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Financing Self-Determination: Federal Indian Expenditures, 1975-1988

PAUL H. STUART

The self-determination of American Indian communities has been federal Indian policy since 1975, when Congress enacted the Indian Self-Determination and Education Assistance Act, Public Law 93-638. In sections two and three of the act, Congress stated its finding that federal domination of Indian affairs had deprived American Indians of leadership skills and had denied Indians an effective voice in planning and implementing programs. "True self-determination," the Congress concluded, would depend upon an "educational process" which the act was intended to initiate. In initiating a new policy in Indian affairs, Congress stated its commitment to maintain the unique relationship which the United States has with Indian people, often expressed as the trust relationship.¹

Title I of the act, which was denoted the Indian Self-Determination Act, directed the Secretaries of the Interior and of Health, Education, and Welfare (now Health and Human Services) to contract with Indian tribes, at the tribes' request, to plan, conduct, and administer programs provided to tribal members under the authority of the Snyder Act of 1921, the Wheeler-Howard Act of 1934, and the Transfer Act of 1954.² In addition, Title I authorized grants for strengthening tribal government, for training personnel, and for planning.

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ANTECEDENTS OF THE ACT

The Indian Self-Determination Act provided expanded access to contracting for the provision of social, health, and other services on the part of American Indian tribes. It gave tribes the choice of whether to contract, and, for those tribes that did contract to provide a service, it expanded the tribe's exercise of its municipal or local government powers. This expansion of tribal powers was consistent with the trend of earlier federal legislation and practice.

The Buy-Indian Act of 1910 provided an early precedent for tribal contracting.³ By encouraging the Indian Service to contract for "Indian labor" and for "purchases of the products of Indian industry," Congress intended to give Indians work and business experience. Indeed, many tribal contracts were let under the Buy-Indian Act during the early 1970s, when the self-determination policy was being administratively implemented.

The Wheeler-Howard Act of 1934 provided the legislative basis for the modern tribal government. Intended to preserve Indian forms of social organization as a means for the eventual assimilation of American Indian groups, the act provided for the organization of tribal governments and business corporations. While the act represented an increase in Indian self-government, the tribal constitutions and business charters were subject to review by the Secretary of the Interior, as were decisions made by the tribal councils. Thus, the Wheeler-Howard Act provided only limited experience in self-government and preserved federal domination of Indian affairs.⁴

During the 1960s, the Office of Economic Opportunity (O.E.O.) recognized tribal governments as eligible to apply for and administer poverty program grants. Many tribal councils designated themselves community action program boards in order to take advantage of the federal programs.⁵ The O.E.O. was soon followed by the Economic Development Administration and other federal grant-in-aid programs, which established "Indian desks" and funded tribal programs along with programs administered by state and local governments. O.E.O. and other federal grant-in-aid programs provided the tribes with experience in program administration and created the nucleus of a tribal civil service, which quickly became a source of power on some reservations.⁶

In 1970, President Richard M. Nixon called for a policy of tribal

self-determination in his "Special Message to the Congress on Indian Affairs." He cited the tribal experience with the O.E.O. program as evidence that tribes were ready to contract to provide for themselves the programs established by the federal government to promote their welfare. Most of the elements of Title I of Public Law 93-638, passed five years later, were foreshadowed in President Nixon's message, including tribal initiative and the right of tribes to discontinue contracting, known as the right of retrocession.⁷

Federal grant-in-aid programs enacted during the 1970s increasingly made tribes and other Indian groups eligible applicants. The Office of Education, the Administration on Aging, and the Administration of Native Americans in the Department of Health, Education, and Welfare provided grants to Indian tribes, as did bureaus of the Department of Labor and the Department of Housing and Urban Development.

In 1983, President Ronald Reagan characterized the relationship between the federal government and the tribes as a "government to government" relationship. Reagan moved White House responsibility for Indian affairs to the Office of Intergovernmental Liaison, endorsed the self-determination policy, and called for congressional repeal of the Termination Resolution of 1953, which declared that the objective of federal policy was to end the special relationship between the federal government and the Indian tribes. In establishing a Presidential Commission on Indian Reservation Economies, the president declared that tribes would need to shoulder an increasing percentage of the costs of self-government, providing services with tribal, rather than federal, funds.⁸

ANALYSIS OF THE ACT

The Indian Self-Determination Act is an example of process-oriented legislation, in that it establishes a process which may occur under certain conditions. It is not substantive, in the sense that it does not create new programs or establish a new budget authority. No new funds are provided; rather, a procedure is specified for implementing (and, in a limited sense, altering) existing Bureau of Indian Affairs and Indian Health Service programs.

