



# NATIONAL CONGRESS OF AMERICAN INDIANS

## THE NATIONAL CONGRESS OF AMERICAN INDIANS

### RESOLUTION #MSH-01-019

#### **Title: Requesting Continued Support for Reimbursement to Indian Health Service Units for Cost of Treating Non-Indian Individuals**

#### EXECUTIVE COMMITTEE

PRESIDENT  
Susan Masten  
Yurok Tribe

FIRST VICE-PRESIDENT  
W. Ron Allen  
Jamestown S'Klallam

RECORDING SECRETARY  
Juana Majel  
Pauma-Yuima

TREASURER  
Ernie Stevens, Jr.  
Oneida of Wisconsin

#### AREA VICE PRESIDENTS

ABERDEEN  
Tom Ranfranz  
Flandreau Santee Sioux

ALBUQUERQUE  
Joe A. Garcia  
San Juan Pueblo

ANADARKO  
Merle Boyd  
Sac & Fox Nation of OK

BILLINGS  
Jonathan Windy Boy  
Chippewa Cree Tribe  
of Rocky Boy

JUNEAU  
Mike Williams  
Yup'ik

MINNEAPOLIS  
Bernida Churchill  
Mille Lacs Band  
of Ojibwe

MUSKOGEE  
S. Diane Kelly  
Cherokee Nation

NORTHEAST  
Alma Ransom  
St. Regis Mohawk Tribe

PHOENIX  
A. Brian Wallace  
Washoe Tribe of NV/CA

PORTLAND  
Ernie L. Stensgar  
Coeur d'Alene Tribe

SACRAMENTO  
Mervin E. Hess  
Lone Pine Paiute-  
Shoshone Tribe

SOUTHEAST  
A. Bruce Jones  
Lumbee

NCAI HEADQUARTERS  
1301 Connecticut Ave., NW  
Suite 200  
Washington, DC 20036  
202.466.7767  
202.466.7797 fax  
www.ncai.org

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest, largest, and most representative national American Indian and Alaska Native tribal government organization; and

**WHEREAS**, the Indian Health Service ("IHS") operates service units throughout the United States that are intended to provide medical care to American Indians; and

**WHEREAS**, the Indian Health Service is funded by Congressional appropriation but is not funded at a level of need required by American Indians; and

**WHEREAS**, accredited service units are required to adhere to the Emergency Medical Treatment and Active Labor Act ("EMTALA") 42 U.S.C. § 1397dd (1992 and Supp. 2000); and

**WHEREAS**, the EMTALA mandates that accredited medical facilities provide emergency medical services to non-eligible people or risk losing accreditation; and

**WHEREAS**, IHS service units have increasingly provided medical services to non-Indians in need of emergency care, including many thousands of individuals who are brought to these service units by the United States Border Patrol; and

**WHEREAS**, IHS service units have incurred substantial costs from treating non-Indian patients brought to these units by the United States Border Patrol and are therefore eligible for reimbursement which has not yet been provided; and

**WHEREAS**, the failure to reimburse IHS service units for these medical care costs at a time when American Indians and Alaska Native patients are funded below their level of need substantially reduces the available resources for Indian patients; and

**WHEREAS**, NCAI has previously supported reimbursement to the IHS service units for the cost of treating non-Native individuals by its adoption of Resolution No. STP-00-051 at NCAI's 2000 Annual Session.

**NOW THEREFORE BE IT RESOLVED**, that NCAI does hereby support reimbursement to Indian Health Services Units for cost of treating non-Indian individuals; and

**BE IT FINALLY RESOLVED**, that NCAI does hereby request that the United States Department of Justice and the Immigration and Naturalization Service consult with Federally recognized tribes in an effort to receive reimbursement for services provided.

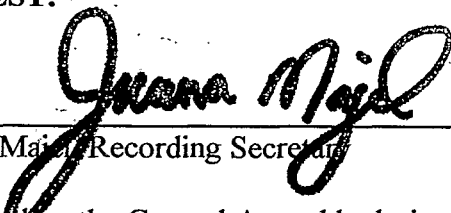
**CERTIFICATION**

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.



Susan Masten, President

**ATTEST:**



Juana Mair, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.