



USET

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Transmitted Electronically
To EDAconsultations@eda.gov

October 24, 2025

Ben Page
Acting Assistant Secretary of Commerce
for Economic Development
Economic Development Administration
U.S. Department of Commerce
1401 Constitution Ave, NW
Washington, DC 20230

Dear Acting Assistant Secretary Page,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit these comments in response to the Economic Development Administration's (EDA) Tribal consultation on developing a "Tribal Economic Development Strategy" (Strategic Plan). The purpose of this consultation is to seek Tribal Nation input on increasing access and removing barriers for Tribal Nations and Tribal businesses to pursue economic development opportunities. This consultation also responds to enactment of the Thomas R. Carper Water Resources Development Act of 2024 (P.L. 118-272) on January 4, 2025. P.L. 118-272 directed EDA to initiate Tribal consultation to develop a Strategic Plan to ensure EDA programs support Tribal efforts to build, improve, or better leverage economic assets for critical infrastructure, workforce development, innovation and entrepreneurship, economic recovery resilience, and manufacturing. While P.L. 118-272 directs EDA to update this Strategic Plan no less than every three years after its initial development, USET SPF recommends that EDA pursue consistent and timely consultation and outreach efforts with Tribal Nations on these issues. These efforts must include ensuring appropriate staffing levels for Tribal-serving personnel, increasing technical assistance, and promoting efficient delivery of EDA programs and funds to Tribal Nations and Tribal businesses.

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).

The Federal Government Has Consistently Neglected its Trust and Treaty Obligations to Tribal Nations

Tribal Nations continue to experience some of the greatest socio-economic disparities among all U.S. populations, especially in areas of economic development that support capital investment, critical infrastructure, and personnel training and retention. The existing conditions that prevent or hinder economic opportunity and innovation on Tribal lands are the result of the federal government's failure to uphold its trust and treaty obligations to fully fund programs and services that support economic development and sustainability for Tribal Nations. Funding for these obligations remains grossly inadequate and is a barely discernable and decreasing percentage of department and agency budgets. This chronic underfunding of federal programs has thwarted our efforts to effectively pursue Nation building and rebuilding to support diverse Tribal economies.

The time is long past due for the federal government to honor its promises to Tribal Nations. Therefore, in developing its Strategic Plan, EDA must prioritize immediate and significant financial investment and technical assistance for Tribal Nations and our economic pursuits. This investment will provide Tribal Nations with a foundation of economic and social stability to support our collective efforts to build and rebuild sustainable economies and jobs so that we may grow and prosper. This investment in Indian Country is also mutually beneficial to support economic growth for Tribal Nations, surrounding communities, and the United States overall—creating stability, improved relations, and shared prosperity.

Honor Tribal Sovereignty and Self-Determination in Pursuing Economic Development and Sustainability

USET SPF reminds EDA that, in developing its Strategic Plan, it must recognize the inherent authority and exercise of Tribal sovereignty and its vital importance in each phase of the development and establishment of a Tribal economy. The actions of Tribal Nations as sovereigns include defining “economic development” according to our terms, establishing economic development objectives, choosing the business opportunities that best fit Tribal priorities, and creating the institutions and regulatory frameworks to administer, implement, and guide economic development. Research, practice, and inter-generational understanding has emphasized that the definitions of economic development in Tribal communities can be very different from those used in non-Native communities. For instance, Tribal definitions of economic development are often directly tied to the preservation and transmission of our unique cultures and identify inherent sovereignty and self-determination as essential objectives. Often, we connect our economic pursuits to Tribal-centric cultural ideals to preserve, protect, and sustain our citizens and communities. Our economic pursuits coincide with our priorities to enhance the socio-economic and cultural well-being of our communities, while embracing our inherent sovereignty and self-determination to maintain environmental, cultural, and societal sustainability.

Many Tribal Nations see ensuring the ability to sustain and support Tribal sovereignty as outweighing any other purpose of economic development. Also, when Tribal Nations exercise our inherent sovereignty in determining our business opportunities, we often outperform outsider-led development decisions—whether it is federal agency programs or outside business interests that are driving those decisions. The principles of direct control and ownership of decision-making—and bearing the consequences of those decisions—have shown to be more reliable guides for success than some of the federal approaches that have been introduced because they worked in other contexts outside of Tribal Nations. Indeed, research shows that the fundamental error of many federal economic development programs in Indian Country has been a reliance upon the “what works in one place, will work here” theory of development.

