



## Choctaw Nation of Oklahoma

PO Box 1210 • Durant, Oklahoma 74702-1210 • (580) 924-8280

**Gregory E. Pyle**  
Chief

**Gary Batton**  
Assistant Chief

**TESTIMONY OF THE CHOCTAW NATION OF OKLAHOMA  
SUBMITTED TO THE SENATE COMMITTEE ON INDIAN AFFAIRS ON  
S. 919, DEPARTMENT OF THE INTERIOR SELF-GOVERNANCE ACT OF 2013**

**PRESENTED BY MICKEY PEERCY, EXECUTIVE DIRECTOR OF SELF-GOVERNANCE  
ON JANUARY 29, 2014**

On behalf of Chief Gregory Pyle and the Choctaw Nation of Oklahoma, thank you Vice-Chairman Barrasso for inviting Choctaw to testify and thank you to the Senate Committee on Indian Affairs for convening this hearing on S. 919. We would also like to thank the eleven co-sponsors who by their very actions represent the continued belief in Congress that Self-Governance works!

The Choctaw Nation of Oklahoma is an American Indian Tribe organized pursuant to the provisions of the Indian Reorganization Act of June 26, 1936-49. Stat.1967. and is Federally recognized by the United States Government through the Secretary of the Interior. The Choctaw Nation of Oklahoma consists of ten and one-half counties in the southeastern part of Oklahoma and is bordered on the east by the State of Arkansas, on the south by the Red River, on the north by the South Canadian, Canadian and Arkansas Rivers, and on the west by a line slightly west of Durant that runs north to the South Canadian River.

We have been operating under a compact of Self-Governance since 1995 in the Indian Health Service/Department of Health and Human Service and since 1996 in the Bureau of Indian Affairs/Department of the Interior. The Choctaw Nation of Oklahoma believes that responsibility for achieving self-sufficiency rests with the governing body of the Tribe. It is the Tribal Council's responsibility to assist our community in its ability to implement an economic development strategy and to plan, organize and direct Tribal resources in a comprehensive manner which results in self-sufficiency. The Tribal Council recognizes the need to strengthen the Nation's economy, with primary efforts being focused on the creation of additional job

*Choctaws – growing as one with pride, hope and success*

opportunities through promotion and development. By planning and developing its own programs and building a strong economic base, the Choctaw Nation of Oklahoma applies its own fiscal, natural, and human resources to develop self-sufficiency. These efforts can only succeed through strong governance, sound economic development and positive social development.

S. 919 remains a top priority for Self-Governance Tribes in our quest to get legislation enacted that will remove many of the administrative and impractical barriers that have persisted with Title IV since 1994. For more than a decade, we have developed and refined proposed amendments to Title IV of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended). These amendments would achieve consistency between Titles IV and V of the Act and address problems which affect the ability of Self-Governance Tribes to better serve our citizens. The Choctaw Nation, along with other Self-Governance Tribal leaders, have worked tirelessly with the Administration and Congress on these amendments. We strongly believe it is time to move forward with enactment and we urge this Committee to support and advance S. 919.

Since we began this effort, many Tribal leaders have testified before the Senate Committee on Indian Affairs (SCIA) regarding on-going problems implementing Self-Governance in DOI. These problems, ranging from inadequate funding levels to bureaucratic recalcitrance, have caused increased participation by new Tribes in Tribal Self-Governance to lessen considerably; which is unfortunate since Self-Governance has proven to dramatically improve the efficiency, accountability and effectiveness of programs and services for many Tribes and their citizens.

The current law allows for delays and obstruction by the DOI which has resulted in frustration for Tribes throughout the Self-Governance implementation process. Instead of operating programs, services, functions and activities in an efficient and productive manner as originally intended and performed under the Self-Governance Demonstration Project, Tribes have been subjected to “push back” and recalcitrance from the DOI to fully implement the full spirit of the Act. This was spearheaded by the 1996 Title IV negotiated rulemaking process which failed and left the Tribes with a sense of urgency to remedy the ills that were created by the promulgation of the rules and contrary to the sense of Congress in enacting the legislation.

