



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #DEN-18-046

TITLE: Supporting the Full and Prompt Implementation by All Applicable Federal Agencies of the Legislation Expanding Public Law 102-477 for Integrated Tribal Employment and Training Programs

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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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 Indian Employment, Training and Related Services Demonstration Act of 1992 (P.L. 102-477, hereafter "477"), as amended by the Indian Employment, Training, and Related Services Consolidation Act of 2017, has proven to be an exceptional success in making existing federal programming more effective in supporting tribal nations and Native organizations as they work to meet their employment, training, education, and welfare reform needs; and

WHEREAS, the 477 workforce development initiative substantially reduces the administrative time and costs to manage integrated programs, promotes program efficiency, and expands tribal nations' and Native organizations' ability to provide quality services to more Native people; and

WHEREAS, the 477 workforce development initiative promotes greater cooperation and coordination between federal agencies, enhancing their support of tribal nations and Native organizations in workforce development and related areas; and

WHEREAS, 65 contractors and compactors, representing 264 tribal nations and Native organizations, have successfully implemented the 477 mechanism in their administration of tribal employment, training, education, and welfare reform programs; and

WHEREAS, the P.L. 102-477 program received one of the highest Program Assessment Rating Tool (PART) ratings in the Department of the Interior-Indian Affairs by the Office of Management and Budget; and

WHEREAS, Congress passed, and the President signed, the Indian Employment, Training and Related Services Consolidation Act of 2017, which expanded the number of 477-mandated federal departments from four to 12, streamlined and clarified the approval process, and expanded the types of funding, including competitive and discretionary funding for which tribes qualify solely or in part due to their status as Indians, to be included in these consolidated plans to fully realize the potential of this important tool for tribal self-determination; and

WHEREAS, despite the demonstrated track record of tribal successes with – and proven benefits of – the 477 program, the U.S. Department of Health and Human Services (DHHS), a 477-mandated federal department, has historically and continues to resist (without appropriate tribal consultation) to fully participate in the 477 initiative as amended in 2017, including postponing adding new programs to existing plans or approving new plans; and

WHEREAS, tribal nations and Native organizations have been forced to withdraw their proposed PL102-477 Plans because DHHS denies or significantly delays approval to the detriment of tribal employment and training programs; and

WHEREAS, the U.S. Department of Education (ED) also is a mandated federal department partner identified in the law, but has not entered into agreements as required by the law; and

WHEREAS, attempts by these and other federal departments to undermine the intent of the new legislation and the will of Congress damages tribal self-governance and self-determination, the PL102-477 initiative, and the proven concept of tribal program integration; and

WHEREAS, PL102-477, as amended, provides a better return on investment, as funds spent through a PL102-477 Plan have a higher rate of successfully resulting in employment and are spent more efficiently to provide a greater breadth and quality of services; and

WHEREAS, PL102-477, as amended, reduces the administrative burdens associated with monitoring tribal programs by encouraging cooperation between federal agencies and reducing duplicative reporting; and

WHEREAS, PL102-477, as amended, requires detailed reporting under the parameters laid out in P.L. 102-477 and each tribal PL102-477 Plan, which means each integrated program receives major program review and auditing more often; and

WHEREAS, PL102-477, as amended, minimizes rigid bureaucratic barriers to tribal success by providing explicit statutory authority to waive impractical statutory, regulatory, or administrative requirements associated with each individual program integrated into a PL102-477 Plan; and

WHEREAS, PL102-477, as amended, maintains up-front control for federal departments operating programs that a tribal nation or Native organization requests be integrated into its PL102-477 Plan by permitting those departments to approve the nation/organization's participation in the program in the first place, approve any waiver requests associated with the Plan, and consult with Interior on overall approval of the Plan.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) does hereby strongly urge the Administration to fully and promptly implement the new legislation, including ordering DHHS, ED, and all other mandated federal departments to agree to a comprehensive MOU that fully embraces the letter and intent of the new legislation; and

BE IT FURTHER RESOLVED, that NCAI supports the legislative amendments contained in the 2017 legislation expanding P.L. 102-477, which increases the number of mandated federal departments to twelve, expands the types of funding to include any funding for which tribal nations and Native organizations are "eligible solely or in part due to their status as tribes," including competitive and discretionary funding, and makes clear that programs to be included in 477 Plans are at the discretion of the tribal nation or Native organization; and

BE IT FURTHER RESOLVED, that NCAI requests that the White House provides tribal nations and Native organizations with the greatest flexibility possible in implementing the 2017 law; 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 2018 Annual Session of the National Congress of American Indians, held at the Hyatt Regency in Denver, Colorado October 21-26, 2018, with a quorum present.


Jefferson Keel, President

ATTEST:


Juana Majel Dixon, Recording Secretary