



## UNITED SOUTH AND EASTERN TRIBES, INC.

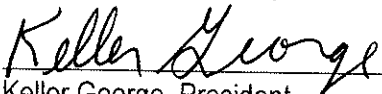
USET Resolution No. 2002:075

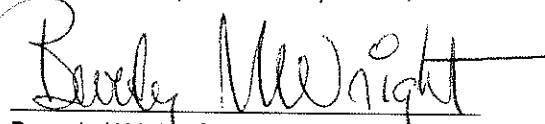
### FEDERAL COMMUNICATIONS COMMISSION MODEL STATE PROGRAMMATIC AGREEMENT

- 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 Federal Communications Commission (FCC) has a legal responsibility to conduct government-to-government consultation with those Tribes whose ancestral lands may suffer any effects, beneficial, adverse, or neutral, as a result of FCC's permitting of broadcast bands which require placement upon cell towers, and the concomitant cell tower constructions ; and
- WHEREAS,** the FCC has not been in compliance with the National Historic Preservation Act (16 USC 470 et. Seq.; 36 CFR 800) and, especially, Section 106 of the Act, concerning Indian rights to protect sites of traditional religious and cultural significance, since the original enactment of the law — choosing, rather, to enter into a Programmatic Agreement (PA) with the Advisory Council on Historic Preservation (ACHP); and
- WHEREAS,** should the FCC go forward with its creation of a PA, without consultation with the USET Tribes, the FCC will foreclose on the rights of the USET Tribes under federal law, and will materially impede the rights of the USET Tribes to protect their sites of traditional, religious and cultural significance; and
- WHEREAS,** the FCC further has consistently misinformed cell tower manufacturers regarding the cell tower manufacturers' responsibilities in this process and has, as a result, overwhelmed Tribal staffs and resources with requests for responses; and
- WHEREAS,** the failure of the FCC to comply with federal law has been the occasion of severe and constant cultural stress to the Tribes and has, upon many occasions, required the expenditures of scarce Tribal economic resources to force any degree of legal compliance; and
- WHEREAS,** the Senate Committee on Indian Affairs recently has heard the testimony of the Chairman of the Culture & Heritage Committee and has looked favorably upon its request for further investigation of the FCC's failures; therefore, be it
- RESOLVED** that the USET Board of Directors calls upon the ACHP to cease abetting the FCC's non-compliance and instruct the FCC of its legal responsibilities to enter into full government-to-government consultation with the USET Tribes.

#### CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Nashville, TN, Thursday, June 13, 2002.

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

  
Beverly Wright, Secretary  
United South and Eastern Tribes, Inc

*“Because there is strength in Unity”*