



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-13-076

TITLE: Support for Legislation to Establish the American Indian Trust Review Commission

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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, it is well-established that a trust relationship exists between the United States Government, as trustee, and Tribes and individual Tribal members, as beneficiaries, and this sacred trust includes a fundamental right of an injured beneficiary to sue the trustee for damages resulting from a breach of trust; and

WHEREAS, this relationship has its underpinnings in the U.S. Constitution, specifically, the Indian Commerce Clause, the Treaty Clause and the Supremacy Clause, and in numerous treaties between the U.S. and Indian Tribes; and

WHEREAS, Congress received the Final Report of the American Indian Policy Review Commission in 1977, which made a number of recommendations regarding the United States' administration of its trust relationship with federally recognized American Indian tribes and their members; and

WHEREAS, there has been no comprehensive review of the United States' trust relationship with American Indian tribes since the publication of that report and the trust relationship, intended as a protection against intrusions by state and local governments, has been tested over the intervening decades; and

WHEREAS, there have also been conflicting approaches to the administration of trust responsibilities by federal agencies, successive Supreme Court opinions that define the United States' trust relationship in increasingly narrow terms, and contentiousness from state and local governments; and

WHEREAS, it is timely and essential to conduct a review of the current state of the United States' trust relationship with federally recognized American Indian tribes and their members to better administer those responsibilities and revise relevant policies for the benefit of American Indians; and

WHEREAS, the Senate Committee on Indian Affairs held a hearing in the 112th Congress regarding the potential need for such a review, with testimony from the Hon. Ray Halbritter, Oneida Nation Representative; and

WHEREAS, the Nation Representative has proposed draft legislation that would establish the American Indian Policy Committee in a manner that is consistent with his testimony before the Senate; and

WHEREAS, in December 2010 the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution.

NOW THEREFORE BE IT RESOLVED, the NCAI calls upon the United States Congress to pass legislation to establish the American Indian Trust Review Commission in a form consistent with the draft legislation, with such amendments as may be necessary to achieve its intended purpose; 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 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.



President

ATTEST:



Recording Secretary