

**THE NATIONAL CONGRESS OF  
AMERICAN INDIANS**

**RESOLUTION #SPO-01-007**

**Title: Supporting Suspension of the 25 CFR Part 20 Final Rule for Social Service Programs**

**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**, many federally-recognized Indian tribes have exercised their rights under P.L. 93-638 to contract for social service programs from the Bureau of Indian Affairs; and

**WHEREAS**, these tribes continue to contract and operate a wide variety of social service programs on their reservations; and

**WHEREAS**, the Bureau of Indian Affairs implemented new regulations pursuant to 25 CFR Part 20 (“Rule”) that require tribes to change their contracted scopes of work to satisfy the new regulations; and

**WHEREAS**, at its Mid-Year Session of May 2001, the National Congress of American Indians supported waivers of 25 CFR Part 20 on behalf of Indian tribes that operate P.L. 93-638 self-determination contract programs (Resolution #MSH-01-049); and

**WHEREAS**, the Bureau of Indian Affairs only recently responded to tribes that had requested waivers of the Rule to allow sufficient time for implementation; and

**WHEREAS**, short-term waivers were received during the month of October 2001, but were only granted until December 31, 2001; and

**WHEREAS**, the Bureau of Indian Affairs' untimely response to waiver requests contributes to the tribes' inability to implement regulation changes in an extremely minimal amount of time, therefore forcing tribes to be out of compliance with the Rule effective January 1, 2002; and

**WHEREAS**, the inability of tribes to satisfy the new requirements of this Rule further jeopardizes tribal self-determination efforts.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby request that (1) 25 CFR Part 20 be suspended for a minimum of three years and until adequate Bureau of Indian Affairs' administrative review takes place and (2) the Bureau of Indian Affairs engage in meaningful consultation with and accept input from tribes on 25 CFR Part 20 and Part 115, Individual Indian Monies; 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 at the 58<sup>th</sup> Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001 with a quorum present.

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Tex Hall, President

**ATTEST:**

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Colleen Cawston, Recording Secretary

Adopted by the General Assembly during the 58<sup>th</sup> Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.