



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #ATL-14-027

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**TITLE: Support for Tribes Participating in the Indian Health Service Joint Venture Construction Program to Receive Funding for the Projects in the Same or Immediately Subsequent Fiscal Year in which the Tribes' Joint Venture Agreements are approved**

**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**, NCAI has long supported Tribes in the upholding of the United States Government's trust and treaty responsibilities to provide high quality healthcare to Native Americans; and

**WHEREAS**, the United States has obligated itself to ensure the well-being of sovereign Tribes both through treaties and federal statutes, including the Snyder Act of 1921 as amended, the Indian Self-Determination and Education Assistance Act of 1976 as amended, and the Indian Health Care Improvement Act of 1976 ("IHCA") as amended; and

**WHEREAS**, the IHCA was passed with the purpose of ensuring the highest possible health state for Indians while providing all resources necessary to effect that policy, and to provide funding for programs and facilities operated by Tribes in amounts that are not less than the amount provided to programs and facilities operated directly by the Indian Health Service ("IHS"); and

**WHEREAS**, the Joint Venture Construction Program ("JVCP"), found at Section 818(e) of the IHCA, Public Law ("P.L.") 94-437, as amended by languages in the fiscal year ("FY") 2001 appropriation, P.L. 106-291, and the FY 2002 appropriation, P.L. 107-63, authorizes the IHS JVCP for establishing projects where American Indian and Alaska Native Tribes can acquire Tribally owned outpatient health care facilities in exchange for the IHS providing the initial equipment, then operating, and maintaining the health care facility for a minimum of 20 years; and

**WHEREAS**, a lack of communication and program parameters has caused some Tribes to miss Congressional funding dates critical to their project's construction, much like the Flandreau Santee Sioux Tribe who submitted an application for consideration which was approved in 2009, and that now has hired an architect and construction company, has secured financing, has finalized the necessary agreements with IHS, and is in the final stages of development to construct its Clinic in 2014; and

**WHEREAS**, IHS has submitted its fiscal year 2016 budget to United States Office of Management and Budget for its consideration, and the funding for the Flandreau Santee Sioux Tribe's Clinic was not included, therefore requiring the Tribe to possibly delay construction until it can receive fiscal year 2017 funding; and

**WHEREAS**, the Flandreau Santee Sioux Tribe is now forced to attempt to lobby Congress to seek inclusion of the Tribe's project into fiscal year 2016's funding so that it may begin construction in August 2014, and make the clinic operational in October 2015; and

**WHEREAS**, other Tribes who have utilized the JVCP have faced similar difficulties, showing a direct lack of program development and understand that must be addressed in order to effectuate the objectives of the program for future participants in the JVCP.

**NOW THEREFORE BE IT RESOLVED**, that NCAI and its respective member Tribes, hereby express their strong support for inclusion of projects into the President's Budget Request and Congressional Appropriations in the fiscal years in which their Joint Venture Agreements are signed, or the year immediately subsequent to its signing, to ensure that Tribes' financing arrangements are facilitated in a timely and financially amicable manner; and

**BE IT FURTHER RESOLVED**, that NCAI requests that IHS prepare new guidelines to successfully utilize the JVCP so that Tribes that apply in the future are able to do so without such difficulty, and

**BE IT FURTHER RESOLVED**, that NCAI requests that additional funding be allocated over and above existing budget authority to each specific JVCP so that its funding does not diminish other IHS obligations; and


**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of the National Congress of American Indians unless and until withdrawn by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2014 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Atlanta, October 26-31, 2014 in Atlanta, Georgia, with a quorum present.

  
President

**ATTEST:**

  
Recording Secretary