



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #TUL-13-055

TITLE: Support for Funding Trust and Treaty Obligations in the Federal Budget and Stopping Sequestration

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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, the federal government has a trust, treaty and statutory obligation to Indian tribes; and

WHEREAS, the underpinning of federal spending in Indian Country is based in the treaties that the tribes' ancestors signed with the US government and other obligations; and

WHEREAS, this assistance and goodwill between nations derives from the trust relationship, and is engrained within Article I, Section 8, of the US Constitution; and

WHEREAS, the sovereignty of Indian tribes is being compromised in part due to the lack of the federal government's duty to honor all of its obligations to Indian tribes; and

WHEREAS, fulfillment of many of the trust and treaty obligations to tribes reside in the discretionary portion of the federal budget, which are subjected to severe 2013 sequester cuts and may endure further reductions due to the Budget Control Act in FY 2014 and in future years; and

WHEREAS, tribes across the United States have effectively used federal funding received through the Departments of the Interior, Health and Human Services, Housing and Urban Development, Environmental Protection Agency, Agriculture, Commerce, Education, Energy, Justice, and Transportation, among others, to improve the economic, social and education circumstances for American Indian and Alaska Native people; and

WHEREAS, law enforcement, education, health care, energy development, housing, roads and transit, natural resources, environmental protection, child welfare, social services, domestic violence programs, corrections, and many other critical governmental services have been historically underfunded and have failed to meet the needs of tribal citizens as documented in the U.S. Commission on Civil Rights in the *Quiet Crisis* report, *Broken Promises* report, Amnesty International's report, *Maze of Injustice*, and gap reports from the Bureau of Indian Affairs and Indian Health Service; and

WHEREAS, most tribal governments' budgets currently rely largely on federal resources; and until all tribes retain exclusive taxing jurisdiction within the exterior borders of their tribal lands, federal support remains critical to ensure essential government services are delivered to tribal people; and

WHEREAS, in their role as governments, tribes deliver all the range of services that other governments provide; yet, tribes require adequate resources to exercise their self-determination and serve as effective governments; and

WHEREAS, sequestration called for in the Budget Control Act has imposed draconian reductions to tribal programs that were already underfunded, resulting in the following impacts in FY 2013:

- the Indian Head Start program, which provides education, nutrition, health and parental involvement services, was cut nearly \$12 million in FY 2013. Twenty-five thousand Native children from 26 states are experiencing losses in these much-needed services;
- Impact Aid, which provides funding to public schools in Indian Country, absorbed \$67 million in cuts, causing reductions to schools serving approximately 115,000 Native students;
- the Bureau of Indian Affairs lost \$119 million due to sequestration in FY 2013, hurting public safety programs, tribal courts, natural resources management, education, road maintenance, housing improvement, child welfare services, and tribal welfare assistance for 1.7 million American Indians and Alaska Natives;
- the Indian Health Service was cut \$220 million, causing about 3,000 fewer inpatient admissions and 804,000 fewer outpatient visits through IHS and tribal hospitals and clinics;
- the Native American Housing Block Grant in HUD lost \$33 million;
- Tribal Colleges and Universities (TCUs) endured more than a 5 percent cut to their operational budgets in FY 2013, which was significant given that TCUs have *never* received full funding based on their appropriation authorized by Congress —roughly 70 percent of \$8,000 in FY 2012, impacting more than 75 campuses in 15 states and more than 88,000 American Indian and Alaskan Natives in more than 250 tribes;
- Reductions to the USDA Food Distribution Program on Indian Reservations, Low Income Heating and Energy Assistance Program, Child Care and Development Block Grants, EPA Tribal General Assistance Program, Administration for Native Americans and many others are taking a large toll on services in Indian Country; and

WHEREAS, the continuation of sequester reductions in FY 2014 would severely—and, likely, permanently—undermine the ability of tribes, service providers, schools, TCUS, clinics, and other agencies in Indian Country to serve tribal citizens and carry out the trust responsibility to Indian tribes; and

WHEREAS, the failure of the House and Senate and Democrats and Republicans to come to a budget agreement for FY 2014 threatens the capacity of tribal governments to deliver basic governmental services to their citizens; and the October 2013 government shutdown crisis posed very real threats to tribal governments and denied health, nutrition, and other basic services to the most vulnerable tribal citizens; and

WHEREAS, the shutdown created untenable economic conditions for some of the poorest Indian tribes; even if the shutdown is resolved, the House and Senate versions of clean CRs do not address sequestration, which has deeply affected tribal programs.

NOW THEREFORE BE IT RESOLVED, that NCAI calls for Congress to reach a longer-term budget agreement that meets the nation's obligations to tribal nations and Native peoples; and

BE IT FURTHER RESOLVED, that in addition to reopening critical government operations and avoiding further shutdowns over unrelated political impasses, the fiscal solution for Indian Country must remove sequestration reductions to critical tribal operations for FY2014; and

BE IT FURTHER RESOLVED, that NCAI formally opposes the application of sequestration pursuant to the Balanced Budget Act of 2011 to any programs impacting citizens and Tribal governments in the United States; 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 2013 Annual Session of the National Congress of American Indians, held at the Cox Business Center from October 13 - 18, 2013 in Tulsa, Oklahoma with a quorum present.


 President

ATTEST:


 Recording Secretary