OCCIDENTAL UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S ASSERTION THAT IT CAN DELEGATE THEIR OBLIGATION TO CONSULT WITH TRIBES

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, Section 106 of the National Historic Preservation Act requires that whenever a federal undertaking could affect a property of religious and cultural significance to a federally recognized Tribe or Tribes, the responsible federal agency must engage in an extensive review process, including consultation with all affected federally recognized Tribes; and

WHEREAS, the Federal Government's consultation obligation is rooted in two pillars of federal Indian law and policy - the federal trust responsibility to Indian Tribes and the government-to-government relationship; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has expansively read into the Housing and Community Development Act (HCDA) the authority to delegate its consultation obligation to non-federal parties and has purported to do so; and

WHEREAS, the Native American Advisory Group of the Advisory Council on Historic Preservation has written HUD stating its view that HUD's interpretation of HCDA is "wrong"; and

WHEREAS, USET has historically played a leadership role in assuring that federal agencies keep their consultation obligations, including a major effort with the Federal Communications Commission; therefore, be it

RESOLVED the USET Board of Directors strongly objects to the U.S. Department of Housing and Urban Development's interpretation of the Housing and Community Development Act; and, be it further


CERTIFICATION

This resolution was duly passed by the USET Board of Directors on Thursday, October 16, 2008.

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

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

"Because there is strength in Unity"