



Topic	<u>Title</u>
Veterans Healthcare	USET SPF Testimony for the Record of SCIA Oversight Hearing on “Recognizing the Sacrifice: Honoring A Nation’s Promise to Native Veterans” and Legislative Hearing on S.1001 & S.2365
<p>SUMMARY: USET SPF requests the Committee exercise its oversight function to facilitate a strengthening of the 2010 memorandum of understanding (MOU) between the VA and IHS. As the Committee is likely aware, in 2010, IHS and the VA entered into an expanded MOU with the goal of improving coordination between both agencies for AI/AN veterans. The intention of the MOU was to better facilitate patient care for AI/AN veterans across country within both agencies. However, a report by the Government Accountability Office (GAO) in 2019, “Actions Needed to Strengthen Oversight and Coordination of Health Care for American Indian and Alaska Native Veterans,” found that more action is needed to strengthen oversight and coordination between IHS and the VA regarding implementation of the MOU.</p> <p>there are challenges with regard to information technology interoperability which have made it difficult for IHS and VA healthcare providers to have access important patient information within one another’s EHR systems. Since 2018, the VA has been working to replace the agency’s current electronic health record (EHR) system, Vista, to an off-the-shelf EHR known as Cerner Millennium. Since then, IHS has been considering either maintaining its current system, the Resource and Patient Management System, or implementing a new EHR system altogether – previously, IHS and the VA participated in cost sharing for necessary periodic updates.</p> <p>While the VA and IHS committed to facilitate the interoperability of health information data systems between both agencies to share information on common patients, challenges continue as a result of the differences in EHR systems. USET SPF underscores that interoperability between EHR systems must be prioritized as healthcare providers for AI/AN veterans must have access to real-time, life-saving data, and we strongly recommend the Committee consider the necessary resources to facilitate this interoperability.</p> <p>It is shameful that AI/AN veterans continue to face ongoing challenges when it comes to accessing the quality healthcare to which they are entitled. The federal trust obligation to provide comprehensive healthcare to Tribal Nations and AI/AN veterans exists in perpetuity and is shared by all federal entities including IHS, the VA, as well as Congress. It is incumbent upon the whole of the federal government to remove barriers in accessing healthcare for AI/AN veterans, and we encourage the Committee to work to address these problems, in consultation with Tribal Nations, as well as strengthen existing partnerships between the VA and the Indian Healthcare System.</p>	
Funding - Broken Promises	USET SPF Written Testimony - Testimony of the United South and Eastern Tribes Sovereignty Protection Fund

Before the House Natural Resources Subcommittee on Indigenous Peoples of the United States
 For the Oversight Hearing, “Reviewing the Broken Promises Report: Examining the Chronic Federal Funding Shortfalls in Indian Country”

SUMMARY: The chronic underfunding of federal Indian programs continues to have disastrous impacts upon Tribal governments and Native peoples. As the United States continues to break its promises to us, Native peoples experience some of the greatest disparities among all populations in this country—including those in health, economic status, education, and housing. Indeed, in December 2018, the U.S. Commission on Civil Rights (USCCR) issued the Broken Promises Report, following years of advocacy from Tribal Nations and organizations seeking an update to the 2003 Quiet Crisis report, which found deep failures in the delivery of federal fiduciary trust and treaty obligations. The Commission concluded that the funding of the federal trust responsibility and obligations remains “grossly inadequate” and a “barely perceptible and decreasing percentage of agency budgets.” The report confirms what we in Indian Country already know—with the exception of some minor improvements, the U.S. continues to neglect to meet its “most basic” obligations to Tribal Nations. Though these chronic failures have persisted throughout changes in Administration and Congress, it is time that both the legislative and executive branches confront and correct them. As the U.S. Commission on Civil Rights states in Broken Promises, “the United States expects all nations to live up to their treaty obligations; it should live up to its own.” We appreciate the Subcommittee’s willingness to examine and ensure accountability for the persistent, chronic failure to uphold legal and moral promises to Tribal Nations. The time has come for a comprehensive overhaul of the trust relationship and obligations, one in which Tribal sovereignty is fully acknowledged, respected, celebrated, protected, and promoted. USET SPF reiterates its call for swift action to address the findings of the Broken Promises report. We acknowledge and commend current legislative efforts to bring about this change, and urge that any resulting bill include the bold proposals required for lasting impact.

