



MAR 18 2019

Dr. Lynn Malerba
Chairwoman
Tribal Self-Governance Advisory Committee
c/o Self-Governance Communication and Education
P.O. Box 1734
McAlester, OK 74501

Dear Chairwoman Malerba:

I am responding to your November 6, 2018-dated letter, which summarizes the Tribal Self-Governance Advisory Committee (TSGAC) requests and recommendations to the Indian Health Service (IHS) from the October 3-4, 2018, TSGAC meeting.

The IHS continues to address issues arising from the 35-day partial government shutdown, which resulted in a lapse in agency appropriations from December 22, 2018 – January 25, 2019. Since returning to full operations, we are working to resume the vital work of the TSGAC and our Tribal advisory committees.

I regret having to postpone our January 23-24, 2019, meeting. Per our January 10 conference call, I look forward to seeing you at the next TSGAC meeting, which we rescheduled to April 24-25 in Washington, D.C. Thank you for your patience and understanding as we continue to work on your requests and recommendations.

With regards to resuming full operations, we prioritized making payments to Tribes and Tribal Organizations, in accordance with their respective Indian Self-Determination and Education Assistance Act (ISDEAA) agreements with the IHS, to transfer fiscal year 2019 funding, as authorized by the Continuing Resolution and the Consolidated Appropriations Act, 2019.

IHS Tribal Consultation Policy

We look forward to resuming Tribal Consultation plans on the IHS Tribal Consultation Policy, IHS Circular No. 2006-01. We appreciate the TSGAC recommendation to focus specifically on timeliness, responsiveness to Tribal comments, and annual evaluation of consultation activities.

On a related note, the IHS will need to ensure our plans support the current engagement of the Department of Health and Human Services (HHS) in consulting on the HHS Tribal Consultation Policy. Initially, the HHS deadline for comments was December 19, 2018. In response to requests from Tribes, HHS extended the deadline for 90 days until March 15, 2019. An Agency update will be provided when available.

IHS Contract Support Costs Policy

We are committed to paying full contract support costs (CSC) in accordance with the ISDEAA. In December 2017, the IHS temporarily rescinded section 6-3.2E(3) – *Alternative Methods for Calculating Indirect Costs Associated with Recurring Service Unit Shares* (“97/3 Split” or “97/3 Method”) of the CSC policy in the Indian Health Manual, Part 6 – *Services to Tribal Governments and Organizations*, Chapter 3 – *Contract Support Costs*. We are currently deliberating on a final policy decision and will notify the TSGAC once the policy is updated.

We are aware of the CSC Workgroup’s request to reconvene to continue discussion on topics raised during the August 2018 meeting. While no CSC Workgroup meetings have been scheduled at this time, we will be reaching out to them to gauge their interest in meeting within the next several months.

IHS Facilities Appropriations Advisory Board

The January 2019 meeting of the Facilities Appropriations Advisory Board (FAAB) has been rescheduled to March 19-20, 2019, in Rockville, Maryland. Since receiving your letter, we have focused on widely publicizing events of interest to Tribal Leaders and Urban Indian Organization Leaders. Specifically, we have added an upcoming events update to our monthly conference calls to Tribal Leaders and Urban Indian Organization Leaders. We are also actively posting online updates to the IHS Event Calendar Web site at <https://www.ihs.gov/ihscalendar/>.

Last year, at the request of Tribes, the IHS initiated Tribal Consultation on proposed updates to the *IHS Sanitation Deficiency System (SDS) – A Guide for Reporting Sanitation Deficiencies for American Indian and Alaska Native Homes and Communities* (SDS Guide). Now that the comment period has ended, we plan to present a summary of the comments received during the March 19 FAAB meeting, where updates will be provided on the SDS Guide. We will subsequently share this information by letter to Tribal Leaders and Tribal Organization Leaders. For your convenience, I have enclosed a list of current Tribal and Federal members of the FAAB.

