



United South and Eastern Tribes, Inc.

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USET Resolution No. 2013: 050

URGING THE DEPARTMENT OF THE INTERIOR TO AMEND ITS ADMINISTRATIVE APPEALS REGULATIONS TO MITIGATE THE UNCERTAINTY RESULTING FROM THE SUPREME COURT'S HOLDING IN *PATCHAK* BY PROVIDING A REASONABLE TIMEFRAME FOR APPEALING DECISIONS BY THE SECRETARY FOR TAKING LAND INTO TRUST

- 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,** On June 18, 2012, the United States Supreme Court issued its decision in *Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians v. Patchak* ("*Patchak*"), in which the Court held that the Quiet Title Act did not, as had long been the law, prevent a challenge to the legal status of land taken into trust for an Indian Tribe even several years *after* the land has been taken into trust; and
- WHEREAS,** the *Patchak* decision has created enormous uncertainty with regard to the status of lands that have been taken into trust with the effect of impeding economic development and threatening public safety due to jurisdictional ambiguities; and
- WHEREAS,** the Department of the Interior has the authority to amend the administrative appeals process to provide that while an aggrieved party may still challenge, such challenge must be brought in a timely manner, such as within 30 days of a decision, so as to assure that there would be certainty sooner with regard to the status of lands taken into trust; and
- WHEREAS,** in December 2010 the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET Board of Directors does hereby call upon the Department of the Interior to use its lawful authority to amend the administrative appeals process to require timely appeals, such as within 30 days of a decision to take land into trust.

CERTIFICATION

This resolution was duly passed at the USET Semi Annual Meeting, at which a quorum was present, in Niagara Falls, NY, on Friday, May 17, 2013.

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

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