



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-12-051

TITLE: Supporting Federal Programs that Fund the Trust Responsibility and Urging the Sequester to be Averted

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the obligations to tribal citizens funded in the federal budget are the result of treaties negotiated and agreements made between Indian tribes and the U.S. in exchange for land and resources, known as the trust responsibility; and

WHEREAS, the authority to fund programs that fulfill the trust responsibility is founded in the Constitution, specifically the Indian Commerce Clause, the Treaty Clause and the Property Clause; and

WHEREAS, a significant number of programs funding trust responsibilities are in the non-defense discretionary portion of the federal budget, and the resolution to the debate over how to address sequestration could considerably impact resources to tribal governmental services and Indian programs for years to come; and

WHEREAS, Congress approved the Budget Control Act (BCA) August of 2011, which became Public Law 112-25; and

WHEREAS, the BCA consisted of a two-stage deficit-reduction process: it set funding caps for annual appropriations bills through 2021 to save about \$1 trillion, and it set up a bipartisan Joint Select Committee on Deficit Reduction to work out a deficit-reduction package to save at least another \$1.2 trillion, which could include a combination of spending cuts to discretionary and mandatory spending, or revenue increases; and

WHEREAS, because the Joint Select Committee did not reach a deficit reduction deal, under the BCA, most discretionary federal programs will face sequestration, an across-the-board cut of 8.2 percent in January of 2013 unless Congress enacts a plan before then to reduce the national debt by \$1 trillion over 10 years; and

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WHEREAS, if sequestration is not averted, deficit reduction will consist entirely of spending cuts, even though non-defense discretionary spending already has absorbed significant reductions through the 10-year spending caps in the Budget Control Act; and

WHEREAS, by 2021, discretionary spending will reach its lowest level in more than 50 years and account for just 2.8 percent of the U.S. gross domestic product; and

WHEREAS, the nation faces critical choices about how to address the deficit while preventing another recession, and still maintain federal programs for education, housing, roads, law enforcement, tribal courts, energy development, job training, and health care and other programs serving Indian Country; and

WHEREAS, the abrupt and arbitrary nature of the across-the-board cuts from sequestration will have damaging effects on the progress made in addressing the serious problems facing Indian Country, especially for the full implementation of the recently passed Indian Health Care Improvement Act and Tribal Law & Order Act; and

WHEREAS, although the Congressional Research Service reported that, “under Section 256(e) of the [Balanced Budget and Emergency Deficit Control Act of 1985], sequestration may only reduce funding appropriated to the two [Indian Health Service (IHS)] accounts by 2 percent in any fiscal year,” the Office of Management and Budget subjects the IHS discretionary accounts to the 8.2 percent across-the-board cut; and

WHEREAS, because of recent reductions to tribal programs, if sequestration is implemented, the percentage cut will be deeper than 8.2 percent when compared to FY 2010 levels adjusted for inflation. If the sequester hits, examples of the reduction to programs in FY 2013 include:

- Low Income Home Energy Assistance Program (LIHEAP) for Tribes, cut by 35%;
- Vocational Rehabilitation State Grants, for Tribes, cut by 25%;
- Indian Housing Block Grant cut by 21%;
- Indian Student Education cut by 13%;
- Tribal Community Oriented Policing Grants cut by 25%;
- Total, Bureau of Indian Affairs (BIA), Operation of Indian Programs cut by 14%;
- Native American Job Training cut by 23%; and

WHEREAS, education programs essential to American Indian and Alaska Native students will be in peril: for example, Impact Aid, the oldest elementary and secondary federal education program administered by the U.S. Department of Education and designed to reimburse local educational agencies for the loss of traditional revenue due to the presence of tax-exempt property or Federal activity, will be cut by \$100 million in the middle of the 2012-2013 school year; and

WHEREAS, Impact Aid payments are allocated directly to local educational agencies for military bases, Indian lands, low-rent housing, and other federal property in lieu of local tax dollars to assist with the basic educational needs of the thousands of students served by those local educational agencies; and

WHEREAS, all other federal education programs, including Title I and the Individual Disability Education Act, will also see a reduction in funding of between 8 and 9 percent starting in the 2013-2014 school year; and

WHEREAS, tribes across the United States have effectively used the Native American Housing Assistance and Self-Determination Act (NAHASDA) funding to address the acute housing needs of American Indian and Alaska Native people, as indicated by a 2010 report of the United States Government Accountability Office noting that NAHASDA recipients constructed 13,141 new homes, acquired 4,611 existing homes, and rehabilitated more than 32,000 homes between 2003 and 2008 alone; and

WHEREAS, in FY 2011, Congress reduced funding for NAHASDA's Indian Housing Block Grant program by more than 7 percent (\$50 million) and reducing NAHASDA funding by an additional 7-10 percent through sequestration, rescission, or other across-the-board funding cuts would greatly inhibit the ability of NAHASDA recipients to address the ongoing shortage of safe, affordable housing in the communities they serve; and

WHEREAS, if policymakers enact a deficit reduction plan that relies entirely or almost entirely on spending cuts, the damage to Indian programs will be much more severe than sequestration and domestic programs cannot continue to bear the brunt of deficit reduction, nor can continued cuts balance the budget; and

WHEREAS, completely eliminating all domestic discretionary programs would not balance the budget; yet they have borne the brunt of deficit reduction efforts. If sequestration is allowed to take effect, core services for American Indians, and all Americans, will be greatly curtailed or even eliminated.

NOW THEREFORE BE IT RESOLVED, that the NCAI urges sequestration, which imposes reductions that undermine the trust responsibility, to be averted and replaced with a plan to reduce the deficit through an approach that does not only rely on cutting domestic spending; and

BE IT FURTHER RESOLVED, that the historic Constitutional duty of the trust responsibility should not be sacrificed in any of the budget options or ultimate bargains to achieve deficit reduction; and

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

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.



President

ATTEST:



Recording Secretary