The National Congress of American Indians
Resolution #ATL-14-036

TITLE: Support of Federal Funding for Long Term Services and Support Authorized by Section 205 (b) of the Indian Health Care Improvement Act (IHCIA)

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 Patient Protection and Affordable Care Act, Pub. L. 111-148 (ACA), a comprehensive health care reform bill, was signed into law on March 23, 2010; and

WHEREAS, Section 10221 of the ACA enacted into law the Indian Health Care Improvement Reauthorization and Extension Act of 2009, as amended (IHCIA); and

WHEREAS, Section 201 of the IHCIA authorizes the expenditure of funds through the Indian Health Service (IHS), directly or under the authority of the Indian Self-Determination and Education Assistance Act (ISDEA), to fulfill the Nation’s special responsibilities and legal obligations to Indians to, among other obligations, ensure the highest possible health status for Indians and to provide all resources necessary to effect that policy; and

WHEREAS, Section 205 of the IHCIA (codified at 25 U.S.C. §1621d) authorizes the Secretary of Health & Human Services, acting through Indian Health Service, to provide directly or through ISDEAA contracts or compacts, expenditure of funds for long term services and support programs including hospice care, assisted living, long term care and home and community based care (The LTSS Programs), as well as the sharing of facilities and staff between IHS and tribally operated long term care programs; and

WHEREAS, IHS can only expend funds for the LTSS programs authorized by Section 205, if funds have been appropriated; and
WHEREAS, no appropriations have yet been made by Congress to support the LTSS programs; and

WHEREAS, Tribal Nursing Care Authorities and their entities across the U.S. provides long-term care, assisted living and hospice services to members of their Tribal Nations and Tribal Communities, all within the definition of LTSS programs but receives no money from IHS to provide the LTSS program services; and

WHEREAS, tribes provide a substantial financial commitment to their Nursing Home/Care Authorities to support these programs and have passed resolutions to support these efforts; and

WHEREAS, a greater number of tribal people who need LTSS services would be assisted with the appropriation of funds authorized by Section 205(b) of the IHCIA.

NOW THEREFORE BE IT RESOLVED, that the NCAI supports federal funding and advocates for Long Term Services and Support authorized by Section 205(b) of the IHCIA (codified at 25 U.S.C. §1621d); 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 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.

ATTEST:

[Signatures]

President

Recording Secretary