November 11, 2019

The Honorable Raul Grijalva
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Grijalva and Ranking Member Bishop:

On behalf of the American Bar Association, I write to urge your Committee to take action on H.R. 1135 (Young, R-AK) and H.R. 1128 (McCollum, D-MN), two bipartisan bills that would assist in protecting tribal communities from the effects of a government shutdown by authorizing advance appropriations funding for essential Indian programs.

The ABA, which is the largest voluntary association of attorneys and legal professionals in the world, has long advocated for the federal government to fulfill its unique federal trust and treaty obligations owed to Indian tribes, including its responsibility to provide adequate and equitable funding for health services for American Indians and Alaska Natives.

In furtherance of these objectives, the ABA adopted policy this past summer urging Congress to prevent disruptions to the delivery of Indian health care by enacting legislation that authorizes advance appropriations for Indian Health Services (IHS) within the Department of Health and Human Resources and exempts its appropriation from reductions mandated by budget sequestration. A copy of the ABA policy is attached for your reference.

The need for these proposed funding modifications was demonstrated by the December 2018 35-day government shut-down, which jeopardized the health, safety, and well-being of American Indians and Alaska Natives. According to statements made by two witnesses at the recent hearing of the Subcommittee for Indigenous Peoples of the United States on this issue, IHS provides federal health services to approximately 2.6 million American Indians and Alaska Natives in 37 states, and it was the only federal health care entity to be shut down during the funding crisis.

As you know, the model for these proposed changes to IHS funding is the Veterans Health Administration (VHA) within the Department of Veterans Affairs. While VHA, like IHS, provides direct health care services to designated populations in support of federal policy objectives, its funding was not jeopardized during the crisis because Congress, in 2010, enacted legislation providing advance funding authority and exemption from sequestration for the VHA. We request that Congress provide equivalent funding protections for IHS.
The possibility of another government shutdown in the coming months brings a renewed sense of urgency to the need for your Committee to act promptly to provide health care funding security for programs that serve American Indians and Alaska Natives. While the ABA supports H.R. 1135 and those provisions in H.R. 1128 that authorize advance appropriations for IHS, we note that neither bill exempts IHS from budget sequestration. We therefore urge your Committee to amend the bills to address sequestration and to favorably report them to the floor. We also request that you take action to expedite consideration by the Budget and the Energy and Commerce Committees to which the bills also were referred so that the House of Representatives has an opportunity to vote on them as soon as possible.

Thank you for the opportunity to share the views of the ABA on this critical and timely issue.

Sincerely,

Judy Perry Martinez

cc. Members of the Committee on Natural Resources
RESOLVED, That the American Bar Association urges Congress to ensure that the health care delivered by the Indian Health Service ("IHS") is exempt from government shutdowns and federal budget sequestrations on par with the exemptions provided to the Veterans Health Administration;

FURTHER RESOLVED, That the American Bar Association urges Congress to enact advance appropriations legislation that would stabilize funding for IHS and provide funding that becomes available one year or more after the year of the appropriations act in which it is provided; and

FURTHER RESOLVED, That the American Bar Association encourages and supports legislation that:

(1) addresses threats to the health and well-being of American Indian and Alaska Native people who tend to live in the most geographically remote and medically underserved parts of the United States;
(2) avoids short-term continuing resolutions to fund the IHS budget;
(3) ameliorates the harmful effects of federal budget sequestrations on IHS;
(4) contributes to the fulfillment of the United States’ historic and unique federal trust responsibility owed to Indian tribes; and
(5) provides sufficient, consistent, and predictable funding to support the basic health care needs of American Indian and Alaska Native people.