

October 8, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Ave, SW
Washington, DC 20407

Re: Legislation to Expand Tribal Self-Governance within the Department of Health and Human Services

Dear Secretary Becerra:

On behalf of the 21 Federally recognized Tribes in the state of Oklahoma participating in Tribal Self-Governance within the Department of Health and Human Services' (HHS) Indian Health Service (IHS), we write today to share a proposal and request your support for efforts to expand Self-Governance within the Department of Health and Human Services. The Oklahoma Self-Governance Coalition ("Coalition") includes tribal governments who (1) are served by the IHS' Oklahoma City Area and (2) have a Self-Governance Compact in effect with the United States of America, acting through the DHHS-IHS. This Coalition provides recommendations, advice, information, and assistance to one another and to others such as the Oklahoma City Area IHS, the Administration, and Congress.

Tribal Nations have been successfully operating their own programs under the Indian Self-Determination and Education and Assistance Act (ISDEAA) to the great benefit of their citizens and the Federal government. The expansion will support and strengthen Tribal Self-Governance, sovereignty, self-determination, and self-reliance in applying local expertise and knowledge to managing Tribal programs and services.

For decades, Self-Governance Tribes have shown that they can successfully manage and operate sophisticated health systems previously delivered by IHS, either directly or through a Tribal organization or intertribal consortium, and currently administer roughly 50% of the IHS budget to improve care and ensure local accountability to their patients.

Yet, these gains will continue to be limited unless Self-Governance expands to programs beyond the IHS. Tribal health programs receive funding from a variety of health and social services programs across HHS to operate programs related to childcare and child welfare, elder support, opioid and substance use, and public health programs, among many others. These programs are especially important because they meaningfully address social determinants of health. These grant programs, however, are discretionary and do not honor the Federal trust responsibility and treaty obligations to Tribal Nations. Under Self-Governance, programs and

services throughout HHS would be better coordinated and result in better health and social outcomes for Tribal citizens, their families, and communities. Tribal health programs would reduce administrative costs and eliminate onerous and duplicative reporting requirements. In 2003 under Title VI of the ISDEAA, HHS determined that expanding self-governance at HHS was feasible. Now is the time to act.

We understand that this transition will be a paradigm shift for many operating divisions, but we request your leadership as we work to move this initiative forward with your Administration's support. The Biden Administration has committed to "working to empower tribal nations to govern their own communities and make their own decisions." Support for expanding self-governance at HHS is a perfect example of how we can implement that principle. As we work with Congress to move this legislation, it will be critical for your Department to provide technical assistance demonstrating the feasibility of this change and the benefits that Self-Governance will deliver.

Enclosed with this letter you will find a white paper on this topic and draft legislation that Self-Governance Tribes proposed be advanced in the 117th Congress. This proposed bill is modeled on legislation that was introduced in the 108th Congress (S. 1696), and it has been updated to reflect current realities and procedures. We hope that we can engage collaboratively with HHS and operating divisions outlined in this proposal to perfect the legislation and ensure that it provides the best possible framework for Tribes as well as Federal agencies as we work to implement Title VI.

In the meantime, if you or your staff have questions about these materials, please do not hesitate to contact either Melanie Fourkiller, Choctaw Nation Director of Self-Governance at 918-453-7338 or Kasie Nichols, Citizen Potawatomi Nation Director of Self-Governance at 405-275-3121. Thank you for your consideration and assistance with this very important matter.

On behalf of the Oklahoma Self-Governance Coalition,



Melanie Fourkiller

Director, Self-Governance & Health Policy
Choctaw Nation



Kasie Nichols

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