



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS RESOLUTION #MSH-01-001

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Title: **Oppose Re-Introduction of HR 1239, A Bill Undermining the Sovereign Rights of the Ewiiapaayp Band**

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 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, largest, and most representative national American Indian and Alaska Native tribal government organization; and

WHEREAS, HR 1239, introduced by Representatives Hunter, Cunningham, Filner, and Issa on March 27, 2001, would effectively prohibit the Ewiiapaayp Band from engaging in gaming on their trust land located in Alpine, California, or the Southern Indian Health Council ("SIHC") from improving health care services for Indian people by establishing a moratorium on approval by the Secretary of the Interior of relinquishment of the lease of Ewiiapaayp Band tribal lands leased to the SIHC; and

WHEREAS, if HR 1239 is enacted, the Secretary of the Interior would be prohibited by Congress from approving the relinquishment of the Ewiiapaayp/SIHC lease entered into from the establishment of the new SIHC prior to January 1, 2003, unless the Secretary has determined that the relinquishment of such lease has been approved, by tribal resolution, by each of the 7 Indian tribes or bands; and

WHEREAS, this legislation is a re-introduction of HR 5477 introduced by Congressman Hunter on November 14, 2000 at the end of the 106th Congress, which NCAI and the Southern California Tribal Chairmen's Association opposed by resolution, including opposition to its re-introduction in the 107th Congress; and

WHEREAS, this bill is a direct attack upon tribal sovereignty as it interferes with agreements between a sovereign tribal government and the SIHC, a consortium of 7 sovereign tribal governments, and removes Secretarial discretion and authority to act upon lease agreements approved by this Tribe and the SIHC, thus usurping the Ewiiapaayp Band's rights to use its trust land and its leasehold rights; and

WHEREAS, the NCAI is a tribally chartered organization that represents tribes and supports their interests in the state of California; and

WHEREAS, the NCAI has long opposed Congressional bills and legislation that detrimentally affect American Indian Tribal governments; and

WHEREAS, the NCAI opposition to such measures is based in part on the lack of notice to the affected Tribes and the lack of opportunity for full, fair, and open hearings on the issue being legislated; and

WHEREAS, HR 1239 was introduced by Representatives Hunter, Cunningham, Filner and Issa on March 27, 2001; and

WHEREAS, the affected Tribes will be adversely affected, but have never been consulted, and will suffer irreparably if the legislation were to be enacted; and

WHEREAS, such action by the House of Representatives threatens the rights and economic interests of all Tribes; and

WHEREAS, such action to overturn the decision of an inter-tribal organization that is a consortium of sovereign tribal governments, much like the NCAI, is contrary to the rights and interests of the NCAI.

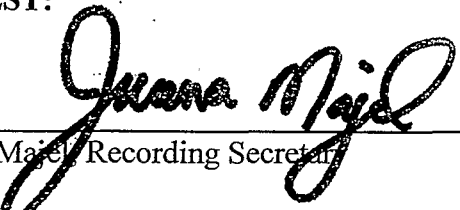
BE IT RESOLVED, that NCAI does hereby oppose the re-introduction of HR 1239 in the House of Representatives or the Senate in the next session of Congress.

CERTIFICATION

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.


Susan Masten, President

ATTEST:


Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.