



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PHX-08-052

TITLE: USDA Consultation and Partnership with Indian Tribes on the Food, Conservation, and Energy Act of 2008

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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 Food, Conservation, and Energy Act of 2008 ("Act") has been signed into law and authorizes programs and services of benefit to Federally Recognized Tribes and their respective members; and

WHEREAS, many aspects of the Act such benefits and programs have impacts upon tribes, including, but not limited to: services which tribal governments provide for their peoples, such as the construction of water infrastructure, access to the internet, and the provision of foods; the treatment of human remains and cultural items; production of traditionally and locally grown foods; and assistance to farmers on tribal lands and to tribal governments which manage agricultural enterprises; and

WHEREAS, Executive Order 13175 "Consultation and Coordination with Indian Tribal Governments", and United States Department of Agriculture (USDA) Regulation #1350-001 calls for consultation with Indian Tribes in the development of regulations for activities with substantial and direct impacts upon tribes; and

WHEREAS, the US Department of Agriculture is currently in the process of promulgating regulations for the Act which will have substantial direct impacts upon among other things, the land, resources, government services, agricultural productivity, economy, and culture, a of Federally Recognized Tribes; and

WHEREAS, the USDA has a government to government relationship with federally recognized tribes, and a trust responsibility to respect and protect tribal self-governance and sovereignty, tribal treaty and other rights, and their natural resources.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby request that US Department of Agriculture to fulfill the intent of Executive Order 13175 and Department Regulation #1350-001, to consult with tribes in the development of regulations having a substantial direct impact upon them in the consultation with Indian Tribes which includes the full participation of Tribal Governments in the promulgation of regulations; and

BE IT FURTHER RESOLVED that the NCAI request that the USDA develop the implementing regulations under the statutory provisions under the Act that have tribal implications, in partnership with federally recognized tribes as sovereign governments, as well as representative intertribal organizations such as NCAI and the Intertribal Agricultural Council, and other interested tribal organizations and members; and

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

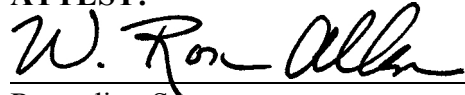
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2008 Annual Session of the National Congress of American Indians, held at the Phoenix Convention Center in Phoenix, Arizona on October 19-24, 2008, with a quorum present.



President

ATTEST:



Recording Secretary