



USET

SOVEREIGNTY PROTECTION FUND

Washington, DC Office
1730 Rhode Island Ave., NW, Suite 406
Washington, DC 20036

Nashville, TN Office
711 Stewarts Ferry Pike, Suite 100
Nashville, TN 37214
P: 615-872-7900 | F: 615-872-7417

Transmitted Electronically

August 26, 2025

Brooke Rollins
Secretary
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, D.C. 20250

Stephen Vaden
Deputy Secretary
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, D.C. 20250

Dear Secretary Rollins and Deputy Secretary Vaden,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit these comments to the U.S. Department of Agriculture (USDA) in response to the "Department of Agriculture Reorganization Plan" under Secretary Memorandum 1078-015 ("SM 1078-015", or "Reorganization Plan"). Under SM 1078-015, the USDA seeks to consolidate, unify, and optimize functions to achieve improved effectiveness and accountability, enhanced services, reduced bureaucracy, and cost savings. While USET SPF supports streamlining effectiveness and accountability to increase the provision of USDA service delivery to Indian Country, we urge USDA to uphold its trust and treaty obligations to consult with Tribal Nations on this Reorganization Plan prior to implementation. USDA is one of the largest agencies in the federal government and provides numerous resource management, conservation, infrastructure, and commodity services for Tribal Nations, Tribal citizens, and Tribal communities in fulfillment of these obligations. Any effort to consolidate existing agencies, programs, services, and funding streams must not directly or indirectly impact the delivery and fulfillment of USDA's trust and treaty obligations to appropriately and sufficiently provide funds and services to Tribal Nations and our citizens. Prior to implementing any Reorganization Plan, USDA must engage in formal consultation with Tribal Nations to determine how the proposal may impact existing program and service delivery, as well as receive input to improve efficiency and remove barriers for Tribal Nations and our citizens accessing existing programs and services.

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

Implementation of a USDA Reorganization Plan without Tribal Consultation does not Uphold Trust and Treaty Obligations to Tribal Nations

USET SPF reminds USDA of its solemn legal obligations to engage in robust government-to-government consultation with Tribal Nations on any federal actions that may have Tribal implications. The reorganization efforts outlined in SM 1078-015 are broad in scope and there is only a single reference to specific applicability that these reorganization efforts will have on Tribal Nations. We support the goals of increasing service delivery, reducing bureaucratic barriers, and improving efficiency, effectiveness, and accountability in the federal system. However, we are concerned that the Reorganization Plan was developed prior to and absent any formal Tribal scoping, input, and consultation. The Reorganization Plan includes significant overall structural and operational changes, which includes the consolidation of Tribal relations functions and the relocation of agency offices and staff, but it remains unclear how the reorganization will impact USDA's statutory obligations to Tribal Nations because consultation has not occurred on these reorganization efforts.

USET SPF expresses our opposition to haphazardly pursuing comprehensive reorganization or consolidation of USDA services, agencies, and funding streams that would result in the loss of local responsiveness, programmatic delivery, and federal dollars necessary to fulfill trust and treaty obligations to Tribal Nations and citizens. Rather, these efforts must have a targeted approach and focus—with guidance from Tribal Nations—to ensure that USDA is appropriately addressing bureaucratic and programmatic issues affecting Tribal Nations, citizens, and organizations serving Indian Country. Further, any restructuring must move toward strengthening field offices and Tribal partnerships—not eliminating them. For instance, under the Reorganization Plan's Principle 2, USDA has proposed relocating personnel from the National Capital Region to five hub locations across the country and two additional core administrative support locations with the goal of improving service delivery. While USET SPF does not oppose any initiatives that seek to improve service delivery and efficiency for USDA programs, USDA has provided no details on how this will be accomplished for Indian Country. The closest hub for this relocation effort in the USET SPF region is located in Raleigh, North Carolina. However, USDA has provided no details on how this relocation of federal personnel will impact, or improve, the delivery of USDA programs and services to the diverse Tribal Nations, Tribal citizens, and Tribal communities in our region, which is quite large.

