



NCAI State of Indian Nations 2021 Address

delivered by NCAI President Fawn Sharp

FINAL VERSION (February 22, 2021)

A New Dawn, an Eternal Promise, a Courageous Future

[Opening in Quinault language] Greetings! My name is Fawn Sharp. It is a privilege to stand before you today in humble service to Indian Country.

I thank the Creator for bringing us together for this historic dialogue between tribal nations and the United States. On behalf of the...

...574 federally recognized tribal nations,

...dozens of state-recognized tribal nations,

...and millions of Native people across this land,

I welcome those watching across the country and around the world to the 19th Annual State of Indian Nations address!

As President of this hallowed national organization, it is my sacred duty to stand before you each year...

...to uplift Indian Country's unwavering strength, resilience, and ingenuity to the world...

...to recite the timeless obligations of the United States government to tribal nations – and how it must fulfill them...

...and to affirm the enduring sanctity of sovereign tribal nations freely governing our own lands and affairs, devising solutions to daunting challenges, and nourishing the vibrancy of our communities and cultures, just as we have done *for millennia*.

Normally, I would travel to our nation's capital to deliver this annual address before a live audience.

But this time is anything but normal. A global pandemic has turned our lives upside down. Tragically, it has taken the lives of far too many of our Native brothers and sisters long before their time. Tribal elders, leaders, language speakers, fathers, mothers, grandparents, siblings, and *children* – taken by a virus that has disproportionately impacted Indian Country, laying bare the ultimate price of the federal government’s longstanding neglect of its trust and treaty obligations to tribal nations.

The virus has also taken an immense toll on tribal economies, communities, the livelihood of tribal citizens, and the education of our Native youth.

To honor the memory of those we have lost to COVID-19 – and to pray for the full recovery of those who have been sickened by it – I ask you to join me in observing a moment of silence.

Pray in your own way...

Thank you...

Following the emergency regulations that my tribal nation, the Quinault Indian Nation, has put in place to stop this devastating virus from spreading, I share Indian Country’s message with you today from my people’s sacred ancestral homeland along the pristine shores of the Pacific Ocean. We welcome you virtually to the Quinault Indian Nation.

So why do we share this message, and who is it for? We gather in this way each year...

...to assess and advance the government-to-government relationship between tribal nations and the United States,

...to share *our* perspective on the health of that relationship,

...and to discuss how it can – and *must* – be strengthened by working together, as full, equal, and abiding *partners*.

To that end, this address speaks to our federal counterparts – those who hold elected office, but also those political and judicial appointees and agency staff whose decisions and work directly impact tribal sovereignty – for better or worse.

It also speaks to Indian Country, conveying to tribal leaders, citizens, and employees that we hear – and we *are fighting for* – your collective needs and aspirations for strong tribal communities and brighter tribal futures.

Finally, it addresses our fellow Americans, who are looking to tribal nations for guidance and solutions in the face of what President Biden recently described as the “cascading crises” of our times, from the COVID-19 pandemic to climate change to racial justice.

So why is it the National Congress of American Indians delivers this address?

Seventy-seven years ago, visionary tribal leaders from across Indian Country gathered in Denver, Colorado to form N-C-A-I, recognizing that a unified voice, common purpose, and collective action was the *only* pathway to protecting and enhancing sovereignty and self-governance for all tribal nations for generations to come. As Ben Dwight, Chief of the Choctaw Nation of Oklahoma and N-C-A-I co-founder explained, we must come together, to quote “express ourselves...and take such actions as the hearts and the minds of the Indian citizenship of the United States demand.” End quote.

In the eight decades since, tribal leaders have taken great care to grow N-C-A-I into the premier national organization serving and advancing Indian Country’s greatest priorities,

...from stopping termination and relocation in its tracks,

...to launching the federal policy era of Indian self-determination,

...to spearheading tribal nations’ historic inclusion in the CARES Act funding.

NCAI is a lasting testament to the fact that tribal nations have *long* known how to govern – and govern *together*. Its prevailing strength flows from the counsel and toil of generations of brilliant leaders who knew – and *know* – how to stand and act as *one* in our government-to-government relationship with the United States.

Simply put, *NCAI speaks our shared Native truth to American power and the American people.*

In that spirit, I stand before you to proclaim: *The State of Indian Nations is STANDING STRONG.*

Our resolve is being tested by dire crises across multiple fronts. But we are rising to the occasion, *undaunted*, drawing on the strength, fortitude, wisdom, and lived experience of our ancestors, who overcame equally grave challenges in their time to prepare us to meet the challenges of our time. The truth is, we have been here many times before, and we have *always persevered*.

