



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically

December 5, 2020

The Honorable Charles E. Grassley
Chairman
Senate Finance Committee
U.S. Senate
219 Dirksen Senate Office Building
Washington, DC 20510-6200

The Honorable Ron Wyden
Ranking Member
Senate Finance Committee
U.S. Senate
219 Dirksen Senate Office Building
Washington, DC 20510-6200

Dear Chairman Grassley and Ranking Member Wyden:

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write to express our unequivocal support for the immediate passage of S. 4898. Once enacted, Tribal Nations, along with other eligible units of government, would have a 9-month extension to expend payments received from the Coronavirus Relief Fund (CRF). This extension is vital due to the delayed issuance of CRF payments to Tribal Nations following passage of the CARES Act in March 2020. It has become clear that all units of government, including Tribal Nations, will be forced to contend with the impacts of COVID-19 long after the end of calendar year 2020. Tribal Nations must have the opportunity to utilize CRF funds using a timeline that accounts for the circumstances we face—not under a deadline that reflected the unrealistic hope that COVID-19 would have been eradicated by year's end.

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

The Importance of the Coronavirus Relief Fund for Tribal Nations

The CRF was established to provide relief to all units of government across the United States, including Tribal governments, as they responded to the outbreak of the COVID-19 pandemic. However, despite the statutory deadline of April 27th for disbursement of CRF funding, the delivery of these resources to Tribal Nations was delayed until May (60% of total funding) and June (40% of funding). This meant that while the CARES Act provided for CRF funding for expenses incurred during the period between March 1, 2020 and

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), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe—Eastern Division (VA), 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), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), 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), Rappahannock Tribe (VA), 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), Upper Mattaponi Indian Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

December 30, 2020, Tribal Nations had significantly less time to plan and budget for the expenditure of these resources in compliance with the law. In addition, due to centuries of federal neglect and underfunding, many Tribal Nations operate with inadequate governmental infrastructure—including staffing infrastructure. Combined with the reduced capacity as a result of the COVID-19 emergency, this lack of infrastructure hinders our ability to swiftly obligate and spend down these resources.

As COVID-19 has spread across the country, all Tribal Nations are facing significant financial impacts as a result of the pandemic. USET SPF has consistently advocated for an extension in the statutory deadline and wrote to congressional leadership on July 21, 2020 to urgently address the inequities and mismanagement of the CRF [[Link to Letter](#)]. Furthermore, USET SPF has also consistently advocated that the CRF distribution methodology be inclusive of all Tribal Nations and reflect the great diversity found across Indian Country, in accordance with the trust obligation. And, in recognition of the urgency surrounding access to these resources, as stated during a colloquy regarding Congressional intent for this provision, “it is critical that the Secretaries of Treasury and the Interior consult with Tribal leaders immediately to determine the most expeditious, transparent, and fair method of allocating these funds.” However, in its implementation of Title V, Treasury has not delivered upon these directives, instead engaging in a process that has included significant delays seemingly arbitrary methodologies, and a lack of transparency that is resulting in deep inequities and confusion as the program administered.

Conclusion – Support and Swiftly Pass S. 4898

As Congress considers further action to address the pandemic nationally, it is critical that Tribal Nations continue to be included, and that future policy is crafted in a way that reflects and acknowledges the trust obligation and our unique circumstances. To that end, we ask that you work with USET SPF and others in Indian Country to design a set of guardrails for any future disbursements of CRF dollars that include retroactive support for Tribal Nations that were severely underfunded, an equitable distribution that relies only upon Tribal Nation-supplied data, and improvements in program administration that will ensure these resources are most effective in Indian Country.

In closing, we urge bipartisan support and swift passage of S. 4898 to extend the deadline for Tribal Nations to expend CRF payments through September 30, 2021. We further look forward to the opportunity to work with Congress on additional funding for and improvements in administration of the CRF. 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 615-838-5906.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director

CC: Majority Leader Mitch McConnell
Minority Leader Chuck Schumer
Members of the Senate Committee on Indian Affairs