



# Tribal Technical Advisory Group



## To the Centers for Medicare & Medicaid Services

c/o National Indian Health Board | 50 F Street NW | Washington, DC 20001 | (202) 507-4070 | (202) 507-4071 fax

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Shawne C. McGibbon  
General Counsel  
Office of the Chairman  
Administrative Conference of the United States  
1120 20<sup>th</sup> St. NW, Suite 706 S  
Washington, DC 20036

*Submitted via [info@acus.gov](mailto:info@acus.gov)*

### **Re: Federal Agency Collaboration with State, Local, Tribal, and Territorial Governments; Request for Comments**

Dear General Counsel McGibbon:

On behalf of the CMS Tribal Technical Advisory Group (TTAG), this letter is a response to the Administrative Conference of the United States' notice on Federal Agency Collaboration with State, Local, Tribal, and Territorial Governments (SLTTG) (90 FR 22224). TTAG leadership offers our feedback based on our experience in strengthening intergovernmental partnerships through our Tribal Advisory Committees (TACs). We believe this recommendation should be seriously considered and adopted by Federal and SLTTG officials to support more effective and collaborative engagement with Tribal Nations.

TACs are a critical part of the government-to-government relationship. They support a robust system of policy input and feedback as agencies within the Department of Health and Human Services (HHS) develop public health and healthcare initiatives. TACs were established to enhance the government-to-government relationship, uphold the federal trust and treaty obligations to Tribes and American Indian and Alaska Natives (AI/AN), and increase understanding between federally recognized Tribes and HHS. HHS TACs are comprised of Tribal leaders, Tribal health experts, and technical advisors who can provide a high-level analysis on ongoing and proposed initiatives from HHS agencies and divisions. TACs serve as a valuable space where Tribal leaders can advise the HHS agencies on a variety of issues, including policy development, regulations, funding, and other initiatives.

The CMS TTAG serves as a Tribal advisory body to CMS on behalf of 574 American Indian and Alaska Native Tribes, providing expertise on policies, guidelines, and programmatic issues that affect the delivery of healthcare for AI/AN beneficiaries. Over the years, TTAG has built a strong partnership with CMS staff, fostering communication and reciprocal information-sharing that strengthens the development of Tribally-

informed policies. One such example is CMS's recent collaboration with Tribal Nations to develop 1115 Demonstration Waivers for Traditional Healing Services in the Indian health system. This administrative change is not only culturally responsive but lifesaving for AI/AN communities.

Under the current Administration, there have been several disruptions that have led to communication gaps between Tribal Nations and federal offices. While TACs once provided essential transparency and technical assistance, there are now frequent delays and miscommunication with federal agencies. It is vital that Federal and SLTTG officials maintain and support distinct TACs to ensure meaningful, high-level engagement with Tribes. It should be noted that HHS has a legal, trust responsibility to conduct Tribal consultation on all policy and program changes even if an HHS agency has sought advice from a TAC, board, or committee.<sup>1</sup> As sovereign political entities, Tribal Nations and their designated TAC delegates, deserve direct engagement and collaboration beyond HHS agencies with federal and SLTTG officials.

TTAG leadership urges Federal and SLTTG officials to continue utilizing and expanding TACs as a proven method for fostering meaningful and collaborative partnerships with Tribal Nations. TACs ensure that Tribal perspectives are integrated into HHS policies, programs, and decision-making processes. TACs role reinforces the federal trust responsibility and promotes Tribal self-determination and self-governance. Our TTAG leadership is readily available to provide additional information or support as needed.

Sincerely,



W. Ron Allen, CMS TTAG Chair  
Jamestown S'Klallam Tribe, Chairman/CEO

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<sup>1</sup> Exec. Order No. 13175, 65 F.R. 218 (2000). <https://www.govinfo.gov/content/pkg/FR-2000-11-09/pdf/00-29003.pdf>. Federal agencies have a legal obligation to consult with Tribal Nations on government actions or proposed policies that are likely to impact Tribes. Requirements for Tribal Consultation are detailed in several Executive Orders and in statute.