal leaders to meet with the OMB over the FY 2000 budget.

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## BIA Issues Tackled at Conference

(continued from page 3)

**Nation, and Terrence G. Parks, Manpower Development Specialist, Office of Economic Development, Department of the Interior, provided an update on P.L. 102-477, commonly known as welfare reform.** Attendees were told that Tribes may now, for the first time, design solutions and tailor their employment and training services to meet their local needs.

**An update on the BIA Housing Improvement Program (HIP) Waivers** was presented by a panel which outlined the various options Self-Governance Tribes might have in the submission of waivers on HIP regulations. The BIA has recommended, because of the refocus in HIP regulations which call for distribution of funds based on serving the "neediest of the needy", that Tribes could redesign HIP funds within the parameters of existing regulations, but could not reprogram HIP funds to other programs.



### General Accounting Office (GAO) Conducts Review of Tribal Contract Support Costs

The Senate Appropriations Committee directed the General Accounting Office (GAO) to conduct an examination of IHS and BIA contract support budgets. The GAO is directed to examine existing methodologies for calculating Tribal contract support costs; report on the causes for the increase in contract support costs needs in recent years; and provide estimates and scenarios for future contract support costs needs under existing methodologies. The study will also include an analysis and review of impacts on the quantity and quality of services provided through contracts and compacts and impacts, if any, associated from the worsening contract support costs situation.

Representatives from the GAO were in attendance at the Fall Self-Governance Conference, meeting with individual tribes to collect data. However, the GAO would still like to hear from additional tribes on the effects of the contract support costs crisis. Please contact Len Ellis, GOA Senior Evaluator, at 202/512-8050.

### IHS Develops New Forms to Streamline Annual Funding Agreement Amendments

Beginning FY 1999, Tribes will notice two new forms which will replace the past use of multiple forms. In addition, the forms, OTSG-871 (for AFA amendments) and OTSG-870 (for obligation/payment authorization) will provide consistent documents that all parties will recognize.

### Self-Governance Advisory Meetings Set

The IHS Tribal Self-Governance Advisory Committee (TSGAC) has set the following meeting dates and sites for CY 1999:

January 13-14, TSGAC retreat, Phoenix  
March 29, Regular meeting, Hinckley (Mille Lacs)  
June 21, Regular meeting, Albuquerque  
September 27, Regular meeting, Washington, DC

The tribes are to identify their delegates and alternates by the end of December, 1998 and notify OTSG. To date, these areas have responded:

*Bemidji: Delegate-Marge Anderson, Mille Lacs*  
*Alternate-Doris Isham, Bois Forte*  
*Billings: Delegate-Alvin Windy Boy, Sr., Rocky Boy*  
*Alternate-Joe Moran, Salish and Kootenai*

The next BIA Self-Governance Advisory meeting will be on January 21, 1999 in Phoenix, Arizona. Meeting topics include: law enforcement funding, update on inclusion of Federal Highway projects in Self-Governance agreements, and discussion on the legislative agenda for the coming year.

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## **Grand Portage Tribe** (Continued from page 5)

Programs consist of Health Services, Social Services, Education, Community Services, Environmental, Natural Resources, Tribal Courts, Conservation, volunteer Fire Department, Emergency Medical Services, and GIS Services. The Band's enterprises consist of The Grand Portage Casino, the Grand Portage Lodge and a Sawmill. The Band built a Community Center in 1994 partially funded by Casino profits. In 1996, a new Elementary School and Day Care Center were added onto the addition.

Chairman Deschampe said the Band will "work hard to do the best possible job at the Grand Portage National Monument." He said they plan to expand their Park duties in the future. "We plan to negotiate for the Interpretation Operation, which is extremely important to us, since it will give us an opportunity to tell the Grand Portage story from the perspective of those who know it best."