Process-oriented legislation was characteristic of much federal domestic legislation in the 1960s.⁹ For example, much of the Economic Opportunity Act, the legislation creating the Office of Economic Opportunity, is concerned with establishing a process for distributing funds. The most noted process-oriented provision of the Economic Opportunity Act is the section requiring "maximum feasible participation" of the poor in administering community action programs.

During the 1970s and 1980s, Congress created a large number of block grant programs which included procedural requirements, sometimes highly complex ones. The block grants, promoted particularly strongly during the Nixon, Ford, and Reagan administrations, were consistent with a conservative approach to intergovernmental transfers, which emphasized increasing the decision-making power of recipient governments and, ultimately, decreasing the federal financial share of program costs.¹⁰ Thus, the self-determination legislation was consistent with other domestic legislation of the period.

A significant element in the thinking behind the self-determination policy, on the part of some administration figures if not the Congress, has been the notion that true self-determination implies financial independence. In this view, Indian tribes will be dependent and will suffer from the effects of paternalism as long as the federal government is funding them. Thus President Reagan, in his 1983 Indian message, stated that tribes must provide a greater percentage of the costs of self-government, reducing their financial dependence on the federal government.¹¹

Both presidents Nixon and Reagan and the Congress, in Public Law 93-638, differentiated the self-determination policy from termination, which Reagan termed a "now discredited policy." Indeed, the self-determination policy is consistent not only with the direction of federal domestic policy of the 1970s and 1980s but also with the post-termination drift of federal Indian policy. Enthusiasm for termination had waned by the early 1960s, as a result of Indian opposition and negative results.¹² In its 1959 decision, *Williams v. Lee*, the Supreme Court ushered in a new era in Indian law. The Court found that a non-Indian creditor had to apply to the tribal courts for relief against an Indian debtor living on the reservation. The decision greatly increased the authority of tribal governments in an era when they had been largely ignored by non-Indians.¹³

The self-determination policy is also consistent with greater

recognition of and appreciation of ethnic identity, and a rejection of the melting pot idea. Ethnic self-identification has increased in the United States, and, on a worldwide basis, there is increasing emphasis on the right to self-determination of subnational ethnic groups. The United Nations Charter and covenants and other international agreements, such as the Helsinki Accords, emphasize the self-determination of ethnic groups as a human right. Political scientist Dov Ronen predicts a transformation of the nation-state to accommodate small, ethnic self-governing entities as a result of this renewed emphasis on the group.¹⁴

PROBLEMS IN THE IMPLEMENTATION OF THE SELF-DETERMINATION POLICY

Critics have identified a number of problems in implementing the Indian Self-Determination Act during the last decade-and-a-half. I have classified these as (1) procedural problems, (2) fiscal problems, and (3) fundamental problems. The procedural problems are problems of administrative implementation; these may appear to be relatively simple to resolve, but may in fact be more intractable than they seem. The fiscal problems involve the level of funding that has been provided for self-determination contracting and the ways in which funds are managed and transferred to the tribes. The problems classified as fundamental refer to limitations built into the concept of self-determination as enunciated in Public Law 93-638 and into the relationship between tribes and the federal government as it has evolved since the nineteenth century.

Procedural problems. A number of observers have noted frequent red tape and delays in implementing tribal requests for information. In part, such delays are the result of an awkward and inadequate administrative structure, but the delays may also reflect efforts on the part of federal administrators to discourage tribal contracting, as well as a conditioned cautiousness resulting from frequent changes in past federal Indian policy.¹⁵

In a related problem area, tribes complain that they have inadequate access to information needed to make the decision of whether to initiate a contract or not or, once the decision to contract has been made, for planning programs. Necessary information may include incidence rates (of criminal activity or health

problems, for example) and data regarding the costs incurred in providing a service. This problem reflects federal agency information systems that were not designed to facilitate self-determination contracting, as well as inadequate administrative capacity and outright resistance.¹⁶

Although Public Law 93-638 requires that the participating agencies institute an appeals procedure, both the Indian Health Service and the Bureau of Indian Affairs were slow to establish such procedures. In addition, both agencies have at times delayed making a decision on how to respond to a tribal request to contract. Thus there is no unfavorable decision to appeal.

