



USET

SOVEREIGNTY PROTECTION FUND

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February 23, 2024

Chairman Brian Schatz
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington DC 20510

RE: Recent Remarks on Tribal Cultural Heritage and SCIA Advocacy for Tribal Titles

Dear Chairman Schatz:

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write to express our appreciation for your [remarks on the Senate floor](#) regarding the importance of Tribal Nations' cultural heritage and full implementation of the Native American Graves Protection and Repatriation Act. Your speech was moving and embodied so many ideas we hope to hear from our federal partners.

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 assisting its membership in dealing effectively with public policy issues.

USET SPF advocates for Tribal Nations' full exercise of our inherent sovereign rights and authorities to govern ourselves, including our lands, resources, people, governments, and enterprises. USET SPF also seeks to encourage the diplomatic Nation-to-Nation relationship that each Tribal Nation must have with the United States because of our status as inherently sovereign governmental entities. Additionally, USET SPF advocates for the United States to fully live up to its trust and treaty obligations to Tribal Nations and Native people, which derive from the taking of our lands and resources and limiting exercise of our inherent rights and authorities. These obligations require the United States to provide services and funding in perpetuity in repayment of what was taken from us.

One integral aspect of Tribal sovereignty is our ability to continue our cultural practices and identities. Indeed, the United States during its more nefarious federal Indian policy eras sought to erase us, and in turn the

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), 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), Mi'kmaq Nation (ME), 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 Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

obligations it owes to us, but preventing our continued cultural identities as self-governing peoples. As you recognized during your floor speech, as part of these erasure efforts, our Tribal cultural heritage items and even our ancestors were taken from us by force and later put on display or stored away in boxes. The United States and the public, both domestically and abroad, have often viewed these items as art or relics of history, treating them as souvenirs of past colonialism now fully realized.

Through the Native American Graves Protection and Repatriation Act's (NAGPRA) enactment, the United States recognized the importance of our Tribal cultural heritage items to our continued existence, and it sought to undo past and ongoing wrongs by reuniting us with our items and ancestors. But enactment is not enough. It is incumbent upon the United States to fully implement and enforce NAGPRA, the Archaeological Resources Protection Act, the Safeguard Tribal Objects of Patrimony Act, and other federal statutes to protect our Tribal cultural heritage items and the remains of our people.

Your remarks on the Senate floor expressed a deep understanding of our concerns. You acknowledged that museums base their failure to abide by NAGPRA on administrative or academic excuses and paternalistic assertions that Tribal Nations lack the ability to care for our own ancestors and cultural items. We agree that these ideas are reflections of colonialism, and no institution can hold itself out as upstanding when it perpetuates these harms.

You also recognized that the injustices woven through American history can seem so big and overwhelming that knowing where to start is difficult. You said that getting NAGPRA implementation right is a necessary condition for justice to be restored—but that NAGPRA implementation alone is still not enough. You recognized that Tribal Nations must have an unimpeded right to self-determination and that we require federal funding for essential services, and you said that allowing us to define ourselves is one aspect of this important work.

In the face of these weighty and necessary next steps, you issued a call to action to museums and federal agencies, saying “if you say you are for equal justice, act like it” and that they should “demonstrate in three dimensions that [they] care about the values [they] espouse.” We are already seeing change as the result of a federal voice urging meaningful NAGPRA implementation. In fact, the Department of the Interior's [revised NAGPRA regulations](#)—coming on the heels of your [previous letters](#) to key institutions urging them to abide by their NAGPRA obligations—have [reportedly](#) already forced museums to take protective measures. This is evidence that big change is possible if someone pursues it.

We also see you are bringing a visionary message to address federal funding in furtherance of the United States' trust and treaty obligations. During your recent appearance at the National Congress of American Indians' Executive Council Winter Session, you indicated that the Senate Committee on Indian Affairs (SCIA) is seeking a Tribal title or Tribal set aside as a part of all major legislation considered by Congress. We applaud this effort, as funding set aside for Tribal Nations better reflects the trust and treaty obligations underlying federal funding flowing to us. In the spirit of education and awareness, Indian Country calls on you, and all SCIA members, to consistently carry our messages into conversations with colleagues who may be less familiar with the trust and treaty obligations, while fighting for our inclusion in all relevant measures before Congress. And, as has been longstanding SCIA tradition, this advocacy must occur on a non-partisan basis, as perpetual trust and treaty obligations supersede party interests. We are pleased to learn that you are making this a priority, and we look forward to working together to ensure this commitment is fully realized.

Your words during your floor speech and NCAI remarks and your willingness to act resonate with us, not just because of your recognition of the need to protect Tribal cultural heritage and secure Tribal set asides, but also because you called for concrete actions in furtherance of Tribal Nations' inherent rights and authorities.

USET SPF believes in pursuing visionary ideas that will help redirect the United States towards full respect for Tribal Nations' inherent rights and authorities and true fulfillment of its trust and treaty obligations. One of USET SPF's priorities is the [Marshall Plan for Tribal Nations](#), based on the idea that the United States should make a financial investment in Tribal Nations similar to that of the Marshall Plan through which the United States invested in rebuilding Europe after World War II. The Marshall Plan for Tribal Nations not only calls for a significant investment to bring Tribal Nations up to an appropriate baseline, but it also calls for sufficient, effective, and respectful funding mechanisms moving forward. The Marshall Plan for Tribal Nations is gaining momentum, with [Tribal organizations signing on](#), [media coverage](#), and a new [Executive Order](#) seeking to implement some of the foundational ideas underpinning the Marshall Plan for Tribal Nations. The Marshall Plan for Tribal Nations is a vision worth pursuing.

We would welcome the opportunity to meet with you and your SCIA staff to discuss protection of Tribal cultural heritage, pursuit of Tribal titles or set asides, and the Marshall Plan for Tribal Nations. We believe we can be allies in pushing these priorities forward. We are glad to see that we are of the same mind that pursuing big ideas for Indian Country, even when the steps to get there seem overwhelming, is important and necessary.

We appreciate your timely consideration of this request. Please coordinate with Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at lmalerba@usetinc.org and Katie Klass, USET/ USET SPF General Counsel, at kklass@usetinc.org to set up a meeting.

Sincerely,



Chief Kirk Francis
President



Kitcki A. Carroll
Executive Director