

The Tribal Economic Empowerment Initiative

**PROPOSED FEDERAL LEGISLATION TO
AUTHORIZE TRIBAL
DEMONSTRATION PROJECTS
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Prepared by the
Seneca Nation of Indians

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Summary

- **Pursue change based on discussions with Triballeaders**
 - Break with the **paternalism of the past**
 - **Restore Tribal authority** over Tribal lands
- *Policy Goals*
 - **Restore Tribal empowerment**
 - Resurrect qualities of inherent Tribal sovereignty and control that existed when U.S. Constitution was first ratified
 - **Achieve a self-sustaining future**
 - Preserve and protect Tribal sovereignty and economic security
 - **Forge bi-partisan political support**
 - Success dependent upon federal legislative initiatives

The problem

- **Twisted Federal policies and tangled programs that --**
 - Perpetuate **dependency** and poverty
 - Rely on federal transfers for **economic survival**
 - Erode tribal economic **infrastructure**
 - Feed **paternalism** rather than **self-determination**
 - Undermine Tribal **empowerment**

Barriers to tribal economic development

- **Outsiders control and tax Indian lands and resources**
 - Trust lands controlled by Federal government trustee
 - Tribal nations do not exercise total control
- **Economic development projects doomed because of—**
 - **Excessive studies**, reviews, and process requirements
 - **Regulatory baggage**
 - **Time delays and added costs**
 - **Bureaucratic controls**
- **Tribal development is effectively “taxed” and “regulated” to death**

The result: Tribal Islands of Poverty

- **Federal government burdens and barriers --**
 - **Repel investment** in Indian Country
 - **Perpetuate high unemployment**
 - **Frustrate economic growth and revitalization**
- **Past efforts to overcome these barriers are misguided –**
 - **“Throwing money at the problem”**
 - **Not designed** to solve the unique tribal problem
 - **Subsidy-oriented** rather than **self-sustaining**



The solution – restore tribal authority

- **A bold, new approach**
 - Rather than subsidize the climb up over the barriers, **REMOVE THE BARRIERS!!!**
 - Restore the right of Tribal Nations to **exercise full control** over our own lands
- **Embrace Legislative Package to Restore Tribal Empowerment**
 - Review discussion drafts and improve them
 - Help seek bi-partisan sponsorship on Capitol Hill

Bill: restore land lease authority

- **Allows up to fifty requesting Indian Nations and Tribes to lease Tribal trust or restricted lands**
 - For terms of unlimited duration
 - Without federal approval
 - No federal decision-making required before leasing decisions are made by Tribe
- **Demonstration or pilot project**
- **No diminishment of federal trust responsibility**

Bill: restore restricted fee lands

- **Allows up to fifty requesting Indian Nations or Tribes to convert Tribal trust lands into Tribal restricted fee lands**
 - Restricted fee land
 - Subject to a federal restriction against alienation and taxation
 - No federal decision-making is required before development and leasing decisions are made by tribal government
- **Demonstration or pilot project**
- **No diminishment of federal trust responsibility**

Bill: restore tax-free tribal zones

- **Allow up to fifty requesting Indian Nations and Tribes to designate portions of their territory to be tax-free zones**
 - To jump start the private sector economy and create jobs in Indian Country
- **All economic activity within these Tribal zones would be treated as exempt from federal and state taxes of every kind (income, sales, excise, transfer, severance)**
 - Tribes authorized to raise revenue from private sector taxpayers operating with Tribal permission in tax-exempt Tribal zone
- **Demonstration or pilot project**
- **No diminishment of federal trust responsibility**

Bill: restore tribal lands tax credit

- **Allows up to fifty requesting Indian Nations and Tribes to declare portions of their territory to be tax-credit zones**
 - To jump start the private sector economy and create jobs in Indian Country
- **All economic activity within these tax-credit zones would enjoy a 100% tax credit against all federal and state taxes of every kind (income, sales, excise, transfer, severance)**
 - Tribes authorized to raise revenue from private sector taxpayers operating with Tribal permission in tax-credit zone
 - Taxpayer must adhere to Indian preference in employment
- **Demonstration or pilot project**
- **No diminishment of federal trust responsibility**



Bill: tribal lands investment tax credit

- **Allows up to fifty requesting Indian Nations and Tribes to declare portions of their territory to be investment tax-credit zones**
 - To jump start the private sector economy and create jobs in Indian Country
- **All economic activity within these zones would enjoy a 100% investment tax credit against all federal income tax liability**
 - Tribes authorized to raise revenue from private sector taxpayers operating with Tribal permission in investment tax-credit zone
 - Taxpayer must adhere to Indian preference in employment
- **Demonstration or pilot project**
- **No diminishment of federal trust responsibility**



Bill: restore tribal labor sovereignty

- **Clarifies the NLRA to expressly protect the sovereignty of Tribal governments over labor management authority on Indian lands**
 - Treats Tribes like other governments are treated
- **Resolves decade-old issue similar to legislation under consideration in recent years**
- **Applies definition of Indian lands from Indian Finance Act**



Bill: restore jurisdictional authority

- **Allows an Indian Nation or Tribe to vote to reject a state government's assertion of criminal and civil jurisdiction under Pub.L. 83-280**
 - Restores authority to a Tribe to return jurisdiction to the exclusive control of the Tribe and the U.S.
- **Authorizes a Tribe to negotiate with a state for a federally-approved Compact of Criminal Jurisdiction**
 - Allows for reciprocal or other transfers of jurisdiction
- **No diminishment of federal trust responsibility**



Pursuing Tribal Economic Empowerment

- **Current window of opportunity in D.C.**
 - Shriveling federal budget funds and tax-starved state governments
 - Fewer subsidies available with which to climb over the barriers to economic development in Indian Country
- **Future of Indian Country and Tribal Sovereignty** hinges on the growth of self-sustaining and diversified tribal and private sector economies on Tribal lands
- **Congress should remove barriers and restore economic empowerment**
 - Tribal leaders should improve these draft discussion bills and support enactment



Further information

- Please let us know how the Seneca Nation of Indians can facilitate your ideas for improvement and support of this Tribal Economic Empowerment Initiative and move it towards Congressional enactment --
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