



# Ysleta del Sur Pueblo

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May 18, 2018

RADM Michael D. Weahkee, MBA, MHSA  
Assistant Surgeon General, U.S. Public Health Service  
Acting Director  
Indian Health Service  
5600 Fishers Lane  
Mail Stop: 08E86  
Rockville, MD 20857

Re: CSC "97/3 Method" Tribal Consultation

Dear Acting Director Weahkee:

On behalf of Ysleta del Sur Pueblo (YDSP), please accept these formal comments in response to the April 13, 2018, IHS Dear Tribal Leader Letter regarding the IHS CSC Policy pertaining to the 97/3 Method. YDSP submits these comments with intimate knowledge given that one of our staff members serves on the IHS CSC Workgroup and has been actively involved with CSC since 2013. The letter provided the recommendation from the IHS CSC Workgroup along with a couple additional recommendations from the Agency that did not receive the support of the workgroup.

The Pueblo supports Tribal Consultation, however, is extremely disappointed with the Agency's unilateral action to suspend a provision of the IHS CSC Policy that had been included as a result of considerable effort, consultation and compromise. After reviewing the options recommended in the April 13th Dear Tribal Leader Letter, we recommend that the IHS reinstate the original language agreed to by Tribes and the IHS in October 2016. That language took into account the differing positions of the Agency and Tribes with an attempt to strike a compromise that would facilitate continued funding negotiations.

The original language adopted by the Agency mirrors the 80/20 process that the Agency has used for over 20 years. That policy has respected Tribal sovereignty and allows Tribes to elect which method to use. With the 97/3 alternative, we would be comfortable with the revised language recommended by the IHS CSC Workgroup on March 6-7, 2018. To the extent the Tribe and the

Agency have previously negotiated and agreed to a specific level of duplication reflected in a prior funding agreement, a renegotiation of that agreement seems reasonable.

We do not agree that the IHS should be able to force all Tribes into a detailed line-by-line negotiation when a reasonable alternative like the 97/3 method exists. That appears to be the goal of each of the two Agency alternatives so we reject those emphatically.

We sincerely hope that the IHS will return to a more respectful stance in addressing and dealing with Tribes and recommend that the original policy be reinstated as soon as possible.

Thank you for this opportunity to submit our comments.

Sincerely,

Carlos Hisa

Governor