



## United South and Eastern Tribes, Inc.

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### USET Resolution No. 2011:005

#### **OPPOSITION TO THE PROPOSED DEPARTMENT OF HEALTH AND HUMAN SERVICES INDIAN HEALTH SERVICE PROJECT FUNDING AGREEMENTS FOR FISCAL YEAR 2011**

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-five (25) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** USET has a long standing policy of supporting efforts to ensure quality and access to health care for American Indian/Alaska Natives (AI/AN); and
- WHEREAS,** since at least 1975 the fundamental policy of Congress with respect to American Indian/Alaska Native (AI/AN) Tribes/villages has been to encourage the policy of self-determination and self-governance; and
- WHEREAS,** part of the Federal Government's unique political relationship with Tribal Governments, the Department of Health and Human Services (HHS) Indian Health Service (IHS), in partnership with Tribes, provides health care to members of more than 565 Federally recognized Tribes; and
- WHEREAS,** it is through this partnership that the IHS has a responsibility to consult with Indian Tribes on issues that will or have the potential to directly affect them; and
- WHEREAS,** revising the IHS Project Funding Agreements (PFA) for Sanitation Facilities Construction projects, funded under P.L. 86-121 –the Indian Sanitation Facilities Act, 42 U.S.C. § 2004a. without consulting with Indian Tribes is a direct violation of the HHS and IHS Tribal Consultation Policy, as this potential change would directly affect Tribes; and
- WHEREAS,** the reasoning for the change in the PFAs, as stated by the IHS through electronic mail, was because the IHS believes that it can no longer transfer funding for such projects to Indian Tribes under the Indian Self-Determination and Education and Assistance Act (ISDEAA) when the funding has been contributed to the IHS from other agencies, specifically, the Environmental Protection Agency (EPA); and
- WHEREAS,** Section 311 of the newly reauthorized Indian Health Care Improvement Act (IHCA) specifically authorizes the IHS to accept funds from other federal agencies for construction or operation of sanitation facilities and to use those funds in ISDEAA contracts and compacts; and
- WHEREAS,** USET member Tribes believe that the reasoning stated by IHS is inaccurate, violates and undermines the Tribes' right to self-governance; therefore, be it
- RESOLVED** the USET Board of Directors strongly recommends that the Department of Health and Human Services Indian Health Service adhere to its Tribal Consultation Policy and engage in Tribal Consultation regarding any changes that have the potential to affect an Indian Tribe(s); and, be it further
- RESOLVED** the USET Board of Directors urges the Department of Health and Human Services Secretary and the Indian Health Service to acknowledge their authority under Section 311 of the Indian Health Care Improvement Act to accept and use funds from other Federal agencies for sanitation facilities and to

transfer such funds into Indian Self Determination and Education Assistance Act contracts and compacts; and, be it further

**RESOLVED** the USET Board of Directors encourages the Indian Health Service to refrain from the proposed changes to the Project Funding Agreements until such consultation occurs.

### CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Verona, NY, on Thursday, October 14, 2010.



Brian Patterson, President  
United South and Eastern Tribes, Inc.



Robert McGhee, Secretary  
United South and Eastern Tribes, Inc.

*"Because there is strength in Unity"*