



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-20-010

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TITLE: NCAI Strongly Supports Codifying a White House Council on Native Nations, and the establishment of an Interior Deputy Secretary for Indian Affairs, and, inter alia, an HHS Deputy Secretary for Native Health

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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 Tribal Nations established prior to the United States; and

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

WHEREAS, Tribal Nations are the original American sovereigns that predate the United States, vested with the power of self-government deriving from their inherent sovereign authority; and

WHEREAS, from the first days of the American Republic, the United States entered into treaties with Tribal Nations on a government-to-government basis recognizing Native homelands and tribal rights of self-government; and

WHEREAS, the Constitution establishes treaties as an essential part of the Supreme Law of the Land and recognizes Tribal Nations as sovereigns with the power to make treaties on a nation-to-nation basis; and

WHEREAS, the President and the Secretary of the Interior have important Federal trust, treaty, statutory and legal responsibilities to Tribal Nations, including the protection of Indian lands, waters, and natural resources; and

WHEREAS, in a speech to NCAI in January 1964, President Lyndon Johnson “recognized that, “Both in terms of statistics and in terms of human welfare, it is a fact that America’s first citizens, our Indian people, suffer more from poverty than any other group in America—It is a shameful fact;” and in March 1968, President Johnson in a Special Address to Congress, titled “the Forgotten American,” declared that “a new goal that ... stresses self-determination, a goal that erases old attitudes of paternalism and promotes partnership;” and directed agencies to include an Indian component into Federal programs; and

WHEREAS, President Johnson pledged to put American Indians at the forefront of the War on Poverty through a whole government approach and established the National Council on Indian Opportunity to work with Tribal Nations on a government-to-government basis to promote participation in Federal programs and services; and

WHEREAS, the National Council was chaired by the Vice President, along with the Secretary of the Interior, USDA, Commerce, Labor, HEW, HUD, and Office of Economic Opportunity and seven elected tribal leaders, Executive Order No. 11399; and

WHEREAS, President Nixon declared the Indian Self-Determination Policy in his Special Message to Congress in 1970 and expanded the National Council on Indian Opportunity, including congressional legislation to staff and fund the National Council, Executive Order No. 11551, 11688, 25 U.S.C. sec. 1 note, Public Law No. 91-125 (1969); and

WHEREAS, President Reagan issued his American Indian Policy Statement on January 24, 1983, reaffirming the Indian Self-Determination Policy and declaring that it was important to Indian Self-Determination for Tribal Nations to develop sources of revenue; and

WHEREAS, President Clinton issued Executive Order 13175 on November 6, 2000, declaring that all Federal Agencies should respect Tribal Nations’ rights to sovereignty, treaty rights, self-determination and self-government; and

WHEREAS, President Obama issued Executive Order 13647 establishing the White House Council on Native American Affairs (WHCNAA) with its purpose: “To honor treaties and recognize tribes’ inherent sovereignty and right to self-government under U.S. law, it is the policy of the United States to promote the development of prosperous and resilient tribal communities;” and

WHEREAS, President Trump re-vitalized the WHCNAA, after a three-year hiatus, and on the 50th Anniversary of President Nixon’s Special Message to Congress, announced his support for the Indian Self-Determination Policy, and lauded his Administration’s efforts in “developing and implementing an aggressive, government-wide strategy, working with Tribal leaders” to address Murdered and Missing Indigenous Women and declared that “we commit ourselves anew to ensuring the sovereignty, strength, and health of Indian Tribes and Tribal citizens;” and

WHEREAS, Congress passed the National Environmental Policy Act in 1970, establishing the White House Council on Environmental Quality (CEQ); and

WHEREAS, to ensure the continuity of the United States' historical nation-to-nation relationship with Tribal Nations, there is a need to codify a White House Council on Native Nations (WHCNN) in the Executive Office of the President to provide due respect to American Indians and Alaska Natives and to honor the original status of Indian Affairs under the Constitution of the United States; and

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the President and Congress to codify a White House Council on Native Nations; and

BE IT FURTHER RESOLVED, that NCAI calls for the WHCNN to be composed of the Vice President (Chair) and the Cabinet Secretaries, to meet regularly, and for the President to meet with the Council semi-annually and to make the WHCNAA a permanent Council of the Executive Office of the President; and

BE IT FURTHER RESOLVED that NCAI call upon the President and Congress to invite the elected Chairs, Presidents, Governors, Spokespersons, and Leaders of Tribal Nations to meet across the table on a nation-to-nation basis in the style of an intergovernmental meeting, as well as leaders of inter-tribal organizations to assist and provide technical assistance; and

BE IT FURTHER RESOLVED, that NCAI calls upon the Secretary of the Interior to establish the position of Deputy Secretary for Indian Affairs and to collect all of the Department's Indian Affairs Offices and Bureaus under the authority of the new Deputy Secretary; and

BE IT FURTHER RESOLVED, that NCAI calls for each cabinet level department to establish an Assistant Secretary for Tribal Affairs, as well as political appointees dedicated to tribal affairs; and

BE IT FURTHER RESOLVED, that NCAI calls upon the Administration, the Secretary and Congress to reaffirm national policy, to be implemented government-wide, that promotes Indian self-determination and self-government, and upholds treaty rights and the federal trust responsibility; and

BE IT FURTHER RESOLVED that the NCAI calls upon the President and Congress to elevate and establish new positions to promote nation-to-nation relations with Tribal Nations, including:

- a Cabinet-level appointment to head a federal agency;
- a Deputy Assistant for Native American Affairs on the Domestic Policy Council;
- Appointing an Under Secretary for Indian Affairs at the Department of the Interior as authorized by the Indian Trust Asset Reform Act, Pub. L. 114-178 (Jun. 22, 2016);

- a new Deputy Secretary for Indian Affairs at the Department of the Interior,
- a new Deputy Secretary for Native Health at DHHS;
- a new Associate Deputy Attorney General for Indian Country Law Enforcement in the Deputy Attorney General's Office at DOJ; and

- a new Assistant Attorney General for Indian Capital Finance, Tax Incentives, Economic Development, and Trade Policy at the Department of Treasury;
- a new Program Associate Director for Indian Country at OMB;
- a new Deputy White House Counsel for Tribal Nations; 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 by the General Assembly at the 2020 Annual Session of the National Congress of American Indians, held Nov 8, 2020 - Nov 13, 2020, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary