



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #TUL-05-027

TITLE: Support Transitioning the 477 Demonstration into Permanent Legislation and to Seek Congressional Hearings into Subversion of P.L.102-477 by the U.S. Department of Health and Human Services and the U.S. Department of Education

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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, Public Law 102-477, the Indian Employment, Training & Related Services Demonstration Act of 1992, has proven to be an exceptional success in making existing federal programming more effective in meeting the employment, training, education and welfare reform needs of Tribal governments; and

WHEREAS, P.L.102-477 reduces the administrative cost and time to administer integrated programs; and

WHEREAS, P.L.102-477 fully embodies the concepts of Tribal Self-Governance and Self-Determination found in the Indian Self-Determination and Education Assistance Act; and

WHEREAS, 49 grantees, representing 250 Tribal governments, have successfully adopted P.L.102-477 in the administration of Tribal employment, training, education and welfare reform programs; and

WHEREAS, the 477 demonstration recently received the highest rating of any program in the Department of the Interior, by the Office of Management & Budget; and

WHEREAS, despite the record of Tribal success with P.L.102-477, the U.S. Department of Health & Human Services is unilaterally attempting to subvert the intent of P.L.102-477; and

WHEREAS, the Blackfeet Nation of Montana was forced to withdraw their proposed 477 plan because DHHS unilaterally insists that the Office of Self Governance administer the program using DHHS, rather than P.L.93-638 rules; and

WHEREAS, other Tribal governments have been forced to give up their rights under P.L.93-638 in order to secure DHHS sign-off on Tribal 477 plans; and

WHEREAS, the Department of Education is an identified federal partner according to the law, but refuses to enter into agreements or abide by the legislation as required by the law; and

WHEREAS, the attempts by DHHS and DOEd to subvert the letter and spirit of P.L.102-477 and the will of Congress is extremely destructive to Indian Self-Governance and Self-Determination, the 477 demonstration and the concept of Tribal program integration.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby strongly urge the Senate Indian Affairs Committee to conduct hearings as soon as practicable into the ongoing subversion of the 477 demonstration by the U.S. Department of Health & Human Services and the U.S. Department of Education with the intent of clarifying any questions or doubts or lingering loopholes exploited by DHHS, DOEd, or any other federal agency; and

BE IT FURTHER RESOLVED, that the NCAI supports the 477 Tribal Work Group and making the 477 demonstration a permanent piece of federal legislation; and

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

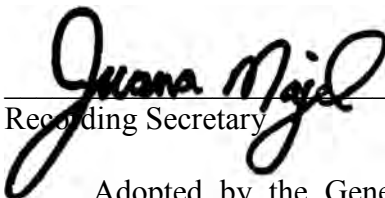
CERTIFICATION

The foregoing resolution was adopted at the 2005 Annual Session of the National Congress of American Indians, held at the 62nd Annual Convention in Tulsa, Oklahoma on November 4, 2005 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during the 2005 Annual Session of the National Congress of American Indians held from October 30, 2005 to November 4, 2005 at the Convention Center in Tulsa, Oklahoma.