EDA must adopt a Strategic Plan that embraces a new diplomatic, economic development model for Tribal Nations and our enterprises. It must operate not only to provide the financial investment and flexibility necessary to allow Tribal Nations to foster economic development in our communities, but it must also emphasize the direct service delivery as payment on debt owed to Tribal Nations. EDA's Strategic Plan should allow for greater flexibility in funding mechanisms, longer timeframes for support, and diverse forms of technical assistance. Further, early, consistent, and ongoing Tribal consultation must be a paramount pillar of EDA's Strategic Plan to identify and remove bureaucratic barriers that prevent or hinder investment and economic opportunity for Tribal Nations and our citizens. Through these consultative efforts, EDA can support the empowerment of Tribal Nations to determine a regulatory environment conducive to business activities in our jurisdictional boundaries, which is a vital exercise of our inherent Tribal sovereignty.

For too long we have witnessed the federal government's economic development initiatives for Tribal Nations implemented in ways that do not support the authority and exercise of our inherent sovereignty and self-determination. The federal government's failure to uphold its trust and treaty obligations to fully fund Tribal programs and services, while also failing to provide the necessary technical assistance to support economic development, has resulted in the disparate socio-economic conditions that exist in our communities today. EDA must recognize that successful economic development depends upon the exercise of inherent Tribal sovereignty and self-determination to establish economic enterprises and to enact, administer, and enforce laws, ordinances, and regulations governing economic activities within Tribal lands. As part of its Strategic Plan, EDA must support the regulatory institution-building efforts of Tribal Nations as integral to successful economic development and sustainability.

Recommendations to Improve Access and Remove Barriers to EDA Programs

As an agency of the federal government, EDA has legally binding trust and treaty obligations to Tribal Nations, which includes the obligation to uphold inherent Tribal sovereignty and self-determination, as well as support the rebuilding and advancement of our Tribal economies. To achieve this economic success, it is critical that EDA programs be implemented with administrative flexibility in mind. This will ensure that Tribal Nations and Tribal businesses are empowered to pursue economic development activities for the benefit of Tribal citizens as well as support local and regional economies. In recognition of the federal government's trust and treaty obligations to promote and protect Tribal Nation economic development, EDA must develop a Strategic Plan that is expansive but aware of the economic opportunities and diversity that exist in Indian Country, thereby requiring a unique, tailored approach for Tribal Nations.

USET SPF provides the following recommendations to EDA for inclusion in its Strategic Plan to improve EDA program and service delivery to Tribal Nations and Tribal businesses—

- **Ensure ongoing support for Indian Country outreach initiatives and technical assistance at the EDA.** An essential component of EDA's Strategic Plan to empower Tribal Nation and Tribal businesses is to support the permanent establishment of the Office of Native Affairs at EDA. This action must also ensure that the Office of Native Affairs has the dedicated and appropriate staffing levels required to assist Tribal Nations, EDA, and other Department of Commerce agencies in supporting Tribal economic development. In addition to staffing the Office of Native Affairs at EDA, the agency must also ensure that personnel at regional offices are available to provide the necessary technical assistance to Tribal Nations and Tribal businesses applying for EDA funds. Often, Tribal Nations and Tribal businesses must rely on outside experts to conduct feasibility and deployment studies for critical infrastructure as well as other economic development planning activities such as real estate land appraisals and right-of-way permits. This can lead to increased project costs and variable timelines for construction and completion. As part of its trust and treaty

obligations, and to alleviate the unique costs associated with Tribal projects and development, EDA must have the necessary personnel available at its Office of Native Affairs and its regional offices to assist Tribal Nations with planning and construction activities. These efforts will support Tribal economic development and job creation for our citizens as well as our surrounding non-Tribal communities.

