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TESTIMONY OF GREGORY E. PYLE, CHIEF CHOCTAW NATION OF OKLAHOMA

**BEFORE THE U.S. HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON INDIAN AND ALASKA NATIVE AFFAIRS
NATURAL RESOURCES COMMITTEE
HEARING ON H.R. 2444
DEPARTMENT OF THE INTERIOR TRIBAL SELF-GOVERNANCE ACT OF 2011**

SEPTEMBER 22, 2011

Halito. My name is Gregory E. Pyle and I am the Chief of the Choctaw Nation of Oklahoma. I am pleased to be here today to provide formal testimony before the Subcommittee on this very important Tribal Self-Governance initiative.

On behalf of the more than 260 Tribes currently administering Self-Governance agreements with the Department of the Interior, I thank the leadership of this Subcommittee and Committee for the work you did last year to gain House passage of a similar measure, H.R. 4347, by voice vote on the floor exactly one year ago today, September 22, 2010.

Your strong support has demonstrated that you believe, like we do, that Self-Governance works! Hundreds of my Tribal leader colleagues are convinced that Tribal Self-Governance should define more and more of our future relations with the United States. Enacting this bill this year is an important step toward that goal.

I would like to acknowledge and personally thank Congressman Dan Boren, also from the great State of Oklahoma, for his leadership in reintroducing this measure, H.R. 2444, the "Department of Interior Tribal Self-Governance Act of 2011", in the 112th Congress. He and his staff have worked diligently on behalf of Tribal governments and we are greatly appreciative of his efforts to advance Tribal self-governing authorities under H.R. 2444. I also wish to thank the strong, bi-partisan group of Members who have given leadership to the effort to enact this legislation, including you, Chairman Don Young, and other Committee co-sponsors: Representatives Ed Markey, Dale Kildee, Eni Faleomavaega, Grace Napolitano, Raul Grijalva, and Gregorio Sablan. We are also grateful for the support of another gentleman from Oklahoma, Representative Tom Cole, joined by Representatives Joe Baca, Norm Dicks, Michael Honda, Jay Inslee,

Rick Larsen, Betty McCollum and Charles Rangel who collectively support this measure and in doing so deem that “Self-Governance Works”!

I and other Tribal leaders consider H.R. 2444 to be a top priority for passage this year. It is important to us because it is legislation that will enhance Tribal authority and opportunities by improving Title IV of the Indian Self-Determination and Education Assistance Act (ISDEAA) (P.L. 93-638 as amended). I am here today to urge you to promptly take action to once again support and pass these amendments.

On June 9, 2010, I testified before the Natural Resources Committee on a bill containing similar amendments [H.R. 4347]. However, the level of support by the Administration for that bill was, to speak kindly, only very general and uncertain. After that hearing, Tribal leaders sat down with the leadership of the Department of the Interior and struck some important compromises in the language that are now reflected in H.R. 2444, the bill before this Committee. I have included as an attachment to my written testimony an outline of the changes made to last year's House-passed bill that have been agreed to by Tribes and the Department and are included in H.R. 2444 as introduced.

I am pleased to report that those changes have made a world of difference, and have led the Department to signal that it expects to now be able to support H.R. 2444. The changes were the result of a collaborative effort between Self-Governance Tribes and the Department of the Interior to resolve previously controversial provisions. As this measure advances through the Congressional process, we expect the Administration will remain supportive of H.R. 2444.

I want to especially commend Deputy Assistant Secretary Jodi Gillette, who put in countless hours brokering proposed changes within the Department and with Tribal leaders. Her work led to the breakthrough agreement that is reflected in H.R. 2444 and I thank Secretary Salazar and Assistant Secretary Echo Hawk for their support of her efforts.

Benefits of Title IV Amendments

The Title IV amendments create consistency between Self-Governance in the Department of the Interior (DOI) and Title V Self-Governance authority in the Department of Health and Human Services (DHHS) and its Indian Health Service (IHS). Since its enactment in 2000, Title V has provided a solid foundation for implementing government-to-government agreements and has served as an excellent vehicle in advancing health care for American Indian and Alaska Native people. Specifically, Title V directly addressed many of the problems that emerged during the Title IV rulemaking process.

Unfortunately, many of the improvements included in Title V are not included in Title IV. Tribes like the Choctaw Nation, who operate Self-Governance programs under both Title IV and Title V, are left with two different sets of administrative requirements, one for IHS and one for DOI.

H.R. 2444 provides further consistency and clarity to bring implementation of Self-Governance under Title IV in line with Title V of the Act. Further, H.R. 2444 minimizes some of the existing administrative burdens and advances Self-Governance opportunities within other DOI agencies.

The Title IV amendments have long been a top legislative priority of Self-Governance Tribal leaders. As a matter of fact, Tribal leaders and staff have worked with both the Administration and Congress over the past decade on this legislative effort. Enactment of these Title IV amendments would be a significant landmark to advance Tribal self-reliance and would positively impact the 260 Tribes currently participating in Self-Governance within the DOI as well as those Tribes considering Self-Governance as a new option for their Tribal administration.

Reasons for Tribal Self-Governance

Tribal Self-Governance represents the most successful Indian policy in United States history and promotes the efficient use of Federal funds to provide quality services to Native people.

