



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-19-025

**TITLE: Supporting Immediate Amendments to the Inter-Agency MOA
Governing the Indian Employment, Training and Related Services
Consolidation Act of 2017 to Ensure Its Full and Proper Implementation**

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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") has proven over the past three decades to be an exceptional success in making existing federal programming more effective in supporting tribal nations and Native organizations as they work to meet the employment, training, education, welfare reform, and related needs of the communities they serve; and

WHEREAS, experience also shows that the 477 program 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 program has promoted greater cooperation and coordination between federal agencies, enhancing their support of tribal nations and Native organizations in workforce development and related areas; and

WHEREAS, 67 contractors and compactors, representing at least 225 tribal nations and Native organizations, have successfully deployed the 477 program in their administration of tribal employment, training, education, welfare reform, and related programs; and

WHEREAS, the 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, Public Law 115-93, the Indian Employment, Training and Related Services Consolidation Act of 2017, which amended P.L. 102-477 to: make the 477 demonstration project permanent; expand the types of funding (including competitive and discretionary funding for which tribal nations qualify solely or in part due to their status as Indians) and program purposes eligible for integration into a PL 477 plan; increase the number of 477-mandated federal agencies from four to 12; and streamline and clarify the approval process in part to stop agencies from interfering with the 477 program in ways that complicated its administration and reduced its effectiveness; and

WHEREAS, the Indian Employment, Training and Related Services Consolidation Act of 2017 required that the Secretary of the Interior secure an Interagency Memorandum of Agreement (hereafter “MOA”) between the law’s 12 named federal agencies within one year of the law’s ratification (December 18, 2018); and

WHEREAS, the Inter-Agency MOA signed by the 12 agencies in December 2018 contains several grave flaws that prevent the federal government’s full and proper implementation of the 2017 law, notably: (1) unlawfully restricting the types of agency programs eligible for inclusion in a 477 plan and subject to the law by limiting program purposes and funding types beyond the limitations set by the law, (2) unlawfully transferring decision-making authority over program eligibility from the Secretary of the Interior to other agencies, (3) unlawfully giving individual agencies the authority to delay 477 plan reviews through multiple time extensions, and (4) allowing agencies to deny waiver requests for unlawful reasons.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the Administration to immediately convene the law’s 12 named agencies and the White House Domestic Policy Council to develop and ratify technical amendments to the Inter-Agency MOA in full and direct consultation with the 477 Tribal Work Group and tribal nations in order to ensure that the MOA abides by the letter and spirit of the law; and

BE IT FURTHER RESOLVED, that should the Administration not immediately undertake an amendment process that adequately resolves the grave flaws in the current Inter-Agency MOA to bring it into full compliance with the law, that NCAI calls upon Congress to hold oversight hearings or initiate other legislative actions at a later date and manner determined in full and direct consultation with the 477 Tribal Work Group to compel the law’s 12 named agencies to bring the Inter-Agency MOA and agencies’ practice into full compliance with the law; and

BE IT FINALLY RESOLVED that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

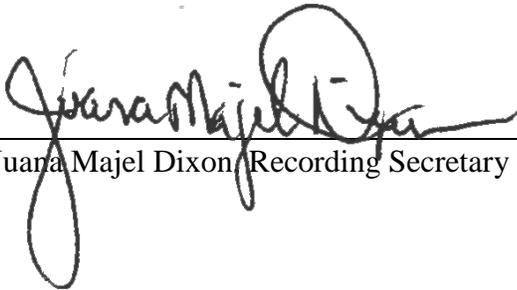
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Conference of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.



Jefferson Keel, President

ATTEST:



Juana Majel Dixon, Recording Secretary