"Because there is strength in unity





2011 Annual Report

UNITED SOUTH AND EASTERN TRIBES, INC.













































Mission and History

# The Mission of USET

United South and Eastern Tribes, Inc. is dedicated to enhancing the development of Indian Tribes, to improving the capabilities of Tribal governments, and assisting the member Tribes and their governments in dealing effectively with public policy issues and in serving the broad needs of Indian people.



# **Our History**

On October 4, 1968, the Eastern Band of Cherokee, the Mississippi Band of Choctaw, the Miccosukee Tribe and the Seminole Tribe of Florida met in Cherokee, North Carolina with the shared idea that some form of unity between the Tribes would facilitate their dealings with the federal government. The result of their vision of "Strength in Unity," was the inter-tribal council United Southeastern Tribes. Incorporated in 1969, United Southeastern Tribes operated first out of Emory University in Atlanta, Georgia, and then moved to Sarasota, Florida. In 1975 it relocated again to Nashville, Tennessee, where it resides today. The organization changed its name in 1978 to United South and Eastern Tribes, Inc. to better reflect its membership, as federally recognized Tribes from Maine, to Florida, to Texas affiliated themselves with the organization.

Today, United South and Eastern Tribes, Inc. is a non-profit, inter-tribal organization that collectively represents its member Tribes at the regional and national level. USET has grown to include twenty-six federally recognized Tribes, operating through various workgroups and committees and providing a forum for the exchange of ideas and information amongst Tribes, agencies and governments.

# United South & Eastern Tribes, Inc.

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**Executive Director** 

Kitcki Carroll

# **USET Officers**

Brian Patterson, Oneida Nation – President
Randy Noka, Narragansett Tribe – Vice President
Brenda Lintinger, Tunica-Biloxi Tribe of LA – Secretary
Kirk Francis, Penobscot Indian Nation – Treasurer

Board of Directors

Alabama-Coushatta Tribe of Texas Carlos Bullock chairman Kyle Williams vice-chairman

Aroostook Band of Micmacs Richard Getchell TRIBAL CHIEF Peggy Caparotta VICE-CHIEF

Catawba Indian Nation William "Bill" Harris chief Wayne George Assistant chief

Cayuga Nation Clint Halftown Nation Representative Sharon LeRoy secretary

Chitimacha Tribe of Louisiana John Paul Darden chairman Jules Darden vice-chairman

Coushatta Tribe of Louisiana Kevin Sickey chairman Wayne Wilson vice-chairman

Eastern Band of Cherokee Indians Michell Hicks principal chief Larry Blythe vice-chief

Houlton Band of Maliseet Indians Brenda Commander tribal chief Linda Raymond tribal council

Jena Band of Choctaw Indians B. Cheryl Smith tribal chief Ricky Jackson council member Mashantucket Pequot Tribal Nation Richard E. Sebastian vice-chairman Marjorie Colebut-Jackson councilor

Mashpee Wampanoag Tribe Cedric Cromwell Chairman Mark Harding Tribal Treasurer

Miccosukee Tribe of Indians of Florida Colley Billie chairman Jasper Nelson assistant chairman

Mississippi Band of Choctaw Indians Phyliss J. Anderson Chief Kevin J. Edwards vice-chief

The Mohegan Tribe of Indians of Connecticut Bruce "Two Dogs" Bozsum chairman R. James Gessner vice-chairman

Narragansett Indian Tribe Matthew Thomas chief sachem Randy Noka councilman

Oneida Indian Nation Ray Halbritter nation representative Clint Hill nation liaison

Passamaquoddy Tribe-Indian Township Reservation Joseph M. Socobasin tribal chief Clayton Sockabasin vice-chief

Passamaquoddy Tribe-Pleasant Point Reservation Reuben "Clayton" Cleaves sakom Kenneth Poynter vice-chief Penobscot Indian Nation Kirk E. Francis, Sr. tribal chief Brenda Fields director of grants & contracts

Poarch Band of Creek Indians Buford L. Rolin tribal chairman Robert R. McGhee council treasurer

Seminole Tribe of Florida James Billie chairman Jim Shore general counsel

Seneca Nation of Indians Robert Odawi Porter president Bradley G. John treasurer/cfo