The Indian Health Service takes a passive approach to self-determination contracting, holding that the decision *not* to contract may be a meaningful exercise of a tribe's right to self-determination. Some regard this passivity as an impediment to tribal self-determination. Others, however, including the National Indian Health Board, endorse the IHS position, finding it to be consistent with the self-determination legislation and with the ideas expressed in President Nixon's Indian Message to Congress.¹⁷

Fiscal problems. The amount of the self-determination contract awarded to the tribe is supposed to be based upon what it would cost the BIA or the IHS to provide the contracted service. However, the tribe's overhead may be greater than the federal agency's overhead because of cost savings inherent in a large organization. Tribal indirect costs constituted "perhaps the single most serious problem with implementation of the Indian self-determination policy," according to the Senate Select Committee on Indian Affairs.¹⁸ In some cases, indirect costs have been paid out of direct service funds; in other cases, the accumulation of inadequate reimbursement of indirect costs has increased the indebtedness of tribes participating in self-determination contracting.¹⁹ In the 1987 amendments to the Indian Self-Determination Act, Public Law 100-472, Congress attempted to resolve the problem by requiring the BIA and the IHS to fully fund tribal indirect costs.²⁰

Congress anticipated that federal employees would in some cases be transferred from federal to tribal employment, and much of Title I of Public Law 93-638 concerns the rules for how such transfers will occur, including protection of the employee's salary level, benefits, and right to re-enter federal service. The transfer of federal personnel to tribal employment can result in artificially

high personnel costs for the tribe, when the federal compensation for personnel is in excess of prevailing local wage rates; the expense may limit the tribe's ability to use innovative staffing patterns.²¹

Self-determination contracting increases federal agency costs also, because of the necessity of monitoring self-determination contracts to insure compliance. Yet appropriations for the Indian Health Service and the Bureau of Indian Affairs do not reflect the increased costs of self-determination contracting. IHS expenditures in 1987 were less than \$100 per eligible person, while BIA expenditures have declined since the enactment of Public Law 93-638.²²

Fundamental problems. Public Law 93-638 provides for tribal contracting to furnish an existing service. It does not provide for a transfer of operating authority from the federal agency to the tribe.²³ Thus, the Indian Health Service regards services provided under tribal contracts to be extensions of the IHS itself.²⁴ Under the self-determination policy, the relevant federal agency retains the power to identify problems, design programs to address the problems, and define the criteria for success. Ross Swimmer, Assistant Secretary of the Interior for Indian Affairs at the end of the Reagan administration, proposed distributing self-determination funds to the tribes in block grant form, thus transferring operating authority, including the capacity to identify problems and program solutions, from the Bureau of Indian Affairs to the tribes.²⁵

Although Public Law 93-638 authorizes grants for planning, contracting has been emphasized over planning in the implementation of the law, according to the National Indian Health Board. More extensive use of the planning provisions is limited by tribal and federal agency preferences for action. In addition, funds for engaging in planning have been limited and have been provided on a competitive grant basis, unlike contracts, which are technically available at the tribe's discretion.²⁶

Finally, Public Law 93-638 provides no protection against budget cuts, which would result in reductions in the quality of services provided to Indian people. This problem, noted in a 1976 analysis of the law,²⁷ has become increasingly serious during the last seven years, as tribes have experienced stable funding on the part of the Bureau of Indian Affairs but reductions in grant funding from other federal agencies.

EXPENDITURES

Self-determination would be expected to increase the initial cost of providing a service, because the federal agency involved would have increased responsibilities for contract administration and monitoring and for strengthening tribal governments and training tribal personnel. Also, as noted above, tribal overhead costs may be higher than the overhead costs for federal agencies.

Increased emphasis on planning has been identified as a way to increase tribal input to problem definition and program planning, in addition to program implementation. A self-determination policy that emphasized planning rather than contracting, however, would increase costs further, because of planning expenses incurred by tribal governments.

