



2024 Annual Convention Ridgefield, Washington

RESOLUTION #2024 – 50

“URGING ACTION BY THE DEPARTMENT OF INTERIOR TO REVISE THE INDIAN TRADER REGULATIONS TO PROTECT TRIBAL SOVEREIGNTY AND ECONOMIC DEVELOPMENT”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest 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 rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for natural, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and Tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, the Department of the Interior has broad oversight of Indian tribes, including the authority to manage relationships, administer laws, and regulate matters impacting Indian affairs. 25 U.S.C. §§ 2, 9; and

WHEREAS, the Indian Trader Statutes, 25 U.S.C. §§ 261-264, were established to regulate commerce between Indians and non-Indians, granting the Secretary of the Interior the authority to issue licenses and implement rules governing trade with Indians; and

WHEREAS, the Supreme Court previously described these Indian Trader Statutes as "all-inclusive" in regulating trade with Tribes, thereby preempting state taxation on transactions involving reservation Indians. *Warren Trading Post Co. v. Arizona State Tax Commission*, 380 U.S. 685 (1965); and

WHEREAS, the failure of the Department of the Interior to update and modernize the Indian Trader Regulations has left Indians and Tribes increasingly vulnerable to state overreach and dual taxation, significantly hindering economic development within Indian Country; and

WHEREAS, this inaction contradicts the federal government's role in promoting and protecting Tribal self-governance, and it also represents a missed opportunity over the past four years to address Tribal economic independence and other pressing issues; and

WHEREAS, as treaty partner and trustee, the Department of the Interior is long overdue in revising the Indian Trader Regulations to explicitly preempt state taxation on transactions governed by Indian Trader licenses, thereby ensuring that Tribal governments retain the primary authority to regulate commerce within their territories; and

WHEREAS, the Department of Interior's prolonged inaction has resulted in continued economic harm to Tribal nations, weakening the foundations of tribal economies and sovereignty; and

WHEREAS, ATNI emphasizes the importance of this issue and the necessity for the Department of the Interior to fulfill its trust responsibility by protecting Tribal economies and ensuring that Tribal sovereignty is not compromised by external taxation and regulatory encroachment; now

THEREFORE, BE IT RESOLVED, that ATNI hereby condemns the Department of the Interior for its prolonged failure to act on the urgent need to revise the Indian Trader Regulations and address the significant issue of dual taxation in Indian Country; and

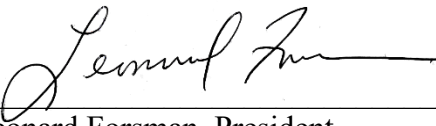
BE IT FURTHER RESOLVED, that ATNI calls upon the Secretary of the Interior to immediately prioritize the revision of the Indian Trader Regulations to unequivocally preempt state taxation of Indian commerce, thereby reinforcing Tribal sovereignty and promoting the economic development of Tribal nations; and

BE IT FINALLY RESOLVED, that ATNI urges the next Administration to engage in meaningful consultation with Tribal nations to develop updated Indian Trader Regulations that reflect the modern realities of Tribal trade and commerce, and to take swift action to protect Tribal economies from unjust state taxation; and

BE IT FINALLY RESOLVED, that this resolution be forwarded to regional and national forums.

CERTIFICATION

The foregoing resolution was adopted at the 2024 Annual Convention of the Affiliated Tribes of the Northwest Indians, held at ilani Casino Resort, Ridgefield, Washington on September 29 – October 3, 2024 with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary