



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #REN-19-022

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### **TITLE: Supporting FAFSA Data Sharing with Tribal Organizations and Education Departments for Scholarship Purposes**

**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**, through its unique relationship with tribal nations, the federal government has established programs and resources to meet the educational needs of American Indians and Alaska Natives residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, tribal nations have historically had access to financial aid data from the Free Application for Federal Financial Aid (FAFSA), consistent with tribal sovereignty; and

**WHEREAS**, the U.S. Department of Education's Privacy and Technical Assistance (PTAC) released guidance in January 2017 on the Higher Education Act (HEA) relating to student financial aid data sharing that asserted that FAFSA data cannot be released by higher education institutions unless the release satisfies a specific purpose permitted by law, even with a student's written consent; and

**WHEREAS**, tribal nations and organizations are currently not recognized in HEA as possible recipients of FAFSA data; and

**WHEREAS**, lack of access to student data limits tribal nations' ability to exercise sovereignty and provide opportunities in higher education to tribal students; and

**WHEREAS**, section 312 of the 2019 Minibus Bill (H.R. 6157) provided tribal nations and organizations temporary relief from this practice until the HEA is reauthorized.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) shall advocate for the inclusion of language allowing tribal nations and organizations to be recipients of FAFSA data in any HEA reauthorization; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

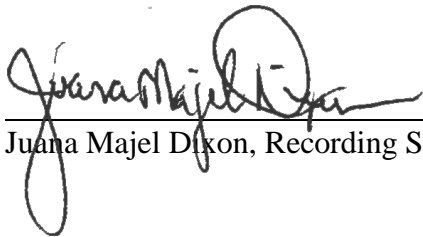
The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Session of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.



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Jefferson Keel, President

**ATTEST:**



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Juana Majel Dixon, Recording Secretary