



USET

SOVEREIGNTY PROTECTION FUND

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May 10, 2019

The Honorable John Hoeven
Chairman
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, DC 20510

The Honorable Tom Udall
Vice Chairman
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, DC 20510

Re: Request to Hold an Oversight Hearing on the *Broken Promises* Report

Dear Chairman Hoeven and Vice Chairman Udall,

We write on behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) to request that the Senate Committee on Indian Affairs hold an oversight hearing on the U.S. Commission on Civil Rights' report, titled *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*. The report found that the funding of the federal trust responsibility and obligations remains "grossly inadequate" and a "barely perceptible and decreasing percentage of agency budgets." As Congress undertakes the appropriations process for Fiscal Year 2020, it is critical that both the executive and legislative branches develop a plan to address the persistent, chronic failure to uphold legal and moral promises to Tribal Nations.

USET SPF is a non-profit, inter-tribal organization representing 27 federally recognized Tribal Nations from Texas across to Florida and up to Maine.¹ USET SPF is dedicated to enhancing the development of federally recognized Tribal Nations, to improving the capabilities of Tribal governments, and assisting USET SPF Member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of Indian people. This includes advocating for the full exercise of inherent Tribal sovereignty.

In May 2015, following strong advocacy from Indian Country, a bipartisan group of twenty House members sent a letter to the U.S. Commission on Civil Rights (USCCR) requesting an update to the 2003 *A Quiet Crisis* report. In the letter, these House members highlighted several ongoing funding concerns and requested the updated report "to help ensure that the federal government is making progress in fulfilling its trust and treaty responsibilities." In response to this request, the U.S. Commission on Civil Rights began drafting the *Broken Promises* report, which was released in December 2018.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

The *Broken Promises* report concluded, just as the *Quiet Crisis* report had fifteen years before, that funding for federal Indian programs and services remains disproportionately lower than that for other populations and offers recommendations to the President, Congress, and numerous federal agencies on how to honor trust obligations to Tribal Nations. USCCR found that the federal government continues to fail to deliver upon these obligations, writing:

Federal programs designed to support the social and economic wellbeing of Native Americans remain chronically underfunded and sometimes inefficiently structured, which leaves many basic needs in the Native American community unmet and contributes to the inequities observed in Native American communities. The federal government has also failed to keep accurate, consistent, and comprehensive records of federal spending on Native American programs, making monitoring of federal spending to meet its trust responsibility difficult. Tribal Nations are distinctive sovereigns that have a special government-to-government relationship with the United States. Unequal treatment of tribal governments and lack of full recognition of the sovereign status of Tribal governments by state and federal governments, laws, and policies diminish Tribal self-determination and negatively impact criminal justice, health, education, housing and economic outcomes for Native Americans.

Though these chronic failures have persisted throughout changes in Administration and Congress, it is time that both the legislative and executive branches confront and correct them. And yet, despite the findings and recommendations within the *Broken Promises* and *Quiet Crisis* reports, subsequent Administrations have continued to request budgets that fall far short of the federal trust responsibility and obligations. The Fiscal Year 2020 President's Budget Request, for example, would result in deep cuts to federal Indian funding and policy changes that Indian Country has not requested. In order to begin delivering upon the recommendations of the *Broken Promises* report, the Administration must propose and Congress must demand budgets containing full funding for federal Indian agencies and programs. All branches of the federal government must take action to right these wrongs and this work must begin immediately.

With this in mind, we urge this Committee and others in Congress to hold oversight hearings with federal witnesses from all agencies and departments, including the Department of the Interior, the Indian Health Service, and the Office of Management and Budget, to examine plans for ensuring the federal government honors its treaty and trust obligations to Tribal Nations, including through the budget and appropriations process. Thank you for your consideration of this request. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 202-624-3550.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director