Under Title IV, Tribes have responsibility for management and operation of numerous DOI programs such as education, roads, housing, law enforcement, Tribal courts and natural resources, just to name a few. The benefits of managing these programs under a Self-Governance agreement include:

- ☐ Improves the quality & quantity of services provided to Tribal citizens;**
- ☐ Recognizes a Tribe's right to determine priorities, redesign and create new programs to meet local needs with great flexibility;**
- ☐ Formalizes relations between the United States and Indian Tribes on a government-to-government basis as provided for in the U.S. Constitution;**
- ☐ Promotes greater social, economic, political, cultural stability and self-sufficiency among Indian Tribes;**
- ☐ Establishes better fiscal accountability through expanded Tribal governmental decision making authority;**

- ▣ **Institutes administrative cost-efficiencies through reduced bureaucratic burdens and streamlines decision-making authority; and,**
- ▣ **Changes roles of the Federal departments and agencies serving Indian Tribes by shifting their responsibilities from day-to-day management of Tribal affairs to that of Protectors and Advocates of Tribal interests.**

Self-Governance is not just another Federal program. Rather, Self-Governance is the exercise of Tribal sovereignty through genuine decision-making power. Self-Governance is about Tribal empowerment, accountability, responsibility and self-sufficiency. Since negotiation of the initial seven Self-Governance agreements under DOI Self-Governance in 1991, the total number of Tribes participating in DOI Self-Governance under Title IV has steadily increased to a total of 260 Tribes today. Self-Governance works because it places management responsibility in the hands of those who care most about seeing Tribal programs succeed and services to citizens improve—the Tribal government itself.

Choctaw Nation – Self-Governance Best Practices

The Choctaw Nation of Oklahoma is Federally-recognized by the United States. Our relations with the United States have been difficult for us but have definitely improved in the past decade or two. The Nation consists of ten and one-half counties in the southeastern part of Oklahoma--- bounded 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. The western boundary generally follows a line slightly west of Durant, then due north to the South Canadian River.

The Tribe is governed by the Choctaw Nation Constitution which was ratified by the people on June 9, 1984. The Constitution provides for an Executive, a Legislative and a Judicial branch of government. The legislative authority of the Tribe is vested in the Tribal Council, which consists of 12 members. Members of the Tribal Council are elected by the Choctaw people. The Tribal Council is responsible for adopting rules and regulations which govern the Choctaw Nation, for approving all budgets, making decisions concerning the management of Tribal property, and all other legislative matters. The Tribal Council Members are the voice and representation of the Choctaw people in the Tribal government.

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 the 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 Choctaw Nation's economy, with primary efforts being

focused on the creation of additional job opportunities through promotion and development. By planning and implementing its own programs and building a strong economic base, the Choctaw Nation 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.

I have served as the Chief of the Choctaw Nation since 1997. In this capacity, I have witnessed and been part of the significant growth and development of all programs and services provided to our citizens and I am proud of our strong history and governance capability.

The Choctaw Nation operates under Self-Governance agreements with both DOI – Bureau of Indian Affairs (BIA) and HHS – Indian Health Services (IHS) programs. Because of the flexibilities and authorities provided under Self-Governance, we have numerous success stories and best practices that could be shared. However, I would like to highlight just one of our many Self-Governance successes -- our Choctaw Nation Health Services Authority, the best rural health care system in America.

We provide health care services to all American Indians/Alaska Natives who present at our facilities. We have managed our entire health delivery system since 1985, initially through a 638 contract under Title I of the ISDEAA, and since 1994 through a Self-Governance Compact under Title V of the ISDEAA. Our healthcare delivery system is comprised of a 37-bed hospital, 8 out-patient clinics, 2 substance abuse in-patient centers and a wide range of preventative programs including nutrition counseling and a diabetes wellness center. All these programs are JCAHCO accredited. Our emergency room is the only ER service within a 50 mile radius. It is a life saver for the community, for Indian and non-Indian alike. The Choctaw Nation Health Services Authority's mission statement is "To provide the highest quality health care to the people we serve." Self-Governance has been instrumental in making this mission become a reality.

The Choctaw Nation of Oklahoma operates our health programs under the expanded Tribal authorities of Title V. If H.R. 2444 is enacted, it will conform Title IV to many of the expanded Tribal authorities of Title V, and permit us to better administer our Interior-funded programs on the same scale of distinction that we now manage our award-winning Choctaw Nation Health Services Authority programs.

Offices of Self-Governance

Before I conclude my testimony, I need to acknowledge the work of the Office of Self-Governance (OSG) in the Department of the Interior and the Office of Tribal Self-Governance (OTSG) in the Indian Health Service. The Directors and staff of these offices provide invaluable guidance and technical assistance to Tribes in the

preparation, start-up and transition relative to considering or entering Self-Governance. For more than 20 years we have enjoyed having these liaisons in DOI and IHS to assist in strengthening the mission and goals of the Tribal-Federal government-to-government relation in the implementation of Self-Governance for the benefit of our citizens.

Conclusion

In conclusion, I would like to thank this Subcommittee for holding this important hearing on Tribal Self-Governance and H.R. 2444. I sincerely hope that this Congress will enact H.R. 2444 in the coming weeks, to further assist us in achieving our mission and goals. There is still much to accomplish under our Tribally-driven Self-Governance agenda and we are very anxious to show you more successes under Self-Governance!

Thank you.