



# USET

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February 7, 2024

Dr. Beverly Cotton, Director  
Indian Health Service  
Nashville Area Office  
711 Stewarts Ferry Pike  
Suite 300  
Nashville, TN 37214

RE: Indian Health Service Nashville Area Office Tribal Shares Consultation

Dear Dr. Cotton:

On behalf of the United South and Eastern Tribes (USET), we submit the following comments in response to the November 15, 2023, Dear Tribal Leader Letter from the Indian Health Service (IHS) Nashville Area Office (NAO) initiating Tribal consultation regarding the Nashville Area Tribal Shares Tables. USET has been following the IHS's efforts to uphold Nashville Area Tribal Nations requests for updating the Area Tribal Shares Tables to improve overall transparency and we appreciate the opportunity to provide further recommendations on how IHS might advance other areas of Tribal and Area Shares. USET shares a common commitment to ensuring that there is strong and robust input to the transparency of allocation of IHS Tribal Shares at all levels.

USET 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 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.

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<sup>1</sup> USET 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).

First, we extend our appreciation to you and your staff for providing the shares tables in advance of the virtual consultation sessions and for the vast details of each table which were reviewed by your staff during the two sessions. These tables are a vital part of understanding the contractable, compactable, non-divisible and residual shares at the Area and Headquarter levels for Tribal Nations and are valuable when staffing turnovers occur at both the federal and Tribal levels. While we understand that the format and included components are different than the historical tribal shares tables due to the change from the non-recurring re-calculation to recurring calculations, we believe this is a great first step toward breaking out by budget category.

The framework outlined in the DTLL encompasses the Programs, Functions, Services and Activities Manual (PFSA'S) and federal inherit functions with the associated residual funding and it is with this in mind that we offer the following recommendations to the IHS Tribal Shares Tables, in the hopes they will strengthen and improve the overall understanding and preparedness when Tribal Nations are approaching contracting and compacting negotiations.

### **General Recommendations**

- 1) USET recommends including program formulas as a note within each table or within a footnote for ease in cross checking amounts.
- 2) USET recommends funding totals be made available within the Tables for cross reference to compare to prior years and to verify numbers.
- 3) USET recommends that base level Indian Health Care Improvement Funds (IHCIF) be distributed to Tribal Nations as recurring, which is consistent with the intent of congress. Can the Area provide Tribal Nations with the justification for why the IHCIA funds aren't considered recurring? And if they can be made recurring, including in these Tables for transparency.
- 4) USET recommends Office of Environmental Health and Engineering (OEHE) PFSA's be provided within these Tables for ease in cross referencing. Per the virtual session presentations, the OEHE PFSA's are not reflected in this Table and are reflected in a separate 4F Table.
- 5) According to US code title 25 subsection 450F, regarding self-determination contracts, Tribes can assume and contract or compact for all or portions thereof a PFSA. USET strongly supports the Tribal Nation recommendations to incorporate department level Tribal Share tables for the Tribal Nations that do not take shares yet. This would assist Tribal Nations in understanding all shares available for contracting and compacting at any given time.
- 6) USET is aware that newly recognized Tribal Nations come with program funds, Tribal shares and residual at all levels which is all calculated differently from the methodology used for the rest of the Nashville Area Tribes but eventually the New Tribe allocations evolve to the Nashville Area Methodology. When does the New Tribes Fund transition to the Nashville Area methodology so that New Tribal Nations find value in these Tables when considering PFSA assumption.

USET appreciates the work dedicated to the creation of the Tribal Shares Tables and the opportunity to provide recommendations. We hope to continue working with the Nashville Area Office to ensure its potential is fully realized as a valuable tool. We do recommend that the IHS NAO now focus on updating the PFSA's manual to further the clarity around Tribal Shares. Should you have any questions or require further information, please contact Ms. Onawa Miller, THPS Director at [omiller@usetinc.org](mailto:omiller@usetinc.org).

Sincerely,

A handwritten signature in black ink, appearing to read "K. A. Carroll". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Kitcki A. Carroll  
Executive Director