



# USET

SOVEREIGNTY PROTECTION FUND

**Nashville TN Office**  
711 Stewarts Ferry Pike, Ste. 100  
Nashville TN 37214  
P: (615) 872-7900  
F: (615) 872-7417

**Washington DC Office**  
400 North Capitol St., Ste. 585  
Washington DC 20001  
P: (202) 624-3550  
F: (202) 393-5218

*Transmitted via regulations.gov*

February 14, 2019

Mariana Pardo  
Office of HUBZone Program  
Small Business Administration  
409 Third Street SW,  
Washington, DC 20416

RE: Proposed Rule to Amend the Historically Underutilized Business Zone (HUBZone) Program  
Docket ID: RIN 3245-AG38

Dear Director Pardo:

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit the following comment to the Office of HUBZone, U.S. Small Business Administration (SBA), requesting feedback on the proposed rule for updating the HUBZone Program. Indian Country must be included as full partners in any efforts to transform or modernize the HUBZone Program.

USET SPF is an intertribal organization comprised of twenty-seven federally recognized Tribal Nations, ranging from Maine to Florida to Texas<sup>1</sup>. 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.

Unlike other individually owned enterprises, Tribal governments rely on Tribally-owned enterprises for economic development to provide basic government services such as public safety, education, housing, and cultural programs. Therefore, modifications to the HUBZone Program can only be effective in Indian Country if they are inclusive of individual Native American as well as Tribal governments which have critical capital responsibilities that are essential to growing their economies, creating economic opportunities, and providing services. Below, we provide comments and recommendations to the SBA on how to implement the HUBZone Program in order have a meaningful and significant difference in the success of Tribal enterprises.

### Residency and Certification

USET SPF agrees with clarifying the primary residency requirement for certification. Lands held in Trust by the U.S. Federal Government where enterprises employees live differ from the term that is traditionally

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<sup>1</sup> 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), Pamunkey Indian Tribe (VA), 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).

defined by the SBA. Many Tribal citizens live in multi-family residences, and the requirement to provide proof of residency, like deeds, leases, or utility bills in the employee's name, is over burdensome to Tribal enterprises to provide, or in some cases not able to provide at all. Employees living on Trust land might also not have traditional mailing addresses and only have access to post office boxes for their mail. Expanding the definition for residency requirement for HUBZone certification or providing specific examples to address the realities of obtaining "other specific proof" for individuals who live in rural or Tribal jurisdictional areas would allow more Tribally-owned enterprises to apply for HUBZone certification.

### Section 17 Tribal Enterprises

USET SPF encourages the HUBZone Program to work with Indian Country and understand the full breadth of business structures available to Tribally-owned enterprises to encourage higher participating in the Program. Congress has delegated authority to the Secretary of Interior review and approval federal business charters for corporations under Section 17 of the Indian Reorganization Act. When these Section 17 corporations seek to fulfill their potential and develop subsidiaries, those subsidiaries are being prevented from utilizing benefits of the HUBZone Program due misconception and a lack of knowledge. HUBZone Program staff and their representatives should be trained in Tribal economic development structures so that they can effectively and efficiently provide technical assistance in the HUBZone certification, and recertification process.

### Consultation

As this is a comprehensive change to a program that has only seen incidental change in the past 20 years, USET SPF strongly believes that true Tribal consultations should have been held with the proposed rules. Previous consultations held in regard to the request for information were more akin to discussions of programs in general without specific rules being drafted or presented. Tribal consultations should engage Tribal partners in a significant and meaningful way that will be beneficial for all partners. There were also no consultations held in the Eastern Region and by not including Tribal Nations within an entire region left out meaningful comments.

### **Conclusion**

While the HUBZone Program will not solve all these issues, modifications to the regulations that implement the HUBZone Program can make a significant difference in the success of Tribal enterprises. By implementing these specific recommendations to the HUBZone Program as outlined above, the SBA can greatly improve how it and other agencies service Indian Country. Should you have any questions or require further information, please contact Mr. Kitcki Carroll, USET SPF Executive Director, at [KCarroll@usetinc.org](mailto:KCarroll@usetinc.org) or 615-495-2814.

Sincerely,



Kirk Francis  
President



Kitcki A. Carroll  
Executive Director