



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SPO-16-004

TITLE: Calling on Department of Treasury and Congress to Expand the Mission of the Treasury Tribal Advisory Committee

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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, Indian nations and tribes were sovereign independent nations prior to the formation of the United States of America; and

WHEREAS, through treaties, agreements, statutes, and executive orders, Indian nations and tribes came under the protection of the United States while reserving original sovereign authority and self-government over our members and territories; and

WHEREAS, the Constitution of the United States, through the Treaty and Supremacy Clauses, acknowledges Indian nations and tribes as prior sovereigns, with reserved sovereign authority, self-government, and guaranteed territory; and

WHEREAS, the Constitution, through the Indian Commerce Clause, acknowledges a government-to-government relationship between the United States and Indian nations and tribes in the regulation of Indian Commerce; and

WHEREAS, the Constitution, through the Apportionment Clause and the 14th Amendment Citizenship and Amended Apportionment Clauses, acknowledges the citizens of Indian nations and tribes as “Indians not taxed,” primarily subject to Indian Nation jurisdiction—not U.S. jurisdiction; and

WHEREAS, consistent with the United States’ treaty and trust obligations to Indian nations and tribes, Congress acting through the Tribal General Welfare Exclusion Act, recognized the primary authority of Indian nations and tribes to define and administer tribal government programs and services to promote the general welfare of our own tribal citizens, spouses and dependents; and

WHEREAS, consistent with the Indian Self-Determination Policy, Congress directed the Treasury Department and the IRS to defer to tribal government determinations concerning Tribal General Welfare programs; and

WHEREAS, consistent with the United States' government-to-government relationship with Indian nations and tribes, Congress established the Treasury Tribal Advisory Committee to advise the Secretary of the Treasury on matters relating to the taxation of Indians; and

WHEREAS, in addition to tax policy, the Treasury Department deals with the currency, banking, fair credit, capital finance, and economic development.

NOW THEREFORE BE IT RESOLVED, that NCAI urges Congress to finalize their nominees to the Treasury Tribal Advisory Committee.

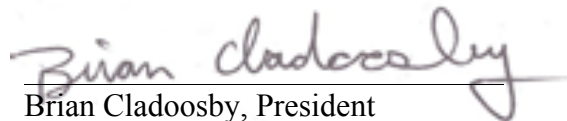
BE IT FURTHER RESOLVED, that NCAI encourages the Treasury Tribal Advisory Committee be composed of tribal government officials appointed in accordance with the Tribal General Welfare Exclusion Act.

BE IT FURTHER RESOLVED, that the NCAI calls upon Congress to support an amendment to the Tribal General Welfare Exclusion Act to expand the mission of the Treasury Tribal Advisory Committee to include: "advising the Secretary on matters relating to the taxation of Indians, currency transactions, banking, credit, capital finance among Indians, Indian nations and tribes, and economic development in Indian country."

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 2016 Midyear Session of the National Congress of American Indians, held at the Spokane Convention Center, June 27 to June 30, 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary