

National Indian Health Board



National Indian Health Board Resolution 22 – 03

REITERATING THE IMPORTANCE OF TRIBAL ENGAGEMENT AND TRIBAL LEADERSHIP IN THE DEVELOPMENT OF HHS TRIBAL CONSULTATION POLICIES

WHEREAS, the National Indian Health Board (NIHB), established in 1972, serves all Federally recognized American Indian/Alaska Native (AI/AN) Tribal governments by advocating for the improvement of health care delivery to AI/ANs, as well as upholding the Federal government's trust responsibility to AI/AN Tribal governments; and

WHEREAS, NIHB was established to advocate for the sovereign rights of all federally recognized Tribal governments, promote the highest levels of health for AI/AN people, and advise the Federal government in the development of responsible health care policy; and

WHEREAS, Indian nations and Tribes were sovereign independent nations long before the formation of the United States of America; and

WHEREAS, through treaties and other agreements, Tribal nations established a nation-to-nation relationship with the United States while reserving original sovereign authority and self-government over our citizens and territories; and

WHEREAS, the United States utilizes Tribal consultations as the primary mechanism to engage with Indian Tribes, on a nation-to-nation basis, to address issues concerning Tribal self-governance, the federal trust responsibility, and treaty and other rights; and

WHEREAS, Tribal consultation is foundational to the government to government relationship between the federal government and Tribal nations; and

WHEREAS, Tribal consultation must allow the heads of governments or their representatives to come together, share concerns, generate ideas and solutions, negotiate their roles and responsibilities, and agree on a course of action; and

WHEREAS, federal agencies regularly conduct Tribal consultations; however, current Tribal consultation policies fail to provide all Tribal Nations adequate opportunity to engage in the process fully; and

WHEREAS, the U.S. Department of Health and Human Services (HHS) and its operating divisions are currently revising their Tribal consultation policies, pursuant to a Presidential memorandum issued in January 2021 by President Joe Biden; and

WHEREAS, to honor Tribal sovereignty, HHS and its operating divisions must consult and engage with Tribal leaders during the development of Tribal consultation policies to ensure that such policies reflect Tribal input and priorities, representation and are meaningful, thorough, and consistent across the agency; and

WHEREAS, these engagements between Tribes and the federal government must respect Tribal sovereignty and allow Tribal leaders to select their representatives for these discussions; and

WHEREAS, HHS and its operating divisions must engage in a Tribally led process to implement policies that strengthen the government-to-government relationship, improve agency accountability, and facilitate informed Tribal decision-making; and

THEREFORE BE IT RESOLVED, NIHB calls upon HHS and its operating divisions to ensure that the development of new Tribal consultation policies is done through a national Tribal engagement process led and informed by Tribal entities; and

THEREFORE BE IT FURTHER RESOLVED, NIHB calls upon HHS and its operating divisions to thoroughly vet their new Tribal consultation policies through meaningful and robust Tribal consultations; and

THEREFORE BE IT FURTHER RESOLVED, NIHB calls upon HHS and its operating divisions to facilitate transparency and accountability by ensuring that all comments and recommendations from Indian Country received through the consultation process are considered and to follow up when a suggestion cannot be acted upon or is excluded from a subsequent draft of the policy; and

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

CERTIFICATION

The foregoing resolution was adopted by the Board, with quorum present, on the 24th day of February, 2022.



Chairperson, William Smith

ATTEST:



Secretary, Lisa Elgin