USET
SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically

June 24, 2025

The Honorable Lisa Murkowski
Chairman
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, DC 20510

The Honorable Brian Schatz
Vice Chairman
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, DC 20510

The Honorable Jeff Hurd
Chairman
Subcommittee on Indian and Insular Affairs
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Teresa Leger Fernandez
Ranking Member
Subcommittee on Indian and Insular Affairs
Committee on Natural Resources
1332 Longworth House Office Building
Washington, D.C. 20515

Dear Chair Murkowski, Vice Chair Schatz, Chair Hurd, and Ranking Member Leger Fernandez,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit this letter to call attention to the challenging budgetary environment currently evolving for Tribal Nations due to actions and activities undertaken by the current Administration.

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.

As you are aware, the Trump Administration's Executive Orders have created a precarious environment for federal staff support and programmatic budget uncertainty for Tribal Nations accessing and participating in federal programs. The firing of federal employees at various departments and agencies, the federal employee buyout program, the freeze of federal funds, and the proposed reductions in overall spending in the federal budget have all contributed to serious concerns and impacts for Tribal Nations and our citizens.

[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).

As the repercussions of these actions continue to play out, we write to you to recommend certain statutory actions that Congress can pursue to address preexisting funding shortfalls for Tribal programs that are now further exacerbated in the current political climate.

As you know, the United States government has entered into solemn moral and legal agreements with Tribal Nations to provide essential services such as education, healthcare, economic development, public safety, environmental and natural resource management, and the protection of our cultural resources. These services are provided as payment on debt for the lands and natural resources taken from Tribal Nations, oftentimes by force. These programs and services are the result of trust and treaty obligations established by the U.S. Constitution, treaties, statutes, and Executive Orders—all of which have been upheld in decisions issued by the federal judiciary. Despite having these trust and treaty obligations to Tribal Nations and our people, the federal government has consistently failed to uphold these obligations and has never fully funded essential Tribal programs and services. Tribal Nations have continue to exist in a fiscal environment where every federal dollar matters, as we do not have the same economic opportunity and tax base enjoyed by other governments.

In the past, the United States has taken steps to promote our inherent sovereignty and self-determination by authorizing Tribal Nations and Tribal organizations to receive direct federal funding to provide services to our people, as we have the knowledge and expertise for how to best utilize these funds to serve our communities. However, because of recent actions and activity by the Administration, as well as the potential for funding loss and policy change through Budget Reconciliation by Congress, we have arrived at a critical juncture in how the federal government will uphold its trust and treaty obligations. The federal government must recognize that haphazardly slashing the federal budget and instituting caps on indirect costs, as well as reducing the federal workforce necessary for Tribal programmatic service delivery, will have devastating impacts on Tribal Nations and our communities.

In light of the challenges that we are currently experiencing, as emphasized above, we recommend the following statutory actions be taken by Congress. These four actions will be critical in this new budgetary climate where every dollar matters to accomplish our directives and responsibilities to provide critical services to our people and communities. Further, these actions will ensure that the critical federal dollars and services that do reach Indian Country can have maximum impact without additional complications.

- **Enact statutory language that supports flexibility in the use of federal dollars to better serve our communities.** Providing direct awards and services to Tribal Nations and Tribal organizations will ensure that these dollars are appropriately dedicated to addressing the unique concerns and priorities of each Tribal community. Further, building flexibility into programs by reducing bureaucratic barriers, reporting requirements, and limitations on spending will ensure that every federal dollar is fully leveraged to support our communities, including for training, administrative costs, and the hiring of critically needed Tribal personnel to execute these services.

- **No legislation should be enacted that requires a Tribal cost share/match to access federal programs.** Requiring Tribal Nations to produce a cost share/match when applying for federal programs does not uphold the federal government's trust and treaty obligations. As discussed above, these services were established as payment on debt owed to Tribal Nations. Further, these programs and services have never been fully funded. This has led to an ever consistent and pervasive issue of limiting our ability to provide for our citizens and communities, pursue economic development and job creation, build and maintain critical infrastructure, and appropriately manage our natural, environmental, and cultural resources. It is important to recognize that Tribal Nations are further limited in pursuing these activities due to the lack of a conventional tax base enjoyed by other governments and the excessive bureaucratic barriers to pursue development and maintenance of infrastructure and resources on Tribal Lands.

- **Explicitly express the intent of Congress regarding "non-duplication" restrictions on federal dollars.** In the enactment of past laws focused on infrastructure funding, Congress included non-duplication restriction language on federal funds, which led some federal agencies to interpret these provisions to limit, if not outright prohibit, Tribal Nations from accessing these critical funds. Often referred to as "double dipping" provisions, these non-duplication restrictions have been interpreted by federal agencies to prevent Tribal Nations from utilizing multiple federal funding sources for a single infrastructure project. Federal agencies should never be led to interpret Congress's intent to limit the stacking of multiple federal capital funding sources to meet the total amount of funding needed for an infrastructure project. Rather, this language was included to ensure that, for instance, a $10 million federal grant and a $10 million federal loan could not be obtained to cover the costs of a single $10 million project. While USET SPF recommends that no non-duplication restriction language should be included in proposed legislation, if such language is included, then there should be additional expressed language that multiple federal funds can be leveraged for infrastructure projects, so long as the total amount of the leveraged funds does not exceed the total cost of a project.

- **No legislation should be enacted that puts a cap on indirect cost (IDC) requirements.** Congress has sometimes enacted statutorily mandated caps on IDC for federal programs that provide funds or services to Tribal Nations or Tribal organizations serving Tribal Nations, resulting in continued challenges for Indian Country. Tribal Nations, as well as Tribal organizations that act on behalf of Tribal Nations to serve our citizens, must be empowered to directly negotiate IDC rates for such federal programs rather than operating under an artificial cap. Imposing a statutorily mandated cap on IDC for federal programs hinders our progress and undermines the federal government's trust and treaty obligations. Empowering Tribal Nations and Tribal organizations serving Tribal Nations to directly negotiate IDC rates with federal agencies will support our efforts to pursue Nation building, and rebuilding, and ensure that federal dollars are being fully utilized to provide essential services to our citizens and communities.

USET SPF appreciates your attention to and consideration of these critically important issues. We look forward to working with you and your colleagues in the 119th Congress to address the critical funding shortfalls and bureaucratic barriers that have imposed limitations on Tribal Nations and Tribal organizations to serve our communities and citizens. Tribal Nations must be empowered to fully assert our inherent sovereign rights to determine how federal funds and services can be better administered and utilized to directly support and address the priorities of our communities. 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 615-838-5906.

Sincerely,

Chief Kirk Francis
President
USET SPF

Kitcki A. Carroll
Executive Director
USET SPF