The National Congress of American Indians
Resolution #ECWS-19-001

TITLE: Support for Advance Appropriations for the Bureau of Indian Affairs and Indian Health Service

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, treaties and federal laws have created a fundamental contract between tribal nations and the United States: tribal nations ceded millions of acres of land that made the United States what it is today, and in return tribal nations have the right of continued self-government and the right to exist as distinct peoples on their own lands; and

WHEREAS, the trust responsibility commits the federal government to the protection of Indian lands; protection of tribal self-governance; and provision of social, medical, and educational services for tribal citizens; and

WHEREAS, this fundamental contract – the federal trust relationship – ensures that tribal governments and their citizens receive funding for basic governmental services; and

WHEREAS, the federal budget for tribal governmental services is a reflection of the extent to which the United States honors its promises to American Indian/Alaska Native people; and

WHEREAS, in recent years, federal appropriation bills have not been enacted in a timely manner, thus hampering tribal budgeting, recruitment, retention, provision of services, facility maintenance, and construction efforts; and

WHEREAS, since Fiscal Year 1998, there has only been one year (FY 2006) in which the Interior, Environment and Related Agencies Appropriations bill has been enacted before the beginning of the new fiscal year; and

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WHEREAS, the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) provide core governmental services for tribal nations, including hospitals, schools, law enforcement, child welfare programs, social services, and more; and

WHEREAS, for many tribal nations, most tribal governmental services are funded by federal sources because tribal nations lack the tax base and parity in tax authority under federal case law to raise revenue to deliver services; and

WHEREAS, until all tribal nations retain exclusive taxing jurisdiction within the exterior borders of their tribal lands, federal support remains critical to ensure essential government services are delivered to tribal citizens; and

WHEREAS, partisan debates affecting the appropriations process have an outsized impact on the daily lives of American Indian and Alaska Native people who already face underfunding of health care, education, and backlogs in physical infrastructure – all of which fall under the federal trust responsibility; and

WHEREAS, advanced appropriations is a budgetary solution that would protect the treaty and trust responsibilities from future government shutdowns and not count against spending caps; and

WHEREAS, moving the BIA and IHS to the advanced appropriations process will protect tribal governments and citizens from cash flow problems that regularly occur at the start of the federal fiscal year due to delays in enactment of annual appropriations legislation.

NOW THEREFORE BE IT RESOLVED, that the National Congress of Americans Indians (NCAI) urges Congress to authorize advanced appropriations for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS); and

BE IT FURTHER RESOLVED, that NCAI requests that Congress include our recommendation for IHS and BIA advanced appropriations in the budget resolution; 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 Executive Committee at the Executive Council Winter Session of the National Congress of American Indians, held at the Capital Hilton, February 12, 2019, with a quorum present.

Jefferson Keel, President

ATTEST:

Juana Majel Dixon, Recording Secretary