Such cost increases were not contemplated by the framers of Public Law 93-638. Indeed, the law provides only limited funding for planning and nothing for increased contract administration costs. Bureau of Indian Affairs funding was relatively stable during the first decade of the self-determination program. From 1976 to 1988, BIA expenditures for direct programs declined by 5.7 percent when measured in constant dollars. Most of the decrease was the result of budget cuts made after 1981, Ronald Reagan's first year as president. In contrast, IHS direct program outlays increased by 71.2 percent between 1976 and 1988, but only by 24.7 percent between 1981 and 1988, during the Reagan administration.

Implementation of the self-determination policy was expected to lead to reduced federal employment, as tribes took over the operation of programs formerly administered by federal employees. Between 1976 and 1988, full-time permanent positions in the Bureau of Indian Affairs *declined* by one-third (33.0 percent), while full-time permanent positions in the Indian Health Service *increased* by more than one-third (40.1 percent). Part of the IHS growth resulted from the increased size of the area office staffs. In the IHS, the area offices are primarily responsible for monitoring self-determination contracts.

Self-determination contracting has had a significant impact on the Bureau of Indian Affairs, with self-determination contracts accounting for about 25 percent of the fiscal 1985 BIA budget. Self-determination and Buy-Indian contracts accounted for a similar proportion of IHS direct program outlays in fiscal year 1984,

TABLE 1
Bureau of Indian Affairs
Direct Program Expenditures, 1974-1988

	Current Dollars (in thousands)	% Change	Constant (1974) Dollars (in thousands)	% Change
1974	\$ 411,113	—	\$ 411,113	—
1975	472,583	+ 15.0	432,886	+ 5.3
1976	509,482	+ 7.8	441,211	+ 1.9
1977	583,914	+ 14.6	474,722	+ 7.6
1978	641,549	+ 10.0	484,396	+ 2.0
1979	682,703	+ 6.4	464,238	- 4.2
1980	763,363	+ 11.8	457,254	- 1.5
1981	814,208	+ 6.7	440,487	- 3.7
1982	823,542	+ 1.1	420,006	- 4.6
1983	948,696	+ 15.2	468,656	+ 11.6
1984	899,855	- 5.1	426,531	- 9.0
1985	918,907	+ 2.1	419,940	- 1.5
1986	884,163	- 3.8	397,873	- 5.3
1987	970,716	+ 9.8	421,291	+ 5.9
1988	997,718	+ 2.8	416,048	- 1.2
			1976-1988	- 5.7
			1981-1988	- 5.5

Source: Executive Office of the President, *Budget of the United States Government, 1976-1990*; U.S. Department of Labor, Bureau of Labor Statistics, *Handbook of Labor Statistics, 1989*, BLS Bulletin 2340 (Washington, D.C.: U.S. Government Printing Office, 1989), 475.

although tribes contracted for the operation of only six out of fifty-one Indian hospitals. Much tribal contracting with IHS was for "community health outreach[,] public health nursing services, and alcohol and drug counseling and treatment" provided by the tribes.²⁸ IHS staff growth was made possible by the increases in IHS funding during the first decade of experience with the self-determination program.

The divergent experience of the two agencies suggests two

TABLE 2
Indian Health Service
Direct Program Outlays, 1974-1988

	Current Dollars (in thousands)	%	Constant (1974) Dollars (in thousands)	%
		Change		Change
1974	\$ 217,800	—	\$ 217,800	—
1975	239,681	+10.0	219,548	+ 0.8
1976	268,413	+12.0	232,446	+ 5.9
1977	314,094	+17.0	255,358	+ 9.9
1978	402,741	+28.2	304,069	+19.1
1979	465,345	+15.5	316,435	+ 4.1
1980	549,192	+18.0	328,966	+ 4.0
1981	589,999	+ 7.4	319,189	- 3.0
1982	616,293	+ 4.5	314,309	- 1.5
1983	678,669	+10.1	335,262	+ 6.7
1984	777,280	+14.5	368,431	+10.0
1985	799,756	+ 2.9	365,488	- 0.8
1986	817,891	+ 2.3	368,051	+ 0.7
1987	869,693	+ 6.3	377,447	+ 2.6
1988	954,441	+ 9.7	398,002	+ 5.4
			1976-1988	+71.2
			1981-1988	+24.7