Under Sec. 4 of its Reorganization Plan, USDA has stated that, "reductions and impacts to wildland firefighting, inspection, and farmer and rural community front-line facing positions will be minimized." There is no reference acknowledging that potential impacts to Tribal Nations, communities, and citizens resulting from this Reorganization Plan will be minimized, which conveys that USDA has not considered this issue. USET SPF asserts that implementation of SM 1078-015 by USDA Deputy Secretary Vaden, pursuant to Sec. 7 of the Memorandum, must not proceed without first engaging in government-to-government consultation with Tribal Nations and implementing our guidance. This action must be pursued to uphold USDA's trust and treaty obligations to ensure that reorganization efforts do not disproportionately and negatively impact service delivery for Tribal Nations, Tribal citizens, and Tribal communities.

Deferred Resignation, Voluntary Early Retirement Authority, and Voluntary Separation Incentive Payments Programs Contribute to a Loss of Institutional and Historical Knowledge

USDA has acknowledged that as of the issuance of SM 1078-015, 15,364 individuals voluntarily elected to opt in to the Deferred Resignation Program. Under Principle 1 of the Reorganization Plan, USDA has stated that it will not conduct further large-scale reductions in force (RIF), but that it will continue to fully leverage the Deferred Resignation, Voluntary Early Retirement Authority, and Voluntary Separation Incentive Payments programs. Since USDA may experience additional personnel loss through these

programs, it must ensure that the delivery of USDA services and funds to Indian Country is not upended by the loss of federal personnel essential to upholding legally mandated trust and treaty obligations. USDA's implementation of these programs was implemented with no contingency plan in place to hire or train the necessary personnel required to fulfill USDA's trust and treaty obligations to Indian Country. Rather than increasing efficiency and effectiveness to deliver programs, services, and funds to Tribal Nations, Tribal citizens, and Tribal communities, USDA's actions are counterproductive to these efforts. Rather, USDA's Reorganization Plan will exacerbate long-standing resource deficiencies due to the federal government's failure to fully fund Tribal programs and services. Further, considering the loss of vital Tribal-serving personnel under the Deferred Resignation, Voluntary Early Retirement Authority, and Voluntary Separation Incentive Payments programs, it has become critically important that USDA focus on attracting and retaining personnel with institutional knowledge of Indian Country and our programs and develop plans to train essential staff necessary to carry out programmatic service delivery to Tribal Nations, Tribal citizens, and Tribal communities.

Additionally, under Principle 1 of SM 1078-015, USDA has stated that focused and limited RIFs will be implemented only if needed and only after approval by USDA's Deputy Secretary. We remind USDA that the federal government has consistently failed to uphold its trust and treaty obligations to Tribal Nations, and this is no more evident than in the persistent understaffing and under resourcing of Tribal-serving programs and personnel throughout the federal government. As Tribal Nations continue to contend with these issues, USET SPF strongly opposes indiscriminate RIFs of Tribal-serving personnel, as this would further exacerbate disparities, have significant negative impacts on Tribal Nations, and impact surrounding communities that benefit from the services and economic opportunity we provide in agriculture, conservation, and natural resource management.

We are also concerned that any RIFs or use of the Deferred Resignation, Voluntary Early Retirement Authority, and Voluntary Separation Incentive Payments programs inevitably results in the loss of critical institutional knowledge. We remain concerned that there appears to be no plan in place or being developed to respond to the diminished capacity at USDA, and the federal government needs adequate and knowledgeable people in order to deliver upon its trust and treaty obligations to Indian Country. Entire program staff are being eliminated through these workplace initiatives throughout the federal government without a plan for how to continue providing Tribal services, including the processing of vital funds. Haphazardly conducting RIFs or offering voluntary resignation or early retirement and separation incentive payments without a full assessment of how they will affect programmatic and service delivery is not the answer.

USDA personnel who have or will accept voluntary resignation or early retirement and separation incentive payments must immediately be replaced. USET SPF strongly urges USDA to develop short- and long-term plans for its reorganization efforts to ensure that this will not result in further delays for the delivery of services or funds to Tribal Nations, Tribal citizens, and Tribal communities. This must include focusing on the replacement and rehiring of personnel necessary to fulfill these obligations. Further, all departing staff should provide detailed transition memos that can be shared with affected Tribal and federal partners. Moving forward, USDA must prioritize the hiring of personnel to fill vacant positions that result from RIFs, voluntary early retirement, deferred resignation, and separation incentive payments, as well as those vacancies that have existed before these actions. USDA must immediately prepare for and pursue a level of regulatory and structural creativity and flexibility that serves our goals and priorities to improve existing processes and avoid further complications.

