



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

August 5, 2025

**Testimony of the United South and Eastern Tribes Sovereignty Protection Fund
For the Record of the July 22, 2025 Hearing Held by the Subcommittee on Oversight and
Investigation of the House Committee on Natural Resources on “Examining the Trump
Administration’s Work Combatting Transnational Cartels in Indian Country”**

The United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is pleased to provide the Subcommittee on Oversight and Investigation of the House Committee on Natural Resources with the following testimony for the record of the July 22, 2025 hearing on “Examining the Trump Administration’s Work Combatting Transnational Cartels in Indian Country.” For far too long, the United States has neglected its public safety obligations to Tribal Nations, Tribal citizens, and Tribal communities—both by failing to recognize and promote our inherent sovereign authorities, as well as failing to devote adequate resources to law enforcement and judicial infrastructure in fulfillment of trust and treaty obligations. This failure has created a crisis in Indian Country, as our people go missing and are murdered and we are denied the opportunity for safe and healthy communities enjoyed by other Americans. We offer the recommendations herein to improve public safety through a greater exercise of Tribal sovereignty and increased governmental parity, as well as assist the Subcommittee in its efforts to address the public safety crisis in Indian Country.

USET SPF is a non-profit, inter-Tribal organization advocating on behalf of 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 within existing institutions to fight today’s battles and simultaneously works to improve the foundations of Indian law and policy to create long-lasting impacts for Indian Country.

I. Background

The United States’ Barriers to Tribal Nations’ Exercise of Criminal Jurisdiction

Tribal Nations are and always have been inherently sovereign governments, a status that predates the arrival of outside forces. While existing independently from the United States’ affirmation, this inherent

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).

sovereignty is recognized in the U.S. Constitution, by the U.S. Supreme Court, in treaties and legislation, and via other legal proclamations.

A critical aspect of our inherent sovereignty is jurisdiction over our land and people, including inherent jurisdiction over crimes. Early U.S. Supreme Court decisions recognized this broad jurisdictional authority. But, over time, the United States has placed barriers on Tribal Nations' exercise of our jurisdiction, including through legislation such as the Indian Civil Rights Act of 1968, which limited Tribal Nations' sentencing authority, and through U.S. Supreme Court decisions, such as *Oliphant v. Suquamish Indian Tribe* (1978), which limited Tribal Nations' criminal jurisdiction over non-Native people on our own lands.

In the *Oliphant* case, the U.S. Supreme Court held Tribal Nations lacked criminal jurisdiction over non-Native people, even for crimes committed within Indian Country. It based this harmful decision on the faulty reasoning that—while Supreme Court precedent recognizes that Tribal Nations possess aspects of our inherent sovereignty unless expressly divested—in the case of criminal jurisdiction over non-Native people the exercise of such inherent sovereignty was simply impractical for the United States. Not only is this decision immoral and harmful, it is also illogical, as other units of government, such as states, exercise criminal jurisdiction over non-citizens present in their boundaries as a routine matter. It is this very exercise of jurisdiction that keeps everyone safe—something that is clearly in the United States' best interests.

Failure of the United States to Meet Its Trust and Treaty Obligations Regarding Public Safety

While the United States stifles Tribal Nations' exercise of our own criminal jurisdiction on our lands, the federal government continues its persistent underinvestment in its public safety and justice obligations to Indian Country. Despite numerous reports over the last several decades quantifying widespread underfunding, Congress and the Executive have failed to develop any proposals to address this problem. Indeed, as the Not Invisible Act Commission's report, *Not One More*, issued in November 2023, states:

One of the Commission's most important overarching recommendations is for the federal government to honor its trust obligations and provide sufficient funding to fully address unmet needs in Tribal communities, targeting the most critical public safety, criminal justice, health care, and victim services needs for immediate investment. The BIA acknowledges that Tribal police, courts, and detention facilities are currently funded at a fraction of estimated need. The President's budget, however, has never requested funding sufficient to meet the need in Tribal communities and Congress continues to appropriate funding at levels that virtually guarantee these issues will persist. While nearly 300 billion dollars of foreign aid was given to foreign nations from 2013–2018, domestic Tribal nations continue to be neglected and underfunded. Ultimately, federal funding for Tribal communities should be truly comprehensive and address the buildout of unmet essential utilities and core infrastructure needs in Tribal communities.

