

TITLE VI: EXPANSION OF SELF-GOVERNANCE WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Summary of Issue:

Title VI of the Indian Self-Determination and Education Assistance Act (ISDEAA) required the Department of Health and Human Services (HHS) to determine the feasibility of a demonstration project extending Tribal Self-Governance to HHS agencies other than the Indian Health Service (IHS). In 2003, HHS submitted a report to the Senate Committee on Indian Affairs and the House Natural Resources Committee that a Self-Governance demonstration project was feasible. In 2011, HHS revived the effort and established the Self-Governance Tribal-Federal Workgroup (SGTFW) and issued a Final Report in September 2014. The Report concluded that there is no existing authority that would permit a demonstration project of the sort proposed by the 2003 feasibility study which could be carried out under Title VI of the ISDEAA without specific legislative authority from Congress. In order to continue the momentum and dialogue between Tribes and HHS, the Tribal Self-Governance Title VI Task Force requested that both Secretaries Kathleen Sebelius and Sylvia Burwell designate appropriate HHS officials with decision-making authority to engage in dialogue with Tribal representatives over concrete legislative proposals to establish a Self-Governance demonstration project. Both Secretaries responded that the Tribal representatives should contact the heads of the Operating Divisions “to discuss flexibilities that exist in statute and regulations for those programs that may aid the Tribes in meeting their needs”. The last correspondence to Secretary Burwell on this issue was sent January 15, 2015 and there has been no subsequent response.

Objective/Goals:

The goal is to resume discussions with HHS to explore flexibilities that exist in statute and regulations for those agencies identified by Secretary Kathleen Sebelius in her February 7, 2014 correspondence:

1. Agencies:
 - a. Administration for Children and Families
 - b. Administration for Community Living
 - c. Substance Abuse and Mental Health Services Administration
2. Identify allies from Congress, the Administration and private entities who support Tribal empowerment, Self-Determination and Self-Governance who will openly support the expansion of Self-Governance;
3. Identify Members of Congress to introduce and support the legislation;
4. Collaborate with all of our Federal partners to initiate dialogue with colleagues, show support and increase awareness about the benefits, efficiencies and administrative improvements under Self-Governance;
5. Develop a mobile outreach campaign to share success stories and expand communication and education outreach that Self-Governance Works on a National and Regional scale; and,
6. Encourage all Self-Governance Tribes to participate in the process rather than an observer and watch from the sidelines.

Strategy & Actions:

- 1) Develop an educational process designed for the three Operating Division on how Tribal Self-Governance will be implemented and how it will improve program implementation;
- 2) Identify Tribes and programs to pursue flexibilities that exist in statute and regulations to implement demonstration programs within three agencies;
- 3) Individual Self-Governance Tribes should utilize the HHS Tribal Consultation forums and include “the expansion of Self-Governance in HHS” in all testimony submitted;

- 4) Utilize “Tribal Advisory Committees” (TAC’s) to promote Self-Governance Expansion by interacting with HHS staff on specific programmatic and technical issues illuminating the advantages of Self-Governance and by making specific official requests as members of those TAC’s;
- 5) Identify specific programmatic and technical barriers that could be mediated by a policy decision from a senior level Administration representative;
- 6) Develop an educational process to present to Direct Service Tribes and other interested parties about the collaboration with three agencies to provide transparency and seek support during the deliberations with HHS; and,
- 7) Approach interested members of Congress to introduce and support legislation.

For updates on the Tribal Self-Governance Title VI Task Force activities, contact:

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