Exercising our inherent sovereign rights as governments, tribal nations are...

...curtailing the spread and impacts of the virus,

...combatting climate change,

...growing the movement for equity and justice,

...confronting continued threats to tribal jurisdiction and self-governance,

...and sparing no effort in holding the federal government accountable to its trust and treaty obligations *to us*.

We have navigated through darkness and turmoil, helping not only Indian Country but the entire nation reach a new dawn.

In the recent elections, a record number of Americans chose a new direction, one which champions equity, diversity, and inclusion, and which seeks to honor the unique political status of tribal nations, tribal citizens, and the extraordinary contributions we make to this country. Unprecedented turnout by Native voters made the pivotal difference across several swing states, affirming that Indian Country is an undeniable – and rising – political force in our American democracy.

We now greet a new Administration and altered Congress, who face a monumental task. America is at an inflection point, with much to heal, repair, and recover from. If America...

...is to vanquish this pandemic,

...if America is to neutralize those forces bent on destroying its democratic institutions,

...if it is *truly* to commit to forming a more perfect union,

...if it is to “Build Back Better,”

...and if it is to do its part to save our planet for future generations,

then it *must* come to terms with the right of tribal nations to chart their own course, *and* their rightful place in helping this country meet these challenges and chart a vibrant future for all.

And it must *live* on those terms.

To do so, it must first acknowledge a fundamental truth, *our shared Native truth*.

Namely, that this nation was built – and is sustained – through the promises it made to tribal nations in exchange for millions of square miles of tribal land. These promises have no expiration date, requiring the United States to support tribal governance, education, healthcare, and other key services *forever*.

The United States must then *reconcile* with its utter failure to meet its end of this grand bargain with tribal nations, such as...

...the chronic underfunding of its trust and treaty obligations...

...continued interference with tribal jurisdiction...

...making decisions that impact tribal lands and communities without first securing tribal consent...

...and the list, sadly, goes on...and on.

The famed poet Maya Angelou once wrote, “History, despite its wrenching pain, cannot be un-lived, but if faced with *courage*, need not be lived again.”

If the United States is truly committed to embracing our shared future *with courage*, it must formally acknowledge – and reckon with – the wrenching pain its failures continue to cause our tribal nations and communities. It must use the lessons it learns from this process to create an altogether different story with Indian Country,

...one that affirms through its own laws, policies, regulations, and governance the inherent rights of tribal nations to control their own lands, affairs, and destinies...

...and one that supports and enhances – in every conceivable way – the full and free expression of tribal sovereignty by tribal governments, which we have proven, time and time again, benefits not just Indian Country, but our neighbors, and the nation as a whole.

So how do we get there from here? How does the United States help us forge this courageous future by reckoning with its past and heeding the expressed priorities of tribal nations today?

Indian Country is encouraged by several actions already taken by the new Administration.

For example, the President's historic nomination of Congresswoman Deb Haaland as the first-ever Native person to lead the Department of the Interior, which more profoundly impacts the daily lives of Native people than any other federal agency.

A citizen of the Pueblo of Laguna and a 35th-generation New Mexican, she possesses a centuries-old connection to – and reverence for – the beautiful and sacred landscape of this country, which the Creator gifted to our ancestors when time began. Her distinguished record of public service demonstrates that she is immensely qualified to steward our nation's lands and resources in ways that sustain all communities, economies, and cultures.

Deb Haaland also understands *to her core* what supporting tribal sovereignty means *in practice*, and how that requires a complete transformation of the Department so that it defers – and not dictates – to tribal nations. She understands us and our needs, because *she is one of us*. She understands *our shared Native truth*, because she has *lived* it...We call upon Congress to confirm Deb Haaland without delay.

Also encouraging is the President's recent Memorandum on tribal consultation, which reaffirms the federal government's trust and treaty obligations to tribal nations, and mandates that federal agencies work *with us* to develop and implement tribal consultation action plans that fulfill those obligations.

Equally critical are President Biden's Executive Orders and actions...

...rejoining the Paris Climate Agreement,

...revoking the Keystone XL pipeline permit,

...suspending drilling in the Arctic National Wildlife Refuge,

...revisiting the last President's unlawful downsizing of the national monuments at Bears Ears and Grand Staircase-Escalante, and

...waiving the non-federal cost share of FEMA COVID-19 disaster resources.

N-C-A-I's membership passed consensus-based resolutions demanding these steps, and we applaud the President for answering Indian Country's call.

