

GWY.Ꭰ DBF
CHEROKEE NATION®



Self-Governance Training Negotiation Process IHS Emphasis

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Negotiation Process

Getting Started with IHS:

“Tribal Self-Governance
A Handbook for Tribal Governments”

Negotiation Process

Major Components of an Ongoing Process

- Planning
- Negotiations
- Implementation
- Monitoring

Negotiation Process

Planning-

- complete review of existing operations
- determination of Tribal priorities
- identification of short and long-term goals
- establish baseline measures
- research (financial, legal, programmatic)
- analysis of information; options
 - efficient & effective use of resources

Negotiation Process

Negotiation-

- “government-to-government”
- good faith
- results in a compromise agreement between the two parties
- allowed the flexibility to re-design programs and reallocate budgets to meet local needs

Negotiation Process

Negotiation-

- Ability to negotiate a single compact and funding agreement for all PSFAs
- Compact:
 - Umbrella agreement
 - General terms
 - Long term
- FA:
 - PFSAs
 - More specific terms
 - Short term (1-3 years)

Negotiation Process

Negotiation-

- Funding Tables

- HQ & Area
- Stable Base Budgets

- Residual Amounts

- federal functions which cannot legally be delegated

- Retained Services or Buybacks

- Tribal Shares

- PFSA Manual

Negotiation Process

Negotiation-

– Statutorily Mandated Grants

- Lump sum advance payment
- Grant terms & conditions apply
- May not be reallocated / redesigned

– Final Offer

- Resolving disputes
- 45 day review
- Secretary may only reject due to specific reasons
- DO NOT submit entire Compact / FA

Negotiation Process

Implementation-

- Both parties are responsible for executing their respective parts of the negotiated agreement.
- OMB circular A-87 still applies
- Must be consistent with applicable law and regulations
- Regulations can be waived upon request
- Not required to follow Federal policy

Negotiation Process

Monitoring-

Current:

- adherence to the negotiated agreement
- compliance with applicable laws and regulations
 - programmatic & financial
 - Tribal and Federal
- budget
 - earmarked/non-earmarked
- funding allocations (Did we get our fair share of \$?)
- payments (Did we get paid accurately & timely?)
- performance to tribal desired outcomes
 - efficiency and effectiveness

Negotiation Process

Monitoring-

Future:

- funding distribution methodologies
- rulemaking or policy developments
- legislative initiatives
- identify opportunities/threats regarding assumption, re-design, reprogramming and operation

Negotiation Process

Tribal Self-Governance
demands careful and ongoing
assessment of the Tribal
organization
and its operations.

Negotiation Process

Personal Comments/Observations:

Cherokee Nation



“ A misconception exists today that our Indian health care is free.

