Tribal Self-Determination Authorities

Congress uses its broad authority over tribal issues to consider legislation with provisions specific to federally recognized Tribes ("Tribes").¹ In 1975, Congress enacted the Indian Self-Determination and Education Assistance Act (ISDEAA; P.L. 93-638), which outlined federal policy on tribal self-determination. ISDEAA provided for the "effective and meaningful participation by the Indian people in the planning, conduct, and administration" of certain federal programs and services through self-determination ("638") contracts.²

Congress has amended ISDEAA several times, in part to provide increasing flexibility. For example, Congress authorized self-governance compacts, which allow Tribes and tribal organizations operating federal programs to reorganize activities and reallocate funding without federal approval.³ Subsequent laws have expanded the use of ISDEAA contracts and compacts to other federal departments.⁴ In some federal departments, certain programs may use these authorities whereas others may not. Therefore, tribal self-determination or self-governance may occur on a per program or per activity basis.

Tribal Self-Determination Authorities Across the Federal Government



1975 Indian Self-Determination and Education **2002** Assistance Act (ISDEAA; P.L. 93-638)

- **1988** ISDEAA Amendments of 1988 (P.L. 100-472) Tribally Controlled Schools Act of 1988 (TCSA; Title V of P.L. 100-297)
- **1992** Indian Health Amendments of 1992 (P.L. 102-573) Indian Employment, Training and Related Services Demonstration Act (P.L. 102-477)
- **1994** Tribal Self-Governance Act of 1994 (Title II of P.L. 103-413, ISDEAA amendment)
- **2000** Tribal Self-Governance Act of 1994 (Title II of P.L. 103-413, ISDEAA amendment)

Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000 (P.L. 106-568)

- 2002 No Child Left Behind Act of 2001 (P.L. 107–110, TCSA amendment)
 2003 Consolidated Appropriations Resolution, 2003 (P.L. 108-7, TCSA amendment)
 Department of the Interior and Related Agencies Appropriations Act, 2004 (P.L. 108–108, TCSA amendment)
 2015 Fixing America's Surface Transportation Act (FAST Act; P.L. 114-94)
- **2017** Indian Employment, Training and Related Services Demonstration Act of 2017 (P.L. 115-93)
- 2018 Agriculture Improvement Act of 2018 (2018 farm bill; P.L. 115-334)
- 2020 PROGRESS for Indian Tribes Act (P.L. 116-180, ISDEAA amendment)

¹ DOI, "Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs," 89 *Federal Register* 944, January 8, 2024; ² P.L. 93-638, §3; ³ P.L. 103-413, ⁴ Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 104-330)

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