



**USET Resolution No. 2011:062**

**OPPOSITION TO THE RECENT POLICY CHANGE TO BUREAU OF INDIAN AFFAIRS ACCEPTANCE OF FEDERAL EXCESS PROPERTY ON BEHALF OF INDIAN TRIBES**

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-six (26) 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,** a unique Trust relationship exists between the United States (U.S.) Government and federally recognized Indian Tribes and is grounded within the U.S. Constitution, Treaties, Statutes, Federal Case Law, Presidential Directives, and congressional declarations; and
- WHEREAS,** this unique relationship is derived from the political and legal relationship that Indian Tribes have with the federal government and not based upon race; and
- WHEREAS,** the Indian Self-Determination, Education and Assistance Act (P.L. 93-638, ISDEAA) is the cornerstone legal authority for the contracting, compacting, and provision of a wide range of federal programs, functions, services, and activities by Indian Tribes, and has had a transformative role in the development of local Tribal capacity and Tribal community development; and
- WHEREAS,** Section 450(a) lays out the broad, comprehensive federal obligation, commitments and national goals of the ISDEAA, a clear and strong Congressional declaration of policy supporting Tribal strength, sovereignty, and the trust responsibility of the federal government to Indian Tribes; and
- WHEREAS,** Section 450j(f) provides broad authority for Indian Tribes to acquire federal excess and surplus property from the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and other federal agencies, including no-cost transfers, with a positive responsibility placed upon the federal government to facilitate these transfers, through federal policy, regulation, and past practice and transfers; and
- WHEREAS,** the BIA has, by a Memorandum dated January 7, 2011 and entitled "Authority Concerning Applications for Federal Excess or BRAC Properties", notified Tribes that the General Services Administration and the Department of Defense are now requiring Secretarial signature for all transfers (including for Department of Defense Base Realignment and Closure (BRAC) properties) and purporting to eliminate any "no-cost" transfers of properties to Indian Tribes, even though the BIA knows that the ISDEAA provides differently for Tribes and should be advancing this position with its sister Federal agencies; therefore, be it
- RESOLVED** the USET Board of Directors objects to the Bureau of Indian Affairs January 7, 2011 Memorandum as it undermines the unique authority in the Indian Self-Determination, Education and Assistance Act for Tribal transfers of excess and Department of Defense Base Realignment and Closure (BRAC) properties, and it further undermines the Bureau of Indian Affairs responsibility to work with General Services Administration, Department of Defense and other federal agencies to maintain substantive and procedural policies that facilitate transfers, including "no cost" transfers, to Indian Tribes of federal excess properties; and, be it further

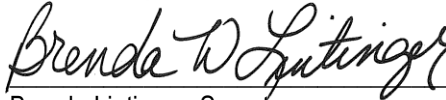
**RESOLVED** the USET Board of Directors respectfully requests that the Bureau of Indian Affairs, Government Services Administration and the Department of Defense immediately engage in consultation with Indian Tribes to clarify their authority and approach to excess and Department of Defense Base Realignment and Closure (BRAC) property transfers, particularly given the potential for significant numbers of properties coming available, many of which constitute the ancestral homelands of Indian Tribes and other culturally important and sensitive Tribal lands.

**CERTIFICATION**

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Marksville, LA, Thursday, May 19, 2011.



Brian Patterson, President  
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary  
United South and Eastern Tribes, Inc.

*“Because there is strength in Unity”*