



United South and Eastern Tribes, Inc.
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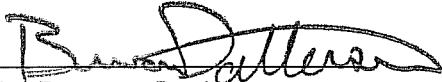
USET Resolution No. 2009:054

**SUPPORT FOR H.R. 3742, H.R. 3697 AND S. 1703 AMENDING THE
INDIAN REORGANIZATION ACT OF 1934**

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-five (25) 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,** in February 2009 the U.S. Supreme Court issued a decision in the *Carcieri v. Salazar* case that determined that the Secretary of the Interior under the Indian Reorganization Act of 1934 (IRA) could not accept land into trust for Indian Tribes that were not under federal jurisdiction as of 1934; and
- WHEREAS,** the IRA allows for the recovery of Tribal land and authorizes the Secretary to acquire land in trust to benefit Indian Tribes; and
- WHEREAS,** the IRA defines the term "Indian" as "all persons of Indian descent who are members of any recognized Indian Tribe now under federal jurisdiction;" and
- WHEREAS,** the Supreme Court overturned a lower court's decision and ruled that the phrase "now under federal jurisdiction" only referred to Indian Tribes that were recognized at the time of the IRA's enactment on June 18, 1934; and
- WHEREAS,** the Supreme Court's literal interpretation of the IRA ignores the congressional intent of the original legislation, reverses years of progress, sets a dangerous precedent and could open the flood gates to numerous new legal challenges of Tribal trust acquisitions-both past and present; and
- WHEREAS,** if the decision stands, it will not only engender costly and protracted litigation but also cause great uncertainty for Indian Tribes as they seek to put land into trust in order to provide essential services for Tribal members; and
- WHEREAS,** H.R. 3742, H.R. 3697 and S. 1703 would amend the IRA by reaffirming the Secretary of the Interior's authority to take land into trust for federally recognized Indian Tribes by clarifying the law and remove the uncertainty caused by the recent U.S. Supreme Court's decision in *Carcieri v. Salazar*; therefore, be it
- RESOLVED** the USET Board of Directors strongly urges the Congress to mark up and pass S. 1703, H.R. 3742 and H.R. 3697, respectively, in the 111th Congressional Session; and, be it further
- RESOLVED** the USET Board of Directors strongly urges the Obama Administration, including the Department of the Interior, to actively work with the Congress to enact this legislation and, until the Congress passes this legislation, support Tribes in their efforts to take land into trust and provide certainty and transparency in how trust applications will be processed in light of the *Carcieri* decision.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Hollywood, FL, on Thursday, October 29, 2009.



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



Robert McGhee, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”