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Testimony of the United South and Eastern Tribes Sovereignty Protection Fund For the Record of the House Subcommittee on Indian and Insular Affairs Hearing on “Examining 50 Years of the Indian Self-Determination and Education Assistance Act in Indian Country”

The United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is pleased to provide the House Subcommittee on Indian and Insular Affairs with the following testimony for the record of the April 4, 2025 hearing on, “Examining 50 Years of the Indian Self-Determination and Education Assistance Act [ISDEAA] in Indian Country.” In 1975, Congress enacted the ISDEAA to authorize Tribal Nations to enter into agreements with the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) to receive funds and manage individual programs. Since enactment of ISDEAA, a more appropriate sovereignty era of federal Indian law and policy was ushered in to support Tribal self-determination and self-governance. It cannot be overstated how critical ISDEAA has been for advancing towards a more appropriate Tribal-federal diplomatic relations and supporting our efforts in Nation building and rebuilding through self-determination and self-governance. ISDEAA has been instrumental in supporting our goals of exercising our inherent sovereignty through control of natural resources and energy resources, protection of Tribal assets, achieving economic independence, job creation, and the improvement of the standard of living for Tribal citizens and our communities.

Due to the success of ISDEAA and the beneficial impacts it has had on Tribal Nations, USET SPF emphasizes to the Subcommittee that Tribal Nations have a proven track record in directly managing BIA, IHS, and Department of Transportation self-determination and self-governance funding agreements. There is demonstrated history and documented success that Tribal Nations utilize these federal dollars in a way that best serves our citizens and communities. Further, the success of Tribal Nations that have participated in ISDEAA self-determination and self-governance agreements has shown that not only does it support our inherent sovereignty, but it also has significant beneficial socio-economic effects for our neighboring non-Native communities as well as regional and national impacts. For these reasons, the time to expand the Tribal self-determination and self-governance model to all departmental programs across the federal government, as well as provide the necessary full appropriations for these programs, is long overdue.

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 in assisting its membership in dealing effectively with public policy issues.

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 Tribe (VA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

Support for the Expansion and Evolution of Tribal Self-Governance

In December 2015, through the Fixing America's Surface Transportation Act (P.L. 114-94), this self-determination and self-governance model was expanded to include the Tribal Transportation Self-Governance Program at the Department of Transportation (DOT). The last Congressional action taken to update ISDEAA was in October 2021 with the enactment of the PROGRESS for Indian Tribes Act (P.L. 116-180), which sought to expand upon and improve the principles of self-governance and self-determination for Tribal Nations by streamlining and enhancing the Department of the Interior's (DOI) Tribal Self-Governance Program. USET SPF supported legislative amendments to Title IV of ISDEAA, which is reflected by [USET Resolution No. 2014:047](#), "Support Legislative Amendments to Titles I and IV of the Indian Self-Determination and Education Assistance Act." The PROGRESS for Indian Tribes Act was the direct result of Congress acknowledging the need to overhaul Title IV of ISDEAA and correct bureaucratic processes and procedures the Tribal Self-Governance Program imposed that either discouraged or hindered negotiations between Tribal Nations and DOI for compacts or funding agreements.

Despite the success of Tribal Nations in exercising authority under ISDEAA, as well as the enactment of ISDEAA updates such as the PROGRESS for Indian Tribes Act, there remains opportunity to support additional goals of self-governance to further improve and expand upon its principles. An expansion of Tribal self-determination and self-governance to all federal programs under ISDEAA would be the next evolutionary step in the federal government's recognition of our inherent Tribal sovereignty and to reflect its full commitment to improving Tribal-federal diplomatic relations. Expansion of Tribal self-governance under ISDEAA would provide for a streamlined and expeditious approach to the receipt and expenditures of funding from across the federal government, which will ensure these resources can be utilized in ways that reflect the diversity of Tribal governments and our communities.

