



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-10-NICOA2010-003

TITLE: State recipients of federal funds will implement and mandate State Tribal Consultation policies with federally recognized American Indian and Alaska Native (AI/AN) tribes.

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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 intent of the Social Security Act, Public Law 74-271 is “To provide for the general welfare of Americans by establishing a system of Federal old-age benefits, and by enabling several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health and administration of their unemployment compensation laws: to establish a Social Security Board; to raise revenue; and for other purposes.”; and

WHEREAS, Executive Order 13177 (2000) established the U.S. Department of Health and Human Services Consultation Policy to assure that AI/AN issues and concerns are debated and addressed with viable outcomes to empower and strengthen health related policies and programs for NI/AI Nations.

WHEREAS, the Administration on Aging (AOA) does not have a Tribal Consultation Policy therefore lacking a formal process to engaging in consultation with AI/AN Nations on national aging issues facing Native communities; and

WHEREAS, AI/AN entities are sovereign Nations with functional governments and may establish government-to-government relationships with federal, state, and local governmental agencies through tribal consultations; and

WHEREAS, the U.S. government channels federal appropriations to the States and several territories of the United States to administer resources but the States are not required to formally consult with federally recognized AI/AN tribes and are often hesitant to have such policies instituted; and

WHEREAS, the lack of tribal consultation policy is a barrier to direct government –to- government consultation in which changes and implementation of policies impacting older Indians are disseminated after the fact; and

WHEREAS, the absence of national Tribal Consultation Policies does not allow tribes input on significant issues impacting AI/AN affairs, therefore creating an imbalance in tribal consultation between tribes and states that deny AI/AN tribal organizations the opportunity to provide input on issues and position, which impact the older AI/AN; and

NOW THEREFORE BE IT RESOLVED, that the U.S. Department of Health and Human Services enforce Executive Order 1317, USDHS Consultation Policy to empower and strengthen health related policies and programs for AI/ANs; and

BE IT FURTHER RESOLVED, that the U.S. DHHS mandate States receiving federal funds to institute State Tribal Consultation policies with federally recognized AI/NA tribes as a condition of Appropriations; and

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

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2010 Annual Convention of the National Congress of American Indians, held at the Albuquerque Convention Center in Albuquerque, NM on November 14-19, 2010, with a quorum present.

President

ATTEST:

Recording Secretary