Source: Executive Office of the President, *Budget of the United States Government, 1976-1990*; U.S. Department of Labor, Bureau of Labor Statistics, *Handbook of Labor Statistics, 1989*, BLS Bulletin 2340 (Washington, D.C.: U.S. Government Printing Office, 1989), 475.

questions. First, can stable funding promote self-determination that is more than mere program administration? Second, can increased funding, increased monitoring, and increased staff for monitoring contracts promote self-determination? That questions can be raised about such divergent experiences suggests that the problems of achieving true self-determination may be more fundamental than has been generally recognized, requiring a radical, rather than a procedural solution.

TABLE 3
Bureau of Indian Affairs and Indian Health Service
Direct Program
Full-Time Permanent Positions
1974-1988

	BIA	% Change	IHS	% Change
1974	14,178	—	7,751	—
1975	13,322	- 6.0	8,108	+ 4.6
1976	13,018	- 2.4	8,500	+ 4.8
1977	12,884	- 1.0	8,852	+ 4.1
1978	12,826	- 0.5	9,727	+ 9.9
1979	12,550	- 2.2	10,218	+ 5.0
1980	12,424	- 1.0	10,700	+ 4.7
1981	12,086	- 2.7	10,710	+ 0.1
1982	10,797	-10.7	10,819	+ 1.0
1983	11,074	+ 2.6	10,958	+ 1.3
1984	9,952	-10.1	11,440	+ 4.5
1985	8,712	-12.5	11,494	+ 0.5
1986	9,036	+ 3.7	11,561	+ 0.6
1987	10,077	+11.5	11,626	+ 0.6
1988	8,716	-13.5	11,911	+ 2.5
1976-1988		-33.0		+40.1

Source: Executive Office of the President, *Budget of the United States Government*, 1976-1990.

Changes in the level of expenditures for grant-in-aid programs directed toward tribes have a more immediate impact on tribal programs than do changes in BIA and IHS budgets, because a greater proportion of these funds go directly into tribal programming. In some contrast to the experience with BIA and IHS funding, the experience with grant-in-aid funds has been almost uniformly negative. Expenditures for Indian Education Act grants administered by the Department of Education declined 34.6 percent between 1981 and 1988. Between 1976 and 1988, Administration for Native Americans expenditures, administered by the Department of Health and Human Services, declined by over half

(56.9 percent). In 1982, Congress replaced CETA with the Job Training Partnership Act (JPTA). Although JPTA provided tribes with lower levels of support than CETA, tribal JPTA expenditures declined by 28.1 percent between 1982 and 1988.

Funding for programs for elderly American Indians increased during the mid-1980s, presenting an apparent exception to the experience with other federal grant-in-aid programs outlined above. On examination, however, the tribal experience with programs for the aged has been consistent with other federal grant-in-aid programs. The small Title VI program under the Older Americans Act provides funding for tribal programs furnishing services to the elderly. Title VI expenditures increased by 5.3 percent between 1981 and 1985, but a liberalization of the eligibility requirements for tribal participation in 1984 resulted in an increased number of tribes participating as grantees. The results were a smaller average per-tribe grant and fewer services available to Indian elders in those tribes that had been with the program from the start.²⁹ By 1988, expenditures for Title VI grants declined by over one-eighth (13.6 percent) from their 1980 level.

CONCLUSIONS

Financing is a significant part of the problem of achieving tribal self-determination. Achievement of true self-determination is seriously compromised by the declining resources available for self-determination programming. Former Assistant Secretary of the Interior for Indian Affairs Ross Swimmer proposed dividing the BIA budget into a category for carrying out trust responsibilities and a second "all other" category, for self-determination funds. Self-determination funds would be allocated to the tribes on a formula basis. Each tribe would have the responsibility for planning how to allocate its tribal self-determination funds. Tribes would be able to provide services themselves, or to contract with the bureau or another agency to provide the service. The Swimmer proposal would provide for tribal autonomy in deciding on the uses of self-determination funds allocated to the tribes on a formula basis. An important question has to do with the definition of functions associated with the bureau's trust responsibility. If the trust responsibility is construed broadly, there may be very little in the budget to allocate as self-determination funds.