USET SPF, along with many Tribal Nations and organizations, has consistently urged that all federal programs and dollars be eligible for inclusion in self-governance funding agreements. We must move beyond piecemeal approaches directed at specific functions or programs and start ensuring Tribal Nations have real decision-making in the management of our own affairs and assets. It is imperative that Tribal Nations have the expanded authority to redesign additional federal programs to best serve our communities as well as have the authority to redistribute funds to administer services among different programs as we deem necessary. In addition, the federal government must uphold its trust and treaty obligations to Tribal Nations and provide full funding appropriations for Tribal programs—in a mandatory manner that is more respectful and in alignment with the uniqueness of our diplomatic relationship—which it has consistently failed to do so. To accomplish the principles of Tribal self-governance requires a new framework and understanding that moves us further away from the principles of federal paternalism, something that has taken time for federal departments and agencies to accept. Examinations into expanding Tribal self-governance administratively have encountered barriers due to the limiting language under current law, as well as the misperceptions of federal officials. The most recent evidence of this has occurred in negotiations to expand ISDEAA contracting and compacting to U.S. Department of Agriculture (USDA) programs for the current 2016 Farm Bill reauthorization. USDA officials resisted this change while also recognizing that they didn't have the necessary personnel experienced with implementing ISDEAA.

USET SPF stresses to the Subcommittee that if true expansion of self-governance is only possible through legislative action, then the Subcommittee and Congress must prioritize legislative action on the comprehensive expansion of Tribal self-governance. This will modernize federal trust and treaty obligations to Tribal Nations in a manner that is consistent with our sovereign status and capabilities. As an example, in 2013, the Self-Governance Tribal Federal Workgroup (SGTFW), established within the Department of Health and Human Services (HHS), completed a study exploring the feasibility of expanding Tribal self-

governance into HHS programs beyond those of IHS and concluded that the expansion of self-governance to non-IHS programs was feasible, but would require Congressional action. However, despite efforts on the part of Tribal representatives to the SGTFW to attempt to move forward in good faith with consensus positions on expansion legislation, these efforts were hindered by the lack of cooperation by federal representatives.

USET SPF urges the Subcommittee and Congress to use its authority to work to legislatively expand Tribal self-governance to all federal programs where Tribal Nations are eligible for funding—in fulfillment of its trust and treaty obligations to Tribal Nations. Further, Congress, as well as the Administration, should consider modifications to reporting requirements under ISDEAA and other methods of funding distribution. The administrative burden of current reporting requirements under ISDEAA including site visits, “means testing,” or other standards developed unilaterally by Congress or federal officials are barriers to efficient self-governance and do not reflect our government-to-government relationship. While obtaining data around Tribal programs is critical to measuring how well we as Tribal governments are serving our citizens and how well the federal government is delivering upon its obligations, Tribal Nations find themselves expected to report data in order to justify further investment in Indian Country.

This runs counter to the trust obligation, which exists in perpetuity, and is based on the underlying recognition of the exchange of land and natural resources. The data collected by Tribal Nations must be understood as a tool to be utilized in sovereign decision-making, not to validate the federal government’s fulfillment of its own promises. Because funding for Tribal Nations is provided in fulfillment of clear legal and historic trust obligations, those federal dollars should not be subject to an inappropriate, grant-based mentality that does not properly reflect our diplomatic relationship. Grant funding fails to reflect the unique nature of the federal trust obligation and Tribal Nations’ sovereignty by treating Tribal Nations as non-profits rather than governments. We reiterate the need for the federal government to treat and respect Tribal Nations as sovereigns as it delivers upon its trust and treaty obligations, as opposed to treating or viewing us as grantee entities.

Conclusion

USET SPF is working toward a future in which all federal dollars delivered in fulfillment of trust and treaty obligations are eligible to be contracted or compacted under ISDEAA. In the meantime, we urge the Subcommittee and Congress to ensure all federal Indian funding can be transferred between federal agencies, so that it may be received through contracts and compacts. USET SPF calls upon the Subcommittee and Congress to join us in working toward a legacy of change for Tribal Nations, Native people, and the sacred trust relationship. There is a need for radical transformation in the recognition of our governmental status and the delivery of federal obligations for our people, which can be accomplished by expanding ISDEAA to all federal programs currently administered by the federal government on behalf of Tribal Nations. We can no longer accept the status quo of incremental change that continues to feed a broken system and does not allow us to utilize federal dollars in a manner that best serves our citizens and communities. The federal government must enact policies that uphold our status as sovereign governments, our right to self-determination and self-governance, and honor the federal trust obligation in full. We look forward to partnering with the Subcommittee and Congress to advance these policies during the 119th Congress and we hope to make substantial progress in expanding ISDEAA to finally reach its full potential and benefit for Tribal Nations. This will ultimately lead us into the next era of Tribal Nation-United States relations that is rooted in true recognition of our shared history and our diplomatic relationship.