TITLE: To Support Section 813 (b)(1)(B) of the Indian Health Care Improvement Act in Providing Services to Non-Indians

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 health, safety and 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 and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Indian Health Service has issued clear language to establish a process for allowing non-Indians to access the system of care operated directly by IHS; and

WHEREAS, the Indian Health Care Improvement Act clearly establishes a process for tribally operated health programs to provide systems of care to non-Indians that does not require IHS approval and requires these beneficiaries to have an independent source of health coverage; and

WHEREAS, the IHS allows for the IHS and Tribal delivery systems to access 340B purchased pharmaceuticals and federal torts claim act.

NOW THEREFORE BE IT RESOLVED, the NCAI does hereby assert that tribally operated Health Programs are subject only to the provisions of section 813 (b)(1)(B) of the Indian Health Care Improvement Act in providing services to non-Indians; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.
CERTIFICATION

The foregoing resolution was adopted at the 2005 Annual Session of the National Congress of American Indians, held at the 62nd Annual Convention in Tulsa, Oklahoma on November 4, 2005 with a quorum present.

[Signature]
President

ATTEST:

[Signature]
Recording Secretary

Adopted by the General Assembly during the 2005 Annual Session of the National Congress of American Indians held from October 30, 2005 to November 4, 2005 at the Convention Center in Tulsa, Oklahoma.