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JERRY MORAN, KANSAS

# United States Senate

COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-6450

JENNIFER ROMERO, MAJORITY STAFF DIRECTOR  
LUCY MURFITT, MINORITY STAFF DIRECTOR

September 30, 2022

The Honorable Charles Schumer, Majority Leader  
United States Senate  
U.S. Capitol Building, S-221  
Washington, DC 20510

The Honorable Mitch McConnell, Minority Leader  
United States Senate  
U.S. Capitol Building, H-230  
Washington, DC 20510

The Honorable Nancy Pelosi, Speaker  
United States House of Representatives  
U.S. Capitol Building, H-222  
Washington, DC 20510

The Honorable Kevin McCarthy, Minority Leader  
United States House of Representatives  
U.S. Capitol Building, H-204  
Washington, DC 20515

The Honorable Patrick Leahy, Chair  
Committee on Appropriations  
437 Russell Senate Office Building  
United States Senate  
Washington, DC 20510

The Honorable Richard Shelby, Ranking Member  
Committee on Appropriations  
304 Russell Senate Office Building  
United States Senate  
Washington, DC 20510

The Honorable Rosa DeLauro, Chair  
Committee on Appropriations  
2413 Rayburn House Office Building  
United States House of Representatives  
Washington, DC 20515

The Honorable Kay Granger, Ranking Member  
Committee on Appropriations  
1026 Longworth House Office Building  
United States House of Representatives  
Washington, DC 20515

The Honorable Jeff Merkley, Chair  
Subcommittee on Interior, Environment,  
& Related Agencies  
531 Hart Senate Office Building  
United States Senate  
Washington, DC 20510

The Honorable Lisa Murkowski, Ranking Member  
Subcommittee on Interior, Environment,  
& Related Agencies  
522 Hart Senate Office Building  
United States Senate  
Washington, DC 20510

The Honorable Chellie Pingree, Chair  
Subcommittee on Interior, Environment,  
& Related Agencies  
2162 Rayburn House Office Building  
United States House of Representatives  
Washington, DC 20515

The Honorable David Joyce, Ranking Member  
Subcommittee on Interior, Environment,  
& Related Agencies  
2065 Rayburn House Office Building  
United States House of Representatives  
Washington, DC 20515

Dear Senate and House Leadership,

As members of the Senate Committee on Indian Affairs, we write to urge including advance appropriations for the Indian Health Service (IHS) for fiscal year 2024 (FY24) in the final fiscal year 2023 (FY23) appropriations bill. Providing advance appropriations will ensure that the federal government continues to uphold its trust and treaty obligations to 2.7 million American Indians and Alaska Natives who receive healthcare services at more than 600 IHS hospitals, clinics, and health stations throughout the nation.<sup>1</sup>

<sup>1</sup> *Hybrid SCIP Legis. Hearing – July 28, 2022 Before the Subcomm. on Indigenous Peoples, 117<sup>th</sup> Cong. 2 (2022) (statement of Elizabeth Fowler, Acting Dir., Indian Health Serv.).*

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The Indian Health Care Improvement Act, along with the Snyder Act of 1921, provides the foundational basis for providing healthcare to American Indians and Alaska Natives through IHS, in partial fulfillment of the United States' trust and treaty obligations. Yet, unlike the Veterans Health Administration (VHA) at the Department of Veteran's Affairs, which receives the majority of its funding through advance appropriations, IHS is funded through annual appropriations.<sup>2</sup> We were therefore pleased to see \$5.577 billion in advance appropriations included in the Senate-released draft Interior and Environment subcommittee appropriations bill.

Advance appropriations, particularly during temporary lapses in appropriations and continuing resolutions, would provide continued budget certainty and enable long term planning to maintain orderly and continuous operations of critical health programs for Native American communities. Budgetary uncertainty risks interruption of health services and reduction in quality of care. During the partial government shutdown in 2019, for example, IHS was the only federal health care entity forced to operate without appropriations, causing some Urban Indian Organizations to close their doors completely. This funding disruption resulted in some health providers being unable to provide patients with critical care and medication.<sup>3</sup> Additional, and preventable, funding uncertainty impacts include risk of downgraded credit ratings on commercial loans secured by Tribes and Urban Indian Organizations; challenges related to recruitment and retention of healthcare providers; increased administrative burden and costs, such as employee furloughs and terminations; and other negative financial effects on Tribes.<sup>4</sup>

It is critical that advance appropriations are included in the FY23 omnibus appropriations bill. Given the impacts of uncertain funding, the lack of parity with VHA, and the unique trust relationship between the United States and American Indians and Alaska Natives, future year funding is necessary. We look forward to working with you to pass this critical legislation.

Thank you for your consideration of our request.

Sincerely,



Brian Schatz  
United States Senator  
Chairman, Committee on Indian  
Affairs



Maria Cantwell  
United States Senator

<sup>2</sup> ELAYNE HEISLER & KATE MCCLANAHAN, CONG. RESEARCH SERV., R46265, ADVANCE APPROPRIATIONS FOR THE INDIAN HEALTH SERVICE: ISSUES AND OPTIONS FOR CONGRESS (2020).

<sup>3</sup> *Hybrid SCIP Legis. Hearing – July 28, 2022 Before the Subcomm. on Indigenous Peoples*, 117<sup>th</sup> Cong. 2 (2022) (statement of Maureen Rosette, Chief Operating Officer, NATIVE Project).

<sup>4</sup> GAO-18-652 (Sept. 2018), INDIAN HEALTH SERVICE: CONSIDERATIONS RELATED TO PROVIDING ADVANCE APPROPRIATIONS AUTHORITY, available at <https://www.gao.gov/assets/700/694625.pdf>.

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Jon Tester  
United States Senator



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Catherine Cortez Masto  
United States Senator



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Tina Smith  
United States Senator



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Ben Ray Luján  
United States Senator