

TRIBAL CULTURAL AREAS PROTECTION ACT

SECTION-BY-SECTION SUMMARY

Bill Summary: The proposed Tribal Cultural Areas Protection Act would establish a national Tribal Cultural Areas System, to be made up of culturally significant sites on public lands. Currently, Indian tribes have only limited ability to influence the protection and management of lands they have used since time immemorial. The Tribal Cultural Areas System would include lands with cultural values that would be managed to preserve cultural resources while allowing for traditional tribal cultural uses. Indian tribes would play an important role in recommending and sharing traditional knowledge regarding the management of tribal cultural areas. What follows is a section-by-section summary of the proposal.

Section 1. Short title; table of contents. The short title of the bill is the “Tribal Cultural Areas Protection Act.” Includes a table of contents.

Section 2. Definitions. This section defines the various terms used in the bill, including terms like “tribal cultural site,” “new use,” and “interested Indian Tribe.”

Section 3. Findings. This section establishes findings, including that America’s public lands were carved out of the ancestral homelands of Indian tribes, that tribes and tribal members maintain a strong historical and spiritual connection to cultural sites on public land, and that many cultural sites on public land are desecrated by mismanagement.

Section 4. Statement of policy. This section declares that it is the policy of the United States that the to preserve tribal cultural sites, and that, based on their history and traditional knowledge, tribes should play an important role in managing cultural sites on public land.

Section 5. Tribal cultural areas system. This section establishes a tribal cultural areas system, and directs the management of lands in the system.

Sections 5(a)-(c) establish the tribal cultural areas system, and establishes purposes of the system, which includes preserving sites with important cultural value, and maintaining the opportunity of tribes and tribal members to continue to undertake traditional cultural practices, and provides that only Congress can add or remove lands from the system.

Section 5(d) directs management of designated tribal cultural areas, including: requirements that the areas be managed to preserve their cultural values, that the appropriate tribal commission be consulted on management and proposed new uses of a tribal cultural area, and that the appropriate Secretary develop a management plan, in collaboration with the applicable tribal commission, for each tribal cultural area; provisions on new and temporary roads, motorized vehicles, vegetation management, and grazing; and authorization for voluntary lease retirement.

Sections 5(e)-(i) describes the effect of tribal cultural area designation, including: no effect on valid existing rights; a mineral withdrawal; provisions on tribal use of, and access to, tribal cultural areas; protections for tribal rights; and maintenance of existing law enforcement jurisdiction.

Section 6. Tribal commission. This section requires the appropriate Secretary to establish a tribal commission for each tribal cultural area designated by Congress. Each commission will include representatives of each Indian tribe interested in the area and will provide land management agencies with guidance and recommendations on the management of each tribal cultural area.

Section 7. Self-determination contracts. This section authorizes the appropriate Secretary to contract with tribes under the Indian Self-Determination and Education Act to carry out administrative or management functions within tribal cultural areas. The section provides that such contracts will not alter implementation of the National Environmental Policy Act or other Federal environmental law and that the appropriate Secretary shall retain all decision-making authority over Federal lands.

Section 8. Agency recommendations. This section requires Federal land management agencies to identify, after considering tribal and public input, potential tribal cultural areas and recommend tribal cultural area designations to Congress. The section provides tribal nations with the authority to propose tribal cultural areas to land management agencies, and details a process for responding to such proposals. The section also directs management of recommended tribal cultural areas, including that the areas will be withdrawn from energy and mining laws, and requires the appropriate Secretary to consult with interested Indian tribes on the management of such areas.

Section 9. Effect. This section provides that the establishment of a tribal cultural area will not: affect existing water rights, reserve new water rights, affect public access, alter state fish and wildlife management, or diminish existing public land designations. The section also provides protections for confidential information regarding the nature and location of sacred sites.

Section 10. Tribal coordination. This section requires the applicable Secretary to identify Indian tribes with an interest in a tribal cultural area and to regularly consult with the tribes regarding management of the area. The Secretary is required to consider tribal proposals for management and respond in writing if any tribal management proposal is rejected.