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USET SPF Priority Issue Areas for Incoming DOI STAC

As the Department of the Interior (DOI) seats its Secretary's Tribal Advisory Committee (STAC), USET SPF outlines some broad, early items of interest and opportunities for discussion and deliberation. While by no means an exhaustive list of priorities for our member Tribal Nations, we offer the below as a foundation for the DOI STAC's initial agenda:

- **Uphold and Defend Our Political Status as Reflected in the U.S. Constitution**
Over the course of many Administrations, but particularly during the last, our political status under the Constitution has come under attack. The DOI STAC should work with the Secretary to ensure compliance with and defend challenges to existing law, such as the Indian Child Welfare Act (ICWA), as well as provide legal and regulatory exemptions from actions that would undermine trust obligations.
- **Recognize, Promote, and Advance Tribal Sovereign Rights and Authorities**
Tribal Nations are political, sovereign entities whose status stems from the inherent sovereignty we have as self-governing peoples, which pre-dates the founding of the Republic. The Constitution, treaties, statutes, Executive Orders, and judicial decisions all recognize that the federal government has a fundamental trust relationship to Tribal Nations, including the obligation uphold the right to self-government. Our federal partners must recognize the inherent right of Tribal Nations to fully engage in self-governance and expand the recognition of Tribal government authority, so we may exercise full decision-making in the management of our own affairs and governmental services, including jurisdiction over our lands and people. The DOI STAC should work with the Secretary to ensure that all bureaus are upholding, promoting, and defending Tribal sovereignty to the fullest extent. The Secretary should further work with the body on eliminating barriers to the full exercise of our inherent sovereignty, including barriers to the exercise of criminal and civil jurisdiction on our homelands.
- **Restoration and Protection of Tribal Homelands**
USET SPF Tribal Nations continue to work to reacquire our homelands, which are fundamental to our existence as sovereign governments and our ability to thrive as vibrant, healthy, self-sufficient communities. And as our partner in the trust relationship, it is incumbent upon the federal government to prioritize the restoration of our land bases. The federal government's objective in the trust responsibility and obligations to our Nations must be to support healthy and sustainable self-determining Tribal governments, which fundamentally includes the restoration of lands to all federally-recognized Tribal Nations, as well as the legal defense of these land acquisitions. The STAC should assist DOI with land restoration priorities, such as a fix to the Supreme Court decision in *Carcieri v. Salazar*, as well as proposed improvements to the land-into-trust process.

Because there is Strength in Unity

- **Prioritize and Increase Funding for Federal Fiduciary Obligations**

The chronic underfunding of federal Indian programs continues to have disastrous impacts upon Tribal governments and Native peoples. Native peoples experience some of the greatest disparities among all populations in this country. Indeed, the *Broken Promises* report found deep failures in the delivery of federal fiduciary trust and treaty obligations, concluding that the funding of the federal trust responsibility and obligations remains “grossly inadequate” and a “barely perceptible and decreasing percentage of agency budgets.”

In particular, we note the historic and continued unmet funding obligations with regard to the Bureau of Indian Affairs’ (BIA) diverse line items. Working in partnership with Indian Affairs, the yearly budget formulation process now offers a much more comprehensive look at the priorities of Tribal Nations across the many lines and accounts found within the BIA and BIE budgets. However, we remain focused on the addition of a component or calculation of BIA’s unfunded obligations in order to measure how well the U.S. is honoring its promises, on which Indian Affairs Leadership recently agreed to collaborate. The Department should want to know the full extent of DOI’s unmet funding obligations to Indian Country and the STAC should provide guidance on achieving this clarity and addressing these unmet obligations. We cite a recent report to Congress from DOI conveying placing a full funding total for just Public Safety & Justice programs at \$3 billion as the type of data we are seeking across the agency.

