



## United South and Eastern Tribes, Inc.

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### USET Resolution No. 2016:033

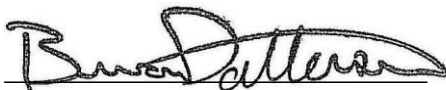
#### **SUPPORT FOR S. 2785, THE TRIBAL YOUTH AND COMMUNITY PROTECTION ACT OF 2016**

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-six (26) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** the 113th Congress reauthorized the Violence Against Women Act with Tribal provisions that, among other things, authorized Tribal Nations, in certain circumstances, to exercise criminal jurisdiction over non-Indian domestic violence offenders, who commit acts of domestic violence against intimate Native people; and
- WHEREAS,** Tribal Nations are unable to prosecute non-Indians who commit acts of violence against their most vulnerable citizens – children in Indian Country; and
- WHEREAS,** Tribal Nations are unable to protect their communities by prosecuting non-Indians who bring illegal drugs onto Indian reservations; and
- WHEREAS,** there is a fundamental need for Congress to recognize the inherent authority of Tribal governments to exercise criminal jurisdiction over both non-Indians and Indians who commit violent acts against Native children, and both non-Indians and Indians who commit crimes associated with illegal drugs, in order to decrease the instances of trauma impacting health, educational attainment, economic growth and public safety in Indian Country; and
- WHEREAS,** Congress has passed settlement acts that contain language that states have argued restricts the ability of certain Tribal Nations from taking advantage of later-enacted federal laws, including laws providing for the expanded exercise of Tribal civil and criminal jurisdiction over Tribal lands. These states are seeking to defeat important advances in federal Indian policy that are intended to respect Tribal Sovereignty and enable Tribal Nations to provide for the safety and welfare of all people on Tribal lands; and
- WHEREAS,** the U.S. Senate Committee on Indian Affairs (SCIA) held a hearing on the Indian Law and Order Commission's report entitled "A Roadmap for Making Native America Safer," on February 12, 2014, and from that hearing has emerged S. 2785, the Tribal Youth and Community Protection Act, a bill which contains amendments and legislative proposals that will strengthen the ability of Tribal Nations and the United States in reducing violent crimes against Native children, and provide greater protection to Tribal communities from illegal drugs; and

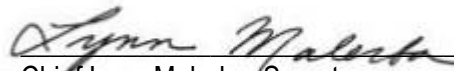
- WHEREAS,** among the important changes are the following: 1) modifying 25 U.S.C. § 1304 so that it now encompasses “Tribal jurisdiction over crimes of domestic, dating violence, child violence and drug offenses;” (2) affirming that criminal acts of domestic, dating and child violence include both misdemeanors and felonies; (3) affirming Tribal Nations have concurrent jurisdiction with the United States, a state, or both, and the inherent authority to investigate, prosecute, convict and sentence non-Indians and Indians who commit acts of domestic, dating and/or child violence as defined by the law, as well as non-Indians and Indians who commit drug related offenses in Indian Country; and (4) the authorizing of an increase in appropriations to assist Tribal Nations in implementing the law; 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 SPF Board of Directors urges the Senate Committee on Indian Affairs to work closely with the Senate Judiciary Committee to ensure that the proposals contained in S. 2785, the Tribal Youth and Community Protection Act, remain intact and reach the Senate floor for a vote; and be it finally
- RESOLVED** the USET SPF Board of Directors urges the Congress to clarify that later-enacted federal laws intended to advance Tribal sovereignty and the well-being of Tribal Nations are also intended to supersede prior statutory limitations; and, be it further
- RESOLVED** the USET SPF Board of Directors shall make addressing this a priority on Tribal lands as well as on the national level and urges its member Tribal Nations to pass similar resolutions that support the amendments and other proposals contained in S. 2785, the Tribal Youth and Community Protection Act.

### CERTIFICATION

This resolution was duly passed at the USET Sovereignty Protection Fund Semi-Annual Meeting, at which a quorum was present, in Atmore, AL, May 18, 2016.



Brian Patterson, President  
United South and Eastern Tribes  
Sovereignty Protection Fund



Chief Lynn Malerba, Secretary  
United South and Eastern Tribes  
Sovereignty Protection Fund

*“Because there is strength in Unity”*