



NATIONAL CONGRESS OF AMERICAN INDIANS

September 25, 2017

The Honorable Kevin Brady
Chairman
Committee on Ways and Means
U.S. House of Representatives
1102 Longworth House Office Building
Washington, DC 20515

The Honorable Richard Neal
Ranking Member
Committee on Ways and Means
U.S. House of Representatives
1139E Longworth House Office Building
Washington, DC 20515

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EXECUTIVE DIRECTOR
Jacqueline Pata
Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

Re: Tribal Social Security Fairness Act

Dear Chairman Brady and Ranking Member Neal:

The National Congress of American Indians (NCAI) is the oldest, largest, and most representative American Indian and Alaska Native organization serving the interests of tribal governments and communities. We write to express our support for tribal leaders having the same access to the Social Security program as state and local government officials. Currently, tribal leaders do not even have the option to participate in the Social Security program, making retirement planning after a lifetime of public service significantly more difficult.

NCAI's membership has passed several resolutions seeking legislation to fix this inequity. See [Resolution #MOH17-011](#), *Equitable Treatment of Tribal Nations in Congressional Tax Reform*; [Resolution #REN-13-023](#), *To Request Legislation to Permit Elected Tribal Government Officials to Contribute to and Receive Social Security Benefits* (attached); [Resolution #DEN-07-091](#), *Social Security Eligibility for Tribal Council Members*.

Representative Reichert introduced H.R. 2860, the Tribal Social Security Fairness Act, with Representatives Kilmer, DelBene, and Cole as original cosponsors. The bill would address this inequity by enabling tribes to enter agreements with the Commissioner of Social Security—like state and local governments under Section 218 of the Social Security Act.

NCAI supports the Tribal Social Security Fairness Act and urges Congress to pass this bill to ensure tribal leaders have equal access to retirement planning through the Social Security program.

Sincerely,

Jacqueline Pata
Executive Director

Attachments: 1



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-13-023

TITLE: To Request Legislation to Permit Elected Tribal Government Officials to Contribute to and Receive Social Security Benefits

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EXECUTIVE DIRECTOR
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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, previous NCAI resolution DEN-07-091 only includes tribal council members and this current resolution includes all elected tribal officials; and

WHEREAS, there has been no action on previous NCAI resolution DEN-07-091 and we demand action now; and

WHEREAS, the Internal Revenue Service has determined that under the existing law and regulations amounts paid to elected tribal government officials do not constitute “wages” for the purpose of the Federal Insurance Contributions Act, although such amounts are considered taxable income under section 61 of the Internal Revenue Code; and

WHEREAS, wages received by elected tribal governmental officials are not considered in determining eligibility for Social Security benefits; and

WHEREAS, elected tribal government officials therefore may find themselves receiving reduced social security benefits or in some cases ineligible to receive Social Security benefits; and

WHEREAS, the inability to contribute to Social Security and to receive Social Security benefits based on wages received for service as an elected tribal government official is a disincentive for talented Indian people to serve as tribal government officials.

NOW THEREFORE BE IT RESOLVED, that NCAI requests that Congress amend the Social Security Act to permit elected tribal government officials to contribute to the social security system and receive benefits based on such contributions; and

BE IT FURTHER 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 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.



President

ATTEST:



Recording Secretary