

Congress of the United States
Washington, DC 20515

November 23, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

The Honorable Xavier Becerra
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Ave., NW
Washington, DC 20201

The Honorable Deb Haaland
Secretary of Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Independence Ave., NW
Washington, DC 20530

Dear President Biden, Secretary Haaland, Secretary Becerra, and Attorney General Garland:

We write today to share our belief that upholding the Eighth Circuit Court of Appeals' decision in *Rosebud Sioux Tribe v. United States* would be an important acknowledgement of our trust-based treaty responsibilities to Native peoples.

At issue in the case of *Rosebud Sioux Tribe v. United States* are the promises made by the United States in the Treaty of Fort Laramie, in which the U.S. government agreed to provide appropriations to employ adequate medical services. The Rosebud Sioux Tribe successfully argued that adequate medical services were not being provided. Their argument was supported by a 2015 Centers for Medicare & Medicaid Services (CMS) finding of considerable deficiencies in the emergency care provided by the Indian Health Services (IHS) Rosebud Hospital. In response to this finding, IHS placed the Rosebud Hospital Emergency Department on "divert" status, diverting emergency patients to other hospitals located over 50 miles away. Nearly three years later, in July 2018, CMS again found significant deficiencies at the Rosebud Hospital.

In their decision in *Rosebud Sioux Tribe v. United States*, the Eighth Circuit affirmed that the Treaty, reinforced by the Snyder Act and the Indian Health Care Improvement Act, created a duty for the U.S. government to provide competent healthcare to the Tribe and its members.

We believe an appeal of this case by the federal government would be detrimental because it would signal an unacceptable disregard for trust-based treaty responsibilities. Meeting treaty responsibilities is the cornerstone of sound federal Indian policy. We believe allowing the Eighth Circuit's decision to stand would be an important acknowledgment of our collective priority to

uphold and honor the U.S. government's treaty responsibilities to Native peoples. Thank you for your attention and consideration to this matter.

Sincerely,



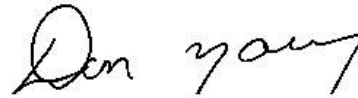
Sharice L. Davids, Co-Chair
Congressional Native American Caucus



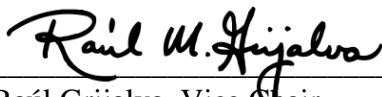
Tom Cole, Co-Chair
Congressional Native American Caucus



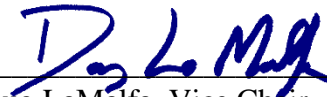
Betty McCollum, Vice Chair
Congressional Native American Caucus



Don Young, Vice Chair
Congressional Native American Caucus



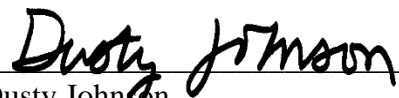
Raúl Grijalva, Vice Chair
Congressional Native American Caucus



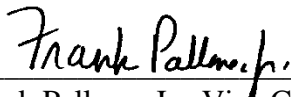
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