



NATIONAL CONGRESS OF AMERICAN INDIANS

Resolutions Committee Recommendation

Resolution #: REN-13-004, 033, and 053

Title:

Comments:

These three resolutions address sequestration and could be combined into one or two resolutions.

- #004 Forming a National Coalition to Protect Tribal Programs from Impacts of Sequestration through Legislation
- #033 Urging Congress to exempt all Tribal programs from the impact of sequestration in FY 2014
- #053 Exempting Tribes from the Federal Funding Sequestration

#033 and #053 address a general exemption for tribal programs from sequestration and #004 seeks support for legislation and forms a national coalition to address sequestration. #004 lays out the ways to implement the goals of #033 and #053. #060, "Supporting Efforts to Seek an Exemption for the National Indian Gaming Commission from the Federal Sequestration Policy" has also been submitted but it is a separate issue. Previous resolutions have been adopted on sequestration, but an updated resolution would be beneficial to tribal advocacy efforts to address the current situation.

Recommendations:

Recommend combining these three resolutions (004, 033, and 053) into one that combines the message and strategy for addressing sequestration.

Is the resolution emergency in nature and national in scope? Yes.

Sponsor a member in good standing (yes/no)?: _____

REN-13-004

TITLE: Forming a National Coalition to Protect Tribal Programs from Impacts of Sequestration through Legislation

WHEREAS: The Alaska Federation of Natives (AFN) was formed in 1966, in part, to address the land claims of the Alaska Natives against the United States of America;

WHEREAS: AFN is the largest statewide Native organization in Alaska representing more than 120,000 Alaska Natives residing in Alaska, 11 regional tribal consortiums, 12 regional corporations and over 180 tribes and villages; and

WHEREAS: AFN's mission is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community.

WHEREAS: 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: Tribes across the United States have effectively used funding received through Department of Interior, especially the Bureau of Indian Affairs, to improve the economic, social and education circumstances for Native American and Alaska Native people through all formula and competitive grants; and

WHEREAS: The Bureau of Indian Affairs, for example, is the primary source of tribal operations social and economic programs funding and represents only a portion of the costs of providing those services; 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 are affected by sequestration, an across-the-board cut of 8.2 percent accorded in March 2013; and

WHEREAS: The 7-10% cut was immediately felt in our American and Alaska Native communities; 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: Reduced funding by 7-10% through sequestration, rescission, or other across-the-board funding cuts greatly inhibit the ability of tribes and tribal organizations to address the ongoing health and social challenges in the communities they serve; 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; and

WHEREAS: Sequestration cuts are deeper than 8.2 percent when compared to FY 2010 levels adjusted for inflation. For example, 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: It is flawed public policy to drastically reduce funding for tribal programs that have a track record of effectively addressing the acute, high-priority needs of extremely vulnerable populations;

NOW THEREFORE BE IT RESOLVED that the Alaska Federation of Natives invites Tribes and Native American and Alaska Native organizations to join in a coalition to reverse the effects of sequestration on tribal programs; and

BE IT FURTHER RESOLVED that this coalition work with United States Congress members to pass legislation holding harmless programs critical to tribes and organizations serving Native Americans and Alaska Natives.

DRAFT



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #REN-13-033

TITLE: *Urging Congress to exempt all Tribal programs from the impact of sequestration in FY 2014*

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NCAI HEADQUARTERS

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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, in recent years, the Congress of the United States has attempted to seek solutions to balance the budget of the United States, and has begun the process of cutting the budget, and passed legislation in 2011 that made automatic cuts to the budget across the board beginning in FY 2013 for a ten year period, the entire process being known as “sequestration”, and which only go into effect if Congress does not otherwise pass a budget; and

WHEREAS, the sequestration cuts placed in the Budget Control Act in 2011 went into effect on March 1, 2013 because the Congress failed to act to prevent them from going into effect, and these cuts, which have been approximately 5% or greater, have begun to have devastating impacts throughout Indian country; and

WHEREAS, the sequester reductions and other cuts to tribal programs undermine Indian treaty rights and obligations – treaties which were ratified under the Constitution and should be considered the “supreme law of the land; and

WHEREAS, the Federal spending in Indian Country is based in the treaties that our ancestors signed with the US government; in these treaties, the United States agreed to protect tribal treaty rights, lands, and resources, including provision of certain services for American Indian and Alaska Native tribes and villages, which is known as the federal Indian trust responsibility; and

