



United South and Eastern Tribes, Inc.

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USET Resolution No. 2014:039

SUPPORTING TAX REFORM THAT EMBRACES TRIBAL SOVEREIGNTY AND ENSURES PARITY IN TAX TREATMENT OF SOVEREIGNS WITHIN THE FEDERAL SYSTEM

- 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 United States (U.S.) Constitution acknowledges Indian Tribes as governments with a bilateral relationship to the U.S. and recognizes treaties as the Supreme Law of the Land; and
- WHEREAS,** Tribal governments have responsibilities similar to states and local governments, but face unique challenges in their ability to generate revenue supporting the delivery of vital programs and services to citizens; and
- WHEREAS,** federal tax laws do not align with the U.S. Constitution's recognition of Indian Tribes as governments, the legal treaty and trust obligations owed to Indian Tribes, or the role Tribal government revenues play in serving its tribal communities; and
- WHEREAS,** the leadership of the tax writing committees of the U.S. Congress have repeatedly stated their commitment to develop comprehensive tax reform legislation before the close of the 113th Congress and have requested policy papers and proposals; and
- WHEREAS,** dual taxation of economic activity on Tribal lands is detrimental to Tribes efforts to attract business, build economies, and generate revenues; and
- WHEREAS,** the non-taxable status of Tribal governments should be maintained in any version of federal tax reform considered by this Congress as a matter of governmental fairness and parity; and
- WHEREAS,** improvements in the Tax Code are needed to align and develop federal tax policy which honors Indian self-determination, positive economic growth, self-sufficiency, and the promotion of Tribal sovereignty; and
- WHEREAS,** Indian Tribes, like states, are exempt from making Federal Income Contributions Act payments for their elected Tribal council members, yet may not make voluntarily Social Security contributions on behalf of those elected Tribal council members; and
- WHEREAS,** H.R. 3043, the "General Welfare Exclusion Act of 2013," and its Senate companion bill, S. 1507, contain provisions consistent with the Tribal sovereignty and self-determination objectives USET endorsed in Resolution 2013:030; and

- WHEREAS,** H.R. 3030, the "Tribal Tax and Investment Reform Act of 2013," would assure tax treatment of Tribal governments consistent with that of their state government counterparts with respect to the issuance of tax-exempt bonds, the administration of governmental retirement plans, the creation and management of public charities, and the enforcement of child support obligations, while also providing Tribes with tax-credit subsidized financing for the development of renewable energy; and
- WHEREAS,** H.R. 2332, the "Adoption Tax Credit Tribal Parity Act," would recognize the authority of Tribal courts, and not just state courts, to determine whether an adopted child has special needs that entitle the adoptive parents to enhanced federal adoption tax credits; 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** the USET Board of Directors will work with other Indian Tribes, intertribal organizations, and Members of Congress to support enactment of the General Welfare Exclusion Act of 2013 (H.R. 3043 and S.1507); and, be it further
- RESOLVED** the USET Board of Directors will collaborate with other Indian Tribes, intertribal organizations, and members of Congress to support H.R. 3030 and H.R. 2332, and to introduce companion legislation in the Senate that expands proposed legislation to include tax parity provisions with respect to the ability to make Social Security contributions on behalf of Tribal council members; and, be it finally
- RESOLVED** the USET Board of Directors will continue to engage tax reform in concert with intertribal organizations, and USET's Tribal Leaders' Tax Team in order to set forth a policy framework and to be prepared to seize windows of legislative opportunity.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 6, 2014.



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



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

"Because there is strength in Unity"