



## United South and Eastern Tribes, Inc.

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### **USET Resolution No. 2015:036**

#### **USET SUPPORT FOR SOVEREIGN DEBT RESTRUCTURING FAIRNESS**

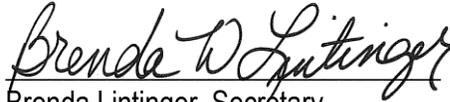
- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the risk of Tribal governmental defaults has increased due to the stress created from a mature gaming market, competition from state governments, and severe price declines in natural resources, such as oil, gas, and minerals; and
- WHEREAS,** sovereign Indian nations cannot clearly avail themselves of the protections afforded under federal bankruptcy law; and
- WHEREAS,** in the absence of some form of bankruptcy procedure, Tribes face a substantial barrier to the renegotiation of debt, often with hundreds of bondholders and various financial institutions; and
- WHEREAS,** for Tribes that have substantial debt, there needs to be a better set of options, including a method for adjusting debt and possibly the use of bankruptcy proceedings such as those available to municipalities, which would allow for greater certainty for Tribal governments and for the capital markets; 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** Indian Tribal governments, as sovereign Indian nations, should be recognized as having the same sovereign right to negotiate directly with bondholders in restructuring or discharging debt as any other sovereign nation; and be it further
- RESOLVED** an amendment to Title 11 of the United States Code should give Tribes the option to file for bankruptcy similar to the option currently available to municipalities under Chapter 9, without any requirement that a state consent or authorize such a filing; and be it further
- RESOLVED** Chapter 9 bankruptcy proceedings should be an option for Tribes and not a requirement when restructuring or discharging debt; and be it further
- RESOLVED** Tribal governments should have the right to pass laws and/or create restructuring clauses in contracts that establish a predictable set of rules for both Tribes and debt holders, which may include the option to bind all investors to decisions agreed to by the majority of bondholders.

**CERTIFICATION**

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Mashantucket, CT, May 20, 2015.



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



Brenda Lintinger, Secretary  
United South and Eastern Tribes, Inc.

*“Because there is strength in Unity”*