

February 08, 2017

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Ave, N.W.
Washington, D.C. 20500

Dear President Trump:

As Members of the U.S. House of Representatives, we have serious concerns about how your January 23 memorandum instituting an immediate hiring freeze for Federal agencies will impact our Native American constituents and tribal nations throughout our country. We therefore request that you direct the Office of Management and Budget and the Office of Personnel Management to take account of how this memorandum will impact Indian Country, and to exempt from the hiring freeze the Indian Health Service, the Bureau of Indian Affairs, and other agencies that serve the needs of Native communities.

The unique trust and treaty obligations of the United States to American Indians and Alaska Natives means that a federal hiring freeze will directly impact the safety of their communities, the education of their children, and their access to health care providers. If an exemption from the freeze is not granted to the IHS, BIA, and other relevant departments, it will deepen an already existing shortage of doctors, teachers, and law enforcement officers throughout Indian Country.

In 2016, the Inspector General of the Department of Health and Human Services found that the number of vacancies within the Indian Health Service significantly impacts both the continuity and the quality of care. With vacancy rates of 24 percent for nurses and 34 percent for physicians, federal IHS facilities desperately need support for recruiting and retaining health practitioners. A freeze on filling these positions is literally a matter of life and death within these communities.

The federal employees at the Bureau of Indian Affairs, including the Bureau of Indian Education and Office of Justice Services, have faced similar challenges with recruitment and retention of employees. A mandated hiring freeze will compound current vacancy issues, which threaten the well-being of Native families. For example, a Government Accountability Office last year identified regional staff vacancies as a major contributor to the lack of proper health and safety assessments at BIE schools. Understaffing is also a major concern for tribal police departments, where the BIA has said only 42 percent of the law enforcement need is being met.

We are also concerned that this memorandum would impact tribal self-governance. The memorandum contains language prohibiting “contracting outside the government” to fill positions. Since the passage of the *Indian Self-Determination and Education Assistance Act* (P.L. 93-638) in 1975, many tribal nations have established contracts and compacts with the federal government to administer the programs that serve their communities, including hiring public service employees like those previously mentioned. The self-governance program is local government at its best. If the memorandum freezes hiring under these contracts, it will not only deprive communities of doctors, teachers, and officers, but will also undermine tribal self-determination.

In recent decades, we have seen improved federal policies, increased investments, and greater tribal self-governance start to reduce the disparities in health, education, and safety facing Native Americans. A federal hiring freeze would also freeze that progress, and so we urge you to work with OMB, OPM, and your agency heads to exempt those programs that serve American Indians and Alaska Natives.

Sincerely,

CC:

RADM Chris Buchanan, Acting Director, Indian Health Service, Department of Health and Human Services

Michael S. Black, Acting Assistant Secretary-Indian Affairs, Department of the Interior

Mark Sandy, Acting Director, Office of Management and Budget

Kathleen McGettigan, Acting Director, Office of Personnel Management