

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SPO-01-164

Title: Oppose Legislation that Seeks to Impose a Moratorium on Trust Land Acquisitions

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, offensive revisions are being considered to H.R. 2495, a bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians, that will effectively create a moratorium on trust land acquisitions in the State of Michigan for gaming purposes; and

WHEREAS, these revisions not only call for a 10-year moratorium on such trust acquisitions, but also gives state and local officials increased rights to consultation with the Secretary of the Interior over the trust acquisition decision as well as requires the state's Governor to concur with the trust acquisition before the Secretary of the Interior can approve such action; and

WHEREAS, collectively these revisions offend the rights of tribes to acquire lands into trust for gaming and other economic development purposes; and

WHEREAS, if such revisions are enacted into law they will effectively provide the current Administration the foundation it seeks in expanding the rights of state and local governments to intervene in the fee-to-trust process throughout Indian country, which was made evident in the withdrawal of the proposed rule on fee-to-trust acquisitions earlier this year by Assistant Secretary Neil McCaleb, after tribes, the NCAI and the federal government worked for over two years to revise the current trust acquisition statutes.

NOW THEREFORE BE IT RESOLVED that the member tribes of the NCAI does hereby oppose any revisions to H.R. 2495 that will impose any such moratorium on trust land acquisitions by federally recognized tribal governments.

NOW THEREFORE BE IT FURTHER RESOLVED that the NCAI does hereby oppose any such revisions to H.R. 2495 that expands or otherwise increases the rights of state and local governments to intervene in the Secretary of the Interior's decision over fee-to-trust land acquisitions.

CERTIFICATION

The foregoing resolution was adopted at the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001 with a quorum present.

Tex Hall, President

ATTEST:

Colleen Cawston, Recording Secretary

Adopted by the General Assembly during the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.