Budget/Government Shutdown

[USET SPF Testimony](#)
 Before the House Natural Resources Subcommittee on Indigenous Peoples of the United States
 For the Legislative Hearing, “Advance Appropriations: Protecting Tribal Communities from the Effects of a Government Shutdown.”

SUMMARY: USET SPF recognizes the Committee’s strong, long-standing commitment to Indian Country, we cannot accept funding mechanisms for federal Indian programs that continue to leave us vulnerable to partisan brinksmanship and fail to reflect and respect fiduciary trust obligations. This Committee must use its influence to ensure that the federal government upholds and provides greater certainty the fiduciary trust obligation to Tribal Nations in FY 2020 and beyond through the passage of advance appropriations legislation during the first session of the 116th Congress. In the long-term and in pursuit of a relationship more reflective of this obligation, USET SPF urges this Committee, Congress, and all branches of the federal government to ensure that full funding for the trust obligation is realized in our lifetimes.

[USET SPF Testimony for the Record on H.R. 2031, the PROGRESS for Indian Tribes Act](#)

SUMMARY: We convey our strong support for the PROGRESS for Indian Tribes Act as the legislation would enhance Tribal self-governance by making the U.S. Department of Interior self-governance program consistent with its Indian Health Service counterpart in Title IV. In addition, we urge the Subcommittee, as well as Congress as a whole, to continue to improve and expand upon Tribal self-governance to in fulfillment of the federal trust obligation. This includes expanding Tribal self-governance to all

federal programs under the Indian Self-Determination and Education Assistance Act (ISDEAA), as well as working to improve and expand upon its principles.

Health / ACA

[USET SPF Testimony for the Record - House Committee on Oversight and Reform Hearing, "The Trump Administration's Attack on the ACA: Reversal in Court Case Threatens Health Care for Millions of Americans"](#)

SUMMARY: We express our deep concern regarding this development, as the ACA contains the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA), the cornerstone legal authority for the delivery of health care to American Indians and Alaska Natives (AI/AN) in accordance with federal trust and treaty obligations. The IHCIA, as well as several other vital Tribal provisions enacted as part of the ACA, are separate and distinct from the ACA and must be preserved to ensure that the Indian health delivery system remains viable. We underscore to the Committee that IHCIA and other AI/AN specific provisions of the ACA are legally severable from the ACA, as they neither related to the individual mandate nor the associated insurance market reforms and 'fully operative' as independent law. The IHCIA and the other AI/AN-specific provisions must be preserved even if the individual mandate is held unconstitutional as they represent the foundation of and opportunities to strengthen the Indian Health Service (IHS)/Tribal/ and Urban Indian (collectively known as the I/T/U) health system and by extension, the delivery of the trust obligation. We urge the House Committee on Oversight and Reform to use its authority to ensure the vital IHCIA and other AI/AN provisions of the ACA are upheld and protected.

[USET SPF Resolution 2019-023 Support for the Preservation of the Indian Health Care Improvement Act and Other American Indian and Alaska Native Specific Provisions of the Patient Protection and Affordable Care Act](#)

Safety / Violence in Native Communities

[USET SPF Testimony for the Record of SCIA Hearing on Savanna's Act, S. 227; Justice for Native Survivors of Sexual Violence Act, S. 288; Native Youth and Tribal Officer Protection Act, S. 290; Not Invisible Act of 2019, S. 982; and Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act](#)

SUMMARY: United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is appreciative of the efforts of this body in strengthening and improving public safety across Indian Country, and supports these bills and the goals they seek to accomplish, while highlighting limited areas of concern below. For far too long, the United States has neglected its public safety obligations to Tribal Nations —both by failing to recognize and promote our inherent sovereign authorities, as well as failing to devote adequate resources to law enforcement and judicial infrastructure. This has created a crisis in Indian Country, as our people go missing and are murdered, and are denied the opportunity for safe and healthy communities enjoyed by other Americans. These bills, if enacted, would address critical gaps in the exercise of special domestic violence criminal jurisdiction and ensure that the United States fulfills more of its obligation to Indian Country by providing necessary resources. In doing so, we envision a future in which our children, women, elders, and all Native people can live in healthy, vibrant communities without fear of violence knowing that justice will be served. While we ultimately seek the restoration of full criminal jurisdiction over our lands, these bills represent important advancements toward that goal.

