



United South and Eastern Tribes, Inc.

Nashville, TN Office:

711 Stewarts Ferry Pike, Suite 100
Nashville, TN 37214
Phone: (615) 872-7900
Fax: (615) 872-7417

Washington, DC Office:

400 North Capitol Street, Suite 585
Washington, D.C., 20001
Phone: (202) 624-3550
Fax: (202) 393-5218

USET Resolution No. 2016:002

RESOLUTION URGING CONGRESS TO ENACT H.R. 3137 AND S. 1931 FEDERAL LEGISLATION TO REAFFIRM TRIBAL GOVERNMENT TRUST LANDS

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribal Nations, as the Board of Directors comprises delegates from the member Nations' leadership; and
- WHEREAS,** Tribal Nations are sovereigns that pre-date the United States (U.S.), with prior and treaty protected rights to self-government and to our Indian lands; and
- WHEREAS,** the Constitution of the U.S., through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, recognizes the sovereign status of Tribal Nations established prior to the U.S.; and
- WHEREAS,** before the formation of the U.S., Tribal Nations were independent sovereigns with complete authority over our lands and our citizens; and
- WHEREAS,** it is the policy of the U.S. to support self-determination, self-governance, and self-sufficiency as set forth in the Indian Self-Determination and Education Act of 1975 as amended, the Tribal Self-Governance Act, and other federal laws; and
- WHEREAS,** from the colonial era, private persons were not permitted to acquire Indian lands without the consent of the sovereign, and the U.S. adopted this legal doctrine in the Indian Non-Intercourse Act when the American Republic was founded, and
- WHEREAS,** in 2012, the U.S. Supreme Court handed down the Match-E-Be-Nash-She-Wish Band of Pottawatomi (Gun Lake) v. Patchak decision, which allows individuals to retroactively challenge the status of Indian lands placed into trust for the benefit of Tribal Nations; and
- WHEREAS,** an en banc panel of the U.S. Court of Appeals for the Ninth Circuit in Big Lagoon Rancheria v. California overturned the 3-judge panel but this question has been litigated and is being litigated in other courts, including the 11th Circuit Court of Appeals; and
- WHEREAS,** these decisions challenging lands taken into trust violate 240 years of federal law and policy to protect the quiet title to Indian lands; and


- WHEREAS,** Congress recognized the importance of restoring certainty to current Tribal trust land holdings by passing the Gun Lake Trust Land Reaffirmation Act, P.L. 113-179; and
- WHEREAS,** piecemeal legislation to protect the existing trust lands of individual Tribal Nations will bring about unnecessary expense to Tribal Nations and U.S. taxpayer resources, and result in the inconsistent protection of Tribal trust lands; and
- WHEREAS,** without legislation protecting all Tribal Nation trust lands, further mushrooming litigation in the federal and state courts will continue to threaten existing Tribal trust lands throughout Indian Country and could result in additional U.S. Supreme Court precedent adversely impacting Indian lands and Tribal sovereignty; 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 calls upon the United States Congress to enact H.R. 3137 and/or S. 1931 to protect and reaffirm current trust lands for all federally recognized Tribal Nations in fulfillment of Congress' intent through enactment of the Indian Reorganization Act.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Choctaw, MS, on October 28, 2015.



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



Lynn Malerba, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”