- **Utilize consultation and coordination efforts to expedite the delivery of EDA funds for programs and services to Indian Country to increase efficiency.** Congress has never fully funded Tribal programs and services that Tribal Nations and our citizens are owed. Due to these funding shortfalls, critical programs and services delivered in fulfillment of trust and treaty obligations have been forced to operate on limited funds or halt entirely. This leads to very real consequences that create precarious situations for Tribal Nations and our citizens. Many Tribal Nations experience late distribution of federal payments and repeated grant-cycle disruptions due to short-term continuing resolutions. When federal funds are delayed, Tribal Nations and federal agencies waste time and resources, while the delays force hiring freezes, interrupt construction projects, halt procurement, increase costs, and threaten the retention of experienced Tribal staff. For these reasons, and to increase the effectiveness and efficiency of delivering on EDA's trust and treaty obligations, we urge EDA to continuously consult and coordinate with Tribal Nations to improve the deployment of EDA resources. These ongoing consultation and coordination activities should focus on identifying and removing bureaucratic barriers that hinder the delivery of EDA services—especially technical assistance—and federal funds to Tribal Nations and businesses.
- **Competitive grant models do not uphold trust and treaty obligations.** The allocation and distribution of funds and services to all Tribal Nations are payments on debt by the United States for the immense taking of land and resources from Tribal Nations—which occurred oftentimes by force. In addition, Tribal Nations are frequently subjected to funding models that are based on state-centric models for allocation, implementation, and reporting. Pitting Tribal Nations against each other does not reflect or uphold the federal government's trust and treaty obligations and the solemn promises made during the establishment of our Nation-to-Nation diplomatic relationships. Tribal Nations are inherent sovereigns and should not be viewed through the lens of a "grant entity." Therefore, federal funds allocated and distributed to us should not be justified by traditional grant-based models, measures, and metrics.
- **Due to the sovereign status of Tribal Nations, we should not be subject to the same application and reporting requirements as state governments.** These include, but are not limited to, grant based allocations or having to compete for state pass-through funds, which undermine the federal government's trust and treaty obligations. We remind EDA that states are subdivisions of the United States—Tribal Nations are not. We exist as Nations with inherent sovereignty and an established and codified legal and diplomatic relationship with the United States. This relationship has been recognized and is codified by the U.S. Constitution, treaties, statutes, Executive Orders, and judicial interpretations and decisions. EDA must reevaluate its current methods for the allocation and distribution of funds for its programs and services, and performance measures and goals must reflect EDA's commitment to advance Tribal sovereignty and self-determination to manage our own affairs in pursuit of economic opportunity. This is especially important and relevant regarding reporting requirements that have been unjustly imposed on Tribal Nations and Tribal businesses operating as an extension of Tribal governments. These are often unduly burdensome and time- and cost-consuming, thereby defeating the original programmatic and service objectives the funding initially sought to accomplish. The federal

government must move away from a grant based model to provide funds owed to Tribal Nations and Tribal businesses. Rather, the federal government must ensure that appropriate funding levels are met and made available to allocate the necessary resources and services owed to *all* Tribal Nations and Tribal businesses to accomplish economic solvency.

- **Eliminate the requirement for Tribal Nations to produce a cost share/match when applying for EDA programs.** Requirements for Tribal Nations to provide a cost share or match when applying for EDA program funding do not uphold the federal government's trust and treaty obligations, as these services were established as payment on debt owed to Tribal Nations. 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. Tribal Nations can successfully manage these resources when these bureaucratic barriers are waived or outright removed. For example, during the COVID-19 public health emergency, we did not have to compete for funds. We were able to draw down funding when needed and did not have to wait until the next grant cycle, and we received flexibility to use funds to best address local community needs.
- **Support adoption and implementation of the 477 program to increase employment and training opportunities for Tribal citizens.** The 477 program—established under P.L. 102-477—has provided a huge return on investment by increasing flexibility and decreasing burdensome reporting requirements to enhance employment and training opportunities for Tribal citizens. The program is designed to remove bureaucratic red tape, increase federal funding efficiency, and return control to local communities, all while funds continue to flow via underlying Indian Self-Determination and Education Assistance Act (ISDEAA) agreements. The highly successful 477 program—expanded and made permanent by President Trump in 2017—enables Tribal Nations and inter-Tribal consortia to merge federal funds from across 12 federal agencies—which includes the Department of Commerce—and various funding streams into a single, Tribally designed, comprehensive, and streamlined program designed to support the self-sufficiency of individual Tribal community citizens. Under the 477 program, Tribal Nations and Tribal organizations can consolidate funding streams, reallocate funding across the functions and services integrated into the Tribally designed P.L. 477 plan to meet current community priorities, obtain waivers of statutory or regulatory barriers that prevent streamlining, produce a single comprehensive federal report, and more. This is what putting decision-making into local government hands to help community citizens become self-sufficient looks like in action.

