



USET

SOVEREIGNTY PROTECTION FUND

Nashville TN Office
711 Stewarts Ferry Pike, Ste. 100
Nashville TN 37214
P: (615) 872-7900
F: (615) 872-7417

Washington DC Office
400 North Capitol St., Ste. 585
Washington DC 20001
P: (202) 624-3550
F: (202) 393-5218

USET SPF Resolution No. 2020 SPF:003

URGING IMMEDIATE ACTION TO RESTORE AND PROTECT TRIBAL HOMELANDS

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty (30) 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,** in 1934, Congress enacted the Indian Reorganization Act (IRA) in response to devastating federal policies that resulted in a loss of millions of acres of Tribal homelands; and
- WHEREAS,** under the IRA, the Department of the Interior (DOI) has, for nearly 85 years, restored Tribal lands through trust acquisitions to enable Tribal Nations to build schools, health clinics, hospitals, housing, and provide other essential services to Tribal citizens; and
- WHEREAS,** since 1934, DOI has approved trust acquisitions for approximately 5 million acres of former Tribal homelands, far short of the more than 100 million acres lost through federal policies of removal, allotment, and assimilation; and
- WHEREAS,** the Tribal Nations located in the USET SPF region have a lengthier history when it comes to the systematic dispossession of our lands as a result of hundreds of years of federal (and before that, colonial) policies, which have left a majority of USET SPF Tribal Nations with only a fraction of their homelands and some landless; and
- WHEREAS,** all Tribal Nations, whatever their historical circumstances, need and deserve a stable land base, sufficient to support robust Tribal self-government, cultural preservation and economic development, and the federal government should ensure every Tribal Nation has the opportunity to restore its homelands; and
- WHEREAS,** while USET SPF member Tribal Nations ultimately seek full jurisdiction and management over our homelands without federal government interference and oversight, we recognize the critical importance of the restoration of our land bases through the land-into-trust process. We further recognize that the federal government, and not any other unit of government, has a trust responsibility and obligation to Tribal Nations in the establishment and management of trust lands; and
- WHEREAS,** as with other processes and functions central to trust obligation, it is incumbent upon DOI to secure the federal funding required to fulfill its responsibilities in the Fee to Trust process, including staffing infrastructure, by providing a full accounting of its financial needs to the Office of Management and Budget and Congress; and

- WHEREAS,** DOI's primary focus and objective must always be the restoration of Tribal homelands. Concerns unrelated to this objective, including the concerns of other jurisdictions, must never guide the decisions or policymaking of DOI or Congress; and
- WHEREAS,** on February 24, 2009, the Supreme Court in *Carcieri v. Salazar* ("*Carcieri*") severely limited the Secretary of the Interior's ability to take land into trust for Tribal Nations pursuant to the IRA, providing that such authority only extended to those Tribal Nations "under federal jurisdiction" in 1934; and
- WHEREAS,** the *Carcieri* decision, greatly magnified by subsequent decisions, has created enormous uncertainty with regard to the status of lands that have been taken into trust with the effect of impeding economic development, threatening public safety due to jurisdictional ambiguities, and through the erosion of Tribal sovereignty and the trust responsibility and obligations, ultimately affecting cultural identity and survival; and
- WHEREAS,** *Carcieri* has created a deeply inequitable 2-class system, in which some Tribal Nations have the ability to restore the homelands stolen from them and others do not. This 2-class system serves to deny these Tribal Nations a critical component of the trust relationship, vital aspects of the exercise of inherent sovereignty, and the opportunity to qualify for several government programs; and
- WHEREAS,** in the years following the decision, the rhetoric surrounding the need to correct this grave injustice has been perverted by those who seek to undermine the acquisition of trust lands for Tribal Nations. This has led to widespread misunderstanding about the purpose and effects of a fix; and
- WHEREAS,** however, a *Carcieri* fix would simply return us to the status quo prior to 2009—a rigorous process for the acquisition of trust land for all federally-recognized Tribal Nations. This long overdue fix does not confer any additional benefits or supersede any existing law, nor is it about anything other than the rightful restoration of Tribal homelands; and
- WHEREAS,** USET SPF continues to call for the immediate passage of a fix that contains the two features necessary to restore parity to the land-into-trust process: (1) a reaffirmation of the status of current trust lands; and (2) confirmation that the Secretary has authority to take land into trust for all federally recognized Tribal Nations; 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** USET SPF calls upon Congress to pass, and the President to sign into law, legislation containing (1) a reaffirmation of the status of current trust lands; and (2) confirmation that the Secretary has authority to take land into trust for all federally recognized Tribal Nations; and be it further


Because there is Strength in Unity

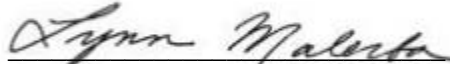
RESOLVED until a fix is enacted, the Department of Interior must follow existing authorities and guidance, including the M-Opinion issued by Department of Interior on March 12, 2014, to continue processing Fee to Trust applications; and be it further

RESOLVED this resolution shall be the policy of USET SPF until it is withdrawn or modified by a subsequent resolution.

CERTIFICATION

This resolution was duly passed at the USET SPF Annual Meeting held on the Sovereign Territory of the Mississippi Band of Choctaw Indians at which a quorum was present on November 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