



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #DEN-18-020

TITLE: Supporting Congressional Legislation that Authorizes Tribes to Convert Federal Trust Lands into Tribally-Owned Restricted Fee Indian Country

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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 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, throughout its history the United States has sought to acquire title and control over aboriginal American Indian lands and has used the concept of trusteeship to acquire title and control over remaining tribal lands occupied by Indian people, with such lands known as “trust lands;” and

WHEREAS, all American Indian and Alaska Native tribal governments should have the right to retain and obtain title and sovereignty to their own lands recognized by the United States federal government as Indian Country without the need for control and management by the Bureau of Indian Affairs; and

WHEREAS, federal government control and management over tribal lands has frustrated investment and development of tribal economies and interfered with the ability of tribal governments to improve the quality of life of their tribal citizens; and

WHEREAS, the Congress in recent years has taken action to promote greater authority of tribal governments over their trust lands through enactment of the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) which allows for autonomous long-term leasing of tribal trust lands; and

WHEREAS, all federally recognized tribal governments should have the choice under federal law to regain title and total control over the use of their lands as a recognition of their inherent sovereignty, but retain the responsibility of the federal government to protect the Indian Country status of said lands.

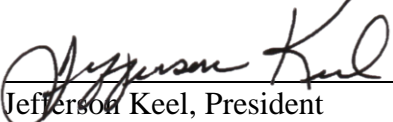
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) does hereby call upon the Congress to support legislation that provides tribal governments the option of converting federal government-owned trust land into tribally-owned restricted fee Indian Country at their choosing if such legislation:

- Does not diminish the federal trust responsibility to any tribe;
- Makes clear that the resulting restricted fee Indian Country status of the land retains the same protections as trust land, including but not limited to exemptions from state and local taxation and restrictions against alienation; and
- Does not negatively affect tribal regulatory jurisdiction over such lands; 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