

**THE NATIONAL CONGRESS OF
AMERICAN INDIANS**

RESOLUTION #SPO-01-080

**Title: Rejection of HUD's Method of Negotiated Rulemaking and Support
for the Establishment of a Tribally-Driven Rulemaking Committee**

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 Department of Housing and Urban Development (HUD) has proceeded with the establishment of a Negotiated Rulemaking Committee to rework the NAHASDA formula which includes only 18 members to be selected by HUD; and

WHEREAS, HUD's selection policy for Committee members includes criteria that unfairly disqualify many tribal leaders from participating; and HUD's method of insuring geographic equity as well as definitions of small, medium, and large tribes have remained undefined; and

WHEREAS, tribal leaders and representatives met at a tribal caucus in February of 2000 to develop a policy governing negotiated rulemaking at HUD which includes 58 members: 48 tribal and 10 from HUD. This policy was agreed to by consensus of the tribal caucus but was rejected by HUD officials; and

WHEREAS, eighteen members on the Negotiated Rulemaking Committee is not enough to fairly represent all regions and small, medium, and large tribes; and

WHEREAS, Tribes have long been in favor of instituting a standing Negotiated Rulemaking Committee to work on all regulations governing NAHASDA, as specified in the NAHASDA statute, rather than just the formula.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby reject HUD's system for forming the formula Negotiated Rulemaking Committee, including the criteria for selecting members and the number of members to form the committee; and

BE IT FURTHER RESOLVED, that tribes will join together in a caucus in early 2002 to form their own rulemaking committee which will develop regulations for any all sections of NAHASDA; 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 58th 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.

Tex Hall, President

ATTEST:

Colleen Cawston, Recording Secretary

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