



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PDX-20-008

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### NCAI HEADQUARTERS

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## **TITLE: Ensuring Inclusion of Native American Veterans in Future COVID-19 Legislation**

**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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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**, Tribal Nations are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our tribal lands, and

**WHEREAS**, the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, recognizes the sovereign status of Tribal Nations established prior to the United States; and

**WHEREAS**, before the United States, Tribal Nations were independent sovereigns with complete authority over our lands and our citizens; and

**WHEREAS** Tribal Nations predate the United States and are independent sovereigns vested with complete and inherent authority over our lands and our citizens; and

**WHEREAS**, from the first days of the American Republic, the United States entered into treaties with Tribal Nations on a government-to-government basis recognizing Native homelands and tribal rights of self-government; and

**WHEREAS**, the Constitution establishes treaties as an essential part of the Supreme Law of the Land and recognizes Tribal Nations as sovereigns with the power to make treaties on a nation-to-nation basis; and

**WHEREAS**, Congress provides health care to Veterans generally through the Veteran's Administration (VA), and

**WHEREAS**, in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Congress included important provisions for Veterans and Native American Veterans amounting to \$17 Billion in funding;

**WHEREAS**, H.R. 6800, the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act, included the following provisions:

- **Expand Health Care:** Authorize VA Health Care for all Veterans who have lost their health insurance in the Pandemic, streamline emergency payments to providers; give prior authorization for Veterans to use non-Veteran health care, ambulance services, and treatment for COVID-19 related conditions; and eliminate co-pays;
- **Homeless Veterans:** Provide transportation, food, shelter, phones, clothing, blankets, and toiletry items for homeless veterans; services for children, accelerated housing vouchers;
- **Vulnerable Veterans:** Provide increased funding for in-home care for our elderly and disabled veterans, and personal protective equipment for vulnerable veterans and caregivers;
- **Mental Health Care:** Extend Mental Health Care for National Guard and Reserve Members who deploy more than 14 days during the Pandemic;
- **Waive Debt Collection:** During the National COVID-19 Emergency and 90 days thereafter, suspend debt collection for VA fees;
- **Protect VA Frontline Employees:** Provide hazard pay, workers compensation and sick leave to VA doctors and nurses for COVID-19 related services and conditions;
- **Extend Deadlines:** For all Veterans, extend VA deadlines for claims, benefits, and appeals during the National COVID-19 Emergency and for 90 days thereafter;

**WHEREAS**, Congress has proposed to grant Urban Indian Health Centers medical liability coverage by deeming them to have the same status as the Public Health Service under S. 3650, the Coverage for Urban Indian Health Care Providers Act and to provide Native American Veterans health care through Urban Indian Health Centers and other IHS funded health care facilities;

**WHEREAS**, many Native American Veterans have difficulty getting the health care that they were promised through the VA, and Native American Veterans often are not listened to by VA doctors, and face long wait times for appointments and VA health services (see KTAR News January 19, 2020: “Native American veterans struggling to get health care they were promised”);

**WHEREAS**, many Native American Veterans must go to IHS for medical services because they cannot get health services at the VA, and the COVID-19 pandemic has required shelter-in place and social distancing which limits the ability of Native American Veterans to access medical care and other services, and some Native American Veterans may have been subjected to substandard, inadequate or negligent or negligently delayed medical care by the IHS; and

**NOW THEREFORE BE IT RESOLVED**, NCAI urges Congress and the President to enact the above-described Veterans, Native Veterans and health care provisions, extensions, and proposals in the next COVID-19 relief legislation or other suitable legislative measures; and

**BE IT FURTHER RESOLVED**, that NCAI urges Congress to improve services to Native Veterans by addressing the following:

- **VA Reimbursement of Native American Veteran Health Care at Indian Health Service Hospitals:** Native American Veterans are often referred to Indian Health Services (IHS) facilities for evaluation, diagnosis and treatment, and VA must reimburse IHS for health services to eligible Native American Veterans, and eliminate VA co-pays for IHS services; and
- **Neither the Native Veteran nor the Indian health care system shall be responsible for any co-payments for services provided to Native veterans:** AI/ANs who seek health care services at a VA facility are assessed co-payments. This practice does not align with the trust responsibility to provide health care to all AI/ANs. These copayments shall be absorbed by the VA; and
- **Authorize Urban Indian Health Organizations (UIOs) to Provide Health Care to Native American Veterans:** The VA should reimburse UIOs for such services for Native American Veterans; and
- **Ensure that Health Needs are Being Addressed in a Culturally Based, and Competent Manner:** Native Veterans continue to highlight cultural competency issues across the VA system. Delivering culturally-based, and competent care will help reduce overall health disparities for our Native Veterans; and
- **Extend Deadlines for Claims and Appeals with the Indian Health Service:** Native American Veterans use IHS facilities for medical care due to accessibility issues with VA Health Care Centers, so deadlines for filing medical claims with the IHS should be extended during the Pandemic and for 90 days thereafter.

**BE IT FINALLY 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 by the General Assembly at the 2020 Annual Session of the National Congress of American Indians, held Nov 8, 2020 - Nov 13, 2020, with a quorum present.



Fawn Sharp, President

**ATTEST:**



Juana Majel Dixon, Recording Secretary