

APRIL 2014 CROW TRIBAL LEGISLATURE**LR No. 14-05**

Introduced by Senator Eric Birdinground
Center Lodge District

A Legislative Resolution Titled:

**A RESOLUTION OF THE CROW TRIBAL LEGISLATURE TO CALL UPON
MONTANA'S CONGRESSIONAL DELEGATION TO TAKE ALL NECESSARY AND
PROPER MEASURES TO INVESTIGATE THE BILLINGS AREA OFFICE OF THE
INDIAN HEALTH SERVICE**

Legislative Findings:

WHEREAS, the Crow Tribal Legislature (hereinafter "Legislature") has the power and duty under Article V, Section 2 of the Crow Tribal Constitution to promulgate and adopt resolutions in accordance with the Constitution and federal laws for the governance of the Crow Tribe; and

WHEREAS, Articles 3 and 10 of the 1868 Fort Laramie Treaty between the United States of America and the Crow Tribe of Indians contains language which provides that a physician shall be furnished, annually, by the federal government for the Crow Tribe and supported by such appropriations, on estimates by the Secretary of the Interior, as deemed sufficient; and

WHEREAS, in 1955 the administration of Indian health care programs provided by the federal government, as required by federal statute and treaty, was transferred from the Department of the Interior to the Indian Health Service, an agency of the Public Health Service of the Department of Health, Education, and Welfare and later renamed the Department of Health and Human Services; and

WHEREAS, in 1976 Congress passed the Indian Health Care Improvement Act, Public Law 94-437, which sought to reform and improve the provision of health care to Indians based upon Congressional findings that federal health services to maintain and improve the health of Indians are required by the federal government's historical and unique legal relationship with, and resulting responsibility to American Indians and that a "major national goal of the United States is to provide the resources, processes, and structure that will enable Indian tribes and tribal members to obtain the quantity and quality of health care services and opportunities that will eradicate the health disparities between Indians and the general population of the United States"

and, further, that “a major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services,” and, further, that “federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians” and, finally, that “despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States;” and

WHEREAS, in 1992 and 2010 Congress amended the Indian Health Care Improvement Act of 1976 and the resulting federal law, contained at Title 25, United States Code Section 1602 expressly provides that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians:

- (1) to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy;
- (2) to raise the health status of Indians and urban Indians to at least the levels set forth in the goals contained within the Healthy People 2010 initiative or successor objectives;
- (3) to ensure maximum Indian participation in the direction of health care services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities;
- (4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service area is raised to at least the level of that of the general population;
- (5) to require that all actions under this chapter shall be carried out with active and meaningful consultation with Indian tribes and tribal organizations, and conference with urban Indian organizations, to implement this chapter and the national policy of Indian self-determination;
- (6) to ensure that the United States and Indian tribes work in a government-to-government relationship to ensure quality health care for all tribal members; and
- (7) to provide funding for programs and facilities operated by Indian tribes and tribal organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service; and

WHEREAS, in 1988 the United States Congress, through passage of Senate Concurrent Resolution 76 and House Concurrent Resolution 331, reaffirmed “the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution” and “acknowledges and reaffirms the trust responsibility and obligation of the United States Government to Indian tribes...for their preservation, protection, and enhancement, including the provision of health, education, social, and economic assistance programs;” and

WHEREAS the United States has a clear and absolute legal responsibility and treaty obligation to provide full and adequate health care services to the Crow Tribe; and

WHEREAS, the Indian Health Service has a mission statement which provides that its purpose is “to raise the physical, mental, social, and spiritual health of American Indians to the highest level” and “to assure that comprehensive, culturally acceptable personal and public health services are available and accessible to American Indians” and “to uphold the Federal Government’s obligation to promote healthy American Indian communities and cultures and to honor and protect the inherent sovereign rights of Tribes;” and

WHEREAS, the Billings Area Office is one of twelve regional offices of the Indian Health Service, and covers seven Indian reservations in Montana and Wyoming, including the Crow Indian Reservation; and

WHEREAS, there are currently Indian Health Service healthcare facilities in Crow Agency, Lodge Grass, and Pryor and major problems have repeatedly and continuously been reported by members of the Crow Tribal General Council and others to the Legislature and the Crow Tribal Executive Branch, including the Apsaalooke Nation Health Board, which clearly indicates there are severely inadequate services and facility conditions and, in some instances, total non-delivery of any health care service, directly or by contract, as required by treaty and federal law; and

WHEREAS, in 2010 the U.S. Senate Committee on Indian Affairs, chaired by Senator Byron Dorgan (North Dakota), conducted an investigation into the Aberdeen Area Office of the Indian Health Service after years of complaints concerning inadequate health care and administrative mismanagement; and

