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SENATE MEMORIAL 46

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

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A MEMORIAL

REQUESTING THE NEW MEXICO CONGRESSIONAL DELEGATION TO URGE
CONGRESS AND THE BUSH ADMINISTRATION TO FULFILL THEIR
OBLIGATION TO PROVIDE SAFE, EFFECTIVE AND ADEQUATE NATIVE
AMERICAN HEALTH CARE TO ADDRESS THE CRISIS THAT AFFECTS ALL
AMERICAN TAXPAYERS.

WHEREAS, the federal government, through treaties entered
into with tribal governments or Indian community governing
councils, has the primary responsibility for providing health
care to the American Indian and Alaska native population of New
Mexico and the United States; and

WHEREAS, American Indians and Alaska natives in New Mexico
and across the nation experience the highest rates of cancer,
obesity, diabetes and heart disease of any population in the
United States, yet are provided the most limited access to

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1 health care in the country due to chronic underfunding of the
2 Indian health system; and

3 WHEREAS, Native American women are now reported, in the
4 *American Journal of Public Health*, to suffer the highest
5 percentage of mental disorders in the world; and

6 WHEREAS, the accident rate is seven times higher in the
7 Native American population than in other populations in the
8 United States; and

9 WHEREAS, both the diabetes and tuberculosis rates in the
10 Native American population in Albuquerque alone rank fifth in
11 the country, and the alcoholism rate ranks second; and

12 WHEREAS, the suicide rate for Native Americans is almost
13 double that of other Americans, at just over twenty per one
14 hundred thousand people; and

15 WHEREAS, Native Americans living in New Mexico live at or
16 below the poverty level, and over half live in single-parent
17 families; and

18 WHEREAS, New Mexico is home to over one hundred ninety
19 thousand people who identify themselves as American Indian or
20 Alaska natives, including those from the nineteen pueblos, two
21 Apache nations and the Navajo Nation located in New Mexico; and

22 WHEREAS, American Indian communities in New Mexico are
23 served by two Indian health service areas: the Albuquerque
24 area and the Navajo area; and

25 WHEREAS, the Indian nations, tribes and pueblos in New

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1 Mexico are culturally unique and sovereign governments; and

2 WHEREAS, disparities in the health care provided to
3 American Indian and Alaska natives have been documented many
4 times, including most recently in the July 2003 report of the
5 United States commission on civil rights, entitled "A Quiet
6 Crisis: Federal Funding and Unmet Needs in Indian Country" and
7 the September 2004 United States commission on civil rights,
8 entitled "Broken Promises: Evaluating the Native American
9 Health Care System"; and

10 WHEREAS, historically the Indian health service budget has
11 been underfunded by billions of dollars every year for at least
12 a decade, resulting in the lack of safe and adequate health
13 care for Native Americans and Alaska natives in New Mexico and
14 nationwide; and

15 WHEREAS, requests for appropriations from the United
16 States congress have been deferred due to the funding being
17 categorized as "discretionary" and more recently because of the
18 high cost of supporting the war on terrorism domestically and
19 in Iraq and Afghanistan; and

20 WHEREAS, prior to funding cuts in the 1990s, the Indian
21 health service spent an estimated one thousand nine hundred
22 twenty dollars (\$1,920) per patient, or less than one-half of
23 the expenditures made per veteran, per federal inmate or per
24 medicare recipient for the provision of health care; and

25 WHEREAS, funding for urban Indian health services

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1 comprises only one percent of the Indian health service's
2 budget, although an estimated sixty percent of all Native
3 Americans live in urban centers away from tribal communities;
4 and

5 WHEREAS, historically insufficient appropriations to the
6 Indian health service have resulted in a community of educated
7 and nationally accredited medical professionals bypassing
8 performance of necessary medical examinations and tests in
9 order to save costs, a practice rarely or never found in other
10 medical communities in the United States; and

11 WHEREAS, unsafe and inadequate health care conditions
12 resulting in unnecessary deaths and disabilities of Native
13 American patients have resulted in costly litigation and
14 additional expenses for rehabilitation medical care that
15 impacts many, including federal and state taxpayers, the
16 private health care systems and, more tragically, the affected
17 families of patients; and

18 WHEREAS, insufficient funding of the Indian health service
19 also affects other health care providers and facilities and
20 funding sources, as deserving patients no longer are being
21 served by the Indian health service and are forced to seek care
22 elsewhere; and

23 WHEREAS, New Mexico's congressional delegation has already
24 written to urge the federal Indian health service to provide
25 stable and reliable funding for Indian health services, a task

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1 less possible each year as funding decreases, particularly
2 since the result of insufficient funding may force closure of
3 Indian health centers in New Mexico, leaving thousands of New
4 Mexico Native American residents without access to the health
5 care promised them in treaties and in law or access to any type
6 of safe and adequate health care; and

7 WHEREAS, the country's obligation to fund services for
8 native people deprived of their lands and traditional ways is
9 found in treaty, statute, constitution and ethics; and

10 WHEREAS, because the Indian health service has failed for
11 so long to fulfill the obligation of providing safe and
12 adequate Native American health care, the charge it was
13 established to perform, there may now be a need to seek
14 alternate and creative ideas to fulfill the long-standing
15 treaty obligations to Native Americans and Alaska natives;

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
17 OF NEW MEXICO that the New Mexico congressional delegation be
18 requested to urge congress and the Bush administration to
19 fulfill their obligation to provide safe, effective and
20 adequate health care to Native Americans and Alaska natives
21 through effective means in order to prevent wasteful spending
22 of tax and other revenue for litigation, additional medical
23 expenses and tragic results to patients and families that could
24 have been avoided if congress and the president had met the
25 health care funding needs of Native Americans and Alaska

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1 natives; and

2 BE IT FURTHER RESOLVED that the Indian affairs department
3 transmit copies of this memorial to the forty-nine other states
4 in the union and request that they also pressure their
5 congressional delegations to end the fiscal strangulation and
6 slow demise of the Indian health service and either fund Indian
7 health services adequately or develop a means of meeting the
8 federal government's treaty obligations to provide safe,
9 effective and adequate medical care to all Native Americans and
10 Alaska natives; and

11 BE IT FURTHER RESOLVED that copies of this memorial be
12 transmitted to the New Mexico congressional delegation; the
13 president of the United States; the United States secretary of
14 health and human services; the director of the federal Indian
15 health service; the governors of New Mexico's nineteen pueblos;
16 the presidents of the Jicarilla Apache Nation, the Mescalero
17 Apache Tribe and the Navajo Nation; and the New Mexico
18 secretaries of health and Indian affairs.