



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ATL-14-084

TITLE: Recommendations for Addressing the State of Emergency in Federal Underfunding of the Trust Responsibility

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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, tribes ceded millions of acres of land that made the United States what it is today, and in return tribes have the right of continued self-government and the right to exist as distinct peoples on their own land; for its part, the United States has assumed a trust responsibility to protect these rights and to fulfill its solemn commitments to Indian tribes and their citizens; and

WHEREAS, part of this trust responsibility includes basic governmental services in Indian Country, funding for which is appropriated in the discretionary portion of the federal budget; as governments, tribes must deliver a wide range of critical services, such as education, workforce development, and first-responder and public safety services, to their citizens; and

WHEREAS, funding decisions by the Administration and Congress are an expression of our nation's policy priorities, and the federal budget for tribal governmental services reflects the extent to which the United States honors its obligations to Indian people; and

WHEREAS, Congress and federal agencies have improperly imposed reductions in the levels of funding for trust obligations the United States owes the tribes and the United States has increasingly underfunded essential government services to Indians; and

WHEREAS, due to insufficient funding and services by federal agencies, Native communities have suffered severe social, economic, and environmental harms at a rate far in excess of other communities, including inequitable incidence of disease, unemployment, suicide, substance abuse, domestic abuse, violence, flooding, and wildfires; and

WHEREAS, as a further consequence of federal actions and inactions, Indian tribes across the nation have been forced to spend large amounts of scarce tribal funds to support the services that should have been provided or paid for by the United States; and

WHEREAS, many Indian tribes have been compelled to sue the United States for trust mismanagement and underfunding; and

WHEREAS, despite favorable court decisions and settlements for the tribes, the United States has failed to implement changes necessary to correct the systemic funding shortfalls and administrative failures, effectively setting the stage for future claims by tribes; and

WHEREAS, the current systemic underfunding of essential services by the United States is of sufficient severity and magnitude to cause states of emergency for tribes and warrants further action to reverse these trends.

NOW THEREFORE BE IT RESOLVED, that the NCAI urges the following actions for the federal government to fully meet its trust responsibility in the federal budget:

- All agencies that distribute funds for American Indian/Alaska Native (AI/AN) programs must be required to regularly assess unmet obligations to tribes and Native people. Such an assessment would compare community needs with available resources and identify gaps in service delivery. Agencies must establish benchmarks for the elevation of AI/AN living conditions to those of other Americans, and create attainable resource-driven goals. Each agency that administers tribal programs must accurately document AI/AN participation in its programs and account for all projects and initiatives.
- The Indian Health Service's Federal Disparity Index assessment which assesses unmet health needs is a model that must be replicated by other agencies. The results of such examinations must be used to prepare budget estimates, prioritize spending, and assess the status of programs. Congress must require and review unmet trust obligations analyses annually as a component of each agency's budget justification.
- Agencies and Congress must ensure that federal funding of the trust responsibility is exempt from across-the-board reductions and sequestration.
- Federal funding must support the exercise of Indian self-determination so that Indian nations can govern their own resources.
- A full-scale evaluation must be conducted to include an analysis of the spending patterns of every federal agency that supports Native American programs and the trust responsibility.
- A review must be conducted and include a comprehensive, cross-cutting assessment of program efficiency; an analysis of how agencies test or evaluate programs for effectiveness; and solutions for more efficient coordination among agencies.

- The Office of Management and Budget (OMB) must develop government-wide, uniform standards for tracking and reporting spending on Native American programs, OMB must maintain comprehensive spending logs for Indian programs, including actual grant disbursements, numbers of beneficiaries, and unfunded programs to facilitate future short-term and longitudinal analyses; and

BE IT FURTHER RESOLVED, that NCAI hereby calls on the White House, Office of Management and Budget (OMB), the White House Council on Native American Affairs, and the United States Congress to allocate and budget sufficiently increased federal funding for all Indian programs to fully satisfy all essential and ongoing Indian country needs under applicable treaties, statutes, Executive Orders, and agreements; 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 2014 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Atlanta, October 26-31, 2014 in Atlanta, Georgia, with a quorum present.


President

ATTEST:


Recording Secretary