



USET

SOVEREIGNTY PROTECTION FUND

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August 16, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Ave, N.W.
Washington, D.C. 20500

Dear President Trump,

On behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write in strong support of a resolution recently passed by the Tribal-Interior Budget Council. The resolution, entitled, "Supporting the Federal Treaty and Trust Obligations in the FY 2018 Budget," expresses grave concern with the deep cuts to federal Indian programs proposed in your Fiscal Year 2018 Budget Request and requests the issuance of an executive order on U.S.-Tribal relations, recognizing and upholding the nation-to-nation relationship. In the spirit of this sacred relationship and the federal trust obligation, we urge you to issue this executive order.

USET SPF is an intertribal organization comprised of twenty-six federally recognized Tribal Nations, ranging from Maine to Florida to Texas¹. USET SPF is dedicated to enhancing the development of federally recognized Tribal Nations, to improving the capabilities of Tribal governments, and assisting USET SPF Member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of Indian people.

Executive Order on U.S.-Tribal Relations

Over the last several decades, every President, regardless of party, has issued executive orders regarding the federal trust responsibility and the federal government's relationship with Tribal Nations. We ask for the issuance of an executive order: 1. Reaffirms essential trust responsibilities for all federal agencies; 2. Affirms the "best interests" determination in favor of Tribal Nations in all environmental and administrative determinations; and 3. Outlining the placement of senior level Tribal Liaison positions across the Administration to ensure that every department/agency is executing its trust obligations to the greatest extent. This order should speak to and confirm the unique and special nature our nation-to-nation relationship, its sacred responsibility to fulfill its treaty and trust obligations to Tribal Nations, and recognition, and support for the principles of our inherent sovereign authorities and rights.

An executive order of this nature would set the tone for all federal agency conduct and provide certainty in the federal government's approach to decisions affecting Indian Country. Consistency and commitment in the execution of the federal trust responsibility would likely reduce conflict between the federal government

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

and Tribal Nations. It would send a powerful message to Tribal Nations confirming America's sacred promise.

We thank you for your consideration of this request. Please count USET SPF as a partner in your efforts to deliver upon the federal government's sacred trust responsibility and obligations to Tribal Nations.

Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 202-624-3550.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director

Enclosure

CC: The Honorable Ryan Zinke, Secretary of the Interior
James Cason, Associate Deputy Secretary of the Interior
Michael Black, Acting Assistant Secretary—Indian Affairs

TRIBAL INTERIOR BUDGET COUNCIL RESOLUTION

TRIBAL CAUCUS

Tribal Co-Chairs
W. Ron Allen
Jamestown S'Klallam Tribe

Rick Harrison
Chickaloon Native Village

REGIONAL REPRESENTATIVES

ALASKA

Rick Harrison
Chickaloon Native Village

EASTERN OKLAHOMA
Jefferson Keel
Chickasaw Nation

Greg Pitcher
Shawnee Tribe

GREAT PLAINS
Nancy Green-Robertson
Spirit Lake Tribe

Harold C. Frazier
Cheyenne River Sioux Tribe

MIDWEST

Darrell Seki
Red Lake Nation

Chris McGeshick
Sakaoagon Chippewa Community

EASTERN

Cheryl Andrews-Maltais
Wampanoag Tribe of Gay Head Aquinnah

Kiteki Carrol
United South and Eastern Tribes

NAVAJO

Russell Begaye
Navajo Nation

Lorenzo Bates
Navajo Nation

NORTHWEST

W. Ron Allen
Jamestown S'Klallam Tribe

Greg Abrahamson
Spokane Tribe

PACIFIC

Robert Smith
Pala Reservation

Russell Attebery
Karuk Tribe

ROCKY MOUNTAIN

Alvin (AJ) Not Afraid, Jr
Crow Tribe

Mark Azure
Fort Belknap Indian Community

SOUTHERN PLAINS

Ronnie Thomas
Alabama-Coushatta Tribe of Texas

Angela Thompson
Pawnee Nation of Oklahoma

SOUTHWEST

Helen Klinekole
Mescalero Apache Tribe

Terry Aguilar
Pueblo de San Ildefonso

WESTERN

Norman Honanic
Hopi Tribe of Arizona

Mervin Wright, Jr.
Pyramid Lake Paiute Tribe

Title: Supporting the Federal Treaty and Trust Obligations in the FY 2018 Budget

WHEREAS, the Tribal Interior Budget Council (TIBC) was created to provide a forum and process, consistent with the Indian Self-Determination and Education Assistance Act, Section 450 (a)1 and Executive Order 13175 and Department of the Interior's (DOI) Government to Government policy, whereby Tribes and the Department work together to develop policy and budgets that provide for 1) the DOI to fulfill its Trust responsibilities and Treaty obligations; and 2) the fulfillment of Tribes' inherent sovereign rights of self-determination, self-governance, and self-sufficiency, as well as securing levels of funding necessary to strengthen Tribal governmental capacity to serve their Tribal citizens and communities; and

WHEREAS, Tribes ceded millions of acres of land and natural resources, often by force and/or coercion, that are the foundation of the wealth and power of the United States. In return tribes have the right of continued self-government and the right to exist as distinct peoples on their own land; for its part, the United States has assumed a trust responsibility to protect these rights and to fulfill its solemn commitments to Indian tribes and their citizens; and