- **Invest in and Rebuild Tribal Infrastructure—A Marshall Plan for Tribal Nations**

For generations, the federal government – despite abiding trust and treaty obligations – has substantially under-invested in Indian Country’s infrastructure. While the United States faces crumbling infrastructure nationally, there are many in Indian Country who lack even basic infrastructure. Following insufficient levels of funding for Tribal Nations in the Infrastructure Investment and Jobs Act, the United States must commit to supporting the rebuilding and restoration of the sovereign Tribal Nations that exist within its domestic borders. Much like the U.S. investment in the rebuilding 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. In the same way the Marshall Plan acknowledged America’s debt to European sovereigns and was utilized to strengthen our relationships and security abroad, the United States should make this strategic investment domestically. Strong Tribal Nations will result in a strengthened United States. At the same time, any infrastructure build-out, in Indian Country and beyond, must not occur at the expense of Tribal consultation, sovereignty, sacred sites, or public health. As a federal agency charged with the development much of Indian Country’s infrastructure and nation rebuilding, DOI should work with the STAC to implement a Marshall Plan within its bureaus.

- **Removing Barriers to Economic Development and Strengthening Tribal Nation Economies**

Economic sovereignty is essential to Indian Country’s ability to be self-determining and self-sufficient and is the foundation of healthy and productive communities. Through inequities in the tax code as well as state dual taxation, revenue generated within Indian Country continues to be taken outside its borders or otherwise falls victim to a lack of parity. Moreover, Tribal governments continue to lack many of the same benefits and flexibility offered to other units of government under the tax code. In order to achieve economic success, revenues and profits generated on Tribal lands must stay within Indian Country in order to benefit from the economic multiplier effect, allowing for each dollar to turn over multiple times within a given Tribal economy. It is critical that inequities and the lack of parity in policy and federal funding be addressed for Tribal Nations in order to fully exercise our inherent self-governance to conduct economic development activities for

the benefit of our Tribal citizens. The DOI STAC and Treasury Tribal Technical Advisory Committee should collaborate with one another and their respective Departments to address barriers to economic development.

- **Sacred Sites and Cultural Protections**

While the practice of spiritual and ceremonial traditions and beliefs varies significantly among USET SPF Tribal Nations, our spirituality is overwhelmingly place-based. From the Mississippi Band of Choctaw Indians' Nanih Waiyah mounds to the ceremonial stone landscapes of New England, each member Tribal Nation has specific places and locations that we consider sacred. These places are often the sites of our origin stories, our places of creation. As such, we believe that we have been in these places since time immemorial. Through these sites, we are inextricably linked to our spirituality, the practice of our religions, and to the foundations of our cultural beliefs and values. Our sacred sites are of greatest importance as they hold the bones and spirit of our ancestors and we must ensure their protection, as that is our sacred duty. As our federal partner in this unique government-to-government relationship, it is also incumbent upon all branches of the U.S. government to ensure the protection of these sites, including by upholding our own sovereign actions. The DOI STAC should work with the Department's bureaus to ensure that our cultural and sacred sites are preserved, protected, and returned to our governments.

- **Responding to the Impacts of Climate Change and Protecting Our Environment**

Because of where we are located, our members are facing an increasing number of climate change-related events, including heavy precipitation leading to subsequent flooding, erosion, and decreases in water quality. In addition, Tribal Nations located in coastal areas, including many USET SPF member Tribal Nations, are most at risk to impacts from sea level rise. In fulfillment of the trust obligation, the federal government has an inherent responsibility to ensure the protection of the environmental and cultural resources that support the health and wellness of Tribal communities, as well as to support Tribal sovereignty and self-determination. Therefore, it is critical that Tribal Nations have access to the necessary resources to address the effects of climate change within our communities. In addition, Tribal Nations must be included as full partners in broader plans, dialogue, and legislation in addressing the climate crisis, especially with regard to establishing policies supporting economic development with renewable energy. The DOI STAC should work with the Department to ensure this occurs.