



NATIONAL CONGRESS OF AMERICAN INDIANS

Resolution Process Guidance

April 28, 2010 version

The purpose of this document is to provide guidance to the resolutions process included in the NCAI Standing Rules of Order and the Resolution Policy and Process revised November 11, 2003. This document is to clarify the process for how NCAI considers resolutions, not to change it.

A **resolution** is one of the policy mechanisms utilized by NCAI to express the consensus positions of member tribes on federal, state, local, and/or tribal legislation, litigation, or policy matters that affect the welfare and rights of American Indian and Alaska Native governments or communities. NCAI resolutions may address regional or local tribal issues when the issue would set a precedent impacting other tribes. In June of 2002, NCAI adopted a Policy Statement which addresses the organization's general stance on issues such as tribal sovereignty, treaty rights, federal trust responsibility, health, housing, education, environmental quality, and physical, spiritual, traditional, and cultural customs and practices of American Indians and Native Alaskans. These matters need not be addressed by separate resolution because they are covered by the 2002 Policy Statement (attached as an [appendix](#)) and remain an intrinsic focus of the organization's work. According to the [NCAI Standing Rules of Order](#), Section XII, "Resolutions must be of a general nature to advocate the best interests of all American Indians and Alaska Natives. Resolutions that take one side between two conflicting Tribes are not in order."

Authorization to Submit Proposed Resolutions

Only NCAI Individual Indian members in good standing are authorized to submit a resolution. Good standing means that the sponsor's membership dues are paid and current. The Resolutions Committee will verify membership and standing for sponsors of all resolutions submitted. Sponsors should be prepared to represent their resolution through the process described below, as the resolution may be considered, amended, and/ or tabled at various points in the process.

Resolution Submission Deadline

Annual Convention: All resolutions are required to be submitted in electronic format, Word, to the NCAI office three weeks prior to the Annual Convention.

Mid-Year Convention: According to [NCAI Standing Rules of Order](#), Section XIII, resolutions will not be considered at the Mid-Year Convention unless they are determined by the Executive Committee to be emergency in nature (issues that *cannot* wait until the Annual Session to be addressed) *and* national in scope. Resolutions must be submitted to the NCAI office no later than fourteen days before the Mid-Year Session and made available to the next Executive Committee meeting for review to determine if the proposed resolution meets these criteria. To ensure the integrity of the process and adherence to the NCAI resolutions policy, the NCAI Executive Committee will be joined by the Resolutions Committee.

Executive Council Winter Session (ECWS): Resolutions will not be considered at the ECWS. NCAI Committees and Subcommittees do not meet during the ECWS, and therefore resolutions cannot benefit from the deliberative process that the committee structure provides during the Mid-Year and Annual Conventions. Positions presented in resolutions must be reviewed by the tribal leadership and tribal stakeholders that the position would affect, and the ECWS does not provide a forum for adequate review and approval. Emergency resolutions submitted to NCAI during the ECWS will be referred to the next NCAI Executive Committee meeting for consideration.

Resolution Submission Format

Resolutions must be submitted in the resolution format posted on www.ncai.org in Word in an e-mail attachment. Resolutions must be accompanied by a completed Resolution Submission Form. Resolution templates and Submission Forms are available from the NCAI website, www.ncai.org, or from the NCAI Office at (202) 466-7767. Resolutions will not be accepted as PDFs or scanned images.

Resolution Guidance

- 1) ***Purpose and Scope of Resolutions:*** Resolutions are an important reflection of NCAI as tribal leaders and staff advocate for Indian Country with Congress and the Administration and other decision-makers. Resolutions represent the voice of Indian Country and convey our collective message, even when we are not physically present to do so. Resolutions should stand on their own. Adopted resolutions set the policy direction for NCAI and should be powerful documents that reflect the consensus of NCAI member tribes.

According to the NCAI Standing Rules of Order, Section XII, “Resolutions must be of a general nature to advocate the best interests of all American Indians and Alaska Natives. Resolutions that take one side between two conflicting Tribes are not in order.”

- 2) ***Content:*** Resolutions should not duplicate the [NCAI Policy Statement](#) and are not required in order for NCAI to take positions on issues that are consistent with it. Instead of a resolution, NCAI may take other action on a particular issue if it is included in the Policy Statement. For example, many appropriations requests do not require resolutions but the request may be sent to the NCAI Budget Taskforce to be included in NCAI’s annual appropriations advocacy positions throughout the year. Committees may also instruct NCAI to take certain actions, such as writing letters, setting up meetings with policy makers, etc.

Requests that create a financial burden on the organization or that obligate resources will be forwarded to the NCAI Executive Committee for consideration after the overall resolution is considered by the appropriate committee and subcommittee of jurisdiction.