IHS Budget Priorities

The FY 2021 National Tribal Budget Formulation Work Session has been rescheduled to March 14-15, 2019. We appreciate your recommendations and look forward to working with Tribes and Tribal Organizations to establish budget priorities for IHS through the Tribal Consultation process.

We are aware of recently introduced legislation in both the House of Representatives and the Senate that proposes changes to the current IHS budget structure by providing advance appropriations authority. The IHS has shared examples of continuing resolution and appropriations lapse impacts we received from Tribes, Urban Indian Organizations, and IHS

employees. In addition, we have also directed attention to a report published by the Government Accountability Office on September 13, 2018, entitled, "*Indian Health Service: Considerations Related to Providing Advance Appropriations Authority*" (GAO-18-652). Our staff is standing by to provide technical assistance to Congress regarding the issue of advance appropriations.

Modernizing agency health information technology remains an ongoing priority. As we previously indicated, in September 2018, the HHS Chief Technology Officer awarded a contract to conduct an IHS Information Technology Modernization Research Project. While this work has been affected by the shutdown, the IHS looks forward to the outcomes of this project to assist us by providing an analysis of alternative recommendations for the Health Information Technology System at IHS. The outcomes may also inform budget formulation activities.

Vacancies on the IHS-Tribal Workgroup

The IHS will work to evaluate and fill all vacancies in accordance with the respective charters or protocols with the assistance of Area Directors and relevant Headquarters Office Directors.

Thank you for your ongoing support during the shutdown. We appreciate your continued partnership. If you have any questions, please contact Ms. Jennifer Cooper, Director, Office of Tribal Self-Governance, IHS, by telephone at (301) 443-7821 or by e-mail at jennifer.cooper@ihs.gov.

Sincerely,



RADM Michael D. Weahkee, MBA, MHSA
Assistant Surgeon General, U.S. Public Health Service
Principal Deputy Director

Enclosure: IHS Facilities Appropriations Advisory Board Membership List

**INDIAN HEALTH SERVICE
FACILITIES APPROPRIATIONS ADVISORY BOARD MEMBERS**

AREA	NOMINATIONS	REPRESENTING (Area/tribal)	Elected Tribal Official	DST, Title I, Title V
Alaska	James Roberts jcroberts@anthc.org	Alaska Native Tribal Health Consortium	Senior Executive, Intergovernmental Affairs	
Albuquerque	Martin Lopez, Jr. mlopez@ydsp-nsn.gov	Ysleta del Sur Pueblo	Director of Health Services	
Bemidji	Matt Clay matt.clay@pokagonband-nsn.gov	Pokagon Band of Potawatomi	Director, Pokagon Health Services	
Billings	Richard Brannan richardbrannan@outlook.com	Wind River Family and Community Health Care	CEO	
California	Michael Garcia michaelg@leaningrock.net	Southern Indian Health Council	Vice Chairman	Title V
Great Plains	Vincent Two Lance Jr. (Pending formal appointment)	Oglala Sioux Tribe		
Nashville	Casey Cooper casey.cooper@cherokeehospital.org	Eastern Band of Cherokee Indians	Health Systems Administrator	Title V
Navajo	Theresa Galvin (Pending formal appointment)	Navajo Nation		
Oklahoma City	Charles Grim Charles-Grim@cherokee.org	Oklahoma City Area	Secretary of Health for the Chickasaw Nation	Title V
Phoenix	Ricardo Leonard ricardo.leonard@srpmic-nsn.gov	Salt River Pima Maricopa Indian Community	Tribal Councilman	Title V
Portland	Andy Joseph Andy.Joseph@colvilletribes.com	Confederated Tribes of Colville	Tribal Councilman	DST
Tucson	Marc Fleetwood Marc.fleetwood@ihs.gov	Tohono O'dhom Nation	Director of Facilities Eng.	NA
IHS HQ	Gary Hartz Gary.Hartz@ihs.gov	Federal Representative	Director, OEHE, IHS	NA
IHS ABQ/NAS	Russ Pederson Russel.Pederson@ihs.gov	Federal Representative	Director, OEHE ABQ/NAS	NA