



NATIONAL CONGRESS OF AMERICAN INDIANS

November 27, 2012

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NCAI HEADQUARTERS

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The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

The Honorable John Boehner
Speaker of the House
United States House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Minority Leader
United States House of Representatives
Washington, DC 20515

Dear Majority Leader Reid, Minority Leader McConnell, Speaker Boehner and Minority Leader Pelosi:

Our undersigned Tribes and Tribal organizations jointly urge action to protect tribal communities and the federal trust responsibility as the nation faces critical choices about how to address the deficit while preventing another recession. As Congress debates the "fiscal cliff," the term for a series of deadlines at the end of 2012 when tax cuts expire and sequestration will take effect, we urge you to avoid any more harmful cuts to Indian programs which would threaten the health and welfare of Indian people.

The federal trust obligation to Indian tribes must be honored and vital tribal programs must be sustained in any deal to reduce the national deficit. The 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. At the heart of the budget debate is the role and size of government. However, the authority to fund programs that fulfill the trust responsibility is founded in the Constitution, specifically the Indian Commerce Clause, the Treaty Clause and the Property Clause. This historic duty should not be sacrificed in any of the budget options or ultimate solutions. **Congress must enact a plan to reduce the deficit through a balanced approach that includes new revenues and does not only rely on domestic spending cuts.**

Due to the failure of a Super Committee agreement, sequestration was triggered, which consists entirely of spending cuts. Non-defense discretionary spending already has absorbed significant reductions through the 10-year spending caps in the Budget Control Act. By 2021, this category of spending will reach its lowest level in more than 50 years and account for just 2.8 percent of the U.S. gross domestic product. Using the estimate of 8.2 percent reductions just for the first year of sequestration, many Indian programs will face difficult reductions below FY2010 levels, when adjusted for inflation.

If sequestration is implemented, examples of the percentage cut from FY 2010 when adjusted for inflation include:

- Native American Job Training, cut by 23%
- Low Income Home Energy Assistance Program (LIHEAP), Tribes, cut by 35%
- Vocational Rehabilitation State Grants, 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%
- Bureau of Indian Affairs (BIA), Trust Natural Resources cut by 24%
- BIA, Operation of Indian Programs cut by 14%

We urge you to make thoughtful decisions to avoid disrupting important governmental responsibilities such as the trust obligations to tribes and addressing the public safety crisis throughout Indian Country. In October 2012, NCAI passed Resolution #SAC-12-051, "Supporting Federal Programs that Fund the Trust Responsibility and Urging the Sequester to be Averted." 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. Cuts at the sequester level of 8.2 percent, or deeper, to investments in education, housing, roads, law enforcement, tribal courts, natural resources, energy development, job training, and health care would deal a devastating blow to the economic conditions in Indian Country. The blunt mechanistic savings from sequestration is not good public policy and should be averted. **Please work together to find a balanced approach to deficit reduction that does not include further cuts to tribal programs as part of the non-defense discretionary budget.**

Sincerely,



President, NCAI

CC: The Honorable Daniel K. Akaka, Chairman, Senate Indian Affairs Committee
The Honorable John Barrasso, Ranking Member, Senate Indian Affairs Committee
The Honorable Jack Reed, Chairman, Senate Appropriations Interior Subcommittee
The Honorable Lisa Murkowski, Ranking Member, Senate Appropriations Interior Subcommittee
The Honorable Don Young, Chairman, House Natural Resources Committee, Indian and Alaska Native Affairs Subcommittee
The Honorable Ben Ray Luján, Ranking Member, House Natural Resources Committee, Indian and Alaska Native Affairs Subcommittee
The Honorable Mike Simpson, Chairman, House Appropriations Interior Subcommittee
The Honorable James P. Moran, Ranking Member, House Appropriations Interior Subcommittee

Tribes and Intertribal Organizations Standing Together in Support:National Tribal Organizations

American Indian Higher Education Consortium (www.aihec.org)
Americans for Indian Opportunity (www.aio.org)
Center for World Indigenous Studies (www.cwis.org)
Indian Nations Conservation Alliance (www.inca-tcd.org)
Institute of American Indian Arts (www.iaia.edu)
Intertribal Buffalo Council (www.itbcbuffalo.com)
Intertribal Timber Council (www.itcnet.org)
Intertribal Transportation Association
National American Indian Housing Council (www.naihc.net)
National Association of Tribal Historic Preservation Officers (www.nathpo.org)
National Center for American Indian Enterprise Development (www.ncaied.org)
National Indian Child Welfare Association (www.nicwa.org)
National Indian Council on Aging, Inc. (www.nicoa.org)
National Indian Education Association (www.niea.org)
National Indian Gaming Association (www.indiangaming.org)
National Indian Health Board (www.nihb.org)
National Tribal Environmental Council (www.ntec.org)
Native American Contractors Association (www.nativecontractors.org)
Native Community Development Financial Institutions Network
Native Public Media, (www.nativepublicmedia.org)
Self-Governance Advisory Committee
Tribal Education Departments National Assembly (www.tedna.org)

Tribal Organizations and Native Corporations

Afognak Native Corporation (Alaska)
Alaska Federation of Natives (Alaska)
Aleutian Pribilof Islands Association (Alaska)
California Association of Tribal Governments (CA)
Four Bands Community Fund (South Dakota)
Great Plains Tribal Chairman's Association (ND, SD, NE)
InterTribal Council of Arizona
Midwest Alliance of Sovereign Tribes (IA, MN, MI, WI)
Northwest Indian Fisheries Commission (WA)
Sealaska Corporation (Alaska)
United South and Eastern Tribes (AL, CT, FL, LA, ME, MA, NY, NC, MS, TN, TX)
United Tribes of North Dakota

