

TESTIMONY OF KENNIS BELLMARD
DEPUTY ASSISTANT SECRETARY FOR POLICY AND
ECONOMIC DEVELOPMENT – INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS
HEARING ON INDIAN SELF-DETERMINATION AND EDUCATION
ASSISTANCE ACT SUCCESSES AND OPPORTUNITIES AT THE
DEPARTMENT OF THE INTERIOR

September 17, 2025

Chairman Murkowski, Vice Chairman Schatz, and Members of the Committee, thank you for the opportunity to testify on behalf of the U.S. Department of the Interior (Department) regarding the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA). My name is Kennis Bellmard, and I am the Deputy Assistant Secretary for Policy and Economic Development for Indian Affairs at the Department.

Introduction

The modern era of self-determination began with President Richard Nixon’s July 8, 1970, Special Message on Indian Affairs. In that landmark address, he repudiated the policy of termination and assimilation and declared that “*we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support.*” That principle, self-determination without termination, set the stage for a new federal policy.

The enactment of ISDEAA built upon this vision and marked a pivotal shift in federal Indian policy, empowering Tribal Nations to self-govern their affairs. ISDEAA created a statutory framework for tribes to assume responsibility for programs, services, functions, and activities (PSFAs) that have historically been administered by federal agencies, principally the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). Before ISDEAA, the BIA and IHS administered federal programs to provide direct services to Tribal communities.

A Brief History of ISDEAA

Self-Governance is based on the idea that tribal governments should receive both funding and the authority to design and implement federal programs that serve their communities. Over the years, Congress refined ISDEAA to address emerging challenges and strengthen tribal self-governance. While ISDEAA authorized tribes to contract specific programs (Title I), this approach constrained tribes to a rigid piece-meal approach rather than an approach that allowed for flexible adaptations

needed for responsive local programming. In an effort to redress this restrictive approach, in 1988, Congress established a demonstration project to test Self-Governance (Title IV) through a compact process designed to allow a tribe to propose administration of multiple PFSA's in a single proposal with flexibility to redesign programs and associated budgets. The goal was to increase tribal authority and reduce federal oversight. Recognizing its success, Congress made Self-Governance compact agreements a permanent option in 1994 through the Tribal Self-Governance Act. In 2000, Congress again amended ISDEAA to extend permanent compacting authority to IHS. Finally, in the latest amendments in 2020, President Trump signed into law the Practical Reforms and Other Goals to Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act (PROGRESS Act), which streamlined procedures, standardized processes across agencies, and increased flexibility in requests to enter into compacts.

These reforms reflect a consistent trajectory: expanding tribal authority, reducing bureaucratic obstacles, improving clarity in federal-tribal contracting, and reifying the government-to-government relationship. Today, ISDEAA remains a cornerstone of tribal self-determination, enabling Tribal Nations to tailor programs to their unique needs, make more efficient use of funds, build tribal management capacity, and improve community outcomes.

Success of Self-Determination and Self-Governance in Delivering Federal Programs

Tribal Nations have the autonomy to decide whether and how to administer federal programs using ISDEAA agreements. Nearly all federally recognized tribes have negotiated Self-Determination contracts with the Department and/or IHS and over 400 Tribal Nations have entered into Self-Governance compacts to manage various federal programs. Through these mechanisms, Tribal Nations have successfully diversified federal programs and functions, including natural resource management, oil and gas inspections, land surveying, utility operations, infrastructure maintenance, law enforcement services, primary healthcare delivery, and social services administration.

The success of ISDEAA has not gone unnoticed. For example, the *Harvard Project on American Indian Economic Development* studied the substantial positive outcomes resulting from the implementation of ISDEAA, and reported that from the late 1980s to 2022, the per capita income of tribal citizens living on reservations increased by 61% and the proportion of families with children living in poverty decreased from 47.3% to 23.5%.¹ Additionally, the U.S. Government Accountability Office (GAO) identified ISDEAA as a best practice for quickly distributing funds to Tribal Nations, reducing administrative burdens for both tribal governments and federal agencies.²

¹ The Harvard Project on American Indian Economic Development, American Indian Self-Determination Through Self-Governance: The Only Policy That Has Ever Worked, Statement to The Commission on Native Children by Joseph P. Kalt (December 15, 2022).