Consolidation of Tribal Relations Functions Under this Reorganization Plan Requires Tribal Consultation

Principle 7 of USDA's Reorganization Plan seeks to reduce duplicative functions across USDA through consolidation efforts. This effort includes, "[consolidating] tribal relations functions within mission areas and ensure the Office of Tribal Relations delivers all statutorily required tribal relations functions." USDA has provided no additional details on how this will be implemented, and the current language of Principle 7 implies that the Office of Tribal Relations' (OTR) functions will be narrowed in scope. Further, this raises concern about how consolidation of Tribal relations within "mission areas" will impact USDA non-Tribal-specific programs and services that Tribal Nations and Tribal citizens are eligible to apply for and receive. We are also concerned about how this consolidation will impact Tribal-serving federal personnel in USDA agencies that review applications and award funds for non-Tribal-specific programs for which we are eligible.

In addition, we remind USDA that the OTR was established by the 2014 Farm Bill specifically to serve as a single point of contact for Tribal issues and charged with ensuring that relevant programs and policies are efficient, easy to understand, accessible, and developed in consultation with Tribal Nations. However, it seems that OTR was not engaged or included in developing USDA's Reorganization Plan since no Tribal consultation was initiated and the reference to OTR's responsibilities under Principle 7 are vague at best. While we understand that USDA is still searching to fill the Director vacancy at the OTR, the current staff of OTR should have been involved in this Reorganization Plan and USDA should have nonetheless initiated Tribal consultation.

In addition, while we appreciate USDA Deputy Secretary Vaden's stated commitment to consider input from all "stakeholders", including Tribal Nations, during the Senate Agriculture Committee's hearing on USDA's Reorganization Plan on July 30, 2025, we are concerned that this approach does not reflect the unique government-to-government, diplomatic relationship between the federal government and Tribal Nations. We remind USDA that Tribal Nations are not merely "stakeholders" of the USDA, but inherently sovereign, political Nations whose diplomatic relationship with the federal government is rooted in and recognized by the U.S. Constitution, treaties, statutes, Executive Orders, and upheld by the federal judiciary. Consultation with Tribal Nations is a formal, government-to-government, diplomatic process that is legally distinct from engaging with feedback from the public, stakeholders, or other constituencies.

Finally, we are troubled by Deputy Secretary Vaden's comparison of consolidating Tribal relations functions to the consolidation of civil rights functions. The federal government's trust and treaty obligations to Tribal Nations and Native people, and its Nation-to-Nation, diplomatic relationships with inherently sovereign Tribal Nation governments, are distinct from other civil rights issues. Drawing such an analogy mischaracterizes the legal foundations of our inherent sovereignty, the Nation-to-Nation relationship, and trust and treaty obligations and risks undermining the very purpose of a dedicated OTR. The OTR furthers the diplomatic relationship by facilitating the USDA's direct engagement with Tribal Nations and our leadership, similar to the way USDA utilizes its Office of External and Intergovernmental Affairs to connect with state, county, and local elected and appointed officials. Moving forward, USDA must uphold its trust and treaty obligations to Tribal Nations by immediately initiating meaningful Tribal consultation on USDA's Reorganization Plan and its implications for Tribal relations and the OTR.

Conclusion

As the federal government continues to implement the Administration's policy priorities and pursues reorganization efforts, Tribal and Tribal-serving programs, services, and personnel across USDA must be insulated from any negative impacts. These resources are delivered in fulfillment of legal trust and treaty

obligations and in furtherance of our unique government-to-government, diplomatic relationship with the United States and must not be impeded or eliminated by USDA's efforts to reorganize and restructure. USDA must also honor its obligations to engage in Tribal consultation on its reorganization efforts and all future activities that have Tribal implications, including those identified as such by Tribal Nations. USET SPF stands ready to support USDA efforts to remove bureaucratic barriers that hinder Tribal access to USDA programs and services while improving service delivery and efficiencies that support our inherent sovereignty and self-determination. However, implementation of any reorganization and restructuring of USDA agencies programs and services must not occur without Tribal consultation. 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,

A handwritten signature in black ink, appearing to read 'K. Francis', with a stylized flourish at the end.

Chief Kirk Francis
President

A handwritten signature in black ink, appearing to read 'Kitcki A. Carroll', with a stylized flourish at the end.

Kitcki A. Carroll
Executive Director