TABLE 4
Indian Education Act Grants
1974-1988

	Current Dollars (in thousands)	%	Constant (1974) Dollars (in thousands)	%
		Change		Change
1974	\$40,000	—	\$40,000	—
1975	39,929	- 0.2	36,574	- 8.6
1976	31,900	-20.5	27,625	-24.5
1977	55,207	+73.1	44,883	+62.5
1978	57,538	+ 4.2	43,441	- 3.2
1979	69,362	+20.5	47,166	+ 8.6
1980	73,430	+ 5.9	43,985	- 6.7
1981	78,142	+ 6.4	42,275	- 3.9
1982	72,672	- 7.1	37,062	-12.3
1983	64,658	-11.0	31,941	-13.8
1984	65,765	+ 1.7	31,173	- 2.4
1985	62,542	- 4.9	28,582	- 8.3
1986	59,587	- 4.7	26,814	- 6.2
1987	59,817	+ 0.4	25,961	- 3.2
1988	66,344	+10.9	27,665	+ 6.6
			1976-1988	+ 0.1
			1981-1988	-34.6

Source: Executive Office of the President, *Budget of the United States Government, 1976-1990*; U.S. Department of Labor, Bureau of Labor Statistics, *Handbook of Labor Statistics, 1989*, BLS Bulletin 2340 (Washington, D.C.: U.S. Government Printing Office, 1989), 475.

In addition, the proposal would not assure adequate funding for tribes to carry out basic local government functions. And the proposal does not address the question of the sovereignty of tribal governments, an issue which can be expected to become more salient in the next decade. Increasing tribal revenue sources, especially through greater powers of taxation, has also been proposed as a way to promote tribal independence and self-determination. However, increasing tribal taxing power will not suffice

TABLE 5
Administration for Native Americans
Expenditures
1975-1988

	Current Dollars (in thousands)	%	Constant (1974) Dollars (in thousands)	%
		Change		Change
1975	32,276	—	29,565	—
1976	33,143	+ 2.7	28,702	- 2.9
1977	33,273	+ 0.4	27,051	- 5.8
1978	31,659	- 4.9	23,903	-11.6
1979	34,290	+ 8.3	23,317	- 2.5
1980	34,510	+ 0.6	20,671	-11.3
1981	33,632	- 2.5	18,195	-12.0
1982	27,957	-16.9	14,258	-21.6
1983	28,000	+ 0.2	13,832	- 3.0
1984	29,061	+ 3.8	13,775	- 0.4
1985	29,000	- 0.2	13,253	- 3.8
1986	27,742	- 4.3	12,484	- 5.8
1987	28,989	+ 4.5	12,581	+ 0.8
1988	29,679	+ 2.4	12,376	- 1.6
			1976-1988	-56.9
			1981-1988	-32.0

Source: Executive Office of the President, *Budget of the United States Government, 1976-1990*; U.S. Department of Labor, Bureau of Labor Statistics, *Handbook of Labor Statistics, 1989*, BLS Bulletin 2340 (Washington, D.C.: U.S. Government Printing Office, 1989), 475.

on many reservations. As an interim measure, a self-determination trust fund, similar to the trust funds that finance Social Security expenditures, would insulate self-determination funding from the annual federal budget cycle and provide a partial escape from the conundrum of Indian self-determination and Indian financial dependence on the federal budget.³⁰

TABLE 6
Job Training Partnership Act
Department of Labor
Expenditures
1982-1988

	Current Dollars (in thousands)	%	Constant (1974) Dollars (in thousands)	%
		Change		Change
1982	67,887	—	34,622	—
1983	68,915	+ 1.5	34,044	- 1.7
1984	108,546	+57.5	51,451	+51.1
1985	62,538	-42.4	28,580	-44.5
1986	59,651	- 4.6	26,843	- 6.1
1987	61,484	+ 3.1	26,684	- 0.6
1988	59,713	- 2.9	24,900	- 6.7
			1982-1988	-28.1

Source: Executive Office of the President, *Budget of the United States Government, 1976-1990*; U.S. Department of Labor, Bureau of Labor Statistics, *Handbook of Labor Statistics, 1989*, BLS Bulletin 2340 (Washington, D.C.: U.S. Government Printing Office, 1989), 475.

