



NATIONAL CONGRESS OF AMERICAN INDIANS

**The National Congress of American Indians
Resolution #SAC-12-063**

TITLE: Urging Congress to Pass S. 3305/H.R. 4027, a Bill Providing the Bureau of Land Management Authority to Process a Land Exchange on the Ute Indian Tribe's Uintah and Ouray Reservation

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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, in 1894, Congress passed the Utah Enabling Act allowing Utah to become a State and including Section 6 of that Act which allowed the new State to acquire parcels of open lands and minerals throughout Utah in support of its public schools; and

WHEREAS, in 1897, as a part of the allotment of Indian lands, Congress passed an Act opening part of the Ute Indian Tribe's Reservation, known as the Uncompahgre Reservation, to entry and settlement under the general land laws of the United States; and

WHEREAS, with the opening of this part of the Reservation, Utah acquired some lands and minerals under Section 6 of the Utah Enabling Act in this area; and

WHEREAS, in 1948, the United States Congress passed an Act returning lands in this area to the Tribe's Reservation, but did not immediately return the lands within this area that had been acquired by Utah and instead authorized a process for Utah to exchange its lands in this area; and

WHEREAS, the 1948 Act was unclear about what lands Utah could acquire in exchange for its lands in this area; and

WHEREAS, Congress attempted but did not fully clarify this in a 1955 Act; and

and

WHEREAS, the Ute Indian Tribe is currently asking Congress to pass a bill, S. 3305/H.R. 4027, to amend the 1948 and 1955 Acts to allow Utah to exchange its minerals in this area for Bureau of Land Management (BLM) minerals in other areas of the Tribe's Reservation; and

WHEREAS, passage of the bill, S. 3305/H.R. 4027, and processing of the mineral exchange will restore full ownership of this portion of the Tribe's Reservation to the Tribe; and

WHEREAS, the Tribe will then be able to permanently protect the pristine wilderness and cultural resources in this area of its Reservation; and

WHEREAS, the Tribe and Utah will also be able to jointly develop the BLM minerals acquired in the other areas of the Reservation and the development of these minerals will increase the Tribe's energy development which provides the major source of funding for the Tribe's government, economic development and services provided to tribal members; and

WHEREAS, on June 18, 2012, the House of Representatives favorably passed H.R. 4027 and its identical companion legislation, S. 3305, is awaiting consideration by the Senate.

NOW THEREFORE BE IT RESOLVED, that NCAI hereby urges the Senate to take up and pass S. 3305/H.R. 4027 without any modifications before the end of the current Congress so that the President can sign this bill into law to protect the Tribe's pristine wilderness and cultural resources while also encouraging the Tribe's energy development; 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 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.



President

ATTEST:



Recording Secretary