Shinnecock Indian Nation Randall King Chairman Frederick C. Bess trustee

St. Regis Mohawk Tribe Mark H. Garrow Chief Randy Hart Chief

Tunica-Biloxi Tribe of Louisiana Earl J. Barbry, Sr. chairman Marshall Pierite vice-chairman

Wampanoag Tribe of Gay Head (Aquinnah) Cheryl Andrews-Maltais chairwoman Richard Randolph vice-chairman

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egislative Priorities

USET has advanced its legislative and policy goals in Washington, DC through a number of fronts including: the direct work of our Tribal leaders; the work of USET staff; retaining legislative and policy consultants; leveraging relationships among and with the various DC representatives of USET member Tribes (e.g., USET Government Relations Working Group); and, through alliances with other Indian organizations (e.g., USET-Affiliated Tribes of Northwest Indians [ATNI] Covenant; USET-National Center for American Indian Enterprise Development [NCAIED] Partnership Agreement; joint initiatives with the National Congress of American Indians [NCAI] and the National Indian Education Association [NIEA]). USET plans to conduct a complete review of the federal trust obligation with the intent of establishing a new conceptual framework under which it would advance

all of its federal goals, using the resources mentioned above, plus additional resources such as public and media relations.

# Native Nations Tribal Leaders Tax Summit

The Miccosukee Tribe hosted the joint USET-ATNI-NCAI Tax Summit that took place on April 19-20, 2011. During the Tax Summit, tribal leaders identified common concerns regarding the impact of federal and state taxation policies on tribal sovereignty and economic development. Tribal leaders called on national and regional organizations to launch an Intertribal Tax Initiative to focus collective strategic action on four immediate priority tax objectives:

- 1) Ensure that tribal cultural and educational program benefits are exempt from taxation;
- 2) Expand the availability of tribal tax-exempt bond financing;
- 3) Prevent state taxation of improvements to tribal trust land;
- 4) Respect tribal rights to regulate Indian commerce (PACT Act/Tobacco Compliance).

**Intertribal Tax Initiative**. Based on the Tax Summit priorities, additional national and regional organizations committed to the Initiative and a Joint Action plan has been approved. The plan is posted on the USET website, and will be updated periodically to identify pending actions.

Accomplishments of the Initiative in 2011 include development and submission of comments to the Internal Revenue Service on the Tribal Economic Development Bond (TEDB) volume cap and reallocation (priority 2) and development and submission of comments to the Department of Justice (DOJ)/Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on implementation of the PACT Act (priority 4).





Legislative Priorities

### **Carcieri Fix**

This was USET's number one priority during the close of the 111th Congress. As an organization, USET committed major resources to this effort, as did individual USET member Tribes. Because the Carcieri fix did not pass, it was again USET's top priority in the 112th Congress, as well as in working with the Administration on an administrative fix.





**Chairman Earl Barbry Testifies in Support of Carcieri Fix.** On March 15, 2011, USET Carcieri Taskforce Chairman Earl J. Barbry Sr. (Chairman of the Tunica-Biloxi Tribe of LA) testified on behalf of USET at the FY 2012 budget hearing of the Senate Committee on Indian Affairs in strong support of the Carcieri Fix (which President Obama included in his FY 2012 budget).

USET was also a lead sponsor of the Carcieri Summit on June 22, 2011, as

well as the Tribal Unity Week in October 2011, which also focused on a Carcieri Fix. USET maintains constant contact with key Congressional Members, offices and staff as it continues to seek the advancement of this legislation. Legislation has been introduced in both the Senate and the House providing for the Carcieri Fix. The Fix has also been added to the HEARTH Legislation in the Senate Committee on Indian Affairs, and was the central recommendation of Chairman Akaka to the Joint Select Committee on Deficit Reduction (aka "Super Committee") for its budget and jobs proposal due to the Congress by November 23, 2011.

**President Brian Patterson testified on May 4, 2011 before the House Interior Appropriations Subcommittee on the FY 2012 budget.** It was through bi-partisan action of the House Interior Appropriations Subcommittee that we were able to succeed at securing passage of the Carcieri Fix in the House. President Patterson thanked the Subcommittee for its support of the Carcieri Fix, urged further action on the Carcieri Fix this year, and also addressed other budget concerns of the USET Tribes.

