The National Congress of American Indians
Resolution #DEN-18-035

TITLE: Supporting Legislation to Improve Protections and Authorize the Restoration of Native Sacred Places on Federal Lands

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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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, the United States manages approximately 640 million acres of federal lands, that were carved out of the ancestral homelands of Indian tribes; and

WHEREAS, American Indians and Alaska Native Tribes and their citizens have maintained historical and spiritual connections to lands now designated as federal lands, submerged lands, and bodies of water, continuing to exercise treaty rights on federal lands, and accessing and protecting federal lands to pray, conduct ceremony, visit burial sites, gather plants, and other cultural activities for traditional purposes (hereinafter “cultural and sacred sites and landscapes”); and

WHEREAS, treaties, executive orders, federal court decisions, and federal laws and regulations acknowledge these tribal government rights on federal lands and require federal land managers to consult with tribal governments prior to taking action that would impact these rights; and

WHEREAS, recent federal efforts to commercially develop and transfer federal lands often ignore the tribal government rights and protections noted above and have resulted in the desecration of Native sacred places, the diminishment of tribal treaty rights, and mismanagement of sacred sites resulting in the looting of sacred objects and burial sites and the diminished harvests of traditional Native plants used in religious ceremonies; and
WHEREAS, federal land management laws authorize the U.S. Department of the Interior and USDA to transfer, sell, exchange, and lease federal lands to state governments, municipalities, and non-profit corporations through various administrative procedures, but fail to afford Indian tribal governments the same process to restore federal lands of legal and cultural importance to Indian Country.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) urges Congress to develop legislation in consultation with American Indian and Alaska Native Tribes to:

- Strengthen protections of cultural and sacred sites and landscapes on federal lands;
- Enhance meaningful federal-tribal government-to-government consultation prior to the development of federal actions that could impact federal rights secured by treaties, executive orders, federal court decisions and other federal law and cultural and sacred sites and landscapes located on federal lands;
- Establish new and improve on existing measures to permit Indian tribes to fulfill a meaningful role in the management of cultural and sacred sites and landscapes on federal lands;
- Authorize federal land management agencies to restore cultural and sacred sites and landscapes located on federal lands to be held in trust for the exclusive use and benefit of an Indian tribe or tribes; and
- Prevent cultural and sacred sites and landscapes on federal lands from being conveyed, sold, or leased; 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 2018 Annual Session of the National Congress of American Indians, held at the Hyatt Regency in Denver, Colorado October 21-26, 2018, with a quorum present.

Jefferson Keel, President

ATTEST:

Juana Majel Dixon, Recording Secretary