



USET

SOVEREIGNTY PROTECTION FUND

Washington, DC Office
1730 Rhode Island Ave., NW, Suite 406
Washington, DC 20036

Nashville, TN Office
711 Stewarts Ferry Pike, Suite 100
Nashville, TN 37214
P: 615-872-7900 | F: 615-872-7417

USET SPF Resolution No. 2025 SPF:010

MEANINGFUL CONSULTATION THROUGH ENHANCED COMMUNICATION PROTOCOL

- 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,** the Constitution, treaties, statutes, executive orders, presidential memoranda, and judicial decisions recognize the United States's trust and treaty obligations to Tribal Nations; and
- WHEREAS,** all branches of the federal government, including all departments, bureaus, and agencies of the Executive Branch, hold sacred trust and treaty obligations to Tribal Nations and have moral and legal obligations to meaningfully consult with Tribal Nations, appropriately seek prior and informed consent, protect Tribal Nation natural, environmental, and cultural resources, and provide the necessary funds and technical assistance required for Tribal Nations to meaningfully participate in the Tribal consultation process; and
- WHEREAS,** because of the inherent political sovereignty of federally recognized Tribal Nations, interaction between the federal government and these Tribal Nations takes place on a Nation-to-Nation, government-to-government basis; and
- WHEREAS,** in addition to meeting legal obligations, effective federal consultation with Tribal Nations can avoid costly litigation and leads to better and more informed decision-making and enhanced communication and trust between the federal government and Tribal Nations; and
- WHEREAS,** the federal government enters into agreements, partnerships, and licensing relationships with entities, including private parties and state and local governments, that do not have the same moral and legal trust and treaty obligations as the federal government; and
- WHEREAS,** non-federal entities involved in federal decision-making, either as a participant or a beneficiary, are not trained on meaningful consultation with Tribal Nations and often do not understand the unique relationship between the United States and Tribal Nations; and
- WHEREAS,** the federal government routinely requests Tribal Nations to engage with non-federal entities, including the potential beneficiaries of federal approvals and state and local governments, as a part of federal decision-making in furtherance of the federal government meeting its trust and treaty obligations; and

- WHEREAS,** educating non-federal entities, most of which are untrained on the federal government's role and responsibilities in consulting with Tribal Nations, about the federal government's trust and treaty obligations and the unique relationship between the United States and Tribal Nations is a burden that the federal government has placed upon Tribal Nations with little meaningful support from most departments, bureaus, and agencies of the Executive Branch; and
- WHEREAS,** engaging with non-federal entities that are untrained on the federal government's role and responsibilities in consulting with Tribal Nations leads to ineffective, inefficient, and/or non-existent consultation processes and poor decision-making, and fails to uphold federal trust and treaty obligations; and
- WHEREAS,** effective consultation with Tribal Nations, requires Tribal Nations have the capacity to engage on both the depth and breadth of areas requested; however, capacity building opportunities are rarely provided when a consultation is requested and, when provided, such capacity building opportunities are often burdensome to initiate; and
- WHEREAS,** the United States Government and each federally recognized Tribal Nation have a Nation-to-Nation, sovereign-to-sovereign, government-to-government diplomatic relationship grounded in recognition of inherent Tribal sovereignty, as well as numerous historical, political, legal, moral, and ethical considerations; and
- WHEREAS,** to uphold its trust and treaty obligations to Tribal Nations, the federal government must be active participants as our trustee when we must engage with non-federal entities without delegating its consultation responsibilities; 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** that USET SPF calls upon the federal government to uphold its trust, treaty, and statutory obligations to Tribal Nations by enhancing its communications with Tribal Nations, which necessarily includes providing the necessary funds and technical assistance required for Tribal Nations to meaningfully participate in the Tribal consultation process; and be it further
- RESOLVED** that USET SPF calls upon the federal government to uphold its trust, treaty, and statutory obligations to Tribal Nations by actively participating as our trustee when we must engage with non-federal entities on matters that affect us; and be it further
- RESOLVED** that USET SPF urges all relevant federal agencies and entities to require enhanced Tribal communications protocols for all non-federal entities that engage with Tribal Nations as a part of a federal decision-making process to ensure that appropriate processes are followed, and Tribal Nations have the financial and technical support from the relevant federal agency to engage effectively.

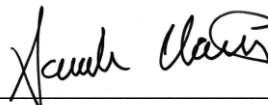
Because there is Strength in Unity

CERTIFICATION

This resolution was duly passed at the USET SPF Impact Week Meeting held in Arlington, VA at which a quorum was present on March 13, 2025.



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



Vice Chairwoman Sarah Harris, Secretary
United South and Eastern Tribes
Sovereignty Protection Fund