#### **Restrictive Settlement Acts Initiative**

USET has continued to facilitate discussions between USET Tribes and U.S. Department of Interior officials regarding the language of Land Claim Settlement Acts for several USET Tribes. The general focus of this effort is to work cooperatively with Interior, identifying workable administrative





approaches and strategies to alleviate the continued encroachment on the scope of tribal sovereignty due to adverse interpretations of restrictive settlement act language.

USET Tribes and Interior officials met to discuss this Initiative at the Semi-Annual Meeting in May, as well as the Annual Meeting in November. Additionally, USET, and the participating USET Tribes, are currently working to secure a commitment from the Department of the Interior to engage in a working session attended by key Interior officials and staff, in early 2012 to move this Initiative forward.

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Administration



#### President Patterson Co-chairs DOI-Tribal Consultation Group

Interior consulted with Indian Country in preparation for the development of a new tribal consultation policy in accordance with its obligation to implement the President's Memorandum of November 5, 2009, and Executive Order 13175. President Patterson was selected by Tribal leaders to co-chair this critical effort and has engaged very actively in the effort to define a truly effective and meaningful consultation process.

On December 1, 2011, Secretary of the Interior Ken Salazar and Assistant Secretary-Indian Affairs Larry Echo Hawk announced a Tribal Consultation Policy for the Department of the Interior. The new policy emphasizes trust, respect and shared responsibility in providing tribal governments an expanded role in informing federal policy that impacts Indian Country.

### **USET Welcomes 26th Member Tribe**

The Shinnecock Nation became the 26th member Tribe of USET when they joined in February 2011. Tribal Trustees and other representatives of Shinnecock Nation were on hand for the celebration during the Annual Impact Week Meeting in Washington, DC.





#### **DC Office/National Presence**

USET entered into an office space lease in February 2011. The office is available to Tribal leaders and USET staff. Beyond an office work space, there is access to the meeting conference room and office equipment. Address: 400/444 North Capitol Street, NW Washington DC 20001 (Senate side of Capitol) Office #504. The Washington DC Office addition has been an important step in re-establishing our presence and engagement on the national level.

#### BIA Assistant Secretary Echo Hawk meets with Tribal Leaders in State of Maine

On August 1, 2011, Assistant Secretary Larry Echo Hawk held a special meeting with Tribal leaders representing the Penobscot Indian Nation, Houlton Band of Maliseet Indians, Passamaquoddy Tribe Indian Township and Passamaquoddy Tribe Pleasant Point in Indian Island, ME. Tribal leaders were given an opportunity to address specific tribal interest during this meeting hosted by the Penobscot Indian Nation.



#### Tribal/Interior Budget Committee Quarterly Meeting held in Bar Harbor, ME – 8/2-3/11

Tribal Regional representatives met with numerous Bureau of Indian Affairs representatives to discuss current budget line items and Tribal concerns. These meetings are held to encourage Tribal and Federal Leaders to cooperatively participate in the budget formulations, justification and information efforts of the Department of Interior. Further, they are held to assure and encourage that appropriate policy and/or political decision makers are actively and regularly participating in these forums. Assistant Secretary Larry Echo Hawk; U.S. Department of the Interior; Director Keith Moore, Bureau of Indian Education and Director Mike Black, Bureau of Indian Affairs were a few of the Indian Affairs representatives participating in the meeting.



### Education

USET joined with National Indian Education Association (NIEA) and National Congress of American Indians (NCAI) in the development of the **Native Culture**, **Language and Access to Successful Schools Act (Native CLASS Act)**, which was introduced by Chairman Akaka (D-HI) and which represents Indian Country's wish list for the reauthorization of the Elementary and Secondary Education Act (aka, No Child Left Behind). Chairman Cedric Cromwell, Mashpee Wampanoag Tribe, testified before the Senate Committee on Indian Affairs in support of this legislation and of USET Education-related priorities.

Tribal Health Program Support

### Health Policy and Advocacy

Continued work towards advancing the health status of American Indians by providing guidance to Tribes in areas such as, tribal consultation, policy, legislative processes, budget and local program improvements.

