



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2008:020


SUPPORT FOR RESTRICTED FEE LANDS

- 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,** the Seneca Nation of Indians is a member of the historic Haudenosaunee, or Six Nations Iroquois Confederacy, with aboriginal land recognized and protected under the Canandaigua Treaty of 1794; and
- WHEREAS,** much of the land held by sovereign, federally-recognized Indian Nations within the exterior boundaries of what is now known as the State of New York is land recognized by the United States (US) as "restricted fee" lands with protections against alienation and taxation that are provided in Federal law, in treaties and other agreements made with said Indian Nations; and
- WHEREAS,** since the enactment of the Indian Reorganization Act (IRA) in 1934, longstanding Federal Indian policy and practice has favored the facilitation by Indian Tribes and Nations of the reacquisition and protection of lands previously lost due to the depredations of a dominant society and other miscarriages of the rule of law; and
- WHEREAS,** the regulations at 25 C.F.R. Part 151 implement the IRA and its policy of land reacquisition, but only insofar as the reacquired land is accepted into trust status; and
- WHEREAS,** the regulations at 25 C.F.R. Part 151.2(e) reference "restricted land" and "land in restricted status" but, unlike with trust land, no comparable process is provided to accept reacquired fee land into "restricted status"; and
- WHEREAS,** the U.S. Congress in isolated instances has previously authorized specific statute by limited process whereby Indian Tribes and Nations within the exterior boundaries of what is now known as the State of New York may place reacquired land in restricted status in response to the settlement of a land claim; and
- WHEREAS,** the U.S. Congress in 1994 enacted an amendment to the IRA, codified at 25 U.S.C 476(f) and (g), which forbids the U.S. Department of Interior from giving effect to any regulation, decision or determination which "classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian Tribe relative to the privileges and immunities available to other federally recognized Tribes...;" and
- WHEREAS,** the sovereign, federally-recognized Indian Tribes and Nations within the exterior boundaries of what is now known as the State of New York are not accorded an opportunity comparable to that enjoyed by other Indian Tribes and Nations to have their reacquired lands protected by the U.S. as restricted fee lands; therefore be it
- RESOLVED** the USET Board of Directors calls upon the United States Congress and the Department of Interior to provide for a procedure whereby any Indian Tribe or Nation within the exterior boundaries of what is now known as the State of New York may place its required lands in restricted fee status and thereby gain the protection of the United States in that land against alienation and encumbrance.

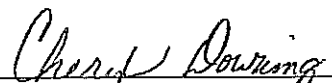
"Because there is strength in Unity"

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, Thursday, February 14, 2008.



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



Cheryl Downing, Secretary
United South and Eastern Tribes, Inc.