Tribal Governments

Bois Forte Reservation Tribal Council (Minnesota)
Central Council of Tlingit and Haida Indians (Alaska)
Cherokee Nation (Oklahoma)
Chickaloon Village Traditional Council (Alaska)
Chickasaw Nation (Oklahoma)
Choctaw Nation (Oklahoma)
Citizen Potawatomi Nation (Oklahoma)
Cowlitz Indian Tribe (Washington)
Forest County Potawatomi (Wisconsin)
Fond du Lac Band of Lake Superior Chippewa (Minnesota)
Hualapai Tribe (Arizona)
Jamestown S'Klallam Tribe (Washington)
Leech Lack Band of Ojibwe (Minnesota)
Lower Elwha Klallam Tribe (Washington)
Lummi Nation (Washington)
Menominee Indian Tribe of Wisconsin
Native Village of Afognak (Alaska)
Nez Perce Tribe (Idaho)
Pawnee Nation of Oklahoma
Penobscot Nation (Maine)
Pokagon Band of Potawatomi Indians (Michigan)
Red Lake Band of Chippewa Indians (Minnesota)
Sac and Fox Nation (Oklahoma)
Saginaw Chippewa Indian Tribe (Michigan)
Shawnee Tribe (Oklahoma)
Shoshone-Bannock Tribes (Idaho)
Sitka Tribe of Alaska (Alaska)
Skokomish Tribe (Washington)
Suquamish Tribe (Washington)
Swinomish Tribe (Washington)
Ute Mountain Ute Tribe (Colorado/Utah)



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-12-051

TITLE: Supporting Federal Programs that Fund the Trust Responsibility and Urging the Sequester to be Averted

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 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, the authority to fund programs that fulfill the trust responsibility is founded in the Constitution, specifically the Indian Commerce Clause, the Treaty Clause and the Property Clause; and

WHEREAS, a significant number of programs funding trust responsibilities are in the non-defense discretionary portion of the federal budget, and the resolution to the debate over how to address sequestration could considerably impact resources to tribal governmental services and Indian programs for years to come; 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 will face sequestration, an across-the-board cut of 8.2 percent in January of 2013 unless Congress enacts a plan before then to reduce the national debt by \$1 trillion over 10 years; and

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WHEREAS, if sequestration is not averted, deficit reduction will consist entirely of spending cuts, even though non-defense discretionary spending already has absorbed significant reductions through the 10-year spending caps in the Budget Control Act; and

WHEREAS, by 2021, discretionary spending will reach its lowest level in more than 50 years and account for just 2.8 percent of the U.S. gross domestic product; and

WHEREAS, the nation faces critical choices about how to address the deficit while preventing another recession, and still maintain federal programs for education, housing, roads, law enforcement, tribal courts, energy development, job training, and health care and other programs serving Indian Country; 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, especially for the full implementation of the recently passed Indian Health Care Improvement Act and Tribal Law & Order Act; 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, because of recent reductions to tribal programs, if sequestration is implemented, the percentage cut will be deeper than 8.2 percent when compared to FY 2010 levels adjusted for inflation. If the sequester hits, examples of the 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, education programs essential to American Indian and Alaska Native students will be in peril: for example, Impact Aid, the oldest elementary and secondary federal education program administered by the U.S. Department of Education and designed to reimburse local educational agencies for the loss of traditional revenue due to the presence of tax-exempt property or Federal activity, will be cut by \$100 million in the middle of the 2012-2013 school year; and

WHEREAS, Impact Aid payments are allocated directly to local educational agencies for military bases, Indian lands, low-rent housing, and other federal property in lieu of local tax dollars to assist with the basic educational needs of the thousands of students served by those local educational agencies; and

WHEREAS, all other federal education programs, including Title I and the Individual Disability Education Act, will also see a reduction in funding of between 8 and 9 percent starting in the 2013-2014 school year; and

WHEREAS, tribes across the United States have effectively used the Native American Housing Assistance and Self-Determination Act (NAHASDA) funding to address the acute housing needs of American Indian and Alaska Native people, as indicated by a 2010 report of the United States Government Accountability Office noting that NAHASDA recipients constructed 13,141 new homes, acquired 4,611 existing homes, and rehabilitated more than 32,000 homes between 2003 and 2008 alone; and

WHEREAS, in FY 2011, Congress reduced funding for NAHASDA's Indian Housing Block Grant program by more than 7 percent (\$50 million) and reducing NAHASDA funding by an additional 7-10 percent through sequestration, rescission, or other across-the-board funding cuts would greatly inhibit the ability of NAHASDA recipients to address the ongoing shortage of safe, affordable housing in the communities they serve; and; and

WHEREAS, if policymakers enact a deficit reduction plan that relies entirely or almost entirely on spending cuts, the damage to Indian programs will be much more severe than sequestration and domestic programs cannot continue to bear the brunt of deficit reduction, nor can continued cuts balance the budget; and

WHEREAS, completely eliminating all domestic discretionary programs would not balance the budget; yet they have borne the brunt of deficit reduction efforts. If sequestration is allowed to take effect, core services for American Indians, and all Americans, will be greatly curtailed or even eliminated.

NOW THEREFORE BE IT RESOLVED, that the NCAI urges sequestration, which imposes reductions that undermine the trust responsibility, to be averted and replaced with a plan to reduce the deficit through an approach that does not only rely on cutting domestic spending; and

BE IT FURTHER RESOLVED, that the historic Constitutional duty of the trust responsibility should not be sacrificed in any of the budget options or ultimate bargains to achieve deficit reduction; 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 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.



President

ATTEST:



Recording Secretary