



# USET

SOVEREIGNTY PROTECTION FUND

711 Stewarts Ferry Pike  
Suite 100  
Nashville, TN 37214  
P: (615) 872-7900  
F: (615) 872-7417  
www.usetinc.org

## USET SPF Resolution No. 2021 SPF: 002

### **SUPPORTING LEGISLATION TO EXPAND TRIBAL SELF-GOVERNANCE IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty-three (33) 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,** federal trust and treaty obligations are the result of the millions of acres of land and extensive resources ceded to the United States—oftentimes by force— in exchange for which it is legally and morally obligated to provide benefits and services in perpetuity, as well as uphold Tribal sovereignty, Self-Determination, and Self-Governance; and
- WHEREAS,** the Indian Self-Determination and Education Assistance Act (ISDEAA) authorizes Tribal Nations to enter into contracts and compacts with the federal government to provide services that the federal government would otherwise be obligated to provide due to the trust and treaty obligations of the United States; and
- WHEREAS,** ISDEAA provides a fiduciary model that acknowledges the inherent rights and authorities of Tribal Nations to determine our own destinies; and
- WHEREAS,** other methods of federal funding, such as grants, treat Tribal Nations as not-for-profits, instead of sovereign governments, and create unnecessary barriers to services provided in fulfillment of perpetual trust and treaty obligations; and
- WHEREAS,** Self-Determination and Self-Governance under the ISDEAA have led to a significant improvement in the daily lives of Tribal citizens because Tribal Nations are more accountable and responsive to our people; and
- WHEREAS,** the success of the ISDEAA prompted Congress in 2000 to establish permanent Tribal Self-Governance in the Indian Health Service (IHS) in Title V of the ISDEAA; and
- WHEREAS,** Title V authorizes participating Tribal Nations to redesign IHS programs and redirect funds supporting those programs, in any manner that Tribal Nations determine is in the best interest of our communities, upholding Tribal sovereignty and Self-Determination, and better reflecting our diplomatic relationship with the U.S.; and

*Because there is Strength in Unity*

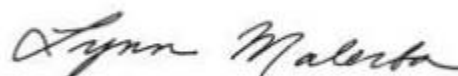
- WHEREAS,** in Title VI of the ISDEAA, enacted in 2000, Congress envisioned expanding Self-Governance to include grant programs administered by other agencies within the Department of Health and Human Services (HHS); and
- WHEREAS,** in 2003, HHS issued a study concluding such an expansion was feasible and identifying eleven HHS programs that could be integrated into Self-Governance; and
- WHEREAS,** in 2004, the Senate considered legislation to authorize a demonstration project implementing Title VI, but that legislation was not enacted; and
- WHEREAS,** many of the selected programs are those that Tribal Nations have been successfully administering for decades under individual grants and could easily be integrated into our compacts and contracts; and
- WHEREAS,** rather than relying upon the paternalistic model of the provision of direct services by the federal government or a non-profit model via grantmaking, Tribal Nations should be the sole decision-makers in the administration of federal programs and funding in our communities; and
- WHEREAS,** expansion of Self-Governance within HHS is the next logical step to promote Tribal sovereignty and improve health care services, and has remained a top legislative priority of Tribal Nations; and
- WHEREAS,** Tribal Nations have drafted legislation, modeled on the 2004 Senate bill, that would establish a demonstration project expanding Self-Governance to specified programs administered by non-IHS agencies within HHS; 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 introduction of legislation establishing a demonstration project to implement Title VI of the Indian Self-Determination and Education Assistance Act and calls upon Congress for its immediate passage,

### CERTIFICATION

This resolution was duly passed by the USET SPF Executive Committee, at which a quorum was present, on September 8, 2021.



Chief Kirk E. Francis, Sr., President  
United South and Eastern Tribes, Inc.



Chief Lynn Malerba, Secretary  
United South and Eastern Tribes, Inc.