These steps – while significant – must be *first* steps in an ongoing and deliberate, *bilateral* process. There is much hard work the federal government must do – and much that it needs to *undo* – if it is to help tribal nations create the courageous future we seek. There is no time to waste.

First and foremost, that hard work requires committing to a *true* government-to-government relationship between tribal nations and the United States.

We demand – and deserve – a standard in which we come together as *equal* governmental *partners*, working hand in hand to develop the laws and policies that advance the federal government's trust and treaty obligations or otherwise impact tribal nations and their citizens.

To do this, the federal government must give the Presidential Memorandum on consultation some real, permanent teeth by codifying in its guidance to federal agencies the principle of “Free, Prior, and Informed *Consent*.”

In other words, when the United States government is considering an action that will impact tribal communities, lands, resources, and sacred places, it must first secure *our* permission based on *our* decision-making process, *our* timeline, and *all* of the relevant facts *before* it is allowed to proceed. From Oak Flat to the Dakota Access Pipeline, we have the *right*, as *sovereign* nations, to say yes or *no*, and that right must be respected.

The Administration also needs to stop federal agencies from using the Federal Advisory Committee Act or the rule-making process as a blanket excuse to avoid tribal consultation. Lastly, the Administration *and* Congress need to make this new tribal consultation standard *legally enforceable*.

NCAI has been advocating for this standard since our founders first convened in 1944, and we renew this demand here today. The federal government should follow the lead of the State of Washington, which has adopted a policy of free, prior, and informed consent with tribal nations. It is long past time that federal consultation with tribal nations puts tribal interests first, and not corporate or bureaucratic ones.

Forging the courageous future we seek also requires the federal government to *fully* fund its trust and treaty obligations to tribal nations – not just during this Administration and Congress, but *always*.

As the 2018 *Broken Promises* report illustrated, chronic underfunding and poor structuring of federal programs designed to support the wellbeing of Native people – coupled with the unequal

treatment of tribal governments – has predictably led to appalling disparities for tribal communities across the entire socio-economic spectrum, from health to education to housing to public safety to joblessness and poverty.

This is a national disgrace for a country that prides itself on staying true to its word, and it needs to be rectified *now* – not only through significant and *sustained* funding increases, but making those dollars *non-discretionary*, and distributing them to tribal nations *in advance*. Indian Country should no longer have to suffer the consequences because Congress can't get the country's financial house in order.

Forging the courageous future we seek also requires a swift and comprehensive approach to COVID-19 relief and recovery. Every single exhausting day, tribal nations are demonstrating we know best how to care for our own people. From...

...vaccinating our Native language speakers and elders first,

...to providing nourishment to food insecure Native families who have lost jobs and income,

...to erecting checkpoints at reservation boundaries and providing non congregate sheltering to stem the virus's spread,

we are fighting an unrelenting battle against this horrible virus, but we need the federal government to do its part so we can protect our people, provide ongoing relief to affected tribal citizens, and implement self-determined strategies that help our tribal governments, economies, and communities recover.

Notable among our many COVID-19 based requests, NCAI and our partners are seeking \$20 billion in additional, direct federal relief for tribal governments, as well as maximum flexibility in the spending rules and timeframes for how and when we can use new and existing funds. We also need much greater say and transparency in the formulas for funding distribution.

Tribal nations should also be able to obtain COVID-19 vaccine supply from *both* the Indian Health Service *and* the states – *not one or the other* – and we need a single federal office and point of contact to provide vaccine technical assistance.

In addition, we need the necessary healthcare infrastructure – such as adequate staff, supplies, necessary storage capabilities, and culturally appropriate resources for patient education – to broadly administer the vaccine in a timely fashion.

Tribal nations also need capacity building funds, a voice at the table, and timely access to emergency management resources from FEMA when our people need them the most.

The federal government simply must do better – the lives of our people and the future of our nations are at stake.

Forging the courageous future we seek also demands the federal government build on Indian Country's landmark victory in the *McGirt* case to protect and restore tribal homelands. This includes...

...*finally* passing a clean *Carcieri* fix in Congress, which will affirm the right of *all* federally recognized tribal nations to take land into trust,

...reviving the successful Cobell Land Buy-Back Program to allow more tribal nations to participate...

...reinstating the "M" opinions from the Obama Administration to...

...enable federally recognized tribal nations in Alaska to take land into trust,

...to protect the lands of the Mashpee Wampanoag Tribe and other tribal nations impacted by *Carcieri*,

...and confirm that the Mandan, Hidatsa and Ah-RICK-Ah-Rah Nation is the rightful owner of the Missouri River bed...

