



“Tribal Self-Governance – A Legacy for the Future”

# NATIONAL TRIBAL

## SELF-GOVERNANCE STRATEGIC PLAN

2017 - 2019

## Development and Organization of the Strategic Plan

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Each year, Self-Governance Tribes conduct a strategic planning session to review and identify top priorities for the upcoming year. These priorities are further discussed and advanced in the quarterly meetings of the U.S. Department of the Interior (DOI) Self-Governance Advisory Committee (SGAC) and the U.S. Department of Health and Human Services (HHS) Indian Health Service (IHS) Tribal Self-Governance Advisory Committee (TSGAC), the Annual Self-Governance Conference, and other workgroup and committee meetings.

The 2017-2019 National Tribal Self-Governance Strategic Plan and Priorities for the 115<sup>th</sup> Congressional Session (hereafter referred to as the Strategic Plan) is organized in three parts:

1. [Strategic Plan Purpose](#): This section defines Self-Governance's Strategic Plan Vision, Mission, and Principles. Each of these statements guide development of our priorities, objectives, goals and actions.
2. [Executive Summary](#): The Executive Summary is a synopsis of the top budget, legislative, and policy goals identified by Tribal leadership for the 115<sup>th</sup> Congressional Session and the Trump Administration.
3. [Strategic Plan Objectives & Goals](#): As the principal part of this document, this section outlines three Self-Governance objectives, related goals, and strategies to successfully achieve those goals. The three key objectives are:

[Objective #1](#): Advance Self-Governance Budget, Legislative, & Policy Priorities

[Objective #2](#): Strengthen Self-Governance Advocacy Efforts

[Objective #3](#): Implement and Track Goals in the Strategic Plan

White Papers and resource documents to support the top budget, legislative, and policy goals outlined in the Strategic Plan are updated regularly as developments impact strategy and actions. Those documents can be downloaded from [www.tribalselfgov.org](http://www.tribalselfgov.org).

## Strategic Plan Purpose

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### Our Vision:

Preserve, protect, and advance Tribal and Indigenous sovereignty, culture, history, treaty, and self-governing rights.

### Our Mission:

Fully implement and advance Self-Governance authorities.

### Our Guiding Principles:

- Tribes are sovereign nations. As such, all relations between the United States and Tribes are of a formal government-to-government nature;
- As sovereign nations, Tribal governments have the inherent authority and control over their territories, Treaty rights, natural resources, and the welfare of their citizens. Further, Tribal governments have the authority to set internal priorities (without federal interference) and, under Self-Governance, may redesign programs and reassign federal funds to more efficiently and effectively meet their local needs;
- Tribal governments are accountable to their citizens, which is intrinsic in any accountability model on the utilization of federal funds;
- The devolution of federal funds and service delivery allows Tribal governments increased programmatic and administrative responsibility and minimizes federal reporting burdens, monitoring, and oversight; and
- Tribes have the right to choose the institutional arrangement by which they receive federally funded services; for Self-Governance Tribes, federal agencies become advisors and providers of technical assistance rather than day-to-day managers of service delivery.

## Executive Summary

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Self-Governance is a Tribally-driven, legislative option, whereby Tribal governments are authorized by the Indian Self-Determination and Education Assistance Act (ISDEAA) to negotiate annual appropriated funding and assume management and control of programs, services, functions, and activities (PSFA) that were previously managed by the federal government. Self-Governance represents the expansion and growth of the historical legislation, Pub. L. 93-638, as amended, in that ISDEAA allows Tribes, as sovereign nations, to exercise their right to be self-governing and to take program funds and manage them to best fit the needs of their citizens and Tribal communities.

Since initiation of the first Self-Governance agreement more than two decades ago, the number of Tribes and the amount of programs and funding managed under this legislation has steadily increased. Today, 272 federally recognized Tribes and Tribal organizations exercise Self-Governance authority within the DOI. Likewise, 352 federally recognized Tribes and Tribal organizations exercise Self-Governance authority within IHS to operate and manage health programs.

### 2017-2019 Top Tribal Self-Governance Priorities

In September 2016, Self-Governance Tribes held their annual strategic planning session in Ocean Shores, WA. During the strategic planning session, a series of white papers and resource documents provided an overview of the top issues and proposed actions for Tribal leaders' consideration. Based on discussions during the Strategy Session, the following top budget, legislative, and policy priorities were identified:

#### Budget Priorities:

- Restore Fiscal Year 2013 sequestration cuts and exempt Tribal funding from future sequesters.
- Preserve authority to include one-time or short-term resources in Self-Governance Funding Agreements.
- Enact Advanced Appropriations for IHS.

#### Legislative Priorities:

- Amend Title IV of the Indian Self-Determination and Education Assistance Act.
- Enact legislation that strengthens and reaffirms the original tenants of the *Indian Employment, Training and Related Services Act*, Public Law 102-477.
- Reauthorize the Native American Housing Assistance and Self-Determination Act.
- Protect modernizing health care delivery and quality provisions included in the Indian Health Care Improvement Act (IHCIA).
- Permanently reauthorize and provide full funding for the Special Diabetes Program for Indians.
- Enact Medicare-Like Rates for outpatient services for IHS, Tribal, and Urban facilities.
- Advance legislation to expand Self-Governance authority to other HHS agencies and programs.