NOTES

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1. Title I, sections 2 and 3, Indian Self-Determination and Education Assistance Act, Public Law 93-638, approved 4 January 1975, *U.S. Statutes at Large*, vol. 88, 2203-2217.

2. The Snyder Act, approved 2 November 1921, provides the legislative basis for furnishing health and social services to American Indians (*U.S. Statutes at Large*, vol. 42, 208). The Wheeler-Howard Act, or Indian Reorganization Act, approved 18 June 1934, provides for the establishment of tribal governments and business corporations and establishes programs of assistance to these tribal organizations (*U.S. Statutes at Large*, vol. 48, 984). The Transfer Act, approved 5 August 1954, transfers the responsibility of Indian health programs from the Bureau of Indian Affairs in the Department of the Interior to the Public Health Service in the Department of Health, Education, and Welfare (*U.S. Statutes at Large*, vol. 68, 674-75). The transfer took effect 1 July 1955.

TABLE 7
Administration on Aging
Title VI Grants to Indian Tribes
1980-1988

	Current Dollars (in thousands)	%	Constant (1974) Dollars (in thousands)	%
		Change		Change
1980	5,783	—	3,464	—
1981	6,000	+ 3.8	3,246	- 6.3
1982	5,749	- 4.2	2,932	- 9.7
1983	5,735	- 0.2	2,833	- 3.4
1984	5,735	0.0	2,718	- 4.1
1985	7,500	+30.8	3,428	+26.1
1986	7,177	- 4.3	3,230	- 5.8
1987	7,500	+ 4.5	3,255	+ 0.8
1988	7,181	- 4.3	2,994	- 8.0
			1981-1988	- 7.8

Source: Executive Office of the President, *Budget of the United States Government, 1976-1990*; U.S. Department of Labor, Bureau of Labor Statistics, *Handbook of Labor Statistics, 1989*, BLS Bulletin 2340 (Washington, D.C.: U.S. Government Printing Office, 1989), 475.

3. Act approved 25 June 1910, *U.S. Statutes at Large*, vol. 36, 861.

4. A large literature has been produced on the Indian Reorganization Act. See Lawrence C. Kelly, "The Indian Reorganization Act: The Dream and the Reality," *Pacific Historical Review* 44 (August 1975): 291-312; Wilcomb E. Washburn, "A Fifty-Year Perspective on the Indian Reorganization Act," *American Anthropologist* 86 (June 1984): 279-89; and Laurence M. Hauptman, "Africa View: John Collier, the British Colonial Service and American Indian Policy, 1933-1945," *The Historian* 48 (May 1986): 359-74.

5. Sar A. Levitan, *The Great Society's Poor Law: A New Approach to Poverty* (Baltimore: The Johns Hopkins Press, 1969), 265.

6. Joyce M. Kramer, "The Policy of American Indian Self-Determination and Its Relevance to Administrative Justice in Africa," in *Administrative Justice in Public Services: American and African Perspectives*, ed. Peter T. Simbi and Jacob N. Ngawa (Stevens Point, Wisconsin: Worzalla Publishing Co., 1988), 91-102; Philip D. Roos, Dowell H. Smith, Stephen Langley, and James McDonald, "The Impact of the American Indian Movement on the Pine Ridge Indian Reservation," *Phylon* 41 (March 1980): 89-99.

7. Richard M. Nixon, "Message to Congress on Indian Affairs," 8 July 1970, in *Public Papers of the Presidents of the United States, Richard Nixon, 1970* (Washington, D.C.: U.S. Government Printing Office, 1971), 564-76.

8. Ronald Reagan, "Statement on Indian Policy," 24 January 1983, in *Public Papers of the Presidents of the United States, Ronald Reagan, 1983*, Book 1 (Washington, D.C.: U.S. Government Printing Office, 1984), 96-100.

9. Theodore J. Lowi identified process-oriented legislation as a characteristic feature of interest group liberalism in *The End of Liberalism: Ideology, Policy, and the Crisis of Public Authority* (New York: Norton, 1969), 68-72.

10. U.S. General Accounting Office, *Early Observations on Block Grant Implementation: A Report to the Congress*, GAO/GGD-82-79 (Washington, D.C.: U.S. General Accounting Office, 1982), 2-3.

