



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SD-15-010

TITLE: Calling Upon Secretary of the Interior Sally Jewell to Expediently Appoint Commissioners to the Vacant Seats on the National Indian Gaming Commission

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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, in *California v. Cabazon* (1987), the Supreme Court reaffirmed the inherent right of Indian tribes to conduct Indian gaming as an essential element of Tribal self-government, free from State interference; and

WHEREAS, the Indian Gaming Regulatory Act (“IGRA”) acknowledged and confirmed the inherent sovereign powers of Indian tribes to be the primary regulators of their gaming operations, and established the National Indian Gaming Commission (“Commission”) as an independent agency with regulatory oversight authority; and

WHEREAS, IGRA provides that the Commission shall be composed of three full-time members: a Chair appointed by the President and confirmed by the Senate, and two associate commissioners appointed by the Secretary of the Interior; and

WHEREAS, the Commission is currently comprised of only one member, the Chairman, and the two associate commissioner seats have been and remain vacant for an extended period of time; and

WHEREAS, the current vacancies upset the statutory balance intended by the Congress in relation to the agency’s leadership and deprive the agency of the capacity to perform certain functions, including its ability to issue subpoenas and review and act upon appeals of the Chairman’s decisions; and

WHEREAS, On September 30, 2015, Secretary Jewell initiated the appointment process to fill one of the vacancies, and this appointment is currently in the comment phase.

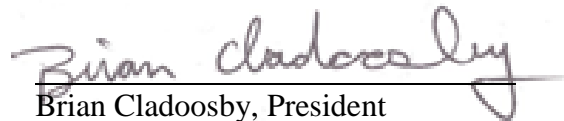
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the Secretary of the Interior, Sally Jewell, to immediately commence the appointment process to fill any vacancies on the National Indian Gaming Commission; and

BE IT FURTHER RESOLVED, that the NCAI calls upon Secretary Jewell to finalize appointments and fill the vacant positions on the Commission by the end of 2015; 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 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary