

# Toward Tribal Self-Governance

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## ABSTRACT (ABSTRACT)

The second choice available to tribes prior to self-governance was embedded in Public Law 93-638. Commonly referred to as the "638 contracting" provision, this option allowed tribes to sign contracts with the BIA or IHS to deliver specific programs through tribal governmental programs. The provision granted more flexibility than the direct-service option, but tribes were still hindered by bureaucratic red tape. One tribal leader testified before Congress that by the mid-1980s, "Self-Determination contracts, originally conceived as simple documents, had evolved to literally hundreds of pages -- with every variety of oversight requirements, reports and forms; a true bureaucratic nightmare."

## FULL TEXT

The Confederated Tribes of the Umatilla Indian Reservation are taking steps to assume management, operation and responsibility of programs, services and functions currently provided by the Bureau of Indian Affairs. (See story Page 1)

The following is excerpted from Proud Nations -- Celebrating Tribal Self-Governance, a compilation of stories that illustrate the success of tribes becoming self-sufficient, self-determining and self-governing nations in today's society. The book, part of the Self-Governance Communication and Education Program in Bellingham, Wash., was edited by Brent Simcosky with Cyndi Holmes.

Self-governance began as a tribally driven and congressionally mandated demonstration project with 30 American Indian tribes in 1988.

Permanent authority for Self-Governance was enacted in 1994 for the Bureau of Indian Affairs and in 2000 for the Indian Health Service. Today, more than half of the federally recognized American Indian tribes and Alaska Native villages have negotiated compacts of self-governance with the United States.

With the advent of the Self-Governance initiative, American Indian and Alaska Native tribes are now able to exercise their sovereignty and manage tribal programs to determine best benefit their communities.

Prior to self-governance, tribes had only two choices for delivery of governmental services to their communities. They could opt for "direct services," in which the BIA and/ or IHS provided all services through federal employees and facilities. The tribes had little, if any, control over the delivery of these services.

The second choice available to tribes prior to self-governance was embedded in Public Law 93-638. Commonly referred to as the "638 contracting" provision, this option allowed tribes to sign contracts with the BIA or IHS to deliver specific programs through tribal governmental programs. The provision granted more flexibility than the direct-service option, but tribes were still hindered by bureaucratic red tape. One tribal leader testified before Congress that by the mid-1980s, "Self-Determination contracts, originally conceived as simple documents, had evolved to literally hundreds of pages -- with every variety of oversight requirements, reports and forms; a true bureaucratic nightmare."

With the passage of the Tribal Self-Governance legislation, tribes are now allowed to take their program funds, along with funds that were used by the federal government to manage the contracts or direct services, and manage them to best benefit their communities.

Tribal Self-Governance creates opportunities for tribes to exercise their inherent self-governing powers. Self-governance returns decision-making authority and management responsibilities to tribes and their governing

bodies. Self-governance is about change through the transfer to tribal control of federal funding available for programs, services, functions and activities. Tribes are accountable to their own people for resource management, service delivery and development.

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