

Resolution of the NATIONAL NATIVE AMERICAN BAR ASSOCIATION

RESOLUTION # 2019 – 009

TITLE: Protect and Enhance Indian Health Service Funding

WHEREAS, the National Native American Bar Association (“NNABA”) works to promote issues important to the Native American community and to improve professional opportunities for Native American lawyers, we do hereby establish and submit the following resolution;

WHEREAS, NNABA was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors, and law students, and NNABA strives to be a leader on social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians;

WHEREAS, the United States government, pursuant to numerous treaties with Indian tribes and a unique government-to-government relationship with all tribes, owes a duty to provide for the health and welfare of all American Indian and Alaska Native people;

WHEREAS, pursuant to that duty, the Indian Health Service (IHS), a division within the United States Department of Health and Human Services, provides medical and health services to over 2 million American Indian and Alaska Native people, including through direct services, through funds provided to tribally-operated health facilities, and through the Urban Indian Health Program;

WHEREAS, the IHS has historically, and continues to be drastically underfunded;¹

WHEREAS, delayed year-to-year funding, including unanticipated political federal government shutdowns such as the recent December 22, 2018 to January 25, 2019 shutdown, causes alarming impacts on the provision of health care services, as well as impacts the ability to properly plan and manage resources;

WHEREAS, in light of IHS’s underfunding, unilateral federal reductions in spending, such as the Fiscal Year 2013 federal budget sequestration, cause disproportionate damage to American Indian and Alaska Native people and their ability to receive primary health care and disease prevention services;

WHEREAS, the similarly-situated agency, the Veterans Health Administration, which provides direct medical care to a specific segment of the United States population as a result of federal policy, was identified by Congress as suffering from these same barriers, and as such Congress authorized work-arounds, including advance appropriations (funding available one year or more after the year of the appropriation, which allows programs to avert funding gaps and avoid short-term continuing resolutions), and exemption from sequestrations;

WHEREAS, like the Veterans Health Administration, IHS requires advance appropriations and sequestration exemption to avoid the threat and effects of government shutdowns, to avoid the constant need for short-term continuing resolutions, to address the harmful effects of federal budget sequestrations, and to improve the ability of IHS providers to budget, recruit, retain, provide services, maintain facilities, and perform necessary construction efforts; and

¹ Jessica Farb, *Indian Health Service: Spending Levels and Characteristics of IHS and Three Other Federal Health Care Programs*, U.S. Government Accountability Office (Dec. 10, 2018), <https://www.gao.gov/assets/700/695871.pdf> (comparing funding levels between IHS, the Veterans Health Administration, Medicare, and Medicaid. The GAO report noted that in 2016, IHS health care expenditures per person were only \$2,834, compared to \$9,990 per person for federal health care spending nationwide.)

WHEREAS, sufficient, consistent, and predictable funding is required as part of the federal government's trust responsibility to Indian tribes;

NOW THEREFORE BE IT RESOLVED that the National Native American Bar Association calls for the enactment of federal legislation that would bring stability and certainty to the IHS budget by changing its funding to advance appropriations, such as proposed in the Indian Programs Advance Appropriations Act (H.R. 1128 and S. 229) and the Indian Health Service Advance Appropriations Act of 2019 (H.R. 1135), and provide an exemption from federal budget sequestrations;

BE IT FINALLY RESOLVED that NNABA supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.

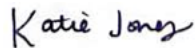
CERTIFICATION

The foregoing Resolution was adopted by the Board of Directors of the National Native American Bar Association, on October 2, 2019, via online voting pursuant to § 4.9 of the Native American Bar Association Bylaws.



Robert Saunooke, President

ATTEST:



Katie Jones, Secretary