#### Policy Priorities:

- Implement the Indian Trust Asset Reform Act (ITARA).
- Expand Tribal Consultation on allocation and formula distribution of Bureau of Indian Affairs (BIA) funding.
- Foster greater transparency announcing new DOI funding opportunities.
- Ensure the Tribal Transportation Self-Governance Program (TTSGP) is implemented in accordance to the Fixing America's Surface Transportation (FAST) Act and Self-Governance Principles.
- Improve coordination of care between Veterans Administration (VA) and Indian health systems and utilize the National VA-IHS Memorandum of Understanding (MOU) to provide care to non-Native veterans.
- Include IHS Purchase/Referred Care in all VA-IHS reimbursement agreements.
- Develop a successful strategy to transition Agency Lead Negotiators.
- Assign a High Level Tribal-Federal Task Force to provide recommendations for the redesign of IHS.
- Implement a Self-Governance Demonstration Project.
- Develop a streamlined vehicle for Tribes to maximize cross-cutting funding.

Additional information regarding these priorities, other issues, and associated strategies is provided in Section 3 of this document.



## 2017-2019 Strategic Plan Budget, Legislative, & Policy Issues for the Department of the Interior

*Preserve and Protect Tribal and Indigenous Sovereignty, Culture, History, Treaty and Self-Governing Rights*

Policy Priorities	Budget Priorities	Legislative Priorities
<ul style="list-style-type: none"> <li>• Implement the Indian Trust Asset Reform Act.</li> <li>• Expand Tribal Consultation on allocation and formula distribution of BIA funding.</li> <li>• Foster greater transparency announcing new DOI funding opportunities.</li> <li>• Ensure the TTSGP is implemented in accordance to the FAST Act.</li> <li>• Remove barriers to SG implementation in DOI/BIA.</li> <li>• Increase non-BIA Agreements.</li> <li>• Demand consultation, reinforce Executive Order 13175, and hold BIA accountable.</li> <li>• Develop a streamlined vehicle for Tribes to maximize cross-cutting funding.</li> </ul>	<ul style="list-style-type: none"> <li>• Restore FY2013 sequestration cuts and exempt Tribal funding from future sequesters.</li> <li>• Preserve authority to include one-time or short-term resources in Self-Governance Funding Agreements.</li> <li>• Increase funding to support Self-Governance priorities issues and programs within DOI.</li> </ul>	<ul style="list-style-type: none"> <li>• Amend Title IV of ISDEAA.</li> <li>• Enact legislation that reaffirms the original tenants of Public Law 102-477.</li> <li>• Reauthorize NAHASDA.</li> <li>• Expand and modernize the trust relationship.</li> <li>• Enact a clean Carceri Fix.</li> <li>• Include Self-Governance Tenants in future tax reform.</li> </ul>

## 2017-2019 Strategic Plan Budget, Legislative, & Policy Issues for Health and Humans Services

*Preserve and Protect Tribal and Indigenous Sovereignty, Culture, History, Treaty and Self-Governing Rights*

Policy Priorities	Budget Priorities	Legislative Priorities
<ul style="list-style-type: none"> <li>• Improve coordination of care for Native veterans, utilize the VA-IHS MOU to provide care to non-Native veterans, and include PRC services in the national VA-IHS MOU.</li> <li>• Develop a successful strategy to transition ALNs.</li> <li>• Assign Tribal-Federal Task Force to redesign IHS.</li> <li>• Implement a Self-Governance Demonstration Project.</li> <li>• Update the IHS Facilities Construction Policy.</li> <li>• Streamline the SDPI grant process and create a solution for grant reporting and funding.</li> <li>• Terminate administrative caps across all HHS programs.</li> <li>• Create a uniform Federal Advisory Committee Statement to build consistency across departments.</li> </ul>	<ul style="list-style-type: none"> <li>• Enact Advanced Appropriations for IHS and move funding to Mandatory funding.</li> <li>• Support 2014 IHS Budget Summit recommendations.</li> <li>• Increase funding to support SG priorities issues and programs within IHS.</li> <li>• Move IHS funding to Mandatory funding.</li> </ul>	<ul style="list-style-type: none"> <li>• Protect modernizing health care delivery and quality provisions included in IHCA.</li> <li>• Permanently reauthorize and provide full funding for the SDPI.</li> <li>• Enact Medicare-Like Rates for outpatient services for IHS, Tribal, and Urban facilities.</li> <li>• Advance legislation to expand Self-Governance to other HHS agencies and programs.</li> <li>• Write and enact legislation the supports Tribal administration of Medicaid.</li> </ul>

## Strategic Plan Key Objectives, Goals, and Action Items

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### OBJECTIVE #1: Advance Self-Governance Budget, Legislative, & Policy Priorities

As Self-Governance Tribes look to extend Self-Governance authority across the federal government, Tribal leaders used the 2016 Strategy Session to identify many budget, legislative, and policy goals to support Self-Governance tenants. All the topics developed during the Strategy Session, including those summarized in the Executive Summary, are identified below. Following each topic is a short description of the issue and the associated strategy or action outlined during the planning session.

