

Jefferson Keel, Lieutenant Governor

The Chickasaw Nation

Testimony

H.R. 3994, Department of the Interior Tribal Self Governance Act of 2007

U.S. House of Representatives, Committee on Natural Resources

November 8, 2007

I am Jefferson Keel, Lt. Governor for the Chickasaw Nation, and I also served as the First Vice President of the National Congress of American Indians. On behalf of the Chickasaw Nation, thank you for this opportunity to testify in support of HR 3994, the Department of the Interior Tribal Self Governance Act of 2007.

The Chickasaw Nation has engaged in self governance compacting with the Department of Interior since fiscal year 1994, and has achieved great success in the operation of its programs. Furthermore, the Chickasaw Nation has had a compact with the Indian Health Services within the Department of Health and Human Services since fiscal year 1995, and has enjoyed even greater success.

The greater level of success in the operation of health programs is due, in part, to the greater authority and flexibility of self-governance law provide in Title V of the ISDEAA. Since taking over the federal operation of its health program, the Chickasaw Nation has expanded staffing, vastly improved capital infrastructure, and increased service capacity well beyond anything anticipated. The number of physicians on staff has increased by more than three-fold. Tribal-federal partnerships and leveraging federal funding have allowed for the construction of health clinics, wellness centers and a pharmacy distribution facility. And a federally-designed hospital facility that had an anticipated capacity of 60,000 patient visits per year under federal operation, realized more than 300,000 patient visits in the past fiscal year.

Authority for clearly identified availability and use of tribal funds, tribal management of construction programs and streamlined administrative requirements contained in Title V of the ISDEAA have all contributed to more effective compact and funding agreement negotiation, program management and service delivery. Similar authority for Department of Interior and related programs is strongly desirable.

The time for update Title IV of the Indian Self Determination and Education Assistance Act (ISDEAA) is long overdue. The self governance compacting process authorized under Title V of the ISDEAA with the Department of Health and Human Services affords unique opportunities to tribes currently non-existent with the Department of the Interior.

The strengthening and expansion of compacting authorities in HR 3994 allow tribes more flexibility in investment and interest income, operating construction programs and conducting compact negotiations with Interior.

Specific language allowing the prudent investment of advanced funding provides the opportunity for tribes to earn additional service dollars and to carry-over funds into subsequent fiscal years without jeopardizing future funding. In a federal budget environment where every federal dollar appropriated to discretionary programs becomes more dear, increasing a tribes' ability to provide more services through earned revenues becomes more important.

Various capital improvements are sorely needed throughout Indian country, and the expansion of authority for the operation of construction programs contained in the bill, including advance payment, contingency and savings provisions, will greatly enhance tribal management of construction projects.

HR 3994 authorizes a final offer process in compact negotiations, similar to that with DHHS, is of specific importance. No longer can a compact or funding agreement negotiation be dragged-out indefinitely. The inclusion of final offer provision establishes a definitive means and timeframe for concluding negotiations. Additionally, clear language on the availability of tribal shares will allow tribes to negotiate for fair funding for the administration of compacts and compacted programs.

However, despite the clear advantages of the proposed bill for tribal compacting, a provision within the existing law needs to be re-added that will further reduce the administrative burden of managing self governance compact and funding agreements. The existing language of Section 403(h), codified at 25 USC 458cc(h), would maintain an existing authority that is still needed.

Therefore, I am requesting that the following provision be added to the language of HR 3994:

*"(h) Civil actions*

*(1) Except as provided in paragraph (2), for the purposes of section 450m-1 of this title, the term "contract" shall include agreements entered into under this part.*

*(2) For the period that an agreement entered into under this part is in effect, the provisions of section 81 of this title, section 476 of this title, and the Act of July 3, 1952 (25 U.S.C. 82a), shall not apply to attorney and other professional contracts by Indian tribal governments participating in Self-Governance under this part."*

Mr. Chairman, as you well know, the very core of self governance is tribal governments retaining the ability to control and manage its affairs to better serve Indian people. A critical step in retaining this control is granting tribal governments the full right to exercise self-government through the transfer and effective management of federal programs designed to benefit Indian people. This is a vision that extends to all Indian people, and I urge you to support and promote this long-overdue reaffirmation of an Indian Tribe's inherent right to self-government.

Thank you.