TITLE: Opposition to Congressional Efforts to Deteriorate the Secretary of the Interior’s Authority to Recognize Tribal Nations

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, Indian Tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian lands; and

WHEREAS, the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, recognizes the sovereign status of Indian Tribes as Native nations established prior to the United States; and

WHEREAS, before the United States, Indian nations were independent sovereigns with complete authority over our lands and our citizens; and

WHEREAS, the Department of the Interior issued regulations governing the process by which Indian groups gain federal recognition in 1978 as 25 C.F.R. Part 83; and

WHEREAS, in 1994, the Part 83 revisions were revised by the Department of the Interior and that same year Congress enacted P.L. 103-454, the Federally Recognized Indian Tribe List Act which formally established three ways in which an Indian Group may become federally recognized: through the Part 83 provisions, through an act of Congress, or through a decision of a U.S. Court; and

WHEREAS, NCAI acknowledged the need for the Federal Acknowledgment Process to be reformed in order to return to the original intent of the process, passed Resolution TUL-13-002, “Supporting the Bureau of Indian Affairs Proposed Reform of the Federal Recognition Process;” and
WHEREAS, the Federal Acknowledgment Process 25 C.F.R. Part 83 regulations were revised in 2015 after a long process of consultation and public comment, in an effort to make the administrative process more transparent, predictable, objective, timely, provide for accountability and a process of appeal; and

WHEREAS, NCAI affirms the rights of historic tribes to pursue federal acknowledgment by any and all legal means; and

WHEREAS, P.L. 103-454 requires the Secretary of the Interior to annually publish a list of federally recognized tribes; and

WHEREAS, Congress currently has the right to recognize tribes by congressional action and has not provided such recognition for a tribe in over twenty years.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians opposes any attempt to strip the Secretary of the Interior’s authority to federally recognize Indian tribes or to defund the implementation of the 2015 revisions to the Part 83 regulations; 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 2016 Annual Convention of the National Congress of American Indians, held at the Phoenix Convention Center, October 9 to October 14, 2016, with a quorum present.

Brian Cladoosby, President

ATTEST:

Aaron Payment, Recording Secretary