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#### Goals:

- Mobilize Self-Governance Tribal leaders to actively advance priority issues.
  - Develop common messages and themes.
  - Coordinate and strengthen advocacy efforts with all Self-Governance Tribes.
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## Department of the Interior Budget, Legislative, and Policy Priorities

### BUDGET PRIORITIES

#### *Restore Fiscal Year 2013 sequestration cuts and exempt Tribal funding from future sequesters.*

Tribal governments experienced heavy budgetary cuts as a result of the 2012 sequester. These cuts affect direct services to Tribal citizens, which include, but are not limited to, public safety, social welfare, and health care services. As Congressional members debate the FY 2018 appropriations, Self-Governance Tribes first, urge Congress to restore Tribal funding cuts and, second, to uphold the Tribal trust responsibility and amend the Budget Control Act of 2011 to exempt Tribal funding from future sequesters.

#### Strategy and Action Items

- Include sequestration exemption requests as a preamble to all budget-related communication and requests.
- Collect impact narratives from Tribal communities about sequestration cuts and program delivery.

#### *Preserve authority to include one-time or short-term resources in Self-Governance Funding Agreements.*

Self-Governance Tribes have noticed a troubling trend that DOI is moving one-time funding opportunities to grants that are restrictive in nature – undermining core Self-Governance tenants. This trend allows DOI to heavily regulate the administration of Tribal programs and prevents grants from being transferred through Self-Governance Agreements, which in turn, hinders Tribal governments' ability to re-design programs to better meet the needs at the local level and impedes economic self-sufficiency.



#### Strategy and Action Items

- Request Tribal consultation with BIA officials regarding unilateral funding decisions, specifically one-time funding, and transfer announcements to [www.grants.gov](http://www.grants.gov).
- Track the number of opportunities that are restricted through this process.

#### *Increase funding to support Self-Governance priorities, issues, and programs.*

Self-Governance Tribes stand as ready partners to build infrastructures, to bolster economic development – especially local businesses, and to enhance social programs to ensure that all Americans benefit from any Federal investments. When Tribes are funded directly, without interference from state or local governments, they are able to directly and indirectly create local employment opportunities, increase self-governing capacity, and disrupt the cycle of poverty with which many Tribal communities are all too familiar. This Administration should partner with Tribes to streamline funding for Tribal programs and ensure parity for Tribal governments among the family of governments – eliminating recent uncertainty and uneven access created by burdensome grant oversight and pass-through funding from states. Additionally, the Administration should avoid ending or significantly reducing support for any program, because the results may affect rural economies for both Tribal and non-Tribal communities across the Country and would not reflect the Federal Trust Responsibility found in this Nation’s history.

#### Strategy and Action Items

- Concentrate advocacy efforts on Congressional action, including message and theme development.
- Include Self-Governance in all funding increases.
- Collect, analyze, and present data to support budget requests.
- Provide training to encourage and assist Tribal leaders and experts to strengthen advocacy on the Hill.
- Invite Office of Management and Budget (OMB) to SGAC Meetings.
- Request that the \$19 billion identified in the OMB Native American Crosscut document be distributed directly to Tribes via a negotiated formula.
- Create transparency in formulas and formula methodology.
- Advocate for an OMB Assistant Director for Native American Programs.
- Educate Congressional members who do not represent Tribes directly.
- Request and encourage Tribes to include “common” testimony.

## LEGISLATIVE PRIORITIES

#### *Amend Title IV of the Indian Self-Determination and Education Assistance Act (ISDEAA).*

Amending Title IV of ISDEAA has been a top legislative priority for Self-Governance Tribes for over a decade. Over the past 35 years, ISDEAA has been one of the most successful mechanisms in allowing Tribes to develop the capacity for government-building activities. Self-Governance Tribes must continue to advance the vision of ISDEAA by working to amend Title IV of ISDEAA to create consistency between Title IV Self-Governance in the DOI and Title V Self-Governance in the Department of Health and Human Services (HHS), which would create administrative efficiencies for Self-Governance Tribes.

#### Strategy and Action Items

- Organize specific advocacy activity for Title IV amendments to engage support of Tribal leadership.
- Identify and prioritize agencies where expansion is necessary and develop a strategy to implement.

*Enact legislation that strengthens and reaffirms the original tenants of the Indian Employment, Training and Related Services Act, Public Law 102-477.*

The 477 Program provides Tribal governments with the flexibility to design employment, training, and economic development plans that utilize funding from several federal programs to best meet the needs of their local communities. While PL 102-477 is still technically a “demonstration project,” the 477 Program has existed for over two decades and more than 250 Tribes and Tribal organizations consolidate multiple programs into a single 477 Plan. Despite nearly two decades of success, the viability of the 477 Program was jeopardized by two recent Federal agency actions. Legislation is now necessary to make the 477 Program permanent and remove administrative burdens for Self-Governance Tribes.

Strategy and Action Items

- Identify a Congressional champion to re-introduce and support enactment of legislation in the 115th Congress similar to legislation previously introduced in the 114th Congress.
- Coordinate with the National 477 Workgroup to ensure messaging and strategy are similar.

*Reauthorize the Native American Housing Assistance and Self-Determination Act.*

The current authorization of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) expired on September 30, 2013. NAHASDA is the main authorization of Tribal housing programs, which has been successful in allowing Tribes the self-determination necessary to provide effective programs for Tribal citizens. Tribes are now exercising their right to self-determination by designing and implementing their own housing and other community development infrastructure programs. Reauthorization of NAHASDA is critical to continue to support Tribal housing authorities that build keystone housing and community infrastructure in Tribal communities.