- [SCIA Chairman letter to USET SPF Secretary Chief Lynn Malerba for follow up questions to her testimony – July 9 2019](#)
- [USET SPF Secretary Chief Lynn Malerba Responses to July 9 letter from SCIA Chairman – August 9 2019](#)
- [May 6 2019 Senate Bill BADGES for Native Communities Act](#)

Budget	USET SPF Testimony for the Record of SCIA Hearing on the President's FY20 Budget Request for DOJ
<p>SUMMARY: While USET SPF appreciates several aspects of the Agency’s request, we are deeply concerned about its recent and continued administration of Tribal set-aside dollars from the Crime Victims Fund under the Victims of Crime Act (VOCA). We urge SCIA to ensure that DOJ takes appropriate steps to distribute the set-aside, as intended, including removing arbitrary and restrictive barriers to accessing funds.</p> <p>In the long-term, DOJ must be required to change its distribution methods in accordance with Tribal Nation guidance. This involves implementing this guidance following the conclusion of its Tribal consultation on the distribution of the VOCA set-aside in July. USET SPF continues to urge DOJ to provide maximum flexibility, both during the application process and in usage of funds, including, to greatest extent possible, relaxing and simplifying any application and reporting requirements associated with the funding.</p> <p>The equitable distribution of funding to all interested Tribal Nations must be the guiding principle of the Department throughout the award process. It is with this in mind that USET SPF strongly urges Congress to support the distribution of these dollars via non-competitive formula-based funding. Grant funding fails to reflect the unique nature of the federal trust obligation and Tribal sovereignty by treating Tribal Nations as non-profits rather than governments. A non-competitive, formula-based methodology will provide each of the 573 federally-recognized Tribal Nations with the opportunity to access this set aside, ensuring the entirety of funds are obligated each year. We also call upon DOJ and Congress to consider how this funding might be delivered via Indian Self-Determination and Education Assistance Act contracting and compacting.</p>	
Budget	USET SPF Testimony for the Record of SCIA Hearing on FY2020 President's Budget Request
<p>SUMMARY: The chronic underfunding of federal Indian programs continues to have disastrous impacts upon Tribal governments and Native peoples. As the United States continues to break its promises to us, Indian Country and Tribal citizens experience some of the greatest disparities among all populations in this country—including those in health, economic status, education, and housing. This is not a question about addressing poverty and needs across Indian Country. Our relationship is much more than this. This is ultimately a question about honor, about fulfilling commitments and promises. A nation’s exceptionalism is grounded in these principles. We are once again asking Congress to honor the commitments made to Tribal Nations by the United States. While USET SPF recognizes this Committee’s strong, long-standing commitment to Indian Country, we cannot accept funding for federal Indian programs that continues to fall far short of fiduciary trust obligations, and other failures to acknowledge our government-to-government relationship and sovereign status. This Committee must use its influence to ensure that Congressional appropriators uphold the fiduciary trust obligation to Tribal Nations in FY 2020 and beyond. In pursuit of a relationship more reflective of this obligation, USET SPF urges this Committee, Congress, and all branches of the federal government to ensure that full funding for the trust obligation is realized in our lifetimes. USET SPF looks forward to partnering with the Committee to bring this to fruition.</p>	
DOI Reorganization	USET SPF Testimony to House Natural Resources Committee for the record on the Oversight and Investigations Oversight Hearing entitled, “No Road Map, No Destination, No Justification: The Implementation and Impacts of the Reorganization of the Department of the Interior 5.14.2019
<p>SUMMARY: USET SPF supports the House Natural Resources Committee in its exercise of oversight authority regarding the Department of the Interior’s (DOI) proposed reorganization. Nearly a year and a half after its announcement, Indian Country continues to have more questions than answers from DOI on this massive undertaking. Our testimony</p>	

summarizes DOI’s failure to meaningfully consult with Tribal Nations, as well as a lengthy list of outstanding questions regarding the reorganization and its implications for Indian Country. To date, DOI has not provided any sense of how the trust responsibility will be upheld through the reorganization, nor its benefits to Indian Country or even a clear sense of cost. The near-complete lack of information provided to Tribal Nations is unacceptable, regardless of whether the Bureau of Indian Affairs is included in the reorganization. We continue to urge DOI to provide clarity regarding reorganization logistics, purpose, and effects on Indian Country, and to consult with Tribal Nations on these details.