When considering whether to introduce a resolution for consideration, research previously adopted resolutions on the NCAI website to ensure the position or issue is not

already covered by an existing resolution or the NCAI Policy Statement. Sponsors should also ensure that their resolution does not conflict with existing resolutions.

Tone: Resolutions should convey a tone that is forward-looking, proactive, and solution-oriented.

Length: Resolutions should not be longer than two pages. Supporting documentation may be attached as an appendix if necessary.

Title: Titles of resolutions should be short and descriptive, clearly identifying the topic addressed by the resolution.

3) **Format:** The first two whereas statements of an NCAI resolution are:

***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*

[The subsequent “whereas” statements lay out the compelling reasons and short history of the issue that lead up to a concrete action request in the “Resolve” statements.]

***NOW THEREFORE BE IT RESOLVED**, that ... [the “Resolve” statement(s) should clearly explain the action you would like NCAI and other entities to take to protect tribal sovereignty, governmental status, self-determination, health and welfare, etc.]*

Resolution Administrative Review Process

Resolution Committee Review: Resolutions must be submitted to the Resolutions Committee, via the NCAI Embassy of Tribal Nations, before the established deadline. The Resolutions Committee will review the resolution for compliance with the resolution policy. If the resolution is in compliance, it will be referred to the appropriate NCAI Committee for consideration, modification, and/or adoption at the Convention. Resolutions found not to be in compliance with resolution policy will be referred back to the submitter.

The Resolutions Committee includes: tribal volunteer Co-Chairs as well as three Executive Committee members.

Late Resolutions: Resolutions received after the stated deadline will be referred to the Executive Committee for consideration.

Website for Resolution Review: Submitted resolutions will be posted to the NCAI website eight business days before an Annual Convention and four days before a Midyear Convention. The link to the website with posted resolution submissions will be made available to NCAI committee and subcommittee chairs and NCAI members via a broadcast email.

Resolution Recommendations: Submitted resolutions will receive recommendations from the NCAI Resolutions Committee before the Annual and Midyear Convention one week after the deadline for submission and the recommendation will also be posted to the NCAI resolutions website. Late resolutions will not necessarily receive a recommendation by that date.

Process for Consideration, Modification, and/or Passage

Role of NCAI Committees and Subcommittees: Standing Committees and/or Subcommittees are authorized to review, modify a resolution or recommend approval of the resolution as submitted. All voting on actions, recommendations, proposed resolutions, or policy shall be conducted according to the NCAI By-Laws Article II Section 2 (B). Voting on positions to be adopted by Committees shall be conducted under the same conditions as the Executive Council, i.e., each member tribe in good standing has one vote.

At various points in the resolutions process during an Annual Convention or Mid-Year Session, a submitted resolution can be amended, tabled, approved, or disapproved.

- 1) At NCAI Annual and Mid-Year Sessions, **Committees** meet first and refer resolutions to the Subcommittees.
- 2) Then **Subcommittees** consider the resolution and make recommendations (to amend, approve, table, or disapprove). According to NCAI Standing Rules of Order, Section XXI, Committees may be consolidated by group and may break into smaller, more specific topic related committee after assessing the issues needing attention.
- 3) The full **Committees** meet once again to review the Subcommittee recommendations and take action on the resolutions. The Committee Chair develops a report on action taken on resolutions and any other recommendations the Committee would like to direct NCAI to take. Respective Committee Chairs present their Committee Reports during the final General Assembly of any Annual Convention or Mid-Year Session.

The Committee Co-Chairs play an important role in facilitating discussion and helping parties identify consensus positions.

All NCAI Standing Committees will consider resolutions from two sources:

- (1) Those referred to the Standing Committee by the Resolutions Committee, and
- (2) Those considered emergency in nature and national in scope as determined by the Executive Committee and subsequently referred to the Standing Committee.

Final Floor Action: NCAI operates meetings under Roberts Rules of Order. At the final plenary session of a Mid-Year or Annual Convention, NCAI Committee Chairs present their Committee Reports, which include the recommendations made on resolutions referred to their respective committee of jurisdiction. The Presiding Chair entertains a motion to adopt or otherwise take action on the Committee report presented by the Committee Chair. NCAI Individual Indian members or tribal delegates may wish to pull individual resolutions from Committee Reports for separate consideration.

Once the Committee report is adopted, the Committee's recommended actions for all of the resolutions included in their report stand.

Term of Resolutions

Resolutions, once adopted, will remain the policy of NCAI until withdrawn or modified by subsequent resolution, or until the resolution expires pursuant to its terms.

Annual Report on Resolution Status

NCAI maintains a list of the follow-up actions taken on resolutions and reports to the membership annually on the prior year resolutions. The annual status update captures basic information on activities undertaken by NCAI as a result of resolutions passed in that year. NCAI promotes the positions of adopted resolutions in its ongoing advocacy efforts with decision-makers. Resolutions are also used by the membership in a wide variety of local, regional, and issue-specific situations to support tribal positions, so please communicate with NCAI staff and the NCAI committee chairs so we can provide assistance and track the progress of the resolutions.

2002 Policy Statement of the National Congress of American Indians

Considered and Passed by tribal representatives gathered at the NCAI 2002 Midyear Session

The NCAI was founded in 1944 in response to termination and assimilation policies that the United States forced upon the tribal governments in contradiction of their treaty rights and status as sovereign entities. NCAI stressed the need for unity and cooperation among tribal governments for the protection of their treaty and sovereign rights. Since 1944, the National Congress of American Indians has been working to inform the public and Congress on the governmental rights of American Indians and Alaska Natives.

Over a half a century later, NCAI has grown to include 250 member tribes and thousands of individual members from throughout the United States, but our fundamental goals remain unchanged. Now as in the past, NCAI serves to secure for ourselves and our descendants the rights and benefits to which we are entitled; to enlighten the public toward the better understanding of Indian people; to preserve rights under Indian treaties or agreements with the United States; and to promote the common welfare of the American Indians and Alaska Natives. Specifically, we call for the following:

Respect for Tribal Governance and the Federal Trust Relationship

- Healthy government-to-government relations between the US and Tribal governments
- Creation and nurture of institutions and processes to support meaningful and respectful government-to-government dialogue and consultation processes
- Respect and support for Alaska Native tribal governments
- Recognition of Native Hawaiian rights
- Positive working relationships with our neighbor State governments
- Full exercise of Tribal self-determination and self-governance
- Fulfillment of the federal Trust Responsibility via adequate annual appropriations for federal Indian programs and renewed honor in the trusteeship of tribal lands and resources
- Freedom from dual taxation created by imposition of state taxes on Indian reservations
- Fair and prompt processes for placing land into trust to begin to restore a small fraction of the countless acres of land that the federal government itself has acknowledged were wrongly taken from tribes
- Full acknowledgement of tribal sovereignty, including tribal jurisdiction over law enforcement and judicial processes on tribal lands, and the inherent right to prudent exercise of governmental immunity
- Honorable fulfillment of US treaty obligations and recognition of treaty rights

Support for Healthy Native Communities and People

- Development of sustainable, diversified and vibrant economies in Indian Country
- Opportunities for employment training opportunities and meaningful employment at living wages for Indian people who wish to remain in their reservation communities
- Respect for tribal rights to make choices—just as states do—regarding revenue generation through taxation and pursuit of tribal business development in a range of areas, including gaming enterprises
- Provision of safe, affordable, and accessible quality housing for Indian people
- Improvement of transportation infrastructure and accessibility in Indian Country
- Concerted efforts to improve telecommunications and technology access in Indian communities
- Improved access to capital and financing options
- Fulfillment of the federal trust responsibility for Indian health, including full funding of need for health care services, preventive care, facilities maintenance and construction, and other components of a functional, tribally-driven Indian health care system, and full implementation of the Indian Health Care Improvement Act
- Renewed commitment to Indian education within the BIA school system and public schools, including full funding for tribally operated schools and resources for tribal language and culture programs in all schools with concentrations of Indian students
- Sustained support for tribal law enforcement and tribal courts
- Support for the unique needs of Indian youth, elders, veterans, and people with disabilities
- Enhanced tribal involvement and direct access to federal funds for TANF programs, adoption and foster care, and other social services
- Preservation of the important protections for Indian children and communities under the Indian Child Welfare Act
- Coordinated efforts to eliminate the devastating effects of alcohol and substance abuse in Indian and Alaska Native communities
- Protection of our environment, the quality of air, lands, and waters, preservation of healthy habitat for fish and wildlife, and restoration of endangered species
- Support for sustainable development of tribal resources
- Respect for exercise of tribal water rights
- Protection of tribal communities from the impacts of nuclear waste

Preservation of Human Dignity and Cultural Integrity

- Preservation of Native languages and free exercise of traditional practices
- Protection of sacred lands and practices, as well as access to and protected use of sacred sites no longer within tribal lands
- Free exercise of subsistence lifeways and protection of traditional crops and animal life integral to traditional tribal practices
- Full implementation of the Native American Graves Protection and Repatriation Act
- Recognition of the Rights of Indigenous Peoples internationally within the United Nations, the Organization of American States, and related arenas
- Cessation of discriminatory and derogatory practices against all people, including the use of Indian people as symbols and mascots for sports teams