WHEREAS, approximately six months after launching the Congressional investigation, a report titled “Critical Condition: The Urgent Need to Reform the Indian Health Service’s Aberdeen Area Office” was released and identified many failures by the agency to meet legal and policy standards and, in short, was characterized in the report as operating in “a chronic state of crisis” and in need of serious and immediate reform; and

WHEREAS, Montana U.S. Senator Jon Tester now chairs the U.S. Senate Committee on Indian Affairs, Montana U.S. Senator John Walsh has shown interest in issues facing Montana’s tribes, and Montana U.S. House Representative Steve Daines serves on the House Subcommittee on Indian and Alaskan Native Affairs; and

WHEREAS, it is essential and in the best interests of the Crow Tribe to ensure a fully functional Indian Health Service on the Crow Reservation which meets the standards set out by federal law and treaty until such time as the Tribe may fully contract and assume the delivery of healthcare to its membership, and it is vital that the representatives of the Crow Tribe in the

Congress ensure that all problems are investigated, identified, and a corrective plan of action immediately implemented.

**NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE IN
REGULAR SESSION:**

That U.S. Senator Jon Tester, U.S. Senator John Walsh, and Congressman Steve Daines are each and together called upon to immediately take all necessary and proper measures to ensure that the appropriate committees and officers of the Senate and House of Representatives be implored to at once conduct a full investigation into the activities of the Indian Health Service, Billings Area Office, especially and particularly the Crow-Northern Cheyenne Unit and all other Indian Health Service-administered programs and facilities on the Crow Indian Reservation or which intend to serve Crow tribal members.

BE IT FURTHER RESOLVED:

It is recommended that, in furtherance of such a Congressional investigation, an intergovernmental task force be established which includes the appropriate committees, officers, or members of Congress, along with the Government Accountability Office, the U.S. Department of Health and Human Services Office of the Inspector General, the Crow Tribal Government (including the Apsaalooke Nation Health Board), and such appropriate agencies or departments of the tribal governments of the tribes served by the Billings Area Office.

BE IT FURTHER RESOLVED:

If any member of Montana's Congressional Delegation, in receipt of this tribal resolution, chooses not to take meaningful action in furtherance thereof, that such decision be communicated in writing to the Legislature as soon as practical.

BE IT FINALLY RESOLVED:

This tribal resolution shall take effect immediately upon becoming duly adopted by the Legislature. The Executive Branch Officials are hereby officially requested to accompany this Resolution with a letter of support.

[Remainder of page left blank intentionally.]

CERTIFICATION

I hereby certify that this Legislative Resolution titled **A RESOLUTION OF THE CROW TRIBAL LEGISLATURE TO CALL UPON MONTANA'S CONGRESSIONAL DELEGATION TO TAKE ALL NECESSARY AND PROPER MEASURES TO INVESTIGATE THE BILLINGS AREA OFFICE OF THE INDIAN HEALTH SERVICE** was duly adopted by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on the 17th day of **April 2014**.



Sen. R. Knute Old Crow, Sr.
Speaker of the House
Crow Tribal Legislature

Attest:



Sen. Gordon Real Bird, Jr.
Secretary
Crow Tribal Legislature

A LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE TO CALL UPON MONTANA'S CONGRESSIONAL DELEGATION TO TAKE ALL NECESSARY AND PROPER MEASURES TO INVESTIGATE THE BILLINGS AREA OFFICE OF THE INDIAN HEALTH SERVICE.

Bill or Resolution: LR 14-05 **Introduced by:** Senator Eric Birdinground **Date of Vote:** 4/17/2014
Number

<u>Representative:</u>	Yes	No	Abstained
G. Three Irons	<u> X </u>	<u> </u>	<u> </u>
B. Rogers	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
P. Hill	<u> X </u>	<u> </u>	<u> </u>
E. Birdinground	<u> X </u>	<u> </u>	<u> </u>
A. Coyote-Runs, Sr.	<u> </u>	<u> </u>	<u> </u>
V. Nomee	<u> X </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> </u>	<u> </u>	<u> </u>
B. Good Luck	<u> X </u>	<u> </u>	<u> </u>
G. Stewart	<u> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
R. K. Old Crow, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 16 </u>	<u> 0 </u>	<u> 0 </u>


Result of Vote:

Passed

 Not Passed

 Tabled

 Veto-Override


 Senator R. Knute Old Crow, Sr. 4/25/14
 Speaker of the House Date


 Senator Gordon Real Bird, Jr. 4-23-14
 Secretary of the House Date