

Contracting & Compacting: Tribal, State, & Federal Partnerships

Valerie Nurr'araaluk Davidson

Indian Self Determination & Education Assistance Act

Federal law authorizes Tribes / Tribal Organizations to contract or compact with the federal government to provide programs, functions, services or activities that the federal government would otherwise provide for American Indians / Alaska Natives (AI/AN)

- Political, government to government relationship
- Not a race based relationship
- Trust Relationship repeatedly upheld by U.S. Supreme Court

Contract

v.

Compact

- ISDEAA Title I
- 25 USC § 450 et seq
- 25 CFR § 900 et seq
- Tribal Resolution

- Less flexibility
- Less local control

- ISDEAA Title V
- 25 USC § 458aaa et seq
- 42 CFR § 137 et seq
- Resolution, planning phase and 3 fiscal years of financial stability/mgt
- More flexibility
- More local control

Health/Human Svcs v. Interior

- Community Health
- Health Svcs
- Research & Data
- Technology
- Health Training
- Rural Energy
- Sanitation & Health Facilities mgt /construction
- Wellness & Prevention
- Child/Family Services
- Economic Devt
- Education, Employment & Training
- Elder Services
- Natural Resources
- Public Safety
- TANF
- Transportation
- Tribal Justice

Benefits

- Better coordinated care for beneficiaries
 - Public Health function
 - Veterans Services
 - Care Coordination Agreements
- Leveraging Partnerships = GF Savings
 - SFY 17 (\$35 M)
 - SFY 18 (\$44.7 M)
 - SFY19 (\$46M to date; projected \$64-84M)
(\$125.7M to date in Medicaid GF)

State Compact Opportunities

- **Alaska Tribal Child Welfare Compact**
 - Govt to Govt Agreement with 18 Co-signers representing over 160 Tribes
 - Recognition of Tribes' inherent authority
 - Path to Yes
- **Other areas:**
 - Education
 - Public Safety
 - Transportation
 - Others

Consultation

- Federal Consultation
 - Every Department
 - Centers for Medicare & Medicaid Services
- State Consultation
 - AK Dept. of Health & Social Services
 - AK Dept. of Transportation
 - AO 300 required every department to develop consultation policies
 - Compacting Opportunities?

Quyana

