



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2009:012

OPPOSITION TO 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
- RESOLVED** the USET Board of Directors demands the U.S. Department of Housing and Urban Development recognize the government-to-government relationship with each federally recognized Tribe and follow Presidential Memoranda (1994 & 2004) and subsequent Executive Order (2000) by conducting direct Tribal consultation.

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.