Strategy and Action Items

- Collaborate with national organizations to support ongoing and previously developed priorities.

*Expand and modernize the trust relationship through contracting and compacting in other Departments and Bureaus.*

The Self-Determination era began in the 1970s and marked a change in the relationship between the Federal government and Tribal nations. Tribes have already initiated work to envision a modern trust relationship and Self-Governance has extended beyond DOI and IHS. This Congress could further this relationship by modernizing and extending it to other agencies and Departments, such as the United States Department of Agriculture, Environmental Protection Agency, and Department of Education.

Strategy and Action Items

- Work in partnership with other regional and national organizations to advance trust modernization legislation and policy.
- Develop relationships with Administrative officials and share educational information to promote Self-Governance like agreements.

*Enact a clean Carcieri-fix.*

The Carcieri decision has caused a host of problems, including: (1) creating two classes of tribes; (2) spawning voluminous and burdensome litigation challenging land-into-trust decisions; (3) delaying Interior’s land-into-trust process; and (4) creating uncertainty over the status of certain lands. All of this has hindered tribal land restoration, the exercise of tribal jurisdiction, and economic development in Indian Country. Until the Carcieri decision is fixed by Congress, it will continue to lead to additional attacks and damage to tribal sovereignty.

#### Strategy and Action Items

- Support ongoing legislative efforts to introduce and enact legislation that reverses the Supreme Court's decision.

#### *Include Self-Governance tenants in future comprehensive tax reform.*

Self-Governance Tribes are well positioned to maximize new opportunities under this Administration to change the tax structure that stifles economic development. Improved tax legislation could greatly contribute to Self-Governance Tribes' goal to provide appropriate governmental services in Tribal communities.

#### Strategy and Action Items

- Participate in the Tribal Tax Workgroup to ensure Self-Governance tenants are included in national priorities.
- Actively engage DOI on the Traders with Indians regulation revision.

## POLICY PRIORITIES

#### *Implement the Indian Trust Asset Reform Act (ITARA).*

Title II of ITARA provides for the establishment of Tribal Demonstration Projects for Tribes and the Secretary of the Interior to jointly develop resource management plans. Self-Governance has proven that when Federal agencies and Tribes form partnerships in the management of trust assets, Tribal conflicts and disagreements are significantly reduced. Therefore, we encourage DOI to work with Tribes to expeditiously implement Title II. Additionally, DOI conducted consultation to implement ITARA's Title III. Self-Governance Tribes made many recommendations to protect compactable functions and programs within the Office of Special Trustee (OST). This Administration should take action to secure these compactable OST functions and programs and maximize the opportunity to expand Self-Governance activities.

#### Strategy and Action Items

- Invite OST to regularly update SGAC regarding implementation.
- Share recommendations with Secretary Zinke prior to and for consideration in the reorganization of DOI.

#### *Expand Tribal Consultation on allocation and formula distribution of Bureau of Indian Affairs funding.*

In 2012, Self-Governance Tribes published the Program Formulas Matrix Report, which identifies areas the formulas and methodologies currently used by the Bureau of Indian Affairs (BIA) can be improved, as well as, provides recommendations for eleven programs. Action on these recommendations has stalled in the last several years. However, as DOI seeks to move funding to one-time grants, the Formula Matrix Report recommendations are increasingly important. Continued consultation and discussion with BIA officials and Tribes is needed to implement changes recommended in the report.

#### Strategy and Action Items

- Advance recommendations developed under the Program Matrix Report.

#### *Foster greater transparency announcing new DOI funding opportunities.*

Access to program and initiative funding is critical as Tribes work to meet the needs of their citizens locally. As such, Self-Governance Tribes encourage DOI agencies to streamline their grant and funding announcements so that all Tribes have equal opportunity for one-time funding and support.

Previously, DOI has failed to notify the Office of Self-Governance (OSG) when individual departments receive program increases or develop special projects and initiatives. This breakdown has resulted in loss of funding opportunities for Self-Governance Tribes. OSG should be treated as a centralized location to relay information to Self-Governance Tribes. In general, DOI should strive for greater transparency throughout the Department regarding funding formulas, funding distribution, and steps taken to ensure better coordination and communication internally and externally to ensure the timely and equitable distribution of funding.

#### Strategy and Action Items

- Monitor how new funding and grant announcements are shared.
- Request BIA report regularly to the SGAC regarding new funding opportunities.

#### *Ensure the Tribal Transportation Self-Governance Program (TTSGP) is implemented in accordance to the Fixing America's Surface Transportation (FAST) Act and Self-Governance principles.*

The FAST Act, passed in December 2015, marked the first ever Self-Governance expansion outside DOI and HHS. Due to the historic nature of this expansion and the rigorous work of the TTSGP Negotiated Rulemaking Committee, Self-Governance Tribes urge this Administration to complete regulation development within the timeline defined by the FAST Act.

#### Strategy and Action Items

- Offer training opportunities for Department of Transportation (DOT) leadership and program managers to fully understand Self-Governance tenants and to ensure appropriate implementation of the FAST Act.
- Request that the Deputy Assistant Secretary for Tribal Government Affairs at the Department of Transportation position be filled quickly.
- Include a request that DOT establish an Advisory Committee specifically for TTSGP in any comments to the expected notice of proposed rulemaking.
- Ensure Self-Governance participation in the TTSGP Negotiated Rulemaking Committee.

