



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #MSH-01-069

Title: To Oppose a Moratorium on the Federal Recognition of Tribes and in Support of a Fair and Efficient Federal Acknowledgment Process

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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 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, largest, and most representative national American Indian and Alaska Native tribal government organization; and

WHEREAS, the administrative process to federally recognize tribes is set forth in 25 C.F.R. Part 83, the Federal Acknowledgment Process (FAP), which is implemented by the Bureau of Acknowledgment and Research (BAR) of the Bureau of Indian Affairs (BIA) and gives the Assistant Secretary the decision-making authority to render positive or negative determinations on each petition for recognition; and

WHEREAS, the result of a positive determination on a recognition petition is of utmost significance and is not to be extended lightly because it acknowledges the government-to-government relationship between the federal government and the tribe and acknowledges the tribe's eligibility to receive federal services and enjoy other privileges of federally recognized tribes; and

WHEREAS, the FAP process, which was developed in 1978 and revised in 1994 with an unprecedented amount of consultation with interested parties, is a rigorous process requiring the petitioner to satisfy seven mandatory criteria each of which demands exceptional anthropological, historical, and genealogical research and presentation of evidence; and

WHEREAS, despite the stringent criteria of the FAP process and the ample opportunity for participation in the process by interested parties, efforts to reform the process have been proposed continuously since 1988 in the U.S. Congress in order to attempt to establish a more equitable, less costly and less time-consuming approach to federally acknowledging tribes, noting the lack of staff and resources at BAR and the inordinate amount of time petitioners must wait to reach active consideration by BAR; and

WHEREAS, some, including the State of Connecticut and certain Connecticut towns, have launched an outright attack on the FAP process in the federal courts and in Congress and have called for a moratorium on the federal recognition of tribes in a politically motivated effort to delay and obstruct the BAR's consideration of certain petitioners from within the State of Connecticut, fueling controversy over the recognition process as well as sovereign rights of all tribes.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby support the rights of unrecognized tribes to pursue federal recognition through a fair and efficient process, administrative or otherwise; and

BE IT FURTHER RESOLVED, that while NCAI acknowledges that the FAP process needs improvements to ensure timely consideration of petitions, it opposes a moratorium on recognition determinations while reform proposals are being offered, reviewed, or implemented as such a moratorium would be wholly unfair to petitioners who have waited far too long to be considered by BAR; and

BE IT FURTHER RESOLVED, that NCAI opposed politically motivated attacks on the FAP process brought by states and towns either in court or on Capital Hill as such attacks are fueled solely by efforts to deny a tribe's right to pursue federal recognition in accordance with the law; and

BE IT FINALLY RESOLVED, that NCAI does hereby support this resolution and agrees to work with Congress and the Administration to obtain necessary funding to permit the BAR to fulfill its function and to ensure an administrative recognition process that more promptly processes petitions while maintaining the integrity in the FAP process.

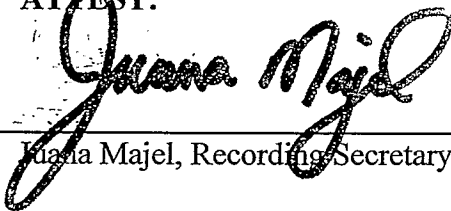
CERTIFICATION

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.



Susan Masten, President

ATTEST:



Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.