USET SPF Resolution No. 2020 SPF:006

URGING LEGISLATIVE ACTION TO ENSURE OPPORTUNITY ZONE PROVISIONS PROMOTE ECONOMIC DEVELOPMENT ACROSS INDIAN COUNTRY

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,   economic sovereignty is essential to Indian Country's ability to be self-determining and self-sufficient, and the rebuilding of our Tribal Nations includes rebuilding of our Tribal economies as a core foundation of healthy and productive communities; and

WHEREAS,   limited access to capital, including private capital, often serves as our greatest challenge and interferes with our ability to pursue economic development opportunities; and

WHEREAS,   the Tax Cuts and Jobs Act of 2017 established the Opportunity Zones program to encourage long-term investments in low-income communities across the United States; and

WHEREAS,   Opportunity Zones provide a tax incentive for investors to re-invest their unrealized capital gains in designated tracts of land through partnerships or corporations; and

WHEREAS,   the statute only gives state governors authority to nominate up to 25 percent of the total number of eligible low-income community census tracts within a state as Opportunity Zones, which runs counter to the federal trust obligation, as it gives states the authority to determine whether Tribal Nations will have access to a federal program; and

WHEREAS,   this has created a situation where many Tribal Nations across Indian Country have been disregarded and ignored by their respective states when creating these zones; and

WHEREAS,   in an effort to deliver upon the trust obligation to rebuild Tribal economies and to ensure Tribal Nations are treated equally under the law, all eligible census tracts on or adjacent to Tribal reservations should be automatically deemed Opportunity Zones without requiring nomination by a state governor; and

WHEREAS,   the Tax Cuts and Jobs Act adopted similar terms for Puerto Rico, with a provision that states "[e]ach population census tract in Puerto Rico that is a low-income community shall be deemed to be certified and designated as a qualified opportunity zone[.]"; and

WHEREAS,   despite support for correcting the provision within several federal agencies, legislative action is necessary to provide parity for Tribal Nations within the Opportunity Zones program; 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 and urges Congress to pass a statutory correction to the Tax Cuts and Jobs Act that ensures all eligible census tracts on or adjacent to Tribal reservations are automatically deemed Opportunity Zones without requiring nomination by a state governor; 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.

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

Because there is Strength in Unity