# **ACA Education**

During FY2011, USET was awarded funding to provide outreach and education on the Patient Protection Affordable Care Act (ACA) and the Indian Health Care

Improvement Act (IHCIA). Throughout FY2011, USET provided a number of presentations regarding Indian specific provisions within ACA, State Insurance Exchanges, IHCIA updates and key aspects to both bills. In addition to presentations, USET also developed official comments on the Insurance Exchanges on behalf of the member Tribes and paid for one person from each Tribe to attend the National Health Reform in Indian Country Summit that was hosted by the National Indian Health Board. USET, in partnership with three Area Health Boards, worked to develop outreach and education materials that could be used at the local level for community outreach. Materials (i.e. brochures, videos, pamphlets) are in final review and should be ready for distribution by January 2012.

Additionally, USET joined in a successful amicus brief that argued in some of the litigation over the constitutionality of the ACA, that the Indian provisions were severable and could stand on their own even if other parts of the ACA were found unconstitutional. This litigation is now going to the Supreme Court, where USET has joined in an amicus brief.

#### Health Information Technology

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During FY2011, USET was awarded a sub-recipient contract from the National Indian Health Board-Regional Extension Center (NIHB-REC). The purpose of the contract is to provide health information technology services that assists health care providers to meaningfully use the electronic health record (EHR). Providers who demonstrate meaningful use of the EHR are eligible for incentive payments. The benefits of meaningfully using an EHR include increased efficiency and effectiveness and increased patient safety and quality of care. USET serves as the National NIHB-REC lead for Meaningful Use (MU) activities; has brought on 17 consultants to provide EHR lab, nursing, pharmacy, information technology, and health information management deployment and implementation services; and has provided health information technology services to 123 facilities. USET has also provided over 20 web-based EHR and MU trainings as well as assisted in functional interoperability and health information exchange with state immunization registries.

### Tribal Epidemiology Center (TEC)

During FY2011, USET successfully applied for another five years of support under the Indian Health Service Tribal Epidemiology Center Cooperative Agreement process. This success supports USET in continuing to implement the USET TEC mission which is to assist Tribal communities prioritize, evaluate and address their population health concerns by helping them monitor and communicate community health status, and improve public health infrastructure. With the ongoing guidance of the USET TEC Advisory Council, which is the USET Tribal Health Directors, the USET TEC completed and distributed a variety of area aggregate and Tribal specific population health reports useful for local public health planning. See www.usetinc.org/programs/USET-THPS/TribalEpiCenter/TECReports.aspx for copies of area level USET TEC reports.

#### USET Vanderbilt University Native American Research Center for Health

During FY2011, the USET-Vanderbilt University (VU) Native American Research Center for Health (NARCH) was established. The mission of the USET-VU NARCH is to increase Tribal-University research partnerships and the number of American Indian scientists. As part of accomplishing this mission the USET-VU NARCH during FY2011 established a Community and Scientific Advisory Committee (CSAC). The CSAC helps assure the Center is Tribally guided and is based on high quality Tribal and University partnerships focused on achieving the Center's aims. The CSAC includes 6-10 persons composed of USET Tribal representatives, Center associates and project consultants. The CSAC met multiple times throughout FY2011. See www.usetinc.org/programs/USET-THPS/USETVUNARCH.aspx for more details on what has been developed so far under the USET-TEC NARCH.



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Environmental Liaison Office



### Intertribal Agriculture Council Agreement

In May, 2011, USET signed a Memorandum of Agreement with the Intertribal Agriculture Council (IAC) to establish a regional component of the IAC Intertribal Technical Assistance Network Program. Under this agreement, USET hired a Technical Assistance Specialist to assist in developing a greater understanding of the breadth of United States Department of Agriculture (USDA) programs, build partnerships with federal and other agriculture agencies, and provide outreach and technical assistance to USET member Tribes in accessing and implementing USDA resources. Implementation of this agreement will benefit member Tribes with greater access to and participation in USDA programs and services

addressing a broad range of needs, including natural resource conservation, agriculture, nutrition, energy and economic development.

### USET Involvement in the Deepwater Horizon Gulf Oil Spill

In response to the impact of the Deepwater Horizon Gulf Oil Spill, federally recognized Tribes organized an Advisory Council whose function is to meet on a regular basis and consult with representatives from British Petroleum (BP), the U.S. Coast Guard, the National Park Service, and other governmental agencies. The Advisory Council also successfully negotiated the deployment of Tribal Cultural Monitors to work alongside the BP archeologists that identify impacted areas and work to mitigate damages to culturally significant areas and artifacts. The Tribal Cultural Monitor team is totally composed of members of the impacted Tribes and are employed by United South and Eastern Tribes, Inc. (USET).





