



# USET

SOVEREIGNTY PROTECTION FUND

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## USET SPF Resolution No. 2019 SPF:018

### **SUPPORT FOR HOUSE RESOLUTION 759 - YSLETA DEL SUR PUEBLO AND ALABAMA- COUSHATTA TRIBE OF TEXAS EQUAL AND FAIR OPPORTUNITY SETTLEMENT ACT**

- 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 14<sup>th</sup> 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

- 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 116<sup>th</sup> Congress to ensure that further erosion of Tribal sovereignty and self-government will not occur.

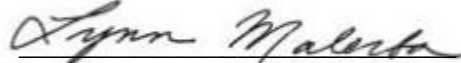
*Because there is Strength in Unity*

**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

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