



USET

SOVEREIGNTY PROTECTION FUND

July 15, 2017

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

Submitted via: consultation@bia.gov

The Honorable Michael S. Black
Acting Assistant Secretary—Indian Affairs
Bureau of Indian Affairs
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Re: Dear Tribal Leader Letter on Implementation of Executive Order 13871

Dear Acting Assistant Secretary Black,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we are pleased to submit the following comments in response to your May 16, 2017 “Dear Tribal Leader” letter requesting comments on the implementation of Executive Order (EO) 13871, *Comprehensive Plan for Reorganizing the Executive Branch*. USET SPF member Tribal Nations acknowledge that there may unnecessary levels of bureaucracy and redundancies at the Department of the Interior (DOI) and this belief is consistent with our organizational effort to modernize the trust relationship. However, any eliminations or changes must be accomplished with the intent to (1) achieve more timely and seamless execution of federal trust obligations, and (2) promote greater Tribal Nation self-determination.

USET SPF is an intertribal organization comprised of twenty-six federally recognized Tribal Nations, ranging from Maine to Florida to Texas.¹ USET SPF is dedicated to enhancing the development of Tribal Nations, to improving the capabilities of Tribal governments, and assisting member Tribal governments in dealing effectively with public policy issues and in serving the broad needs of Indian people.

Execution of Trust Obligations and Inherent Federal Functions Must be Protected

USET SPF recognizes that a major priority of President Trump is a full reorganization and reduction in the workforce of the executive branch. However, we also note that executive orders and memoranda issued do not, with very limited exceptions, exempt positions and agencies charged with delivering on the trust responsibility. As DOI and the whole federal government moves forward with its reorganization, the execution of the federal government’s trust responsibility and obligations must be paramount. Positions and agencies charged with execution of this obligation, and all inherent federal functions must be preserved. This includes ensuring agencies, departments, and divisions are adequately staffed and resourced to carry out these functions. It is *never* acceptable or appropriate for any of the federal trust obligation to be executed by state or private entities.

¹USET 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), 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).

BIA Eastern Region Office Must Be Preserved

Historically, as part of past reorganization/restructuring efforts, USET SPF member Tribal Nations have consistently had to fight to protect the Bureau of Indian Affairs (BIA) Eastern Region Office. We are adamantly opposed to any effort to eliminate or consolidate this office. Previous efforts to fulfill Eastern Region trust obligations through other BIA regional offices have failed and proven that ERO Tribal Nation interests are secondary to the interests of the Tribal Nations within those regions tasked with providing contracted services.

In addition, the Eastern Region has recently undergone a change in leadership and corresponding reorganization. Our member Tribal Nations view this change as positive and productive. The new leadership has spent the last several years cultivating a trustworthy and reliable working relationship with the Tribal Nations it serves. We urge you to allow this progress to proceed by maintaining the current leadership of the Eastern Region Office.

- **Other Regional Offices and Staff**

We note that our region is also served by a number of satellite offices. USET SPF stands with each of our member Tribal Nations receiving this direct outreach and asserts that no changes to these relationships shall be made without their consent. We remind the DOI of its commitment to ensuring that Tribal Nations are provided advance notice and opportunity for consultation when the agency is considering action with Tribal impact.

Need for Extensive Tribal Consultation

As the full reorganization proceeds, greater coordination and clarity is needed from agencies across the federal government to ensure that the trust responsibilities and obligations of the federal government are not intentionally or inadvertently diminished. Any federal action impacting Tribal Nations must be consulted upon in advance. This Administration has already provided verbal indication of its intent to keep a structure in place similar to the White House Council on Native American Affairs. Regardless of the form or name that it takes in this Administration, this would be an appropriate task for this entity to take on.

Indian Country also needs to be better informed in order to respond to requests for consultation. Federal agencies must present any proposed changes to Indian Country in a clear and transparent manner, describing specific proposed actions with Tribal implications, in order to facilitate meaningful guidance from Indian Country.

Conclusion

Recognizing that no formal Tribal consultation has taken place, we expect that this will be the first of many opportunities to provide input as the Trump Administration implements EO 13871. USET SPF welcomes the opportunity to modernize the federal government and execution of the federal trust responsibility in a way that upholds the obligations of our sacred government-to-government relationship and promotes the full exercise of Tribal sovereignty. 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 202-624-3550.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director