

VIA ELECTRONIC TRANSMISSION
consultation@bia.gov

Bryan Newland Senior Advisor
Department of the Interior

Re: Comments on Implementation of the American Rescue Plan

Dear Senior Advisor Newland;

The [TRIBE] would like to take this opportunity to submit written comments following the March 29, 2021 Tribal Consultation session. [Add in brief description of where your tribe is located and any other information you feel is appropriate].

California is one of the five mandatory Public Law (PL) 280 states. Under PL 280, the state and tribes concurrently exercised criminal and limited civil jurisdiction in Indian Country. One of the many consequences of PL 280 is the Bureau of Indian Affairs (BIA) has historically chosen not to fund tribal courts or law enforcement and instead prioritizes public safety and justice funding for tribes in non-PL 280 states. As result, tribes in California, with the exception of tribes with Self-Governance contracts, are not awarded 638 contracts for law enforcement or tribal court funding and therefore do not receive annual reoccurring base funding for these services.

The proposed ARP implementation plan provides that \$772.5 million dollars will be set aside for “public safety and justice (PSJ)” services. This allocation will be disturbed based on “existing allocation of base (reoccurring annual) funding level for OJS-funded, tribally operated, programs.” Because OJS does not currently fund PSJ services for tribes in PL 280 states, our tribe will not qualify for the \$772.5 million dollar set aside. The [TRIBE] strongly objects to this allocation formula since tribal courts and law enforcement services in California and other PL 280 states have been impacted by the pandemic and are in need of the critical funding.

Without sustaining and reoccurring federal funding, tribal courts and law enforcement services in California are provided and maintained through tribal general funds. Tribal enterprises, businesses and other economic sources that sustain tribal revenue were severely impacted financially by the pandemic which caused a ripple effect to the tribal services to our members and community. Providing funding to tribal courts and law enforcement is critical to maintain public safety to our community. Distribution of the PSJ funds should be fair and equitable to all tribes. We request that BIA work with the tribes in formulating an allocation plan that ensures tribes in PL 280 states are not again denied funding for PSJ services.

[ADD ANY ADDITIONAL COMMENTS REGARD IMPLEMENTATION of ARP]

Sincerely yours,