#### *Remove Barriers to Self-Governance Implementation in DOI/BIA.*

A significant part of planning and preparing to transition to Self-Governance is identifying how current programs are carried out and appropriations are spent. Unlike IHS, DOI does not provide this information publicly. Self-Governance Tribes believe this is a substantial barrier to increasing Self-Governance participation and should be remedied.

#### Strategy and Action Items

- Conduct Self-Governance Training of DOI/BIA Senior Officials.
- Invite Senior Staff to Annual Self-Governance Conference.
- Fully implement the Self-Governance Title IV regulations requiring the identification of Inherent Federal Functions and Tribal Shares, including all BIA Regions and Central Office.

#### *Increase Non-BIA agreements.*

Only a handful of Tribes participate in Self-Governance Agreements outside of BIA because other DOI agencies do not have an appropriate liaison who understands Self-Governance, nor do they have motivation to engage in these activities. However, these agreements have been proven to improve services in Tribal communities. The DOI should work to establish protocol that supports additional non-BIA agreements.

#### Strategy and Action Items

- Share Tribal success stories at the Annual Self-Governance Conference.

- Identify and develop a strategy to access non-BIA agencies.
- Tie federal performance factor to increase of non-BIA agreements.

*Demand consultation, reinforce Executive Order 13175, and hold BIA accountable.*

Previously, DOI and BIA have made decisions that directly impact Self-Governance Tribes without adequate notice. Self-Governance Tribes must determine a way to track issues and, when possible, provide feedback on those issues.

Strategy and Action Items

- Conduct a review of the BIA Tribal Consultation Policy and develop a system of accountability, including development of an Annual Report.

*Develop a streamlined vehicle for Tribes to maximize cross-cutting funding.*

OMB previously shared information with Tribes that identified nearly \$19 billion in federal funding that support government services for American Indians and Alaska Natives. However, only a small portion of that funding goes directly to Tribes – while the vast majority goes to state governments. Self-Governance Tribes urge that all Federal agencies identify and make available budget and program information to assist Tribes in addressing social, economic, and resource management issues. We also urge DOI to initiate work in developing a streamlined Tribal contract vehicle, to implement the cross-cutting budgets and programs, that is consistent with the government-to-government relationship.

Strategy and Action Items

- Using data from the OMB Native American Cross-Cut document, identify priority programs and associated funding for Tribes.
- Develop a contract proposal that provides Departments and Tribes the flexibility necessary.

## Department of Health and Human Services Budget, Legislative, and Policy Priorities

### BUDGET PRIORITIES

*Enact Advanced Appropriations for IHS.*

Since FY 1998, there has been only one year (FY 2006) when the Interior, Environment, and Related Agencies budget, which contains the funding for IHS, has been enacted by the beginning of the fiscal year. Late funding creates significant challenges to Tribes and IHS budgeting, recruitment, retention, provision of services, facility maintenance, and construction efforts. Providing sufficient, timely, and predictable funding is needed to ensure the federal government meets its obligation to provide health care for American Indians and Alaska Natives. Enacting advanced appropriations will provide more stable funding and sustainable planning for the entire system by appropriating funding two years in advance.

Strategy and Action Items

- Collaborate with other national and regional organization to advance legislative efforts.
- Collect stories about the issues advanced appropriations would prevent for IHS, Tribal, and Urban (I/T/U) health systems.

*Support 2014 IHS Budget Summit recommendations.*

Tribes and federal employees gathered in 2014 to develop administrative and legislative recommendations that would improve the IHS budget and system. Some of these recommendations are included in this Strategic Plan, but others need additional development.



Self-Governance Tribes stand by these recommendations and will support them as opportunities present themselves.

Strategy and Action Items

- Monitor and advance recommendations developed during the 2014 IHS Budget Summit.
- Ensure Self-Governance representation at all HHS/IHS Budget Formulation Meetings.

*Increase funding to support Self-Governance priorities, issues, and programs.*

Health care for federal inmates is funded at a higher rate than American Indian and Alaska Native patients in the Indian Health System. The National Budget Formulation Workgroup continues to monitor and support those priority budget areas on behalf of all Tribes. Self-Governance Tribes would like to place an emphasis on increases for facilities construction, mental and behavioral health, health reform implementation, and emergency medical services.

Strategy and Action Items

- Prepare reports/analysis on unfunded and critical Affordable Care Act (ACA) and Indian Health Care Improvement Act (IHCIA) provisions where funding is necessary.
- Create transparency in formulas and formula methodology.
- Invite OMB to TSGAC Meetings.
- Advocate for an OMB Assistant Director for Native American Programs.
- Educate Congressional members who do not represent Tribes directly.
- Request and encourage Tribes to include “common” testimony.
- Include requests that the \$19 billion identified in the OMB Crosscut Funding document for Tribes be distributed directly to Tribes via a negotiated formula.
- Concentrate advocacy efforts on Congressional action, including message and theme development.
- Include Self-Governance in all funding increases.
- Collect, analyze, and present data to support budget requests.
- Provide training to encourage and assist Tribal leaders and experts to strengthen advocacy on the Hill.