Acting as the incident's lead government agency, the Coast Guard organized all response efforts in accordance with the National Response Framework (NRF) and the National Incident Management System (NIMS). The resulting Incident Command System (ICS) setup by the Coast Guard provided for the command, control, and coordination of the emergency response efforts.

The Coast Guard engaged the region's impacted federally recognized Tribes in an effort to comply with Section 106 of the National Historic Preservation Act that requires careful planning and consultation with interested parties. The Coast Guard's initial efforts resulted in one of the region's Tribal Cultural Preservation Office (THPO) being included in the ICS; consultations expanded to include Tribes from as far as Oklahoma.

The BP Deepwater Horizon oil spill is the largest accidental marine oil spill in the history of the petroleum industry. This spill added an additional threat to a region that was already under siege from land loss, rising sea levels, and other types of pollutants. An estimated 50,000 to 60,000 barrels of oil escaped from the damaged well each day before it was capped. The oil spill has had an immeasurable negative environmental, cultural and financial impact to the Gulf of Mexico and to those with ties to the region.

Environmental Liaison Office

#### **Business Plan**

On September 8, 2011, the USET Certification Program submitted its Business Plan to the Environmental Protection Agency (EPA) to become the first approved provider for Drinking Water Operator Certification for Indian Tribes nationwide. The Business Plan discusses the Resources, Staff Qualifications, Data Management, Baseline Standards for Operator Certification, Training, Testing, Certification Board Process, and identifies USET Partners (Association of Boards



USET Certification Board for Water and Wastewater Treatment Plant Operators and Laboratory Analysts



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of Certification and Georgia Water and Wastewater Institute). It also outlines the process of Certification for the five classifications of Drinking Water Operators: Very Small Water Systems (VSWS) which is a joint certification including drinking water treatment and water distribution system operations, Class IV Certification, followed by Class III, Class II, and Class I, our highest classification. Operators must go through the Classes sequentially, starting at Class IV or VSWS, and operate a system for a period of time before they are eligible for additional training and to take the exam to go to the next higher classification. This also includes Water Distribution System Operators. The Business Plan with appendices is over 200 pages long.

#### VSWS Training Manual

USET contracted with Florida Gateway College to develop a Training Manual for Very Small Water Systems. This manual will be utilized by USET staff and other approved Trainers for Certification Training for beginning Operators who qualify for a Very Small Water System Certification.

### **Memberships**

USET is a member of the American Water Works Association, Water Environment Federation, and the Association of Boards of Certification (ABC). Our ABC membership allows USET to administer ABC exams for Operator Certification. USET also has a Letter of Partnership with Georgia Water and Wastewater Institute which allows our Operators to go there for Operator Certification Training and Continuing Education Unit Credits.

#### **Tribal Energy Audit Training Feasibility**

A Tribal Energy Audit Training Feasibility study was conducted. The findings show that there are several different options for Tribes to certify energy auditors for their Tribe, including working with a third party contractor or setting up a Tribal training facility.

### **Exchange Network**

In year two of USET's EPA Environmental Information Exchange Network grant, USET successfully implemented Tribal data exchanges as part of the USET-wide "super-node," modeled after a similar multi-Tribal data exchange established by the Northwest Indian Fisheries Commission (NWIFC). As a part of the project, USET provided node clients and the NWIFC-developed Tribal Water Quality Database free of charge to member Tribes. Information on USET data exchange successes were presented at the National Exchange Network Meeting and the NCAI Tribal Exchange Network. In addition, USET led outreach webinars and developed a training manual to explain the Tribal Water Quality Database.

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# **USET's Summit Provides a Wellspring of Experience for Attendees**

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By Gale Courey Toensing May 2, 2011

More than 120 people attended the United South and Eastern Tribe's 2nd Annual Tribal Summit hosted by the Poarch Band of Creek Indians at the tribe's Wind Creek Casino and Hotel in Atmore, Alabama on April 5-7, 2011.



