

Indian Self-Determination and Education Assistance Act (Public Law 93-638)

638 Authority

The Indian Self-Determination and Education Assistance Act (ISDEAA), also known as **638 authority**, authorizes Tribes to administer certain federal government programs through government contracts and compacts.¹



Sovereign Tribal Nations

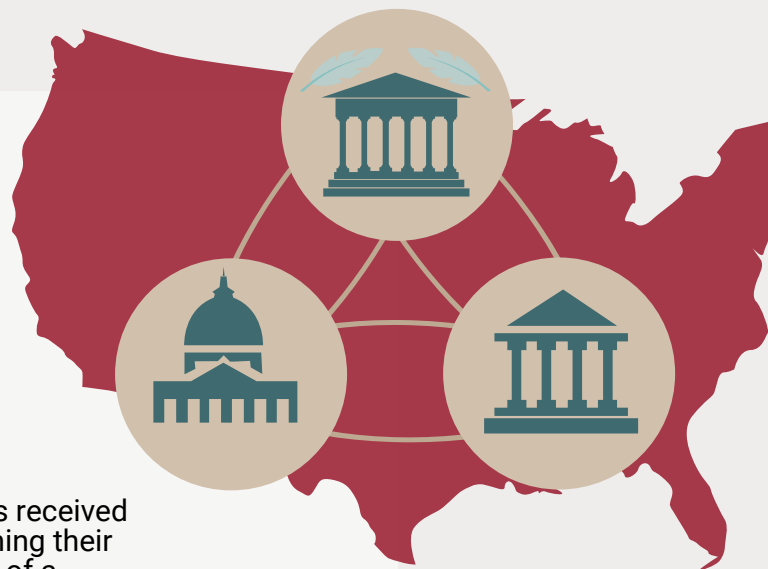
In the United States, there are three sovereigns:²

- The U.S. Federal Government
- Tribal Governments
- State Governments

574

Sovereign Federally Recognized Tribes, or Tribal Nations, have their own distinct constitutions, governmental bodies, judicial systems, policies, and laws.

In exchange for millions of acres of land, Tribal Nations received promises from the federal government, including retaining their inherent right to self-governance, the acknowledgment of a government-to-government relationship, as well as access to federal programs and support to ensure the success of Tribal communities.³



638 Authority: Contracts and Compacts

Congress passed the ISDEAA, 638 authority, as a mechanism of tribal self-governance through the process of government program contracting and compacting.⁴

638 Authority Contracts
Title I of ISDEAA

The Tribe chooses to control a specific federal program. For instance, a Tribe can choose to take control over one of Indian Health Services' programs serving Native communities. Federal funds are provided to the Tribe to implement the program along with the flexibility to tailor the program for their Tribal citizens with the approval of the Secretary.

638 Authority Compacts
Title IV and V of ISDEAA

The Tribe chooses to control the entirety of a specific federal agency's programs. This option requires a Tribe to have successfully administered a 638 authority contract for 3 years, and have negotiated a compact and funding agreement with the Secretary. 638 authority compacts provide more flexibility and less federal oversight than a 638 government contract.

Quick Statistics on Tribal 638 Administration

approximately
67%
of 574 Federally Recognized Tribes have a 638 agreement with the federal government

60%
of the Indian Health Services' budget is Tribally administered

50%
of the Department of the Interior's budget is Tribally administered

Why 638 Authority?

It has been the most successful and supportive mechanism for enhancing Tribal self-determination and self-governance.

Tribes have the knowledge and understanding of the needs of their community

Direct, streamlined funding to Tribes for contracting and compacting programs ensures support to Tribal citizens to meet their specific needs and circumstances.

Reduces administrative burdens both on Federal and Tribal governments

New 638 Opportunities at USDA

Food Distribution Program on Indian Reservations (FDPIR)

Tribal Self-Determination Demonstration Project for FDPIR Food Procurement

This 638 demonstration project authorizes Indian Tribal Organizations (ITOs) to manage the FDPIR procurement process and the relationships with vendors, making room for more autonomy in deciding what foods go into the food packages that are distributed to nearly 90,000 Native Americans per month.⁵

Social Impact
276 Tribes⁵ **90,200 people**⁵
participate in the Food Distribution Program on Indian Reservations through the administration of ITOs and 3 states per month on average are served through FDPIR

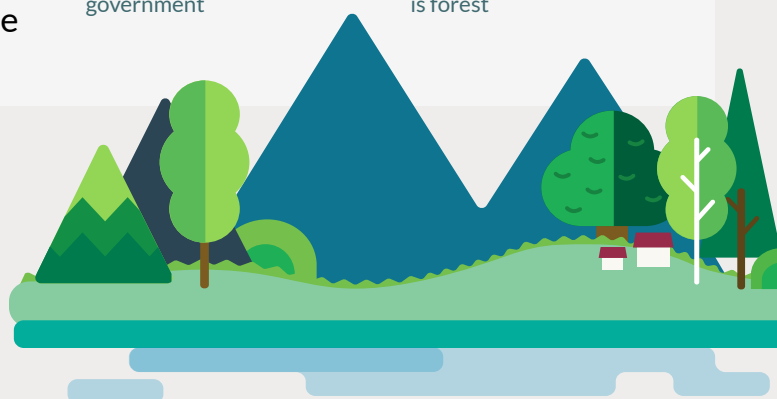


Forestry

Tribal Self-Governance Demonstration Project for Tribal Forest Management

This 638 demonstration project authorizes Tribal management of Forest Service and Bureau of Land Management lands adjacent to Indian lands under the Tribal Forest Protection Act. It adds Tribes to be eligible for Good Neighbor Authority to enter into forest management agreements with states and the USDA.⁶

Social Impact
300 Tribes **One third**
have forests on their land in trust by the federal government of Indian land held in trust by the federal government is forest



1. Grogg, Richelle, *Extending Tribal Self Determination to Food and Agriculture*, 2019. 2. Echohwak, John, *Understanding Tribal Sovereignty: The Native American Rights Fund*, 2013. 3. National Congress of American Indians, *Tribal Governance*. 4. Delaney, Danielle, *The Master's Tools: Tribal Sovereignty and Tribal Self-Governance Contracting/Compacting*, 2017. 5. 2019 President's Budget Food and Nutrition Service 6. 2018 Farm Bill, H.R. 2 Sec. 8624



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