*Move IHS funding to Mandatory funding.*

Health care services for American Indian and Alaska Natives was pre-paid through treaties and other agreements in exchange for lands during the formation of the United States. As such, Self-Governance Tribes believe funding for those services should not be of a discretionary nature and, like other health care funding, should be a mandatory appropriation each year.

Strategy and Action Items

- Develop a research paper to support the Mandatory funding proposal.
- Advance and advocate recommendations included to support the mandatory funding proposal.

## LEGISLATIVE PRIORITIES

*Protect modernizing health care delivery and quality provisions included in IHCIA.*

IHCIA has provided significant progress in the I/T/U health system. IHCIA updates and modernizes health delivery services, such as cancer screenings, home and community based services, hospice care, and long-term care for the elderly and disabled. It establishes a continuum of care through integrated behavioral health programs that address alcohol/substance abuse problems and the social service and mental health needs of Indian people. Additionally, there are many essential cost-saving provisions for IHS and Tribes, such as the authority for I/T/U health providers to be licensed in any state and practice at an I/T/U

facility and the ability for Tribes to access the Federal Employee Health Benefits (FEHB) system. The law also authorizes IHS and Tribes to enter into arrangements with the Department of Veterans Affairs and Department of Defense to share medical facilities and services, which increases government efficiency and ensures that veterans receive the care they deserve. IHCA allows I/T/U providers to be eligible for participation in any Federal health care program and for reimbursement from 3rd party payers, which is critical to increasing additional resources within the system.

#### Strategy and Action Items

- Engage with Congressional champions to protect American Indian and Alaska Native specific provisions.
- Educate key members so that IHCA is protected in the event a repeal of ACA is successful.
- Share success stories regarding implementation of IHCA and ACA in Tribal communities.

#### *Permanently reauthorize and provide full funding for the Special Diabetes Program for Indians (SDPI).*

Congress established the SDPI in 1997 as part of the Balanced Budget Act to address the growing epidemic of diabetes in American Indian and Alaska Native communities. SDPI programs have become the nation's most strategic and comprehensive effort to combat diabetes. Self-Governance Tribes believe the success of these programs requires the permanent reauthorization and supporting funding for SDPI.

#### Strategy and Action Items

- Collaborate with national organizations to support national campaign.

#### *Enact Medicare-Like Rates for outpatient services for IHS, Tribal, and Urban facilities.*

IHS, Tribes, and Tribal organizations currently cap the rates they will pay for hospital services to what the Medicare program would pay for the same service (the "Medicare-Like Rate" or "MLR"). Currently, this MLR cap applies only to hospital services, which represent only a fraction of the services provided through the Purchase/Referred Care (PRC) program. Proposed legislative fixes would amend Section 1866 of the Social Security Act to expand application of the MLR cap. It would direct the Secretary to issue new regulations to establish a payment rate cap applicable to medical and other health services in addition to the current law's cap on services provided by hospitals. It would make the MLR cap apply to all Medicare-participating providers and suppliers. Self-Governance Tribes support this legislative fix to leverage the limited resources provided to I/T/Us.

#### Strategy and Action Items

- Build on the agency proposed rule.
- Gain broader support from IHS, Tribal, and urban facilities.
- Develop analysis to show the potential savings.

#### *Advance legislation to expand Self-Governance to other HHS agencies and programs.*

Title VI of ISDEAA required the Secretary of HHS to conduct a study to determine the feasibility of a Tribal Self-Governance demonstration project for appropriate HHS PSFAs in agencies other than IHS. HHS submitted the required report to Congress in March of 2003. The report concluded that the demonstration project was feasible. Although Congress has considered legislation to authorize a Self-Governance demonstration project, to date, legislation has not been enacted. HHS has since convened a Self-Governance Tribal Federal Workgroup (SGTFW) and issued a final report in September 2014. After repeated attempts to

reconstitute the SGTFW to continue working on the report recommendations, Self-Governance Tribes seek legislative proposals to implement recommendations outlined in the report.

#### Strategy and Action Items

- Establish a workgroup to draft legislation that supports expansion.
- Identify Congressional leadership to support legislation.
- Coordinate a group to develop ISDEAA amendments to authorize an expansion of Self-Governance authority beyond IHS in HHS.

#### *Write and enact legislation that supports Tribal administration of Medicaid.*

IHCIA required that HHS conduct a feasibility study to allow Tribes to directly administer Medicaid. This feasibility study was specific to Navajo Nation, but the results were positive that Tribes have the capacity to directly administer the program. As such, Self-Governance Tribes support additional advocacy and research to determine how Tribes can administer the Medicaid program similar to states, decreasing inefficiencies and increasing Tribal authority of the health and welfare of their citizens.

#### Strategy and Action Items

- Share the results of the Navajo Nation Feasibility Study.
- Develop proposal that supports Tribal administration.
- Identify national partners to support the Self-Governance proposal.

## POLICY PRIORITIES

#### *Improve coordination of care between VA and Indian health systems and utilize the National VA-IHS MOU to provide care to non-Native veterans.*

As VA, IHS, and Tribes work to build greater partnerships, we must address issues with regard to coordination of care. Failing to adequately coordinate care is magnified by VA's unwillingness to reimburse referral services. For example, if a Native veteran goes to an IHS or Tribal facility for service and needs a referral, the same patient must then be seen within the VA system before a referral can be secured. This is not an efficient use of Federal funding, nor is it navigable for Native veterans. Self-Governance Tribes wish to see greater coordination and cooperation from VA to provide the best services to our veterans.

