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NATIONAL CONGRESS OF AMERICAN INDIANS

Resolutions Committee Recommendation

Resolution # REN-19-022:

Title: Supporting FAFSA Data Sharing with Tribal Organizations and Education Departments for Scholarship purposes

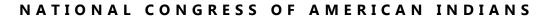
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The resolution is national in scope and addresses national higher education funding and tribal sovereignty, and is emergency in nature because the HEA is currently being discussed in the 116^{th} Congress.

Recommendations:

This resolution is in order and should be forwarded to the Human Resources Committee, Education Subcommittee. The NCAI Resolutions Committee recommends adoption.

Sponsor a member in good standing (yes/no)?: _____





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CHIEF EXECUTIVE OFFICER
KEVIN ALLIS
FOREST COUNTY POTAWATOMI
COMMUNITY

NCAI HEADQUARTERS

1516 P Street, N.W. Washington, DC 20005 202.466.7767 202.466.7797 fax www.ncai.org

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

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

WHEREAS, Tribes and Tribal Organizations are currently not recognized in the HEA as possible recipients of FAFSA data; and

WHEREAS, Section 312 of the 2019 Minibus Bill (H.R. 6157) provided Tribes and tribal organizations a temporary relief to this practice until the HEA is reauthorized; and

WHEREAS, hitherto no version of the HEA Reauthorization has contained any language recognizing Tribe and tribal organizations as recipients of FAFSA data.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) shall advocate for the inclusion of language recognizing Tribes and tribal organizations as recipients of FAFSA data in any HEA reauthorization bill; and

BE IT FURTHER 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.

MINDS	Jefferson Keel, President		
ATTEST:			



NATIONAL CONGRESS OF AMERICAN INDIANS

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

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

WHEREAS, Until the U.S. Department of Education's Privacy and Technical Assistance (PTAC) released its guidance in January 2017 on the Higher Education Act (HEA) relating to student financial aid data sharing and asserted that FAFSA data can not 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, Tribes-tribal nations and tTribal organizations are currently not recognized in the HEA as possible recipients of FAFSA data; and

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

WHEREAS, Section section 312 of the 2019 Minibus Bill (H.R. 6157) provided tTribal nationses and tribal organizations a temporary relief to this practice until the HEA is reauthorized; and.

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PRESIDENT

FIRST VICE-PRESIDENT Aaron Payment Sault Ste. Marie Tribe of Chippewa Indians of Michigan

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WHEREAS, hitherto no version of the HEA Reauthorization has contained any language recognizing Tribe and tribal organizations as recipients of FAFSA data

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

BE IT FURTHER 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.

ATTEST:	Jefferson Keel, President
Juana Majel Dixon, Recording Secretary	