



# USET

SOVEREIGNTY PROTECTION FUND

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March 31, 2021

Bryan Newland  
Principal Deputy Assistant Secretary  
Indian Affairs  
U.S Department of the Interior  
1849 C Street NW  
Washington, DC 20240

Dear Principal Deputy Assistant Secretary Newland,

We write on behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) to provide comment to the Department of the Interior (DOI) in response to its consultation on the allocation of funding appropriated to Indian Affairs under the American Rescue Plan Act (ARP). USET SPF appreciates DOI's swiftness in organizing this consultation, as we have consistently urged the expedient distribution of COVID-19 relief funding. Although there is hope on the horizon, COVID-19 continues to impact Tribal Nations and its effects will likely be felt long after the pandemic ends. It is with this in mind that we remain focused on timely and equitable distributions of ARP resources in a manner reflective of Tribal sovereignty and the diverse circumstances of individual Tribal Nations.

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.<sup>1</sup> 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.

### **Collection of Enrollment Information**

USET SPF understands DOI's interest in collecting up-to-date enrollment information for the purposes of the distribution of certain portions of ARP funds. However, recognizing this concerns the collection of Tribal Nation data, we defer to our member Tribal Nations for any guidance regarding the appropriateness of this action, including any personally identifiable information. We do have questions about the public availability of such data, as well as unfettered access to said data on the part of other federal agencies. There must be

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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), 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).

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appropriate safeguards and oversight in place regarding the use of this data, particularly as it relates to the development of federal policy and funding mechanisms. In addition, we caution against an overreliance on this data, as it is but one factor in the scope of Tribal governmental action and responsibilities.

### **\$772.5 Million for Tribal Government Services, Public Safety & Justice, Social Services, Indian Child Welfare, and Related Expenses**

USET SPF strongly supports DOI's proposal to distribute the majority of this sum through the Aid to Tribal Government (TPA) funding line, which will provide maximum flexibility to Tribal Nations as we seek to address the unique circumstances each of us faces as a result of the COVID-19 pandemic. However, we do have concerns with DOI's proposal to base the distribution methodology on the newly collected enrollment data, including the possibility of utilizing groupings by enrollment size. Recognizing there are existing methodologies for the distribution of funds through this line, the impact of the proposed methodology is currently unclear and is deserving of further consultation in and of itself. DOI must ensure that Tribal Nations are fully aware of the differences between utilizing existing or proposed methodologies. Finally, with regard to the Public Safety & Justice funding, we support the use of existing methodologies.

### **\$20 Million for Delivery of Potable Water**

USET SPF agrees that this should be distributed on an as-needed basis to Tribal governments. For DOI's benefit, we note that there are COVID-19-related situations among our membership where potable water is required, such as for temporary housing that cannot be connected to existing water infrastructure.

### **\$100 Million for Housing Improvement**

USET SPF appreciates DOI's focus on equity for these funds and supports the proposal to ensure every Tribal Nation receives a base amount. We defer to our membership regarding the proposal to distribute the remaining funds based on enrollment data.

### **\$850 to Bureau of Indian Education for K-12 Schools and Tribal Colleges & Universities**

While we defer to our membership with BIE and Tribally-operated schools for their responses to the consultation questions, we note the distribution of similar funding under the CARES Act utilizing existing methodologies. While we also note the unreasonable delay associated with these funds, we are not aware of concerns related to the distribution methodology.

### **Conclusion**

Due to the federal government's chronic failure to fully fund trust and treaty obligations, as well as ongoing failures to provide necessary resources, Tribal Nations continue to operate with limited and diminishing resources as we work to address the impacts of COVID-19. While the \$31.2 billion allocated to Tribal Nations under ARP provides hope in both the short- and long-term, DOI needs to work with Tribal Nations to ensure the \$1.75 billion it administers, as well as the \$20 billion under Treasury's Fiscal Recovery Fund, is distributed as equitably as possible and in full recognition of Tribal sovereignty. Expedious, but thoughtful, distribution of these resources will allow Tribal Nations to both address and begin to recover from the COVID-19 pandemic. 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](mailto:LMalerba@usetinc.org) or 615-838-5906.

Sincerely,



Kirk Francis  
President



Kitcki A. Carroll  
Executive Director