Underfunding manifests in various ways. Importantly, federal prosecutors who often are the only entities possessing jurisdiction over a particular crime do not bring a prosecution unless very stringent criteria are met—usually only prioritizing major crimes with clear evidentiary support. Underfunding also means that Tribal Nations lack sufficient Bureau of Indian Affairs (BIA) police officers and detention facilities, or we lack funding for which to contract or compact to provide those services ourselves under the Indian Self-Determination and Education Assistance Act. The BIA has reported that, as of Fiscal Year (FY) 2021, the United States is meeting only 13% of its public safety and justice funding obligations in Indian Country.

Inequities of Restrictive Settlement Acts

As we work to ensure that Tribal sovereignty is fully upheld, we again remind this body that some Tribal Nations, including some USET SPF member Tribal Nations, are living under Restrictive Settlement Acts (RSA) that further limit the ability to exercise criminal and civil jurisdiction over their lands. These RSAs flow from difficult circumstances in which states demanded unfair restrictions on Tribal Nations' rights before they would recognize those Tribal Nations' land rights or path to federal recognition. When Congress enacted these demands into law, it incorrectly allowed for diminishment of certain sovereign authorities exercised by other Tribal Nations across the United States.

Some RSAs purport to limit Tribal Nations' jurisdiction or to give states jurisdiction over Tribal lands. Further, some states have wrongly argued that the existence of a RSA prohibits application of later-enacted beneficial federal statutes to the Tribal Nation—especially those predicated on Tribal jurisdiction or affecting state jurisdiction. For example, some USET SPF member Tribal Nations report being threatened with lawsuits should they attempt to implement the Tribal Law and Order Act's enhanced sentencing provisions. Congress is often unaware of these arguments when enacting new legislation. USET SPF asserts that Congress did not intend these land claim or recognition settlements to forever prevent a handful of Tribal Nations from taking advantage of beneficial laws meant to improve the health, general welfare, and safety of Tribal citizens and communities. Thus, we urge you to take steps to ensure that any beneficial public safety statute enacted applies equally to RSA Tribal Nations.

II. Recommendations

Full and Wraparound BIA Public Safety and Justice Funding

As you are aware, the Tribal Law and Order Act (TLOA) now requires the BIA to produce an annual report that includes: (1) the number of full-time employees of BIA and Tribal governments who serve in public safety and justice programs; (2) the amount of appropriations obligated for public safety and justice programs, including the methodology used to determine the allocation of funds; (3) estimates of unmet staffing obligations of law enforcement, corrections, and court personnel; and (4) a summary of BIA technical assistance, training, and other support provided to Tribal law enforcement and corrections agencies that operate relevant programs.

The most recent TLOA report, for FY 2021, revealed that fulfilling BIA's total obligation for public safety and justice funding in Indian Country would take \$3.5 billion—over one billion more than the *entire* BIA budget for FY 2025, and with only a small fraction of that full amount dedicated to public safety and justice support. And yet, the President's budget request for FY 2026 proposes a 31% *decrease* to BIA's total budget, including a 15% decrease in public safety and justice funding.

Additionally, public safety and justice funding for Indian Country must account for related, wraparound services so we can effectively serve and support our communities in substance use and other recovery. Combatting and criminalizing drug trafficking is just one part of the equation; our people must not be forgotten at the expense of increased law enforcement. Only when our Tribal families receive the services necessary to become self-sufficient and healthy will our need for criminal justice intervention decrease.

While USET SPF appreciates that congressional appropriators have rejected the FY 2026 proposal to decrease public safety funding and are instead seeking modest increases in Tribal public safety and justice funding for FY 2026, these amounts still fall far short of the United States' obligations. We request full funding for public safety and justice in Indian Country, and funding for the services necessary to provide wraparound support to our communities.