It also includes...

...fully implementing the Indian Trust Asset Reform Act, including the appointment of an Under Secretary of Indian Affairs at Interior, and approval of *comprehensive* Indian Trust Asset Management Plans that tribal nations develop...

...and joining with tribal nations to defend their lands and resources in the courts from attack by state and local governments and private interests. *We need to know that the federal government has our back.*

Forging the courageous future we seek also requires a healthy planet. But the rapidly accelerating impacts of climate change are doing incredible harm to Mother Earth, causing a great imbalance that threatens the continued existence of human beings and all other living things. These impacts cut especially deep across Indian Country, displacing our communities, transforming our sacred sites, and disrupting our subsistence lifeways.

As place-based peoples, tribal nations have long understood Mother Earth's delicate, life-sustaining balance, and the sacred responsibility we have to nourish her as she nourishes us. Across this country, we are taking bold, *strategic* action, implementing climate adaptation, mitigation, and resilience solutions that other governments around the world can use as templates for effective action.

Unfortunately, the past four years, the United States has been derelict in its own duty to act. Rejoining the Paris Agreement marks a welcome reversal of that course, a course that needs to center the role, input, and expertise of tribal nations in America's domestic and international climate action efforts. This must include:

...the participation of tribal nations and leaders in international and interstate climate-related negotiations and advisory councils,

...tribal nations' inclusion in Congressional and Executive Branch climate planning and interagency working groups,

...equity in funding for climate action by including tribal governments when federal assistance is provided to state and local governments,

...increased, multi-year, and stand-alone funding for tribal climate action programs and initiatives,

...and a significant investment by the United States to support displaced tribal communities and repair tribal places damaged by climate change and environmental degradation.

Finally, forging the courageous future tribal nations seek requires a genuine commitment to justice and equity. America's greatest strength is its diversity, yet Native people still confront structural racism and discrimination in all aspects of their daily lives, from the classroom to the ball field to the ballot box.

Creating a truly just and equitable society starts with education. All Americans need to be taught – *from a young age* – who tribal nations and peoples are *today*, how we have persevered in the face of policies designed to extinguish or assimilate us, and *why* they have a civic responsibility – *as Americans* – to respect and uphold the inherent sovereign right of tribal nations to live as our Creator intended.

To that end, we call on the federal government, state and local governments, school boards, and other key stakeholders to create, fund, and implement a comprehensive curriculum about tribal nations, tribal sovereignty, and the rich histories and contemporary lives of Native people. This curriculum should be designed by local tribal educational experts, and provided to K through 12 schools across this country.

We also call on them to help us finally retire those “Indian” school mascots that dehumanize us and foster a hostile learning environment for our youth.

And we join our racial justice and civil rights partners in calling for systemic policy changes at the federal, state, and local levels that foster equity and provide justice, from expanding voting rights to policing reforms to instituting measures to keep our students in school and out of prison.

There are many other crucial steps on our collective horizon, such as...

...tax reform,

...investing in Indian Country's infrastructure,

...fully enforcing the Indian Child Welfare Act, and

...ending the epidemic of Missing and Murdered Indigenous Women...

that the United States must take today *and* over the long run to do right by tribal nations, and to support us in creating the courageous future we seek:

Tribal governments caring for our lands and resources as we see fit...

Robust tribal economies that provide opportunity for all tribal citizens...

Strong Native families who are healthy and whole...

Safe, vibrant tribal communities...

Native people, speaking our Native languages and practicing our cultural lifeways...

Highly educated, culturally enriched Native youth able to realize their full potential – and prepared to lead our tribal nations to even greater heights.

This is the courageous future tribal nations seek, and the one we have always worked for. We will forge ahead as we always have. We need the federal government to join us on that journey, not stand in our way. No more.

In closing, I say to my fellow tribal leaders and all of Indian Country: We face grave challenges, which we must join forces to overcome.

But we also have before us tremendous opportunities, and together, we must seize them. The sacrifices of our ancestors demand it. Our youth and future generations are counting on it.

Remember, as those tribal leaders who came before us understood all too well:

Divided, we can be ignored. United, we will not be denied.

United, we will create that courageous future we seek.

This is *our shared Native truth* – and NCAI will continue to speak it to all who must listen.

May the Creator continue to watch over all of you, our tribal leaders, and all Native people.

Thank you. [*Closing salutation in Quinault language*]"