



**2024 Midyear Convention
Canyonville, Oregon**

RESOLUTION #24 – 17

“CALL ON CONGRESS, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), AND INDIAN HEALTH SERVICE (IHS) TO PROTECT HHS NONRECURRING EXPENSE FUND FUNDING FOR THE IHS REGIONAL SPECIALTY REFERRAL CENTER DEMONSTRATION PROJECT IN FIFE, WASHINGTON FROM RECISSION”

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, there are limited funding opportunities to construct new facilities that will increase access to specialty care services; and

WHEREAS, in 2005, the Portland Area Indian Health Service (IHS) assisted in the development of the Portland Area Health Services Master Plan, which outlined the requirement for three Portland Area IHS regional specialty referral centers; and

WHEREAS, each regional specialty referral center will increase access to care by providing medical and surgical specialty care, specialty dental care, audiology, physical and occupational therapy as well as advanced imaging, and outpatient surgery to American Indians/Alaska Natives and would not impact IHS funding to each Portland Area Tribe, including Purchased and Referred Care funding; and

WHEREAS, on June 17, 2022, IHS issued a Dear Tribal Leader Letter notifying Portland Area Tribes of \$164 million in funding from the Department of Health and Human Services Nonrecurring Expenses Fund (HHS NEF) for the construction of the first regional specialty referral center in Fife, WA as an Indian Health Demonstration Project; and

WHEREAS, the enacted Further Consolidated Appropriations Act, 2024 (H.R. 2882) rescinds \$1,250,000,000 from the unobligated balances in the HHS “Nonrecurring Expenses Fund” not later than September 30, 2024; and

WHEREAS, the Portland Area IHS became aware that the remaining \$164 million of HHS NEF funding for this project are subject to this rescission unless obligated under a formal agreement with IHS by September 30, 2024; and

WHEREAS, the IHS procurement process for a design and construction, including contact negotiation and execution, would not be completed by September 30, 2024 given the strict timeframes set forth in the procurement process; and

WHEREAS, the Portland Area Facilities Advisory Committee (PAFAC) is the IHS tribal advisory body guiding the development of the regional specialty referral center and includes representatives from 3 Direct Service Tribes, 3 Title I Tribes, and 3 Title V Tribes; and

WHEREAS, on April 12, 2024, IHS informed the members of the Portland Area Facilities Advisory Committee (PAFAC) about the rescission; and

WHEREAS, loss of the \$164 million in funding is an unacceptable outcome after years of efforts and advocacy by the PAFAC, the Northwest Portland Area Indian Health Board, and Portland Area Tribes to stand up the first of three regional specialty care referral centers to increase access to specialty care; and

WHEREAS, Congress must enact legislation and/or the HHS and IHS must take administrative action to exempt the \$164 million of HHS NEF funding for the IHS regional specialty referral center, and all other HHS NEF funding for IHS, from rescission given the significant underfunding of the IHS and healthcare facilities funding; and

WHEREAS, the PAFAC supports a Tribe or Tribal organization entering into a Public Law 93-638 contract with the IHS for the design and construction of the first regional specialty referral center in the event that no legislative or administrative action can be taken to exempt the \$164 million of HHS NEF funding from rescission; and

WHEREAS, federal regulations (25 CFR Part 900) require construction contract proposals from Tribes or Tribal organizations include current (unrevoked) authorizing resolutions from all Indian tribes benefitting from the proposal; and

WHEREAS, HHS and IHS should not cause undue administrative burden on the Tribe or Tribal organization to protect these funds in contracting for the design and construction of the regional specialty referral center and must move forward with a Public Law 93-638 contract with a Tribe or Tribal organization if a majority of “all Indian tribes” that will benefit from the proposal enact resolutions; and

WHEREAS, the completed facility will be owned and operated by the IHS for the benefit of all Portland Area Tribes until a Tribe or Tribal organization supported by Portland Area Tribes develops a proposal to assume operation; now

THEREFORE, BE IT RESOLVED, that ATNI finds that the loss of \$164 million in funding from the HHS Nonrecurring Expenses Fund for the design and construction of the regional specialty referral center is an unacceptable outcome after 17 years of efforts by Portland Area Tribes to increase access to specialty care; and

BE IT FURTHER RESOLVED, ATNI urges Congress, the Department of Health and Human Services, and Indian Health Service to immediately take legislative and/or administrative action to exempt the \$164 million in funding from the HHS Nonrecurring Expenses Fund for the regional specialty referral center, and any other funding from the HHS Nonrecurring Expenses Fund allocated to the Indian Health Service, from rescission; and

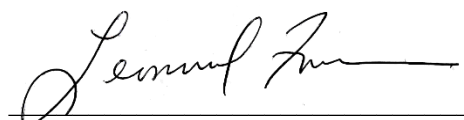
BE IT FURTHER RESOLVED, ATNI urges that HHS and IHS immediately conduct Tribal consultation with Portland Area Tribes on the rescission of the \$164 million in funding from the HHS Nonrecurring Expenses Fund for the regional specialty referral center; and

BE IT FURTHER RESOLVED, only in the event that the \$164 million in funding from the HHS Nonrecurring Expenses Fund for the regional specialty referral center is not protected and targeted for rescission, ATNI urges the HHS and IHS to reduce the administrative burden on a Tribe or Tribal organization as to collecting resolutions from “all Indian tribes” by September 30, 2024 and enter into a contract with Tribe(s) or Tribal organization(s) allowing additional resolutions to be collected after September 30, 2024.

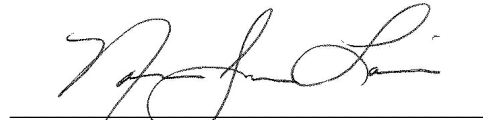
BE IT FINALLY RESOLVED, that this resolution shall be the policy of ATNI until it is withdrawn or modified by a subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2024 Midyear Convention of the Affiliated Tribes of Northwest Indians, held at the Seven Feathers Casino in Canyonville, OR, May 19 – May 23, 2024, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary