



Optimism, Setbacks, and Perseverance – the Indian Country Way

by Ernest L. Stevens, Jr.

At the start of the New Year, hundreds of tribal leaders and Native advocates traveled to Washington, D.C. to attend the official swearing in of 116th Congress on January 3, 2019. Many came to bear witness to the seating of the first two Native American Congresswomen in history.

The optimism for these new voices for Indian Country in Congress was tamped down by fact that the historic event took place during the early days of the shameful 35-day federal government shutdown. The shutdown cost the U.S. economy \$6-10 billion, but the damage and lasting impact on local economies throughout Indian Country was and is many times worse.

Native Nations entered into treaties with the United States, ceding hundreds of millions of acres of our homelands. In return, the federal government promised to provide for the health, education, public safety, and general care of reservation residents – while also protecting and preserving tribal sovereignty on remaining Indian lands. Funding for programs and services administered by the Bureau of Indian Affairs, the Indian Health Service, and other federal agencies represent the government's most basic attempts to meet these solemn obligations.

With little regard for these promises, the Administration and Congress mindlessly waded into a five week shutdown that endangered lives and property on tribal lands, burdening those most in need. It was beyond unjust to permit Native children, elders, and individuals with disabilities to serve as collateral damage over divided politics.

These impacts are real and ongoing. And there is little reason to believe that we will avoid another government shutdown on October 1, 2019 when current funding runs out. As a result, the National Indian Gaming Association (NIGA) joins all of Indian Country and our sister national and regional tribal organizations in urging Congress to immediately enact legislation to forward fund IHS and BIA programs. Doing so will help prevent further damage to tribal economies and harm to our children and elders. Forward funding these programs and services will also go far in meeting the federal government's obligations to reservation residents.

When the current Administration took office, Indian Country advocates expected great challenges and some potential opportunities. Unfortunately, as some have recently reported, this Administration's Indian affairs policy is non-existent.

On June 26, 2013, President Obama issued Executive Order 13647, which established the White House Council on Native American Affairs. The Council brought together key officials

from 31 departments and agencies, including a number of Cabinet level officials, and directed them to coordinate federal policy initiatives to improve Indian Country economies, nutrition and health, public safety and justice, education, and tribal culture, lands and our environment. While progress to achieve these goals was slow under the previous Administration, under the current Administration, the White House Council has gone completely dormant.

Indian affairs policy has taken a back seat to conflicting priorities of the Administration, and meaningful consultation is treated as an afterthought. However, NIGA will not accept gridlock as an irreversible truth. It is not the Indian Country way.

In 2013-2014, facing a divided government, NIGA and our Member Tribes led the campaign to push back against unjust and targeted Internal Revenue Service audits and investigations into programs and benefits that tribal governments provided to their citizens. Our effort resulted in the enactment of the Tribal General Welfare Exclusion (TGWE) Act of 2014.

The TGWE aligned federal Indian policy with tax policy, suspended the biased IRS investigations, forced reforms of the IRS and its work on Indian lands, and established a Tribal Advisory Committee within the Treasury – giving tribes a direct voice within the Department to reform the IRS and federal tax policy. This monumental law was enacted only because Indian Country united and engaged in a constant outreach campaign, working with the Administration and a bipartisan group of Members of Congress.

NIGA plans to take this same approach in 2019 and 2020. We will continue to educate Congress and the Administration about the constitutional status of Indian tribes as governments as well as the United States' legal treaty and trust related obligations. We will urge them to advance policy changes to improve reservation economies, and provide tribal governments with the same tools for economic development offered to state, local, and territorial governments.

Working to hold the federal government accountable to the legal treaty and trust obligations that it owes Indian Country is an ongoing and centuries old effort. Tribal leaders and advocates have never backed away, but instead have always persisted and persevered. As many of our elders taught us, we have no choice but to “keep on keeping on.” Our future generations are counting on it. ♣

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