



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SPO-01-016

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**Title: Calling for a Change to the Definition of "Tribe" in H.R. 701
[Conservation and Reinvestment Act - 'Cara']; and H.R. 1157
[Pacific Salmon Recovery Act]**

WHEREAS, we, the members of the National Congress of American Indians in our own distinct territories, 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, the Alaska Inter-Tribal Council and Rural Alaska Community Action Program are statewide organizations dedicated to provide advocacy on behalf of the status, rights and authority of Alaska Tribes and their governments; and

WHEREAS, the Alaska Inter-Tribal Council and Rural Alaska Community Action Program are members in good standing of the NCAI; and

WHEREAS, since time immemorial, Alaskan Tribes have provided for the health, safety, welfare, education, cultural preservation, natural resource management and economic well-being in order to benefit tribal members; and

WHEREAS, Alaskan Tribal Government are recognized in federal law as separate and distinct political bodies which enjoy a government-to-government relationship with the United States, based upon the federal trust

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responsibility that the United States is obligated to fulfill toward all of America's indigenous peoples; and

WHEREAS, when Alaskan tribal land claims were settled in 1971, tribal assets (including most traditional lands to which aboriginal title was acknowledged) were vested into thirteen regional for-profit corporations and 200+ village corporations, with twelve regional non-profit corporations established to deliver social services to eligible Alaska Natives; and

WHEREAS, the settlement legislation [Alaska Native Claims Settlement Act - 'ANCSA'] did not extinguish traditional councils or Indian Reorganization Act councils, nor did ANCSA abolish the right of Alaska's Tribes to assert tribal governing authority over their members; and

WHEREAS, ANCSA corporations have not replaced tribal governments in Alaska; and

WHEREAS, Alaskan tribes provide governmental services to their tribal members on an on-going basis; and many tribes have developed close working relationships with ANCSA regional and village corporations, that enable tribes to use federal monies to match federal dollars when required by federal funding legislation; and

WHEREAS, Congress is considering the passage of legislation [H.R. 701, "Community and Reinvestment Act"; and H.R. 1157, "Pacific Salmon Recovery Act"] which define "Tribes" and "Tribal Governments" as follows:

- A. Any federally recognized tribe;**
- B. Except in the case of Alaska, only [ANCSA corporations]**
(emphasis added); and

WHEREAS, CARA provides for the petroleum industry to provide benefits to states and tribal governments to use for conservation and natural resource protection activities, with ten percent of CARA's total funding to flow to eligible tribes throughout the United States; and

WHEREAS, CARA's existing definition would unfairly exclude Alaska's 229 federally-recognized tribes from CARA's benefits; and

WHEREAS, the Pacific Salmon Recovery Act contains a definition of "tribal governments" which, like the definition in CARA, would allow ANCSA corporations to be treated as tribes by the federal government, at the expense of the exclusion of all federally recognized tribes in Alaska; and

WHEREAS, if adopted by Congress, the existing definitions of "Tribes" and "Tribal Government" contained in H.R. 701 and H.R. 1157 could have far-reaching and

detrimental effects upon the ability of all Tribes and their governments to exercise their inherent sovereignty, as well as their tribal status and authority; and

WHEREAS, the NCAI is cognizant of, and fully supports the desire of Alaska's Tribes with regard to the need for amendment of H.R. 701 and H.R. 1157, to protect the inherent sovereignty, tribal status, rights and authority of Alaska Tribes.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby express unqualified opposition to the existing definition of "Tribes" within H.R. 701 and H.R. 1157; and

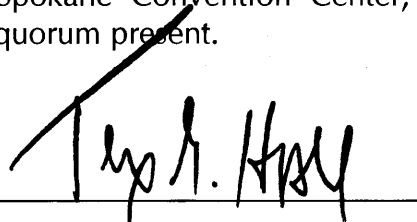
BE IT FURTHER RESOLVED, that the NCAI calls upon the sponsors of H.R. 701 and H.R. 1157 to amend the definitions of "Tribes" and "Tribal Government" as follows:

- A. Any federally recognized tribe;
 - B. In the case of Alaska, any Alaska Native corporation as defined by [ANCSA];
- and

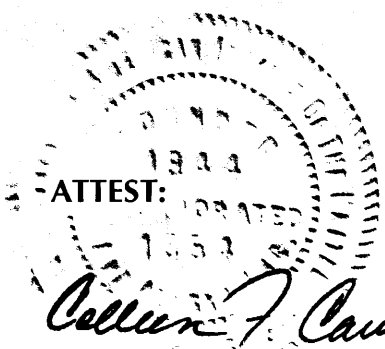
BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001 with a quorum present.



Tex Hall, President




Colleen F. Cawston, Recording Secretary

Adopted by the General Assembly during the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.