



**RESOLUTION # 19-04-05
NORTHWEST PORTLAND AREA
INDIAN HEALTH BOARD**



**RESOLUTION # 337-08-19
CALIFORNIA RURAL INDIAN
HEALTH BOARD**

JOINT RESOLUTION

A CALL TO CONGRESS TO FULLY FUND SECTION 105(I) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT (ISDEAA) LEASE OBLIGATIONS TO TRIBES AND TRIBAL ORGANIZATIONS

- WHEREAS,** the Northwest Portland Area Indian Health Board (NPAIHB) is a Tribal organization under P.L. 93-638 that represents 43 federally-recognized Indian Tribes in Oregon, Washington, and Idaho and is dedicated to assisting and promoting the health needs and concerns of American Indian/Alaska Native (AI/AN) people in the Northwest; **AND**
- WHEREAS,** the California Rural Indian Health Board, Inc. (CRIHB), founded in 1969 for the purpose of bringing back health services to Indians of California, is a Tribal organization under P.L. 93-638 that represents 52 federally-recognized Tribes through its membership of 16 Tribal Health Programs in California and is committed to the needs and interests that elevate and promote the health status and social conditions of the Indian People of California; **AND**
- WHEREAS,** the NPAIHB and CRIHB are dedicated to assisting and promoting the health needs and concerns of AI/AN people; **AND**
- WHEREAS,** the primary goal of the NPAIHB and CRIHB is to improve the health and quality of life of its member Tribes; **AND**
- WHEREAS,** the United States (U.S.) has a unique and special relationship with AI/ANs to provide health care as established through the U.S. Constitution, treaties, U.S. Supreme Court decisions and federal legislation; **AND**
- WHEREAS,** Section 105(l) of ISDEAA requires IHS, upon Tribal request, to enter into a lease for a facility owned or leased by the Tribe or Tribal organization and used to carry out its ISDEAA agreement; **AND**
- WHEREAS,** as established in *Maniilaq*, IHS must compensate the Tribe or Tribal organization fully for its reasonable facility expenses under Section 105(l); **AND**
- WHEREAS,** on July 10, 2018, IHS sent a Dear Tribal Leader Letter (DTLL) proposing to fund a \$13 million Fiscal Year (FY) 2018 shortfall of Section 105(l) ISDEAA lease costs by reprogramming funding from IHS unallocated inflation increases; **AND**

- WHEREAS,** on July 25, 2018, NPAIHB sent a letter to IHS asking it to seek and obtain a supplemental appropriation of \$13 million from Congress; and
- WHEREAS,** on September 14, 2018, IHS sent a follow-up DTLL informing Tribes that it had decided that in order to meet FY 2018 105(l) lease funding requirements it had reprogrammed \$25 million from the \$70.4 million increase identified for inflation; **AND**
- WHEREAS,** on March 2, 2019, IHS issued an additional DTLL that stated:
- IHS has received 100 105(l) lease proposals from Tribes and Tribal organizations, totaling approximately \$39 million, for FY 2019; and
 - In addition to an initial \$5 million that the IHS identified in the base services appropriation, Congress provided IHS an increase of \$25 million for Tribal clinic operational costs in FY 2019; and
 - Base IHS appropriation increases IHS's capacity to address the anticipated FY 2019 funding need, but full FY 2019 need remains unknown; and
 - FY 2018 reprogramming was done on a one-time basis in the hopes that other options might become available in FY 2019; and
 - Due to the continued need for resources beyond those identified for Tribal clinic operational costs in FY 2019, IHS is legally required to use a portion of the funds included in the IHS appropriation to fund 105(l) leases; **AND**
- WHEREAS,** it is anticipated that 105(l) lease costs will far exceed appropriations for FY2020; **AND**
- WHEREAS,** Tribes and Tribal organizations rely on program increases to keep pace with the cost of living; **AND**
- WHEREAS,** unless additional funding is provided for IHS appropriations, the additional funds required for 105(l) leases will come at the expense of the overall health program and result in cuts in services for both direct service and self-governance tribes as 105(l) lease costs increase; **AND**
- WHEREAS,** the National Tribal Budget Formulation Workgroup's recommendations for FY 2021 requested that IHS take adequate steps to fully address 105(l) leasing obligations and work proactively with Congress to ensure its full payment as an indefinite appropriation.

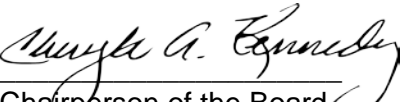
THEREFORE BE IT RESOLVED that the NPAIHB and CRIHB call on Congress to fully fund Section 105(l) ISDEAA lease obligations to Tribes and Tribal organizations as an indefinite discretionary appropriation for such sums as are necessary.

CERTIFICATION


The foregoing joint resolution was adopted at a duly called regular joint meeting of the Board of Directors of NPAIHB and CRIHB (***NPAIHB** vote 26 For and 0 Against and 0 Abstain; **CRIHB** vote --- For and 0 Against and 2 Abstain*) held this 18th day of July 2019, in Lincoln, CA and shall remain in full force and effect until rescinded.

**NORTHWEST PORTLAND AREA
INDIAN HEALTH BOARD**

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Chairperson of the Board




Attest

**CALIFORNIA RURAL
INDIAN HEALTH BOARD, INC.**

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Chairperson of the Board



Attest