WHEREAS, part of this trust responsibility includes basic governmental services in Indian Country, funding for which is appropriated in the discretionary portion of the federal budget; as governments, tribes must deliver a wide range of critical services, such as education, workforce development, and first-responder and public safety services, to their citizens; and

WHEREAS, a nation that bases its greatness on its rule of law must uphold the agreements it signs with other nations. Between 1777 and 1868, the United States signed hundreds of treaties with tribal nations. These compacts with the First Americans helped to make possible the America we know today. And the First Americans have paid an incalculable price along the way; and

WHEREAS, in these solemn agreements, the U.S. government made promises it was obligated to fulfill in perpetuity. These promises codified the unique political status of tribal nations and established the bedrock principles of the federal government's "trust responsibility" to protect the remaining lands and inherent rights of self-government of tribal nations. These agreements obligated the U.S. government to a fiduciary responsibility to Tribal Nations, including the provision of healthcare, education, housing, economic development, and agricultural funding, programs, and services; and

WHEREAS, on May 23, 2017, the Trump Administration released its Fiscal Year (FY) 2018 budget request, which would reduce spending for non-defense programs by \$54 billion below the sequestration level for FY 2018 and by \$1.6 trillion over the next decade, taking this spending category to its lowest level as a percent of GDP in sixty years; and

WHEREAS, numerous federal programs designed to meet treaty and trust obligations would be reduced and/or entirely eliminated in the FY 2018 budget and it has been suggested that some are race-based. Federal Indian programs are not based on race or ethnicity but rather on the centuries-long political relationship between Tribal Nations and the United States; and

WHEREAS, the FY 2018 President's Budget Request for the Bureau of Indian Affairs (BIA) is \$2.48 billion, a decrease of \$371.7 million below the FY 2017 Omnibus level, a decrease of about 13%; and

WHEREAS, during a Tribal briefing call on the Budget Request hosted by the DOI, Tribal Nations were told that all American citizens must do their part to reduce the federal deficit; and

WHEREAS, the federal trust obligation and our sacred relationship with the U.S. government set Tribal Nations and their citizens apart from all other American citizens. Federal Indian programs are not responsible for the federal deficit and subjecting them to deficit reduction is a violation of this obligation; and

WHEREAS, the proposed BIA budget would eliminate a number of essential programs, including:

- **Housing Improvement Program**
- **Tribal Climate Resilience**
- **Alaska Native Programs**
- **Small and Needy Tribes**
- **Special Higher Ed. Scholarships**
- **Science Post Graduate Scholarship Fund**
- **Juvenile Detention Center Education**
- **Replacement School Construction**
- **Replacement Facility Construction**

Significant reductions (compared to the FY17 CR level) include:

- **Social Services**, cut 22.4%
- **Rights Protection**, cut 24%
- **Endangered Species Act**, cut 51.4%
- **Trust Services**, cut 44.5%
- **Scholarships & Adult Ed.**, cut 19.8%
- **ISEP Program Adjustments**, cut 45%
- **Education Program Enhancements**, cut 48%
- **Tribal Education Dep.**, cut 50%
- **Early Childhood and Family Development**, cut 50%
- **Johnson O'Malley**, cut 31%; and

WHEREAS, if the proposed budget were enacted for BIA, the overall funding would be lower than any level in the last 15 years, when adjusted for inflation; already, the enacted 2017 BIA funding level is 6% below the comparable 2010 level after adjusting for inflation, and in 2018, those cuts would grow to 20% under the proposed budget.

NOW THEREFORE BE IT RESOLVED the Tribal leaders of the TIBC remind the DOI and the Administration of its solemn fiduciary obligations to Tribal Nations. Federal spending in fulfillment of these obligations is not responsible for the federal deficit and must be held harmless. The United States must do its part ensure that this obligation is fulfilled, including through the President's Budget Request.

BE IT FURTHER RESOLVED that the Tribal leaders of the TIBC urge Congress to reject the proposed cuts to the Bureau of Indian Affairs and Bureau of Indian Education, which violate the federal treaty and trust obligations to Indian tribes and to instead provide for increases to BIA in the Senate version of the FY 2018 Interior-Environment spending bill.

BE IT FURTHER RESOLVED that the Tribal leaders of the TIBC urge this Administration to issue an Executive Order on U.S.-Tribal Relations, outlining its recognition and commitment to upholding and protecting Tribal sovereignty, fulfilling its unique and sacred trust obligations, and to diplomatic engagement between sovereign nations.

BE IT FURTHER RESOLVED that TIBC urges the Secretary of the Interior to issue a Secretarial Order outlining and affirming trust responsibilities to Tribal Nations.

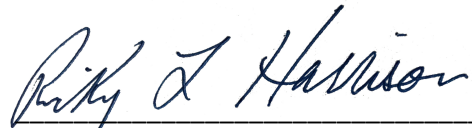
BE IT FURTHER RESOLVED that for sovereignty to have significant meaning, the Federal Government must affirm its commitment to consultation, but more importantly move to consent as an expression of true sovereign recognition.

CERTIFICATION

This resolution came before the Tribal leader caucus attending the Tribal Interior Budget Council in Flagstaff, AZ on July 26, 2017 and was passed unanimously.



W. Ron Allen, Co-Chair
Tribal/Interior Budget Council



Rick Harrison, Co-Chair
Tribal/Interior Budget Council