



United South and Eastern Tribes, Inc.
711 Stewarts Ferry Pike • Suite 100 • Nashville, TN 37214
(P): 615-872-7900 • (F): 615-872-7417

USET Resolution No. 2010:016

**SUPPORT FOR TRIBAL LAWS REGULATING RETAIL SALES ON INDIAN LANDS AND
SUPPORTING TRIBAL AMENDMENTS TO PRESERVE AND PROTECT TRIBAL SOVEREIGNTY
IN THE PREVENT ALL CIGARETTE TRAFFICKING ACT (“PACT ACT”)**

- 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,** Indian Tribes are sovereign indigenous nations, with rights of self-government that pre-date the formation of the United States; and
- WHEREAS,** the Constitution of the United States, treaties, statutes, and numerous Presidential orders and directives acknowledge the sovereign status of Indian nations as governments; and
- WHEREAS,** USET has passed resolutions opposing the PACT Act in various forms in several previous resolutions, including USET Resolution 2004:011, USET Resolution 2004:048, USET Resolution 2005:019.
- WHEREAS,** Indian Tribes have traditionally and routinely enacted tribal laws to control all activity within its Territories and already have strong tribal regulations and controls in place for tobacco sales in Indian Country; and
- WHEREAS,** Indian tribal governments' sovereign right of self-government is now threatened by certain provisions in legislation pending in the U.S. Congress known variously as the Prevent All Cigarette Trafficking Act or PACT Act; and
- WHEREAS,** the House passed its version of the PACT Act, H.R. 1676, on May 21, 2009, and the Senate has under consideration its version of the PACT Act, S. 1147, introduced on May 21, 2009 by Senator Kohl (D-WI), with co-sponsors including Senators Leahy (D-VT), Gillibrand (D-NY), Pryor (D-AR), Schumer (D-NY), and Warner (D-VA), which was referred to the Committee on the Judiciary chaired by Senator Leahy; and
- WHEREAS,** the pending PACT Act legislation would summarily ban members of all Indian Tribes from using the U.S. mails to ship tobacco products from within Indian Territory but allow anyone to mail tobacco products from anywhere within Alaska and Hawaii; and
- WHEREAS,** the pending PACT Act legislation would, in direct violation of longstanding federal Indian law and treaties, purport to authorize and unprecedented and wholesale transfer of tribal jurisdiction and enforcement to other governments over activities occurring within Indian Territory; and
- WHEREAS,** Indian Tribes are petitioning the U.S. Congress to adopt amendments to the foregoing legislation that would honor the federal treaty protections, maintain mail service, and ensure that the federal government takes no action to empower other governments in their efforts to override Indian Tribes' sovereign authority to govern its own Territory; and
- WHEREAS,** Tribes are not political subdivisions of a state. Tribes pre-date the formation of any state government. Tribes are not contained within a state. It was the states that later grew up around pre-existing Tribal governments. States do not and should not have any jurisdiction on or within sovereign Tribal nations; and

- WHEREAS,** the entire foundation of the PACT Act is flawed as it attempts to tip the balance of economic development, taxation, and enforcement away from the Tribal governments themselves and towards state governments; and
- WHEREAS,** all goals sought by the PACT Act can be addressed directly by the Tribes themselves and with the federal agencies; therefore, be it
- WHEREAS,** there has been no formal consultation or hearing in the Senate Committee on Indian Affairs to properly discuss the impacts of the PACT Act on Indian Country, be it
- RESOLVED** USET continues to oppose the PACT Act and any similar provisions that undermine tribal economies, or shift taxation or enforcement powers towards the states.
- RESOLVED** USET opposes the PACT Act and any variations thereof until Tribes and tribal lands, are exempted completely; or, all Tribal amendments addressing mailability within Indian Country, and taxation and enforcement over Tribal lands are included in the bill.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 11, 2010.



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



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

"Because there is strength in Unity"