



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #FTL-04-038

TITLE: Regarding Opposition to Transfer of Education Construction Dollars from the BIA to the United States Army Corps of Engineers

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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 and their way of life, 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, education is a fundamental priority for the Indian Nations of North Dakota as it represents the opportunity for our future generations to improve their lives and the lives of their families; and

WHEREAS, there has been a general lack of funding for construction of new schools on Indian reservations, despite the fact that many facilities are in terrible condition and are unsafe, as documented in a recent GAO study comparing funds spent by Congress for education of Indian children with funds spent by Congress on youth on military reservations; and

WHEREAS, despite the great lack of funds for needed construction of education facilities, NCAI understands that the Office of Facilities Management and Construction within the BIA Office of Indian Education, has proposed or is actually carrying out a transfer to the U.S. Army Corps of Engineers USACOE of authority and funds (more than \$200 million) for certain school construction on Indian reservations, and that this transfer will also include a reduction in total funding available of 12% to be used for overhead by the USACOE which translates into a net loss of approximately \$24 million in construction funds; and

WHEREAS, as a result of this transfer of funds and construction authority, there will also likely no longer be any Indian preference for construction contracts for schools built on Indian reservations; and

WHEREAS, this transfer of funds was done entirely without consultation with the affected Indian Tribal Nations, in violation of Executive Order 13175, that requires consultation with Indian Tribes on all executive decisions that substantially affect them; and

WHEREAS, the U.S. Army Corps of Engineers have not generally been responsible to Indian people and are viewed with great distrust as not being able to adequately meet the needs of construction services for educational facilities on the reservations; and

WHEREAS, no adequate reason for this proposed transfer of funds has been given to the Tribal leaders or to local educational authorities to explain why educational construction funds are being transferred to the U.S. Army Corps of Engineers; and

WHEREAS, it has been brought to the attention of the member tribes and the NCAI that the position of Director of the Office of Facilities Management and Construction (OFMC) within the BIA has been vacant for the past two years, and that the BIA has made organizational changes within the OFMC including the decision to move the Director's Office from Albuquerque, NM to Washington DC without tribal consultation.

NOW THEREFORE BE IT RESOLVED, that the NCAI, noting the need for sound educational facilities, hereby urges the Secretary of Interior, the Assistant Secretary of Interior for Indian Affairs and the BIA Office of Indian Education to: 1) consult with all affected Indian Tribes prior to any transfer of funds to the U.S. Army Corps of Engineers for construction of education facilities on Indian reservations; and 2) rescind any transfer of authority and funds that may have been made to the U.S. Army Corps of Engineers; and

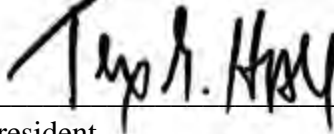
BE IT FURTHER RESOLVED, that the NCAI urges the BIA to select a permanent placement for the Director of OMFC at the Senior Executive level and that the tribe be consulted on such selection; and

BE IT FURTHER RESOLVED, that such Director be duty stationed at the Central Office West, Albuquerque, NM and that the Tribes be consulted in accordance with Executive Order No. 13175 prior to the making of any further organizational changes by the BIA within the OFMC; and

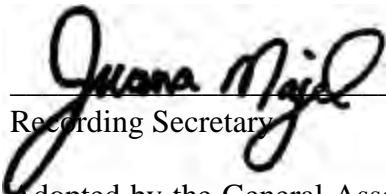
BE IT FINALLY RESOLVED, that NCAI encourages the Senate Committee on Indian Affairs to investigate this matter further, including requesting an oversight hearing if necessary, and further, the NCAI requests its member Tribes to pass resolutions requesting that education construction dollars not be transferred from the BIA to the U.S. Army Corps of Engineers.

CERTIFICATION

The foregoing resolution was adopted at the 61st Annual Convention of the National Congress of American Indians, held at the Greater Fort Lauderdale/Broward County Convention Center, Fort Lauderdale, Florida October 10-15, 2004 with a quorum present.



President

ATTEST:

Recording Secretary

Adopted by the General Assembly during the 2004 Annual Session of the National Congress of American Indians, held from October 10th to the 15th at the Greater Fort Lauderdale/Broward County Convention Center in Fort Lauderdale, Florida.