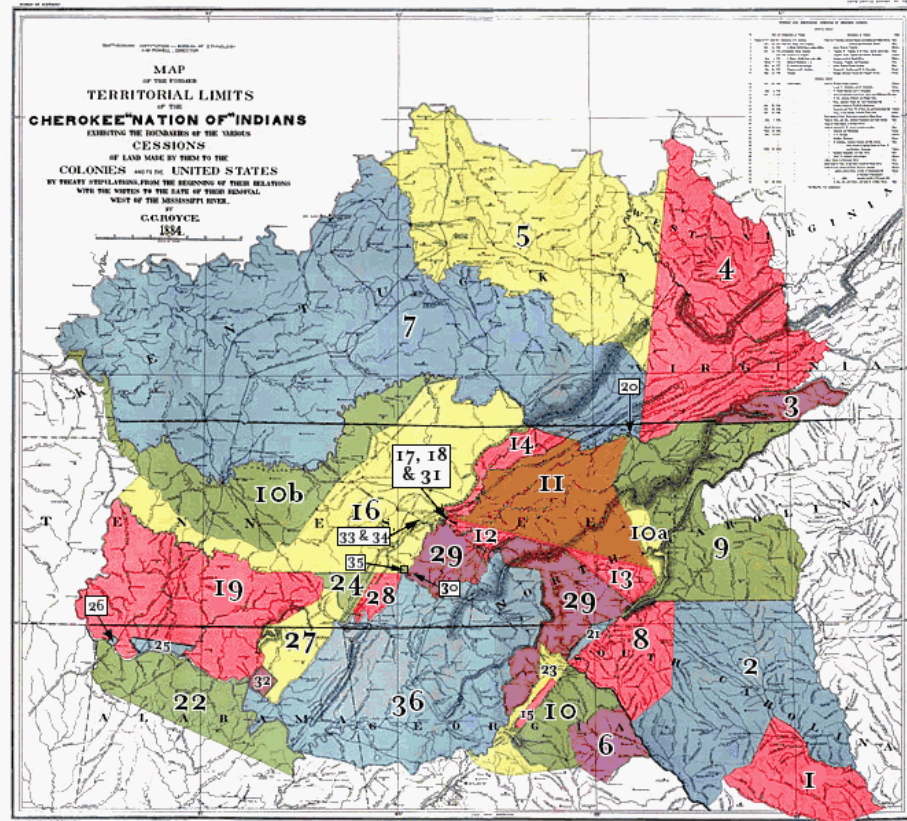
It is not.

It has been paid for by the blood and tears of our ancestors, and by the land our people were forced to give away.”

**--Dr. Brenda Stone,
Cherokee**

What has the **Cherokee Nation** paid for its relationship with the U.S.?

The Cherokee Nation ceded 81 million acres of land in the southeastern United States between 1721 and 1835



Negotiation Process

Comments/Observations:

- Acronyms
- Develop a Resource Library
- Develop a SG historical records system
- Importance of coordination and networking with other Tribes (NCAI, NIHB, TSGAC, etc)
- Build a “Team” of experts (Legal, Financial, Programmatic, etc)

Negotiation Process

Comments/Observations:

- Maintain periodic analysis of Funding Tables, Payments, etc
- Build a “Team” of experts (Legal, Financial, Programmatic, etc)
- Challenge of obtaining information/response from agencies
- Resolution to issues can be a slow process

Negotiation Process

Comparisons DOI & IHS:

- Final Offers
- Payment (subsequent funding agreement)
- Tribal Shares/Residuals
- Formulas / Allocations

Negotiation Process

Example:

Cherokee Nation

Cherokee Nation

- Sovereign Nation within a Nation
- Tripartite government
- 2nd largest Indian Nation (278,000 citizens)
- 14 county area (over 7,000 sq mi.)
- Largest employer in northeastern Oklahoma (7,500)
- Capitol located in Tahlequah, Oklahoma



Cherokee Nation

The Cherokee Nation existed before the United States and the State of Oklahoma.



GROUP OF CHEROKEES WHO VISITED LONDON IN 1762

Cherokee Nation

- Starting in 1993
- Approached ISDEA assumption in incremental steps
- Gradually assumed federal programs & reallocated/redesigned federal “cookie cutter” programs into programs and services responsive to our unique, specific needs

Cherokee Nation

- Systematic approach by first establishing a strong health system
- Then assuming additional federal activities
 - Limited disruption to patients
 - Health care providers
 - Nation operations
- Some activities still performed by IHS (Claremore Hospital)

Cherokee Nation

2001 Comprehensive Long Range Plan

- to meet the health care needs of tribal citizens
- based on work of tribal and IHS health care teams
- randomized opinion surveys
 - 1,200 patients
 - 30 health providers
 - 16 tribal leaders and health administrators

Cherokee Nation

2001 Comprehensive Long Range Plan

- Resulted in two significant changes to achieve our goals:
 - Seamless health care delivery model, where primary and tertiary health care facilities compliment each other, so we can offer state of the art, comprehensive care to our citizens in an efficient and coordinated manner
 - Establishment of a health care facility so services are accessible within a 30 mile radius.

14 County Jurisdictional Boundaries