² U.S. Government Accountability Office, COVID-19 Relief Funds: Lessons Learned Could Improve Future Distribution of Federal Emergency Relief to Tribal Recipients, GAO-23-105473 (Washington, DC, Dec. 2022).

ISDEAA has resulted in individual tribes administering uniquely tailored programming on a massive scale. Fifty years ago, there were over 17,000 BIA employees; today, there are roughly 7,000. These jobs didn't disappear – they went to tribes. Under Self-Governance, tribes control the means of accomplishing their own goals, utilizing tribal members once employed by the federal government.

Program Administration and Key Differences in Self-Determination and Self-Governance

ISDEAA forms the statutory basis for tribes to contract and/or compact selected programs, functions, services, and activities. Both Self-Determination and Self-Governance, as outlined in ISDEAA, share a common goal: to empower Tribal governments by transferring control over federal PSFAs. This shift allows for more local decision-making and reduces bureaucratic hurdles. However, these two authorities have distinct approaches.

Self-Determination, under ISDEAA Title I, typically requires tribal governments to submit proposals for federal review and approval, which maintains a higher level of federal oversight and involvement in program implementation. This allows tribes the flexibility to enter into contracts to provide specific services traditionally provided by the BIA. These contracts may be entered into for up to three years, unless the BIA and the tribe agree to a longer-term agreement. These contracts can be renegotiated annually to account for changes in circumstances and cost increases. Further, if tribes have multiple Self-Determination contracts, they may consolidate them into one.

Unlike Self-Determination contracts, Self-Governance *compacts* have a higher threshold for approval and are more expansive, unique to the needs and wishes of each tribe. Under Titles IV and V of ISDEAA, Self-Governance gives Tribal Nations the flexibility to administer and redesign federal programs according to their unique priorities and needs, with minimal federal interference. Furthermore, a tribe may change or consolidate PSFAs and, as to the majority of PSFAs, reallocate funding without prior approval from the Secretary of the Interior. Tribal leadership directs funds and the format of the compact, further strengthening ISDEAA.

Success Stories

The 50th anniversary of ISDEAA is an opportunity to celebrate the remarkable success of Tribally Controlled Schools. Schools like the Santa Fe Indian School (SFIS) stand as enduring proof that when Tribal Nations govern the education of their children, students thrive. Since assuming self-governance, SFIS has consistently closed achievement gaps, sustained graduation rates above state and national averages, and earned national recognition for excellence in education. Every graduate completes rigorous dual-credit coursework, many earn professional certifications, and a growing number learn their tribal language, clear evidence that tribally led schools are preparing the next generation to succeed in higher education, the workforce, and community leadership.

Importantly, SFIS is just one of 128 Tribally Controlled Schools across the Bureau of Indian Education system. Each of these schools reflects the same promise of sovereignty, self-determination, and culturally grounded education, with success stories that echo across Indian Country. From strengthening Native language instruction to expanding career and technical education pathways, these schools are proving that tribal governance and local choice drive innovation and achievement for Native students. Together, they embody the vision of ISDEAA and demonstrate how community-led education can transform opportunity at scale.

These accomplishments are rooted in the sovereignty of tribes and the cultural grounding that ISDEAA was designed to protect. Tribally Controlled Schools have excelled, proving that Native communities deliver strong outcomes.

Conclusion

The success of ISDEAA is evident in its nearly 50-year history, demonstrating that local control and knowledge of community lead to more effective programs, enhanced administrative capacity, improved governance and leadership, and significant economic benefits. The Department is committed to helping fulfill the promise first made by President Nixon 55 years ago and looks forward to the next 50 years of self-governance by tribes.