

The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

A Resolution Urging the Department of Treasury to Honor the Government-to-Government Relationship Between Indian Tribes and the United States by Appointing Tribal Government Officials only to Serve on the Treasury Tribal Advisory Committee

Resolution No. 21- 19



Chuck Hoskin Jr
Principal Chief



Bill Anoatubby
Governor



Gary Batton
Chief



David W. Hill
Principal Chief

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, and Muscogee (Creek), representing more than 780,000 Indian people throughout the United States; and

WHEREAS, U.S. Department of Treasury announced in the Federal Register on April 1, 2021, a call for Nominations for three Secretary appointments to the Treasury Tribal Advisory Committee (TAC); and

WHEREAS, The Tribal General Welfare Exclusion Act of 2014 directs the Secretary of the Treasury to establish the TAC, which is comprised of seven (7) members in total with three (3) members to be appointed by the Secretary of Treasury and the remaining members to be appointed by the U.S. House of Representatives and U.S. Senate authorizing committees of jurisdiction, to advise the Secretary on matters related to “taxation of Indians, the training of Internal Revenue Service field agents, and the provision of training and technical assistance to Native American financial officers”; and

WHEREAS, The TAC is required to operate under the provisions of the Federal Advisory Committee Act (FACA), which includes a strict set of statutory restrictions that apply to the actions and meetings of an advisory committee, unless the committee meets a FACA exemption; and

WHEREAS, The TAC will qualify for a FACA exemption if it is wholly comprised of tribal government officials and tribal government employees who are acting in their official capacities. This exemption will allow TAC to meet more frequently, take more actions, and be a more effective voice for Indian country; and

WHEREAS, The United States Constitution, Congress, and the Courts have long recognized the power of taxation as an essential and inherent function of government; therefore, it is fitting for Treasury to facilitate the government-to-government relationship between the Indian tribes and the United States by ensuring that the TAC appointments include tribal government officials only.

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NOW THEREFORE LET IT BE RESOLVED THAT, the Inter-Tribal Council of the Five Civilized Tribes urges the Department of the Treasury to honor the government-to-government relationship with the 574 federally recognized Indian tribes and appoint only tribal government officials or tribal employees serving in their official capacities to serve on the TAC; and

BE IT FURTHER RESOLVED, the Inter-Tribal Council of the Five Civilized Tribes further urges Treasury to ensure that TAC appointments will not include individuals who are paid consultants, or individuals who are hired by the private sector.

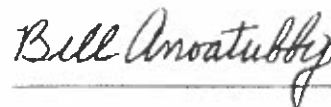
BE IT FURTHER RESOLVED, the Inter-Tribal Council of the Five Civilized Tribes further urges Treasury to require of individuals serving on the TAC an on-going duty to disclose change of position, and any private interests, to avoid the appearance of conflicts of interests.

CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting virtually on this 9th day of April, 2021, by a vote of 18 for 0 against and 0 abstentions.



Chuck Hoskin Jr., Principal Chief
Cherokee Nation



Bill Anoatubby, Governor
The Chickasaw Nation



Gary Batton, Chief
Choctaw Nation of Oklahoma



David Hill, Principal Chief
Muscogee (Creek) Nation