

REN-19-027: A Call to Congress to Establish an Indefinite Discretionary Appropriation for the Indian Health Service to Fund Section 105(l) Lease Obligations under the Indian Self-Determination and Education Assistance Act

Sponsor: Affiliated Tribes of Northwest Indians

Summary:

- Section 105(l) of the Indian Self Determination and Education Assistance Act (ISDEAA) requires the Indian Health Service (IHS), upon tribal request, to enter into a lease for a facility owned or leased by the tribal nation or organization and used to carry out its ISDEAA agreement.
- Unless additional funding is provided in IHS appropriations, the funds required for 105(l) leases will come at the expense of the overall health program and result in cuts in services for both direct service and self-governance tribal nations as 105(l) lease costs increase.
- REN-19-027 urges Congress to establish an indefinite discretionary appropriation to fully fund Section 105(l) ISDEAA lease obligations to tribal nations and organizations as necessary.

Issue:

Section 105(l) of the ISDEAA requires IHS, upon tribal request, to enter into a lease for a facility owned or leased by the tribal nation or organization and used to carry out its ISDEAA agreement.

On July 10, 2018, IHS sent a Dear Tribal Leader Letter (DTLL) proposing to fund a \$13 million FY 2018 shortfall of Section 105(l) ISDEAA lease costs by reprogramming funding from IHS unallocated inflation increases. On September 14, 2018, IHS sent a follow-up DTLL informing tribal nations that it had decided that in order to meet FY 2018 105(l) lease-funding requirements it had reprogrammed \$25 million from the \$70.4 million increase identified for inflation.

On March 2, 2019, IHS issued an additional DTLL, stating that it had received 100 105(l) lease proposals from tribal nations and tribal organizations, totaling approximately \$39 million for FY 2019. Unless additional funding is provided in IHS appropriations, the additional funds required for 105(l) leases will come at the expense of the overall health program and result in cuts in services for both direct service and self-governance tribal nations as 105(l) lease costs increase.

Action:

Resolution REN-19-027 urges Congress to establish an indefinite discretionary appropriation to fully fund Section 105(l) ISDEAA lease obligations to tribal nations and organizations as necessary.

For additional information, please contact Jacob Schellinger at jschellinger@ncai.org or Nicholas Courtney at ncourtney@ncai.org.

Resolution Action Plan: REN-19-027

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Action Plan:

- 30 Days:
 - Research and familiarize oneself with resolution subject area.
 - Assess opportunities for cross-coordination with other tribal nations, organizations, and representatives.
- 60 Days:
 - Letter to House and Senate appropriation committee leadership on the importance of 105(l) lease obligation funding.
 - Schedule Hill visits to follow-up on support letter.
 - Prepare activities update for NCAI Annual Convention.
- 90 Days:
 - Meet with Administration officials regarding contents of the resolution.
- 120 Days:
 - Continue Hill visits and track discussions, hearings, and activity pertaining to 105(l) funding.