The word is out: The Wampanoag Tribe of Gay Head (Aquinnah) has near perfect drinking water. This little-known fact was revealed during the first Tribal Drinking Water Contest at the United South and Eastern Tribes (USET) second Annual Tribal Utility Summit, hosted this year by the Poarch Band of Creek Indians at their Wind Creek Casino and Hotel in Atmore, Alabama. The summit took place April 5-7.

The Tribal Utility Summit is an annual training and networking opportunity for tribal water, wastewater and solid-waste professionals. The event is a collaborative effort sponsored by USET, the Environmental Protection Agency (EPA) and the Nashville Area Indian Health Services (IHS). More than 120 tribal professionals, vendors and federal agency representatives attended the three-day event. Training and continuing education units were provided in areas including chlorine safety, confined space entry, Supervisory Control and Data Acquisition (SCADA) systems and controls or computer monitoring systems, lift stations and pumps, asset management and transfer-station operation. In addition several attendees tested for 608 Certification—that's training in how to handle solid waste products, such as safely removing Freon from discarded refrigerators so that it doesn't affect air quality.

Scott Williams, a licensed water plant operator who worked in the industry for more than two decades and is now USET's technical assistance specialist, introduced the idea of a drinking-water contest, which was held during the summit by the USET Certification Board for Water and Wastewater Operators and Laboratory Analysts hosted the first Tribal Drinking Water Contest for USET members' water treatment facilities. With the USET offices in Nashville, member tribes spread out from Maine to Florida, and with the summit being held in Alabama, it took a bit of ingenuity by Williams to coordinate the contest.

"I went out and found sanitary gallon jugs from a bottle supplier and we sent them to each tribe, gave them a shipping time for the jugs to arrive at Atmore and asked them to ship overnight," Williams said. "The jugs were refrigerated when they arrived. When I got down there I found 10 jugs of water, which was great. I was hoping for six."

Samples were received from all over USET's south and eastern territory. A panel of judges ranked the water on a scale of one

to 10 for clarity, odor and taste. The first place Wampanoag Tribe won with a score of 9.7. Second and third places were awarded to the St. Regis Mohawk Tribe, in northern New York state, and the Mashantucket Pequot Tribal Nation in Connecticut. All of the contestants had good water, Williams said.

"All of the drinking water was quality safe-to-drink water. Most of the tribe's systems use well water. One of the reasons I'm here is to help them with technical assistance and water treatment training and encourage them to take pride in their work and products. But what I've found so far is all the tribes try very hard and do very well with meeting regulations," Williams said. "Tribes are sovereign nations and are not subject to state or local jurisdiction, rules, and regulations. However, tribes are subject to Federal Regulations, unless specifically excluded, which includes the Safe Drinking Water Act as enforced by EPA. It has been our experience that tribes follow the EPA regulations and consistently exceed those regulations to provide safe drinking water to their tribal members."

Williams, who has been on the job with USET for about six months, has visited four of the organization's 26 member tribes so far and has plans to visit the others. USET provides training and certification services to its members free of charge. The services are also available to tribes around the country.

USET was established in 1969 as a nonprofit inter-tribal organization dedicated to promoting Indian leadership, improving the quality of life for American Indians and protecting Indian rights and resources on tribal lands. USET represents its member tribes at the regional and national levels.



Statement of Revenues and Expenses

# Year Ended September 30, 2011

Revenues Unrestricted	ć	1,735,483	Un
Program		7,390,221	
IDC Recovered		1,163,201	Prc
Total		),288,905	IDC
Expenses			Reve
Admin & Unrestricted	\$	1,680,722	
Diabetes THPS	\$	4,138,146 965,505	
EPI	\$	255,585	
NARCH	\$	137,579	
Dental	\$	624,032	
NIHB	\$	695,763	
RWJ	\$	80,676	
<u>Subtotal Health</u>	<u>\$</u>	<u>5,897,286</u>	
ВР	\$	766,358	Admi
TEMAC	\$	187,060	Healt
FEMA	\$	32,988	ELO F
Stagg II	\$	86,961	
Wastewater	\$	161,986	
APHIS	\$	70,776	
other	\$	253,994	
Subtotal ELO	<u>\$</u>	<u>1,560,123</u>	
Total	\$1	0 <mark>,138,131</mark>	
Surplus/Deficit	\$	150,774 **	

\*\* Pending Final Audit

Expenses by Category

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