



# NATIONAL CONGRESS OF AMERICAN INDIANS

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### RESOLUTION #MSH-01-049

#### **Title: Supporting Regulation Waivers to 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 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, largest, and most representative national American Indian and Alaska Native tribal government organization; and

**WHEREAS**, Indian tribal governments exercise the right to enter Self-Determination contracts for social service programs pursuant to P.L. 93-638 and thereby operate family assistance, child welfare, senior services, group homes, and other social service programs; and

**WHEREAS**, the Bureau of Indian Affairs ("BIA") has notified tribes that such programs must be in compliance with the Final Rule for Financial Assistance and Social Service Program ("Rule"), 25 CFR Part 20, effective March 24, 2001; and

**WHEREAS**, this Rule was promulgated without first completing the government-to-government consultation process that is required by existing Executive Orders; and

**WHEREAS**, the requirements of this Rule further constitute an unfunded mandate, as the tribes do not receive additional funding to implement required programmatic and service changes; and

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**WHEREAS**, the Rule also undermines the very sovereignty the Self-Determination contracting process was designed to reinforce by directing the BIA to remove programmatic authority from tribal governments and instead granting BIA line officers authority to approve agreements for adult and child care treatment facilities; and

**WHEREAS**, the inability of numerous tribes to satisfy the new requirements of this Rule will place tribal social services programs out of compliance and thereby jeopardize existing Self-Determination contracts; and

**WHEREAS**, tribes that have been placed out of compliance by this Rule require regulation waivers to provide sufficient time to develop and implement programmatic and service changes.

**NOW THEREFORE BE IT RESOLVED**, that NCAI does hereby support granting waivers of 25 CFR Part 20 to allow tribes sufficient time to implement required regulatory and programmatic changes.

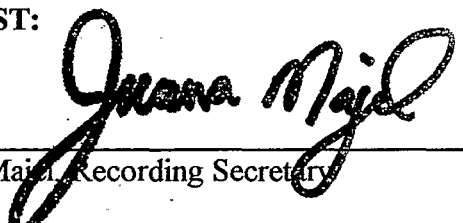
**BE IT FINALLY RESOLVED**, that NCAI does hereby oppose any decrease in funding of the General Assistance program due to the additional requirements of the General Assistance regulations.

**CERTIFICATION**

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.

  
Susan Masten, President

**ATTEST:**

  
Juana Majed, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.