

UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. B-90-276

COMPLETION OF THE TRIBAL CONSULTATION PROCESS

WHEREAS, the Congress of the United States has declared its commitment to the maintenance of the Federal Government's unique and continuing relationship with, and responsibility to, individual Indian tribes and to the Indian people as a whole through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from the Federal domination of programs for, and services to, Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services (P.L. 93-638, as amended, Section 3 (b)); and

WHEREAS, representatives of more than 400 Indian tribes, bands, groups and tribal organizations participated effectively in a series of Regulation Drafting Workshops culminating in an incomplete and imperfect, but representative, working document of draft regulations for the implementation of the 1988 amendments to P.L. 93-638 which was distributed by the Indian Health Service/Public Health Service on April 3, 1989, and is known as the "yellow paper draft;" and

WHEREAS, the "yellow paper draft" was reworked by IHS officials into a set of Draft Specifications for Self-Determination Regulations, reflecting the writers' interpretation of some combination of the "yellow paper draft" working document, the federal concerns expressed during the development of the Working Document, IHS staff written comments on the Working Document including Area Directors' comments, the Director's opening statement at the General Counsel, but not by the Indian people, culminating in the August 4, 1989, "draft specification," which have come to be known as the "August 9 draft;" and

WHEREAS, the August 9, 1989, draft specifications were distributed for review to the Steering Committee, the BIA, and the IHS Area Directors for review and comment, but not to the Indian people; and

WHEREAS, on November 16, 1989, the Coordinator for the BIA announced to the Steering Committee that the BIA had accepted the August 9, 1989, draft as "a working document, subject to further review;" and

WHEREAS, since November 16, 1989, the working draft has been subjected to constant review, negotiation and alteration among representatives of the IHS and the BIA, but not with the Indian people, culminating in the December 21, 1989, "Joint Document for Self-Determination Regulations;" and

WHEREAS, the "Joint Draft Document" was first distributed to tribes and tribal representatives during the early days of January, 1990; and

WHEREAS, the "Joint Draft Document" contains, for the first time, whole new sections, pages in length, and draft language submitted by the BIA, and numerous provisions, alterations, or positions which have not previously been considered by tribal representatives or the Indian people; and

WHEREAS, even as this meeting takes place, the "Joint Draft Document" is being further revised by federal officials without the participation of the Indian people; and

WHEREAS, the series of regional meetings, including this meeting, provide the opportunity for tribal leaders and tribal representatives to examine the present draft document and to submit comments on it, but not to discuss dialogue with, negotiate with, or otherwise resolve differences with those responsible for the drafting of the "Joint Document" or the heads of the agencies that will eventually promulgate the regulations; and


WHEREAS, we, the undersigned, believe that the "Joint Draft Document," which has not had the benefit of tribal participation in such discussion, negotiations, dialogue, and drafting since April 4, 1989, a period of almost ten months, has, in many particulars, lost sight of its Congressionally-mandated objectives for meaningful participation by the Indian people in the planning, conduct and administration of Indian programs and services, and diminishment of Federal dominations of such programs,


NOW, THEREFORE, BE IT RESOLVED THAT the undersigned tribal leaders and representatives do hereby urge that a national tribal/federal conference be held when the draft regulations have reached a form in which they are acceptable to the two agencies and their respective directors, but before they are published in the Federal Register for public comment, providing the opportunity for discussion, negotiation, and resolution of differences between the Indian people and the federal agencies on the specific content of these draft regulations; and

BE IT FURTHER RESOLVED THAT copies of this resolution be distributed to all appropriate federal officials, and to interested members of Congress.

#### CERTIFICATION

This resolution was duly passed at the Board of Directors Meeting, at which a quorum was present, in Nashville, Tennessee; January 31, 1990.

  
Joel M. Frank, President  
United South and Eastern Tribes, Inc.

  
Harold Tarbell, Secretary  
United South and Eastern Tribes, Inc.