WHEREAS, indiscriminate cuts sacrifice not only these trust obligations, also thwart the ability of tribes to promote economic growth, or plan for the future of Native children and coming generations and are counterproductive to a healthy U.S. economy; and

WHEREAS, while Congress has reversed the impact of a few areas of the budget cut by the sequester, it has yet to yet to repeal the disastrous and devastating cuts to important programs that are part of the trust responsibility to Indian Country; including education and other vital services that are under threat across Indian Country due to these large reductions, including cuts to health care, education, law enforcement, resource protection and land consolidation, among many other things; and

WHEREAS, further cuts planned for FY 2014 will add misery to the lives of hundreds of thousands of Tribal citizens throughout Indian Country, people who are among the most vulnerable citizens within the United States and who are among the poorest, including single parents, and will not substantially reduce the deficit; and

WHEREAS, the sequester cuts pose particular hardship for Indian Country and the surrounding communities who rely on tribes as employers, where the recession and unemployment have struck especially hard.

NOW THEREFORE BE IT RESOLVED that NCAI hereby urges Congress to exempt all Tribal programs, regardless of the department of the government in which such programs exist, from the impact of automatic budget cuts called for by the sequestration provisions of the Budget Control Act for FY 2014; and

BE IT FURTHER RESOLVED that NCAI calls upon President Obama to work with Congress to create an exemption from sequestration for all Indian programs within the executive branch of government and to hold Tribes harmless from future budget cuts, in order to fulfill the basic trust obligation of the United States to American Indians and Alaska Natives under law and treaty and as a result of the taking of the lands of American Indians and Alaska Natives by the United States; and

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

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.

President

ATTEST:

Recording Secretary



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #REN-13-053

TITLE: Exempting Tribes from the Federal Funding Sequestration

EXECUTIVE COMMITTEE

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Chickasaw Nation

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W. Ron Allen
Jamestown S'Klallam Tribe

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SOUTHWEST
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Pueblo of Acoma

WESTERN
Alvin Moyle
Fallon Paiute-Shoshone

EXECUTIVE DIRECTOR
Jacqueline Johnson
Tlingit

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 federal sequestration of appropriations creates a chain reaction of service disruption or elimination that disproportionately impacts tribal families' access to already depleted health and education programs, loss of critically important public safety personnel, reduced job opportunities, challenge to tribal energy and economic development, and threatens the protection of tribal and treaty-reserved natural resources; and

WHEREAS, the federal sequestration of appropriations results in federal employee furloughs who are directly tasked with services that support and collaborate with Indian country, which is not in keeping with the trust responsibility with tribal nations; and

WHEREAS, the National Indian Gaming Commission (NIGC) is a federal agency solely funded by Indian gaming revenues generated by Indian tribes for the purpose of administering the Indian Gaming Regulatory Act of 1998, and should not be subjected to the Budget Control Act of 2011; and

WHEREAS, Congress and the Administration have protected certain programs deemed critical or provided agency discretion to apply cuts, yet have ignored the pleas from Indian country about the dire nature of the sequestration impacts, such as the letter from the November 27, 2012 National Congress of American Indians, and direct communications from federally-recognized tribal nations; and

WHEREAS, the federal government has a political relationship with tribal nations recognized in the U.S. Constitution and secured through numerous federal laws as domestic dependent nations; and

WHEREAS, in return for tribes ceding lands and resources to the United States that establish the territorial foundation of the nation, the federal government has a fiduciary trust obligation to tribal nations and this obligation is not discretionary.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby declare that all of Indian country appropriations, and tribal fee based funding, will be held as non-discretionary and protected from any sequestration based on the Budget Control Act of 2011, and including NIGC; and

BE IT FURTHER RESOLVED, and that Congress and the Administration should immediately exempt all tribal programs, and federal employees that serve Indian country, from the current sequestration and any future sequestration of appropriations; and

BE IT FINALLY RESOLVED, that any sequestration as a result of the Budget Control Act of 2011 for tribally based fees be proportionally returned to the tribes that pay those fees; and

BE IT FURTHER 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 2013 Mid-Year Session of the National Congress of American Indians, held in Reno, Nevada on June 24-27, 2013, with a quorum present.

President

ATTEST:

Recording Secretary