



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:005

CALLING FOR LEGISLATIVE ACTION TO ADDRESS THE FINDINGS OF THE BROKEN PROMISES REPORT

- 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 December 2018, the United States Commission on Civil Rights (USCCR) issued a report entitled, "Broken Promises: Continuing Federal Funding Shortfall for Native Americans,"; and
- WHEREAS,** the "Broken Promises" report comes after years of advocacy from Tribal Nations and organizations seeking an update to the 2003 "Quiet Crisis" report, which found deep failures in the delivery of federal fiduciary trust and treaty obligations; and
- WHEREAS,** the "Broken Promises" report found that the funding of the federal trust responsibility and obligations remains "grossly inadequate" and a "barely perceptible and decreasing percentage of agency budgets,"; and
- WHEREAS,** though these chronic failures have persisted throughout changes in Administration and Congress, it is time that both the legislative and executive branches confront and correct them; and
- WHEREAS,** much like the U.S. investment in the rebuilding of European nations following World War II via the Marshall Plan, the legislative and executive branches should commit to the same level of responsibility to assisting in the rebuilding of Tribal Nations, as our current circumstances are, in large part, directly attributable to the shameful acts and policies of the United States; and
- WHEREAS,** many of USCCR's recommendations in "Broken Promises" represent short-term, partial, or stopgap solutions to the problems outlined in its findings; and
- WHEREAS,** while USET SPF endorses and supports many of USCCR's recommendations, we are seeking bold and systemic change in order to truly improve the delivery of federal trust and treat obligations; and
- WHEREAS,** one way to immediately begin to deliver upon the recommendations of the Broken Promises report is for the Administration to propose and Congress to demand budgets containing full funding for federal Indian agencies and programs, which would require a full accounting of the federal government's unfunded obligations to Indian Country; and

- WHEREAS,** this would involve reforms to the processes the Office of Management and Budget (OMB) uses to prepare the President's Budget Request and its Native American Crosscut, a document that is intended to outline total federal funding delivered to Indian Country on an annual basis, but currently includes funding for which Tribal Nations are eligible, but effectively cannot access; and
- WHEREAS,** USET SPF is also calling for full funding, as well as fundamental change in funding methodology, including mandatory funding and extending Indian Self-Determination and Education Assistance Act contracting and compacting for all federal Indian programs, as these provisions would be more reflective of trust and treaty obligations, as well as our governmental status; and
- WHEREAS,** in order to truly improve public safety in Indian Country, Tribal Nations must have full criminal jurisdiction over our lands, as well as the people who reside on or enter our lands, and this jurisdiction must be restored through a fix to the Supreme Court decision in *Oliphant v. Suquamish Indian Tribe*; and
- WHEREAS,** because economic development in Indian Country is severely hindered through inequities in the tax code as well as state dual taxation, Congress must ensure Tribal Nations have governmental parity in order to rebuild Tribal economies, including exclusive authority to tax within our borders; 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, including through a fix to the Supreme Court decision in *Carciari v. Salazar*; and
- WHEREAS,** legislation containing these provisions would do more to address the findings of the "Broken Promises" report than short-term, incremental changes; 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 introduce and pass legislation containing bold proposals to address the findings of the "Broken Promises" report; and be it further
- RESOLVED** USET SPF calls upon the Executive Branch to enact and implement, through meaningful Tribal consultation, legislation to address the findings of the "Broken Promises" report; and be it further
- RESOLVED** this resolution shall be the policy of USET SPF until it is withdrawn or modified by a subsequent resolution.


Because there is Strength in Unity

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

Because there is Strength in Unity