



United South and Eastern Tribes, Inc.

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USET Resolution No. 2016:013

SUPPORT FOR CARCIERI FIX LEGISLATION

- 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 Tribal Nation's leadership; and
- WHEREAS,** it has been six years since the devastating United States (U.S.) Supreme Court decision in *Carcieri v. Salazar* (*Carcieri*) which limits the Secretary of the Interior's authority to place land into trust to only those Tribal Nations that were "under federal jurisdiction" as of 1934; and
- WHEREAS,** this ruling jeopardizes the ability of all federally recognized Tribal Nations to rebuild their homelands, provide essential government services, and secure economic development; and
- WHEREAS,** in the years since the *Carcieri* decision, Tribal Nations and the federal government have faced an increasing number of highly destructive legal challenges to lands currently held in trust; and
- WHEREAS,** advocacy and litigation on *Carcieri*, and its resulting legal challenges, have diverted precious time and resources from other worthy needs within Tribal Nations; and
- WHEREAS,** for more than six years, USET has actively pursued a *Carcieri* fix in the U.S. Congress but these efforts have not yet been successful due to opposition from interests that wish to leverage this basic issue of justice to advance unrelated agendas; and
- WHEREAS,** Senator John Barrasso, Chairman of the Senate Committee on Indian Affairs, after extensive discussions with a range of interests both inside and outside Indian Country, has introduced S. 1879, the *Interior Improvement Act* (IIA); and
- WHEREAS,** the IIA addresses two USET priorities, which are (1) restoration of the Secretary's authority to take land into trust for all federally recognized Tribal Nations and (2) reaffirmation of current trust lands for all federally recognized Tribal Nations; and
- WHEREAS,** the IIA does not include such objectionable provisions as a carve out of individual Tribal Nations, gaming provisions or the establishment of a county veto power over land into trust acquisitions; and
- WHEREAS,** the IIA reflects concerns that have been advocated by the counties, including encouraging, cooperative agreements between Tribal Nations and counties, but in response to Tribal Nation concerns it does not mandate those agreements; and

- WHEREAS,** the Assistant Secretary of Indian Affairs has stated that the IIA only codifies current Department of the Interior regulation and practice; and
- WHEREAS,** USET is waiting for Chairman Barrasso to offer his manager’s amendment to the bill; 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 is appreciative of the efforts by Chairman Barrasso and his staff in developing a solution that addresses USET’s principle goals for a Garcieri fix, and the USET Board looks forward to reviewing Chairman Barrasso’s amendment.

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”