

**TESTIMONY PRESENTED BY THE
QUINAUTL INDIAN NATION
ON BEHALF OF THE SELF-GOVERNANCE SIX-TRIBE CONSORTIUM
TO THE
SENATE COMMITTEE ON INDIAN AFFAIRS
ON S. 343
INDIAN TRIBAL DEVELOPMENT CONSOLIDATED FUNDING ACT OF 2001
MAY 8, 2002**

"No right is more sacred to a nation, to a people, than the right to freely determine it's social, economic, political and cultural future without external interference. The fullest expression of this right occurs when a nation freely governs itself."

**Joseph Burton DeLaCruz, President
Quinault Indian Nation
July 16, 1937 - April 16, 2000**

Good morning to the distinguished members of this Committee. My name is James DeLaCruz, Councilman for the Quinault Indian Nation. On behalf of the Self-Governance Six-Tribe Consortium, I would like to provide testimony in support of *S. 343, Indian Tribal Development Consolidate Funding Act of 2001*. This legislation appears to have its foundation on the various amendments to the Indian Self-Determination and Education Assistance Act (ISDEAA) which over the past decade and a half established Tribal Self-Governance in the Departments of the Interior and Health and Human Services. This Congressional Committee can and should take a fair measure of credit of this accomplishment.

The Self-Governance Six-Tribe Consortium is comprised of the Mille Lacs Band of Ojibwe Indians, the Jamestown S'Klallam Tribe, the Lummi Indian Nation, the Sac & Fox Nation, the Hoopa Valley Tribe and the Quinault Indian Nation. We represent six (6) of the original ten (10) tribes that participated in the Self-Governance Demonstration Project in 1989. Together we have significant expertise and experience in this evolving effort at devolution; that is to return power and funding to the local level, the Indian Tribe level. The Consortium also administers the Self-Governance Communication and Education Project, which serves as the official clearinghouse for historical and current Congressional, Administration and Tribal issues and activities relative to Self-Governance. In addition, we host a Spring and Fall Self-Governance Conference each year

for Tribal and Administration officials. Consortia members serve on the Tribal Self-Governance Advisory Committees at both DOI and IHS. While the success in advancing Self-Governance policy issues within the DOI and IHS is substantial, although varied, both of the Advisory Committees are effective forums for Tribal Leaders to discuss and debate topics and to further the Self-Governance initiative.

In 1988, P.L. 93-638 was amended by P.L. 100-472 with Section 301-309, Title III., establishing the Tribal Self-Governance Demonstration Project in the Department of the Interior for the Bureau of Indian Affairs (BIA) programs. In 1991, Congress satisfied with the progress of the Tribes in the BIA Self-Governance Demonstration again amended the ISDEAA to expand the demonstration authority to the Indian Health Service. In 1994, additional amendments permanently authorized Self-Governance for BIA programs and in 2000 the latest amendment to the ISDEAA, P.L. 106-260, Title V permanently authorized Self-Governance in the Indian Health Service. The 2000 Act also included a new Title VI which requires the Secretary of the Department of Health and Human Services to conduct a study to determine the feasibility of a Tribal Self-Governance Demonstration Project for appropriate programs, services, functions and activities of the agency.

"I have no way of knowing what the outcome will be. It may be a great success, or it may fail. But as the Vice-Chairman indicated, Why not try? If we maintain the status quo and insist upon it, that is where we will be; right here. I think it is about time that we took bold steps, and in taking these steps we may fail. But that is the way we learn."

**Senator Daniel K. Inouye, Chairman
Senate Committee on Indian Affairs
February 18, 1988**

Prior to Self-Governance, Tribes could not easily function as the primary service provider on our Reservations; that function had been assumed by federal bureaucracies. In the early stages of the Nixon reform of implementing a policy of Tribal Self-Determination, Tribes were permitted to contract to perform federal services under the 1975 Indian Self-Determination and Education Assistance Act. Oppressive regulations and federal contract oversight soon limited tribal freedom under Self-Determination contracting.

Contract reform, the elimination of excessive regulations, consolidation of funding and programs, the elimination of unnecessary supervision and the adherence to government-to-government relations under Self-Governance, has brought us to a point where we are delivering meaningful tribally relevant services at the local level. The simple concept that sovereign Tribal control at the local level works better than federal control hundreds of thousands of miles away is a hallmark of Self-Governance. We are also able to redesign and create new programs that better serve the immediate needs of our communities, as well as for the future existence and survival of our people.

Economic self-sufficiency remains an unattained goal for most Indian tribes. The reasons are many and too extensive for a mere recounting here today. S. 343 focuses on one aspect of the problems we face, and that is how to navigate through the available federal resources and then to determine how to best utilize those resources. S. 343 uses the

"In my experience as Chairman of this Committee, I have seen far too many instances where agencies are NOT cooperating and NOT coordinating their resources and efforts for the benefit of Indian people."

**Senator Ben Nighthorse Campbell,
Chairman
Senate Committee on Indian Affairs
September 27, 2000**

Demonstration model of Self-Governance. It allows for a controlled experiment of inter-departmental cooperation and program consolidation, without trying to set all the elements in advance. It allows Tribes and the Departments to negotiate. It allows a Tribe who knows its individual needs and resources, to design an Indian program of economic development, and in effect, to search among the menu of the various federal programs (as well as State programs where a State agrees to cooperate) and put together the program elements and funds to support its own designed program. The bill also seeks to provide mechanisms of inter-agency administration, regulation consolidation, and one-stop shopping. We support the concept and thrust of this bill and will provide the Committee with detailed comments in the near future.

S. 343 recognizes and builds on the premise that we are Sovereign Self-Governance Nations. This legislation allows Tribes the opportunity to engage in a demonstration project and negotiate with federal agencies to determine how best to make federal programs a successful effort towards achieving economic self-sufficiency. Just as the re-emergence of Tribal governments again operating our own programs and administering services to our own people has occurred, we can break the cycle of institutional dependency and begin to seek ways to develop sustainable reservation economies for our people. Legislation such as the *Indian Tribal Development Consolidated Funding Act of 2001* is a good next step.

We would like to recommend that Tribes seeking to participate in this demonstration project develop Tribal Economic Development Business Codes. All too often, tribes enter into negotiations to allow outside vendors to bring their business to the reservation, yet they are unaware of the need to have a tool in place such as the tribal business codes to educate the outside parties about Indian culture. Outsiders should be respectful of and knowledgeable of the value of our culture to the inhabitants on the reservation. All economies that we bring to our land must reflect our traditions, and customs which are the very nucleus of our existence. .

Self-Governance has become the key part of redefining and restoring the "government-to-government" relationship between Tribes and the United States. Consistent with the Tribally-driven Self-Governance initiative, Tribes must take the leadership in structuring how the Federal government carries out its trust responsibilities to Indian Tribes.

This legislation, S. 343, will serve to streamline economic development funds that tribes can access whether as individual tribes or as a consortium.

We applaud the timeliness of this legislation. To authorize 24 tribes to enter into a demonstration project to access economic development funds from all Federal departments is a very positive step and we appreciate your effort.

"We must thank our Federal "Fathers" for trying to do it their way, but it is now time for us to take control of our own affairs and look to the future. A future that will dictate the survival of our most valuable resource – Our People."

**Pearl Capoeman-Baller, President
Quinault Indian Nation**

Thank you for the honor of asking me to be here today.