



## United South and Eastern Tribes, Inc.

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### **USET Resolution No. 2016:004**

#### **SUPPORT FOR TRUST MODERNIZATION PRINCIPLES AND STRATEGIES TO BRING TRUST ASSET MANAGEMENT AND THE TRUST RELATIONSHIP INTO THE 21<sup>st</sup> CENTURY**

- 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 Nation, as the Board of Directors comprises delegates from the member Nations' leadership; and
- WHEREAS,** in return for Indian Tribal Nations ceding millions of acres of land making the United States what it is today, the United States has recognized and must continue to protect the Tribal right to self-government; to exist as distinct peoples on their own lands, as well as protect remaining Indian trust assets; and
- WHEREAS,** the Constitution, treaties, statutes, Executive Orders, and judicial decisions all recognize the United States' fundamental trust relationship with Tribal Nations; and
- WHEREAS,** under the trust relationship, the United States has certain legal trust obligations to Tribal Nations, which govern the federal government's administration of Indian trust property and shape its nation-to-nation relations with Tribal Nations; and
- WHEREAS,** the current trust model is broken and based on faulty and antiquated assumptions from the 19th Century that Indian people were incompetent to handle their own affairs and that Tribal Nations were anachronistic and would gradually disappear; and
- WHEREAS,** the current trust model necessitates a comprehensive overhaul to modernize federal Indian policy in a manner that is consistent with self-determination and rooted in retained inherent sovereign authority; and
- WHEREAS,** a new model must be based on fulfillment by the United States of treaty and trust obligations and the recognition and support of Tribally-driven solutions; and
- WHEREAS,** in 2011, the USET Board of Directors formulated and adopted a vision for a modernized relationship between Tribal Nations and the U.S. government entitled, "Advancing the Trust Responsibility, Bold Concepts for a Fairer and More Prosperous Future for Indian Country."
- WHEREAS,** a collection of national and regional Tribal organizations and Tribal Nations, including USET, working with the support of their respective Tribal leaderships, has assembled a set of principles and corresponding strategies focused on modernizing the trust relationship and trust asset management system stemming from the many previous efforts throughout the past several decades and that were developed with the collective input of Tribal leadership; and

**WHEREAS,** the trust modernization principles are meant to be comprehensive enough to support all short-term and long-term legislative and administrative efforts, as well as respond to the rhythms and vagaries of the legislative and administrative processes, allowing for one or more of the proposals to go forward on their own or as a combined effort ; 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** that USET supports the following trust modernization principles:

- 1. Strengthen Trust Standards – Adopt Implementing Laws and Regulations**  
Federal trust standards must be strengthened, consistent with a set of specific legal principles, and applied uniformly among all federal agencies.
- 2. Strengthen Tribal Sovereignty – Empower Each Tribe to Define its Path**  
Tribal governments are best suited to meet the needs of their communities because they are more directly accountable to the people they represent, more aware of the problems their communities face, and more agile in responding to changing circumstances. Each Tribal Nation must be able to decide for itself the specific role that it wants to play in the management of its own trust assets.
- 3. Strengthen Federal Management – For Trust Assets Still Subject to Federal Control**  
The "one size fits all" approach taken by many federal agencies ignores the unique differences between the Tribal Nations and their unique government-to-government relationships. Many temporary solutions to trust management issues, like the establishment of the Office of the Special Trustee (OST) twenty years ago, have become additional bottlenecks on the trust management system.
- 4. Strengthen Federal-Tribal Relations – One Table with Two Chairs**  
Tribal Nations must have a seat at the table during all federal discussions of Indian policy and their opinions should be sought, respected, and listened to in order to have a successful Federal-Tribal trust relationship. This should include regular, coordinated, and meaningful high-level engagement of federal officials with Tribal leaders to properly develop, coordinate, and improve federal policies affecting Tribal Nations.
- 5. Strengthen Federal Funding and Improve Its Efficiency – A Pillar of the Trust Responsibility**  
Congress and the Administration should increase funding for federal Indian programs and services to the level necessary to fulfill the federal government's fiduciary responsibilities to Tribal Nations and their members and should reclassify trust administration, services, and programs as non-discretionary. Finally, since federal Indian affairs funding is provided in fulfillment of clear legal and historic obligations, federal dollars should not be subject to "means testing" or other inapplicable standards.

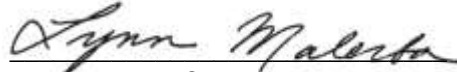
***“Because there is strength in Unity”***

**CERTIFICATION**

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Choctaw, MS, 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”*