

IHS TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education

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Sent electronically to denise.turk@ihs.gov

June 22, 2018

RADM Michael D. Weahkee
Acting Director
Indian Health Service
Mail Stop: 08E37A
5600 Fishers Lane
Rockville, MD 20857

RE: Office of Environmental Health & Engineering Updates

Dear RADM Weahkee:

On behalf of the Indian Health Service (IHS) Tribal Self-Governance Advisory Committee (TSGAC), I write to bring attention to a few specific concerns related to the Office of Environmental Health & Engineering (OEHE) and request that the OEHE Director be present at the upcoming TSGAC meeting to be held on July 19, 2018 at the Embassy Suites Convention Center; 900 – 10th Street, NW, Washington, DC.

TSGAC is concerned with the recent announcement of the Small Ambulatory Program (SAP) awards. On May 23, 2018, TSGAC and Tribes learned through Senate Appropriations Testimony from OEHE that IHS pooled the Fiscal Year 2017 and 2018 Appropriations to award twelve of twenty program applications from December 2017. This is concerning because Tribes were not formally notified of the Agency's decision in advance; nor were we consulted prior to the decision being made. The decision to pool funds, though administratively efficient, effectively thwarted any new competition for a substantively larger pool of funding than initially announced last summer. TSGAC and our partner organizations continuously advocate for funds that support expansion and renovation of health care facilities, so it is important to include Tribal input when making decisions about the distribution of funds.

Tribal assessment whether to compete in a particular competitive grant process typically considers a number of factors, including the amount of awards anticipated and the total amount of funds available. In FY 2017, \$5 million was available for the SAP, with a maximum award of \$2 million each. We are aware that due to the high level of potential competition in FY 2017, certain Tribes declined to compete and rather decided to monitor future appropriations. In FY 2018, \$15 million was appropriated for SAP, three times that of the previous year. With a substantial increase in the appropriation and more awards anticipated, it is reasonable to expect that more Tribes would have applied in FY 2018.

However, that option was removed by the agency's decision to fund unsuccessful proposals from the previous competition. Further, since this decision was not at least announced, much less consulted about prior to the FY 2017 competition, those Tribes deferring due to the low FY 2017 appropriation were not aware that the grant competition would be used for multiple years.

We are seeing more of these kinds of decisions being made with the rationalization that the funds need to get appropriated or they will go back to the Treasury. We respectfully ask the agency to develop a plan going forward regarding how to consult within a short time frame to avoid these issues in the future. We want to ensure that all Tribes have the best information about which grant programs will be applied for.

TSGAC also requests an update and formal Tribal consultation on the Draft *Guide for Reporting Sanitation Deficiencies for Indian Homes and Communities*. In a Dear Tribal Leader Letter dated November 22, 2017, you set the expectation that IHS would consult on the draft guide in early 2018. However, to date, there has not been an announcement regarding Tribal consultation. This is a pressing and timely issue because we are quickly nearing the initiation of another project evaluation round and Tribes have expressed their disagreement with the current interpretation of the law. This is especially important given the many households in Indian country that lack running water and indoor plumbing or have substandard systems. In order to advocate for the necessary funding, it is vital that we capture this information accurately

We appreciate your continued commitment and partnership to advance these issues and look forward to our discussions during the July TSGAC meeting. If you have any questions or would like to discuss these comments in further detail, please contact me at lmalerba@moheganmail.com. Thank you.

Sincerely,



Chief Lynn Malerba, Mohegan Tribe of Connecticut
Chairwoman, IHS TSGAC

cc: Jennifer Cooper, Director, Office of Tribal Self-Governance, IHS
Gary Hartz, Director, OEHE, IHS
TSGAC Members and Technical Workgroup