



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically

July 16, 2025

The Honorable Jeffrey Hurd
Chairman
Subcommittee on Indian and Insular Affairs
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Teresa Leger Fernandez
Ranking Member
Subcommittee on Indian and Insular Affairs
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Hurd and Ranking Member Leger Fernandez:

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit this letter in support of provisions previously found in the “Unlocking Native Lands and Opportunities for Commerce and Key Economic Developments Act” (the UNLOCKED Act, S. 1322), which was passed by the Senate in the 118th Congress. Though similar to H.R. 1532, which was considered by the Subcommittee last Congress, it contains an important provision authorizing Tribal Nations to issue rights-of-way (RoW) permits. As both the House and Senate consider reintroduction of bills concerning Tribal land leasing, USET SPF urges that bills in both chambers also include this critical provision for Tribal Nations to issue RoW permits to complement Tribal land leasing and development priorities.

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.

Tribal Nations are political, sovereign entities whose status stems from the inherent sovereignty we have as self-governing peoples that pre-dates the founding of the United States. For the federal government to fully support Tribal Nation sovereignty and self-determination, Congress must remove legal barriers that hinder, or outright obstruct, our inherent sovereign authorities to manage and develop our lands in ways that would best serve our Nations and citizens. Reintroduction and passage of language found in the UNLOCKED Act will empower Tribal Nations, and individual Indian landowners of restricted lands, to enter 99-year leases by amending the Long-Term Leasing Act, which currently restricts these leases for a period of 25 years.

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

Amending this restrictive leasing timeframe supports our inherent sovereignty to attract capital investment on such lands and advance the development and land use and planning priorities of Tribal Nations.

Under the 1834 Non-Intercourse Act, Tribal Nations are currently prohibited, unless explicitly authorized by an Act of Congress, to engage in transactions of lands held in trust by the federal government. In 1955, Congress enacted the Long-Term Leasing Act (LTLA) to authorize Tribal Nations to enter into surface leases—with the approval of the Secretary of the Interior—for a period of 25 years with the option to renew such leases for an additional 25 years. The LTLA was amended in 2012 by the Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act, which empowered Tribal Nations to negotiate and enter into surface leases once their HEARTH Act regulations were approved by the Secretary of the Interior. This process streamlines Tribal Nation lease transactions as well as empowers Tribal Nations to exercise self-determination in developing and implementing our own leasing and land use priorities. According to the Department of the Interior (DOI), 121 Tribal Nations have adopted their own HEARTH Act regulations to lease trust lands.

However, the limitations of the LTLA's 25-year leasing authority have restricted Tribal Nation abilities to attract capital and business entities to enter into these lease agreements. Today, lease authority of up to 99 years is often required for long term commercial leases and some financing contracts from banking institutions. Amending the current, restrictive leasing authority of the LTLA will ensure that Tribal Nations can attract investors to develop these lands and spur economic development and job creation for our citizens and surrounding communities.

In addition, USET SPF strongly supports the expansion of Tribal Nation authority under the HEARTH Act to authorize RoW approvals across Tribal lands once Tribal Nation regulations are approved by the Secretary of the Interior. Empowering Tribal Nations to authorize RoW permitting on our lands will streamline infrastructure project approval and deployment processes and ensure projects are not delayed while waiting for approval of RoW applications at DOI. More importantly, it advances our inherent sovereignty and self-determination by removing a critical barrier that hinders the pursuit of our economic development priorities. This authority will become an essential component for Tribal Nations in working with federal and non-federal entities to deploy critical infrastructure, including housing, broadband, electricity, and water and wastewater services, to support our economic development ventures as we continue to pursue Tribal Nation building and rebuilding.

Conclusion

As sovereign Tribal Nations, we are best suited to manage leasing and development activities on our lands without federal interference. The current legal barriers that have prevented or unduly prolonged Tribal Nations from executing long-term leases of Tribal lands must be addressed by Congress through amendment of the LTLA. For these reasons, we fully support introduction legislation containing the above provisions in the House of Representatives and encourage the House Subcommittee on Indian and Insular Affairs to support its passage. 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,



Kirk Francis
President



Kitcki A. Carroll
Executive Director