In a related issue, Self-Governance Tribes are often one of few, if any, health providers in rural areas. With great coordination, Tribes could become a provider for non-Native veterans in these areas. Tribes assert that IHCIA Section 405(c) provides the authority for Tribes to receive reimbursement for services provided to non-Native veterans. Together, we should strive to ensure that options available are leveraged to increase health care access for all veterans.

#### Strategy and Action Items

- Invite the VA to participate in quarterly TSGAC meetings and the Annual Self-Governance Conference.
- Develop a resource document that provide analysis to support expanding the MOU to non-Native veteran health care access.
- Work with Native veteran networks to encourage similar messages come from them.

#### *Include Purchase and Referred Care in all VA-IHS reimbursement agreements.*

When IHS and VA negotiated the first national agreement, the agencies only included reimbursement for direct care – meaning the agreement does not adequately address specialty care the Indian Health System provides to eligible veterans. Meanwhile, this agreement has

become the model for Tribal programs in negotiating with local VA facilities leaving IHS and Tribes to use limited PRC funding to provide care to Native veterans. Self-Governance Tribes would like the parties to revisit the reimbursement agreement and include specialty care.

Strategy and Action Items

- Invite VA representatives to the Annual Self-Governance Conference.
- Clarify that new opportunities under the Veterans Access, Choice, and Accountability Act of 2014 should supplement, not supplant, existing MOU arrangements.

*Develop a successful strategy to transition Agency Lead Negotiators.*

Several IHS areas have experienced high Agency Lead Negotiator (ALN) turnover, resulting in many Tribes from various areas reporting that previously acceptable changes during negotiations were no longer acceptable. A successful transition plan may ensure streamlined determinations on similar issues between areas and further develop the skill set needed to adequately perform the duties of an ALN.

Strategy and Action Items

- Establish a national network for Tribal peers to share information, concerns, and questions.
- Make recommendations to IHS regarding the ALN skill set and selection process.
- Encourage Tribes to share evaluative, constructive feedback to their Area Director or ALN.

*Assign a High Level Tribal-Federal Task Force to provide recommendations for the redesign of IHS.*

The adequacy and quality of care provided by IHS has been called into question numerous times over the last decade. A Tribal-Federal Task Force is necessary to review the IHS and provide comprehensive recommendations. The Task Force should provide an analysis and make recommendations regarding alternative business models, streamlined and efficacious internal IHS policies and process, methods to maximize capture of third party revenue and access to alternative resources, and strategic workforce development ideas, such as medical school partnerships and Tribal medical residency programs.

Strategy and Action Items

- Request HHS establish the Task Force.
- Ensure Self-Governance participation in the Task Force.
- Encourage Self-Governance Tribes share best operational practices to assist the Task Force in development of the recommendations.

*Implement a Self-Governance Demonstration Project.*

As shared above in the legislative priorities section, Self-Governance Tribes and HHS worked collaboratively to develop a report to implement a Self-Governance Demonstration Project across HHS. However, the report recommendations were never implemented. A Demonstration Project should be established in order to evaluate the feasibility and effectiveness of operating additional HHS programs under Self-Governance, as identified in the report.

Strategy and Action Items

- Request that Secretary Price establish a demonstration project.
- Develop an evaluation process to illustrate the project's successes and inefficiencies.
- Encourage Congressional members to support such a demonstration project.

*Update the IHS Facilities Construction Policy to include broad Tribal input.*

The IHS Health Care Facilities Design and Construction Policy does not currently reflect new authorities available under IHCA, nor does it accurately reflect the tenants of Self-Governance. Additionally, the Facilities Appropriations Advisory Board (FAAB) recently

decided to review and possibly update the Policy to reflect new authorities and make recommendations to the prioritization system. Self-Governance Tribal leadership agrees with FAAB's decision and believes the time is ripe to make changes that have broad Tribal support and allow for greater flexibility in construction projects.

Strategy and Action Items

- Identify Self-Governance priorities and recommendations.
- Participate in FAAB meetings.
- Change policy to incorporate new authorities under IHCI.

*Streamline the SDPI grant process and create a long-term solution for grant reporting and funding.*

Recently, IHS has altered the SDPI grant process and reporting mechanism, which has resulted in additional, burdensome administrative requirements and Tribal resources to maintain the program. This is counterintuitive as the primary purpose of the program is to provide direct and indirect health care. Self-Governance Tribes would like IHS to reconsider these changes and to implement a process that is less burdensome.

Strategy and Action Items

- Translate administrative hours required to conduct grant administrative requirements to time that could be used to provide patient care.
- Ask IHS to evaluate the changes and determine if their goals were achieved under the new process.

*Terminate administrative caps across all HHS programs.*

There is a growing trend among HHS grant programs to limit the application of indirect cost rates to grant programs, effectively forcing Tribes to subsidize federal programs to cover administrative costs. Self-Governance Tribes find this practice counterintuitive to the indirect cost rate negotiation policy and procedure and limiting for smaller Tribal governments where these programs could have significant impact.