11. Reagan, "Statement on Indian Policy"; see also Francis Paul Prucha, *The Indians in American Society: From the Revolutionary War to the Present* (Berkeley: University of California Press, 1985), 97-102.

12. Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986), 198-99.

13. Charles F. Wilkinson, *American Indians, Time, and the Law: Native Societies in a Modern Constitutional Democracy* (New Haven: Yale University Press, 1987), 1-3.

14. Dov Ronen, *The Quest for Self-Determination* (New Haven: Yale University Press, 1979), 21.

15. Sharon O'Brien, "Federal Indian Policies and the International Protection of Human Rights," in *American Indian Policy in the Twentieth Century*, ed. Vine Deloria Jr. (Norman, Oklahoma: University of Oklahoma Press, 1985), 35-61; Michael A. Olivas, "The Tribally Controlled Community College Assistance Act of 1978: The Failure of Federal Indian Higher Education Policy," *American Indian Law Review* 9 (1981): 219-251; National Indian Health Board and American Indian Technical Services, *Evaluation Report: The Indian Health Service's Implementation of the Indian Self-Determination Program* (Washington, D.C.: U.S. Government Printing Office, 1984); U.S. General Accounting Office, *The Indian Self-Determination Act—Many Obstacles Remain: A Report to the Congress*, GAO/HRD-78-59 (Washington, D.C.: U.S. General Accounting Office, 1978).

16. Robert A. Nelson and Joseph F. Sheley, "Bureau of Indian Affairs Influence on Indian Self-Determination," in *American Indian Policy in the Twentieth Century*, 177-96.

17. Testimony of Dr. Emery Johnson, Director, Indian Health Service, to U.S. Senate, Select Committee on Indian Affairs, *Hearings on Implementation of Public Law 93-638, The Indian Self-Determination and Education Assistance Act*, 7 and 24 June 1977, 95th Congress, 1st session (Washington, D.C.: U.S. Government Printing Office, 1977), 234; National Indian Health Board and American Indian Technical Services, *Evaluation Report*, 10.

18. U.S. Senate, Select Committee on Indian Affairs, *Indian Self-Determination and Education Assistance Act Amendments of 1987*, 22 December 1987, 100th Congress, 1st session, Senate Report No. 100-274, 8-13.

19. Testimony of Jim Sizemore to U.S. Senate, Select Committee on Indian Affairs, *Hearing on Recommendations for Strengthening the Indian Self-Determination Act*, 22 April 1987, 100th Congress, 1st session (Washington, D.C.: U.S. Government Printing Office, 1987), 32-34.

20. Indian Self-Determination and Education Assistance Act Amendments of 1988, Public Law 100-472, approved 5 October 1988, *U.S. Statutes at Large*, vol. 102, 2285.

21. U.S. Congress, Office of Technology Assessment, *Indian Health Care* (Washington, D.C.: U.S. Government Printing Office, 1986), 226.

22. Joyce M. Kramer, "The American Health Deficit: Hazards of Being Minority and Poor" (Paper presented at the Green Bay Colloquium on Ethnicity and Public Policy, University of Wisconsin System Institute on Race and Ethnicity, May 1989); Table 1.

23. Russel Lawrence Barsh and Ronald L. Trosper, "Title I of the Indian Self-Determination and Education Assistance Act of 1975," *American Indian Law Review* 3 (1975): 361-93.

24. Office of Technology Assessment, *Indian Health Care*, 227.

25. Ross Swimmer, "Statement of the Assistant Secretary—Indian Affairs before the Subcommittee on Interior and Related Agencies, Committee on Appropriations, United States House of Representatives, October 27, 1987," processed.

26. National Indian Health Board and American Indian Technical Services, *Evaluation Report*.

27. Barsh and Trosper, "Title I."

28. Select Committee on Indian Affairs, *Indian Self-Determination and Education*, 6; Office of Technology Assessment, *Indian Health Care*, 217; Table 2.

29. U.S. Senate, Special Committee on Aging, *Hearing: The Older Americans Act and Its Application to Native Americans*, 28 June 1986, 99th Congress, 2nd session (Washington, D.C.: U.S. Government Printing Office, 1986).

30. Barsh and Trosper, "Title I."