PROTECT Act – H.R. 3773

USET SPF views any removal of United States-created barriers to Tribal Nations' exercise of criminal jurisdiction as a positive step in the right direction, such as enhanced sentencing and expanded criminal jurisdiction under TLOA and the Tribal provisions of the Violence Against Women Act (VAWA).

Toward that end, USET SPF supports the Protection for Reservation Occupants against Trafficking and Evasive Communications Today Act (PROTECT Act), which would remove barriers to Tribal Nations' exercise of criminal jurisdiction over non-Native offenders committing certain offenses on Tribal Nations' lands related to drug trafficking. The legislation would amend the Indian Civil Rights Act to cover certain drug-related offenses, amend the Stored Communications Act to recognize Tribal courts as courts of competent jurisdiction, and authorize the Bureau of Prisons to accept, at the federal government's expense, prisoners convicted in Tribal Nation courts for drug-related offenses

Opioids generally, and now fentanyl more recently, remain a persistent problem within the USET SPF region and across Indian Country. Criminal jurisdiction to prevent drug traffickers from making such drugs available in our communities is, thus, critically important to the public safety and public health of Tribal Nations.

USET SPF calls upon Congress to pass, and the President to sign into law, the PROTECT Act, and to ensure it contains language making clear the legislation applies to Tribal Nations with RSAs.

BADGES for Native Communities Act – H.R. 1010

Tribal Nations' lack of access to criminal and other public safety information hinders our ability to keep our communities safe. It is critical that we have parity in access to federal crime information. We support the Bridging Agency Data Gaps & Ensuring Safety (BADGES) for Native Communities Act, as it seeks to provide parity for Tribal Nations in access to federal crime information, collection, and tracking.

The BADGES for Native Communities Act would address inefficiencies in federal criminal databases, increase Tribal Nations' access to those databases, and improve public data on crimes and staffing. The legislation would also promote more efficient recruitment and retention of BIA law enforcement personnel, provide resources to Tribal Nations for improved coordination with other law enforcement agencies, and mitigate federal law enforcement mishandling of evidence.

The BADGES for Native Communities Act is an important step toward building a stronger public safety foundation in Indian Country, and we urge Congress to enact it into law.

Parity for Tribal Law Enforcement Act

Attracting and retaining law enforcement personnel in Indian Country can be difficult. As former Penobscot Police Chief, Bob Bryant, stated during his 2015 testimony before the President's 21st Century Task Force on Policing Officer Safety and Wellness Session:

The men and women serving as police officers across Indian Country are often asked to perform duties and responsibilities outside the norms of the profession due to inadequate resources. These duties often include tasks such as civil dispute mediation, social work, family counseling, substance abuse counseling, and grief counseling, as well as many others. As police officers, we perform these additional duties with limited training, resources, or compensation due to our dedication to the communities we serve. However, these

obligations often come at the expense of the overall wellness, safety, and family needs of the officer.

These issues are compounded by the chronic underfunding of law enforcement in Indian Country, with Tribal Nations often finding ourselves unable to compete with other units of government, including the federal government, in benefits such as injury, death, retirement, and pension benefits. Law enforcement officers in Indian Country experience low rates of morale and high rates of attrition.

Introduced over the last several Congresses, the Parity for Tribal Law Enforcement Act would ensure that Tribal law enforcement officers operating under Indian Self-Determination and Education Assistance Act contracts or compacts have access to trainings and certifications to ensure they are able to enforce federal law on Tribal lands. And it would further provide these officers access to federal injury, death, retirement, and pension benefits.

USET SPF supports this legislation, as it would ensure the federal government is better delivering upon its obligations to Tribal Nations exercising our right to contract or compact law enforcement services, and we urge Congress to enact the bill into law.

III. Conclusion

We strongly urge this Subcommittee to work to provide meaningful levels of public safety and justice resources to Tribal Nations, in accordance with trust and treaty obligations. We further urge you to consider how the Subcommittee might take action to fully recognize Tribal criminal jurisdiction over all persons and activities in our homelands. Only then will we have the ability to truly protect our people. We thank you for holding this hearing and look forward to further opportunities to discuss improved public safety in Indian Country.