- [USET SPF Letter to Sec. Zinke re: Need for Tribal Consultation](#)
- [Joint Letter to Appropriators re: Funding for Reorg](#)
- [Native America Calling Episode with USET SPF as guest](#)
- [Tribal leader briefing and talking points](#)
- [USET SPF Comments re: DTLL on DOI Reorg](#)
- [USET SPF Resolution 2019 SPF:005 Opposition to Department of Interior Reorganization](#)

Economic Development	USET SPF Testimony for the Record of SCIA Hearing on, "Building out Indian Country: Tools for Community Development" 4.24.2019
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SUMMARY: In our testimony, we address many of the issues and bills raised during the hearing, as well as some major USET SPF priorities that were absent. Rebuilding of our Tribal Nations includes rebuilding of our Tribal economies as a core foundation of healthy and productive communities. Lack of parity with other units of government and limited access to capital often serve as our greatest challenges and interfere with our ability to pursue economic development opportunities, which has a ripple effect throughout Tribal communities. USET SPF supports current legislative and executive efforts to advance economic development in Indian Country in a way that is respectful of the federal trust obligation and our inherent sovereignty.

Land Tribal Consultation / Trust	USET SPF Testimony for the Record of House Natural Resources Subcommittee on Indigenous Peoples Hearing on H.R. 375, H.R. 312, and the RESPECT Act 4.17.2019
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SUMMARY: USET SPF asserts that the federal government’s objective in the trust responsibility and obligations to our Nations must be to support healthy and sustainable self-determining Tribal governments, which fundamentally includes the restoration of lands to all federally-recognized Tribal Nations, as well as the legal defense of these land acquisitions. It is vital that the land-into-trust process be available to and applied equally to all federally-recognized Tribal Nations. This parity is central to the federal government’s legal and moral obligations to all of Indian Country. With this in mind, USET SPF continues to call for the immediate passage of a fix to the decision in *Carcieri v. Salazar* that contains the two features necessary to restore parity to the land-into-trust process: (1) a reaffirmation of the status of current trust lands; and (2) confirmation that the Secretary has authority to take land into trust for all federally recognized Tribal Nations. USET SPF also supports the spirit and intent of the Requirements, Expectations, and Standard Procedures 3 for Executive Consultation with Tribes (RESPECT) Act, which would codify consultation requirements for all federal agencies and departments, including independent agencies. This is consistent with our efforts to modernize the federal trust relationship, including ensuring that Tribal Nations are full and equal participants in the shaping of federal Indian policy. We believe there are opportunities to further refine and strengthen this draft legislation, including addressing issues related to the achievement of Tribal Nation consent, as well as supporting inter-agency coordination and training, and the creation of an Indian desk at the Office of Management and Budget. In addition, we share some concern about the unintentionally narrow scope of the Act. We look forward to the opportunity to work with Chairman Grijalva to sharpen the legislative language and ensure the RESPECT Act is appropriately comprehensive.

Budget	USET SPF Testimony for the Record on FY 2020 House Interior Appropriations Budget 3.15.2019
<p>SUMMARY: Federal appropriations for Indian programs are a key part of the federal government’s trust responsibility, yet funding continues to be so inadequate in relation to the trust and treaty obligation owed to Native communities by the United States. While we do not have the President’s full FY 2020 budget, what we do have paints a disturbing picture of an Administration that has largely deemed Indian Affairs and the federal government’s trust obligation to be of minimal significance, especially in contrast to its other priorities. The Administration continues to send a powerfully negative message to Indian Country. In reducing, eliminating, and calling into question the constitutionality of federal Indian programs, this Administration is ignoring and undermining its trust responsibility to Tribal Nations. Bottom line, strong and vibrant Tribal Nations, sovereigns that exist within the domestic borders of the United States, ultimately have a positive impact on America.</p>	
Environment	USET SPF Testimony for the Record on Subcommittee for Indigenous People Hearing: The Impacts of Climate Change on Tribal Communities 2.26.2019
<p>SUMMARY: The Fourth National Climate Assessment (NCA4), published by the U.S. Global Change Research Program, which acknowledges Indigenous peoples in the United States as, “diverse and distinct political and cultural groups and populations” and affirms that, “Though they may be affected by climate change in ways that are similar to others in the United States, Indigenous peoples can also be affected uniquely and disproportionately.” We highlight three “Key Messages” within the NCA4 regarding climate change impacts on Indigenous economies, health, and adaptation, and those impacts on USET SPF Member Tribal Nations. We further discuss that successful adaptation for USET SPF member Tribal Nations will rely on use of Indigenous knowledge, resilient and robust social systems and protocols, and a commitment to principles of self-determination. However, it will also require the acknowledgment from federal, state, and local governments that the impacts of early colonial and United States history have created many of the institutional barriers USET SPF member Tribal Nations face today in adapting to climate change.</p>	