



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2007:011

SUPPORT OF SENATE BILL 1378 TO REAUTHORIZE THE NATIONAL HISTORIC PRESERVATION ACT AND OPPOSITION TO HOUSE RESOLUTION 5861 IMPOSING STATUTORY TIME LIMITS ON CERTAIN TRIBAL RESPONSES

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the National Historic Preservation Act (NHPA) obligates federal agencies to evaluate the effect of a federal undertaking on properties of religious and cultural importance to American Indian Tribes and Alaska Native Villages; and
- WHEREAS,** the NHPA also obligates federal agencies to engage in government-to-government consultation with Tribal Governments regarding federal undertakings that may affect properties of religious and cultural importance to AI/AN Tribes/Villages; and
- WHEREAS,** AI/AN Tribes/Villages have unique and special expertise with regard to the identification and evaluation of Tribal properties with cultural and religious importance that is not available to non-Tribal entities; and
- WHEREAS,** S. 1378 provides for the reauthorization of the NHPA, without adding any new restrictions on Tribes under that law; and
- WHEREAS,** H.R. 5861 not only provides for the reauthorization of the NHPA, but also creates an unfavorable or inaccurate presumption that when a Tribal Historic Preservation Officer (THPO) or Tribal Representative does not respond within 30 days to a finding of "no historic properties affected" or "no adverse effect" that the THPO or Tribal Representative has no objection to the finding; and
- WHEREAS,** H.R. 5861 creates an undue burden on the resources of Tribes; and
- WHEREAS,** in many situations, including most notably where a property has sacred attributes tied to the seasons, it is not possible to respond within 30 days; and
- WHEREAS,** Section 106 of NHPA regulations already provide a timeline and it is unnecessary and undesirable to codify a regulatory provision that is already very problematic for many AI/AN Tribes/Villages; and
- WHEREAS,** USET recognizes and appreciates that the House of Representatives, notwithstanding the objectionable provision described above, has rejected the archaic draft legislation that was the subject of a hearing before the House National Parks Subcommittee on April 21, 2005; therefore, be it
- RESOLVED** the USET Board of Directors strongly supports passage of S. 1378 (4/20/2006); and, be it further
- RESOLVED** the USET Board of Directors strongly opposes passage of H.R. 5861; and, be it further

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RESOLVED the USET Board of Directors urges the United States Congress to expand government-to-government consultations with AI/AN Tribes/Villages on this Tribally sensitive topic; and, be it further

RESOLVED the USET Board of Directors instructs its Executive Director and the USET Culture and Heritage Committee to work with the United States Congress in support of passage of reauthorization legislation that does not limit tribal rights.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Choctaw, MS, on Thursday, October 12, 2006.



Keller George, President
United South and Eastern Tribes, Inc.



Eddie L. Tullis, Secretary
United South and Eastern Tribes, Inc.