All but a very few S. 919 provisions were negotiated and agreed to by Tribal and Federal representatives. The vast majority of the proposed amendments are not new or radical ideas—many have been adapted from the Department of Health and

Human Services (DHHS) version of Self-Governance, codified as Title V of the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA).

In 2000, Congress enacted Title V which permanently authorized Self-Governance in the Indian Health Service (IHS), within DHHS. Many of the improvements and Tribal authority reflected in Title V remain absent from Title IV Bureau of Indian Affairs (BIA) program administration. Consequently, many Self-Governance Tribes are forced to operate under two separate administrative requirements, one for IHS and one for BIA. The proposed bill will bring Title IV into line with Title V.

The lack of administrative efficiencies under Title IV--has been costly for Tribes in terms of time, money and loss of opportunities to strengthen Tribal infrastructures and develop competitive reservation economies. The IHS Title V amendments provide for the timely distribution of funding and administrative safeguards for Tribes aligning the implementation of executive branch regulatory authority with the congressional intent of the ISDEAA. Like the Title V amendments, S. 919 intends to clarify and expand the provisions of ISDEAA and streamline efficiencies and administrative provisions of the Act.

There have been many studies and reports performed to evaluate BIA management, organizational structure and administration, as well as to identify and recommend remedies to improve quality, efficiency and cost-effectiveness, organization, functionality and performance.

The 1999 National Academy of Public Administrators (NAPA) Report<sup>1</sup>, stated “... without major management and organizational reforms, the BIA will be unable both to fully meet its responsibilities to the 1.4 million American Indians and Alaska Natives it serves and to operate an effective and efficient agency. BIA does not have the capacity to effectively perform basic Federal functions of accounting, property management, human resources management, procurement, and information resources management. Further complicating matters at the BIA is the fact that staff do not receive adequate training”. The implementation of the recommendations in the NAPA Report commenced in 2004.

In 2011, the Bronner Group<sup>2</sup> was engaged to perform a multi-phase evaluation relating to the administrative support structure of the BIA which included evaluating the NAPA Report. For purposes of the Bronner Report, the term “support functions” included accounting/finance, budget, acquisitions/contracting, property

---

<sup>1</sup> National Academy of Public Administrators Report, *Study of Management and Administration*, 1999

<sup>2</sup> Bronner Report, *A New Day for Indian Affairs*, March 2012

management, safety management, human resources, information technology, as well as engineering and facilities management. In March 2012 the Bronner Report was released and the reorganization of Indian Affairs was launched much to the chagrin of the Tribes.

In February 2013 the Government Accountability Office prepared a study on *Management Challenges Continue to Hinder Efforts to Improve Indian Education*<sup>3</sup> which identified challenges within the Department of the Interior's Office of the Assistant Secretary – Indian Affairs (IA), such as fragmented administrative structures and frequent turnover in leadership.

I reference these reports to emphasize the critical need for streamlining the administrative process for Self-Governance Tribes as identified in S. 919 that will allow Self-Governance Tribes to maximize their capability to efficiently and effectively implement Self-Governance at the reservation level. It is unfair to expect that excellence can be achieved by the Tribes when there is such a lack of administrative, program and operational structure in DOI. Removing these barriers will allow Self-Governance Tribes the opportunity to succeed where the government is failing them.

Our experience in Self-Governance has allowed us to determine the best mechanisms for delivering financial resources and decision-making on our homelands. We were provided the funding to begin to plan for another type of reform to Self-Determination contracting and we have proven that we made a wise choice with Self-Governance. We made substantial progress under the Demonstration Project and we continue to advance our Tribally-driven initiative to quantum leaps today. In DOI, Self-Governance has grown to include 260 Federally-recognized Tribes; and, in IHS there are 340 Self-Governance Tribes.

We are humble but proud; we are strong and will continue to grow and succeed; but most of all, we believe that we made the right choice for our Tribe under Self-Governance. We need new tools to make sure we are refining the process, building upon the initiative and the government-to-government relationship so that we can successfully continue along this path.

Today, S. 919 is that tool!

Thank you.

---

<sup>3</sup> GAO-13-342T, February 27, 3013