



**2023 Annual Convention
Grand Mound, Washington**

RESOLUTION #23 – 47 – TABLED

**“SUPPORT FOR DELIVERY OF GENDER-AFFIRMING MEDICAL
CARE”**

PREAMBLE

We, the members of the Affiliated Tribes of Northwest 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 rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, ATNI supports the health and wellbeing of all American Indian/Alaska Native (AI/AN) people, including children, youth, and adults who are Two Spirit, lesbian, gay, bisexual, transgender (trans), queer or another identity (LGBTQ+); and

WHEREAS, on February 20, 2020, ATNI adopted resolution #2020-09 titled, “Support for Quality Care and Improved Health Outcomes for Two Spirit and LGBTQ+ People”; and

WHEREAS, on May 27, 2021, ATNI adopted resolution #2021-20 titled, “Support for Trans Gender-Affirming Care in IHS, Tribal, and Urban Indian Health Facilities – 2021 Strategic Vision and Action Plan”; and

WHEREAS, trans and gender-diverse individuals have been targeted by many states with legislatures passing laws restricting or banning gender-affirming medical care and/or criminalizing the provision of gender-affirming medical care to children and youth; and

WHEREAS, state legislation banning or criminalizing gender-affirming medical care has created uncertainty, fear and safety concerns for children, youth, adults, as well as their families and healthcare providers; and

WHEREAS, several states have designated themselves as safe harbors or “sanctuary states” that protect access to gender-affirming medical care for residents of that state; and

WHEREAS, “sanctuary states” are a safe haven for trans and gender-diverse individuals from other states and will not enforce penalties from another state relating to gender-affirming medical care; and

WHEREAS, many Indian Health Service (IHS) and Tribal healthcare facilities are located in states that have legislation banning or criminalizing gender-affirming medical care that would impact Two Spirit and LGBTQ+ individuals, especially those who are trans and gender-diverse; and

WHEREAS, Two Spirit and LGBTQ+ individuals, especially those who are trans and gender-diverse, who already face fear, discrimination or harassment in healthcare settings, will stop seeking necessary healthcare, including behavioral health services, with punitive legislation in their state; and

WHEREAS, Two Spirit and LGBTQ+ individuals, especially those who are trans and gender-diverse, experience health disparities including increased risk of anxiety, depression, HIV, exposure to violence, and suicidality; and

WHEREAS, access to gender-affirming medical healthcare is critical and lifesaving for transgender and gender-diverse individuals, including those ages 18 years or younger; and

WHEREAS, gender-affirming medical care may involve, but is not limited to, puberty blockers, gender-affirming medications, gender-affirming surgeries, and AI/AN centered, culturally-attuned gender-affirming practices and traditions; now

THEREFORE, BE IT RESOLVED, that ATNI asserts that Tribal Nations have the inherent sovereign authority to provide gender-affirming medical care to their patients, including Tribal citizens and Indian Health Service beneficiaries, at their Tribal health clinics or to refer any patient to a healthcare facility in a “sanctuary state”; and

BE IT FURTHER RESOLVED, that ATNI calls on the President and the Administration, including the Department of Health and Human Services, Office of Civil Rights,

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Indian Health Service, and the Department of Justice to recognize the inherent sovereign authority of Tribal Nations to provide gender-affirming medical care to their patients; and

BE IT FURTHER RESOLVED, that ATNI calls on the President and the Administration, including the Department of Health and Human Services, Office of Civil Rights, Indian Health Service, and the Department of Justice to conduct regular and ongoing tribal consultations to align policies, protections, and funding opportunities with the inherent sovereign authority of Tribal Nations to provide gender-affirming medical care; and

BE IT FURTHER RESOLVED, that ATNI calls on the President and the Administration, including the Department of Health and Human Services, Office of Civil Rights, Indian Health Service, and the Department of Justice to protect Tribal Nations and their patients, including Tribal citizens and Indian Health Service beneficiaries, healthcare providers, and caregivers from being prosecuted for seeking or accessing gender-affirming medical care in a state with legislation restricting or banning gender-affirming medical care and/or criminalizing gender-affirming medical care; and

BE IT FURTHER RESOLVED, that ATNI calls on the Department of Health and Human Services, Office of Civil Rights, Indian Health Service, and the Department of Justice to adopt policies that support the referral and funding of gender-affirming medical care of patients, including Tribal citizens and Indian Health Service beneficiaries, living in states with legislation banning gender-affirming medical care, and/or criminalizing the provision of gender-affirming medical care, and

BE IT FINALLY RESOLVED, that ATNI is hereby authorized and directed to execute this resolution and any documents connected therewith, and the Secretary is authorized and directed to attest to the certification.

CERTIFICATION

The foregoing resolution was adopted at the 2023 Annual Convention of the Affiliated Tribes of Northwest Indians, held at the Great Wolf Lodge, Chehalis, WA, September 18-21, 2023 with a quorum present.

Leonard Forsman, President

Norma Jean Louie, Secretary