Strategy and Action Items

- Include Self-Governance representation on all HHS Tribal Advisory committees.
- Identify programs that are limiting indirect costs.
- Raise this issue with the HHS Secretary's Tribal Advisory Committee.

*Create a uniform Federal Advisory Committee Statement to build consistency across departments.*

Self-Governance Tribes have noticed a troubling pattern among HHS advisory committees that overly limits participation and runs counter to governmental interactions. Advisory committees are regularly denying the participation of Tribal government employees to whom Tribal leaders have vested their authority. Failure to recognize that Tribal leaders cannot be available to participate on every committee, nor can they be experts on each issue limits Tribal participation and expertise on committees and undermines the Tribal consultative process.

Strategy and Action Items

- Establish a workgroup to develop statement and recommendations for implementation.



## Objective #2: Strengthen Self-Governance Advocacy Efforts

Self-Governance Tribes now represent more than half of the Federally Recognized Tribes. As such, leveraging their voices and experiences is critical to preserving, protecting, and advancing Tribal sovereignty, culture, history, treaty, and self-governing rights. This objective aims to coordinate and enhance Self-Governance advocacy efforts as defined in the broader goals below.

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### Goals:

- *Improve coordination and advocacy with Self-Governance Tribes.*
  - *Develop a Self-Governance communications strategy.*
  - *Collaborate with other National and Regional Tribal Organizations on mutual issues.*
- 

#### *Improve coordination and advocacy with Self-Governance Tribes.*

Develop a coordinated Self-Governance education campaign to provide accurate information to the Administration, Congress, non-Self-Governance Tribes, and other interested parties about Self-Governance.

##### Strategy and Action Items

- Develop standardized briefing documents to support each of the policy priorities.
- Self-Governance Communication and Education (SGCE) to assist in gathering Tribal examples of how Self-Governance works at the local level and identify challenges, including quotes, excerpts, and slogans to strengthen message.
- Develop targeted educational materials (briefing packages, brochures, videos, digital storytelling, photos, etc.) for new legislators.
- Organize a social media campaign.

#### *Develop a Self-Governance communications strategy.*

The Self-Governance Communication and Education office should work to improve communication and information sharing with Self-Governance Tribes to ensure the Strategic Plan purpose is protected and promoted.

##### Strategy and Action Items

- Report on Strategic Plan Priorities and Goals to Self-Governance Tribes regularly.
- Share updated information via established communication channels, such as newsletters, websites, broadcast e-mails, and meetings.
- Use Social Media (Twitter, Facebook, Constant Contact, etc.) to assist in outreach to Self-Governance Tribes.
- Create a plan to support new Self-Governance Tribes.

#### *Collaborate with other National and Regional Tribal Organizations on mutual issues.*

Self-Governance Tribes recognize that advocacy efforts cannot be successful when pursued without support. Self-Governance Tribes will make every effort to work collaboratively with other National and Regional Tribal organizations.

##### Strategy and Action Items

- Identify a representative group to orchestrate, track, and coordinate strategy and messages. Potential groups to assist include SGCE, SENSE Incorporated, SGAC, TSGAC, the National Congress of American Indians (NCAI), the National Indian Health Board (NIHB), and other National/Regional Tribal organizations.
- Share information from those organizations, especially on topics not closely tracked by Self-Governance Advisory Committees.

### Objective #3: Implement and Track Goals in the Strategic Plan

As developments occur and actions are completed, Self-Governance Tribal leadership will evaluate and make adjustments to the Strategic Plan. This objective is to ensure the Strategic Plan remains relevant and Self-Governance Tribes have the most up-to-date information available.

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#### Goals:

- *Review and monitor Strategic Plan on a quarterly basis.*
  - *Track and update issues and resource documents.*
  - *Monitor Congressional appropriations and advocate for Self-Governance Priorities*
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#### *Review and monitor Strategic Plan on a quarterly basis.*

In order to advance Self-Governance goals identified in the Strategic Plan, including budget, policy, and legislative priorities Tribes will need regular information regarding changes to strategies and priorities.

##### Strategy and Action Items

- Request meetings with the Administration and Congress and present Self-Governance priorities in a unified message.
- Report back to the SGAC/TSGAC and share on-going outreach and feedback with other Self-Governance Tribes.
- Provide training for Tribal leaders to become regional and national advocates.

#### *Track and update issue and resource documents.*

Monitor, track, and update issue papers as needed.

##### Strategy and Action Items

- Review Strategic Plan at each SGAC/TSGAC Quarterly Meeting.
- Assign SGAC/TSGAC Technical Workgroup to update white papers as needed.
- Include key priorities and develop related panels and update at 2017 & 2018 Annual Self-Governance Conferences.
- Post updated issue papers and strategies to the Self-Governance Communication & Education website, [www.tribalselfgov.org](http://www.tribalselfgov.org).
- Leverage graduate students and other experts as a think tank to develop white papers and recommendations.
- Develop partnerships with academic and research institutions.
- Identify research needs and projects that need long-term support.
- Distinguish databases and sources to support legislative, policy, and budget requests.

#### *Monitor Congressional appropriations and advocate for Self-Governance Priorities.*

##### Strategy and Action Items

- Develop relationships with new members of Congress and new Administration officials.
- Share information regarding Self-Governance and priority issues at the beginning of each Congressional Session
- Coordinate meetings with Tribal leaders and Congressional members who do not directly represent Tribal governments.