WHEREAS, United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-seven (27) 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, Tribal Nations are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our homelands; and

WHEREAS, the Constitution of the United States, through Treaty, Commerce, and Apportionment Clauses of the 14th Amendment, recognizes the sovereign status of Tribal governments as nations established prior to the United States; and

WHEREAS, in California v. Cabazon (1987) the Supreme Court of the United States reaffirmed the inherent right of Tribal Nations to conduct Indian gaming as an essential element of Tribal self-government, free from state interference; and

WHEREAS, in 1988, Congress enacted the Indian Gaming Regulatory Act (IGRA) to affirm the inherent authority of Tribal Governments to conduct Indian gaming, strengthen Tribal governments, and foster Tribal economic self-sufficiency; and

WHEREAS, Congress established the National Indian Gaming Commission (NIGC) to oversee Class II gaming, to approve Tribal gaming ordinances, to review background checks, and to review audits; and

WHEREAS, for more than 40 years, Tribal Nations have used gaming revenues to rebuild Tribal infrastructure, provide essential governmental services, and improved educational and cultural opportunities, thereby fulfilling goals of the IGRA; and

WHEREAS, the benefits of Indian gaming have extended beyond reservation boundaries through charitable contributions, indirect tax and fee payments, and in the form of more than 700,000 direct and indirect American jobs; and

WHEREAS, on May 29, 2015, the Office of General Counsel for NIGC requested an opinion from the Office of the Solicitor, Department of the Interior, regarding whether the Alabama-Coushatta Tribe of Texas could offer Class II gaming pursuant to IGRA on their trust lands; and

WHEREAS, on July 10, 2015, the Alabama-Coushatta Tribe of Texas submitted a Class II Gaming Ordinance to the NIGC for approval; and

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WHEREAS, on July 10, 2015, the Alabama-Coushatta Tribe of Texas submitted a Class II Gaming Ordinance to the NIGC for approval; and

WHEREAS, the benefits of Indian gaming have extended beyond reservation boundaries through charitable contributions, indirect tax and fee payments, and in the form of more than 700,000 direct and indirect American jobs; and
WHEREAS, on September 10, 2015, the Deputy Solicitor for Indian Affairs issued an opinion letter that IGRA applied to the Alabama-Coushatta Tribe and that the Tribe could legally offer Class II gaming on its trust lands; and

WHEREAS, on October 8, 2015, the NIGC approved the Alabama-Coushatta Tribe of Texas’ Class II Gaming Ordinance; and

WHEREAS, on June 2, 2016, the Alabama-Coushatta Tribe of Texas opened its Class II gaming center; and

WHEREAS, the State of Texas’ attempt to regulate such activities disregards the intentions of Congress and the Department of Interior in affirming the inherent right of Tribal Nations to conduct Indian gaming as an essential element of Tribal self-government and sovereignty, free from state interference; and

WHEREAS, any potential Federal District Court decision has far reaching implications for all of Indian Country and the ability of Tribal Nations to promote Tribal sovereignty and self-government; and

WHEREAS, on January 24, 2019, US Congressman Brian Babin (R-TX) introduced H.R. 759, The Ysleta Del Sur Pueblo and Alabama-Coushatta Tribe of Texas Equal and Fair Opportunity Settlement Act, to clarify two conflicting federal statues and resolve endless litigation; create parity and fairness between the three federally recognized Texas Tribal Nations; and

WHEREAS, H.R. 759 adds one sentence to the restoration act for both the Ysleta del Sur Pueblo (Pueblo) and the Alabama-Coushatta Tribe of Texas stating that, “Nothing in this Act shall be construed to preclude or limit the applicability of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.”; and

WHEREAS, departments or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes (25 U.S.C. § 476(f)), 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 supports the Alabama-Coushatta Tribe of Texas in its effort to defend its gaming rights and in support of H.R. 759 in the 116th Congress to ensure that further erosion of Tribal sovereignty and self-government will not occur.
CERTIFICATION

This resolution was duly passed at the USET SPF Impact Week Meeting, at which a quorum was present, in Arlington, VA, March 7, 2019.

Chief Kirk E. Francis, Sr., President
United South and Eastern Tribes
Sovereignty Protection Fund

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