The P.L. 477 program has produced remarkable outcomes, especially when paired with related programs like Section 166 of the Workforce Innovation and Opportunity Act (WIOA). For example, participants in Tribally designed 477 plans report a total gain of \$9.45 per hour in unsubsidized employment, and 94% of them complete the training and employment goals identified in their 477-based Individual Self-Sufficiency Plans. These outcomes are particularly significant given the unique challenges facing Tribal communities, including geographic isolation, limited local employment opportunities, and historical underinvestment in education and infrastructure. The 477 model should be widely adopted at EDA to support Tribal economic development priorities, which would align with the Administration's goals of promoting government efficiency and fiscal responsibility and putting power in the hands of local government. We have shown that we can succeed with streamlined guidelines and reduced reporting requirements, even with flexible, formula-based funding.

- Ensure EDA reductions-in-force (RIFs) don't affect service and program delivery to Indian Country.** 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 federal programs serving Indian Country. As Tribal Nations continue to contend with these issues, USET SPF strongly opposes indiscriminate RIFs of EDA personnel essential to delivering services and funds to Tribal Nations and Tribal businesses as this would further exacerbate disparities, have significant negative impacts on Tribal economies and jobs, and impact surrounding communities that benefit from the services and economic opportunity we provide. Further, we are concerned that any RIFs on EDA, and other agency personnel within the Department of Commerce that provide services to Tribal Nations and/or Tribal businesses, will inevitably result in the loss of critical institutional knowledge. We are concerned that there appears to be no plan currently in place or being developed to respond to the diminished capacity, 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 without a full assessment of how they will affect EDA programmatic and service delivery to Tribal Nations and Tribal businesses is not the answer.
- Quickly replace and retain essential personnel necessary for the delivery of EDA services and programs to Indian Country.** EDA personnel who have or will accept voluntary early retirement or deferred resignation options must immediately be replaced. USET SPF strongly urges EDA to develop short- and long-term plans to ensure that this will not result in further delays for the delivery of services or funds to Tribal Nations and Tribal businesses. This must include focusing on the replacement and rehiring of personnel necessary to fulfill these obligations. Further, all departing EDA staff should provide detailed transition memos that can be shared with affected Tribal and federal partners. Moving forward, EDA must pursue the hiring of personnel to fill vacant positions that result from RIFs, voluntary early retirement, and deferred resignation, as well as those vacancies that have existed before these actions. The loss of Tribal-serving personnel at EDA will potentially cause some unforeseen complications. EDA must immediately prepare for and pursue a level of regulatory and structural creativity and flexibility that serves our economic goals and priorities to improve existing processes and avoid further complications.

In addition, EDA should improve training for existing employees and work to retain experienced staff and invest in increasing the efficiency of the current workforce. This must include Tribal-Federal Relations Training across EDA to equip federal employees to be knowledgeable and appropriately responsive to the unique economic issues and priorities of Tribal Nations and our businesses. Further, EDA should create a better system of review and accountability for all staff serving Indian Country so that any individual employees not meeting their job requirements are replaced swiftly rather than eliminating positions. EDA should ensure it has sufficiently staffed awarding official positions to quickly push money out to Tribal Nations and Tribal businesses and engage in swift decision-making to efficiently and effectively deliver these funds in fulfillment of trust and treaty obligations.

Conclusion

As Tribal Nations pursue our efforts in building and rebuilding our Tribal economies, the federal government must uphold its trust and treaty obligations to ensure federal programs are accessible to fully support these

efforts. While EDA may not have direct Tribal-specific programs, these programs still fall into a category of federal funding that requires targeted input from Tribal Nations. We remind EDA that Tribal Nations receive different treatment under federal programs that are not based on race but rather based on our inherent legal political status. Tribal Nations, and by extension our Tribally chartered businesses, have an established and recognized legal and political identity. This identity and the foundation of the diplomatic Nation-to-Nation relationship that exists between the federal government and Tribal Nations is acknowledged by the U.S. Constitution, treaties, statutes, Executive Orders, and upheld by the federal judiciary. The United States' actions to deliver on trust and treaty obligations to Tribal Nations and Native people are political rather than racial in nature.

For these reasons, EDA—in developing its Strategic Plan—must retain and train the personnel necessary to support Tribal participation in its programs, which includes the personnel required for contract and grant approvals and support services through technical assistance. This must be accomplished by ensuring the appropriate federal personnel are available to Tribal Nations and Tribal businesses at EDA, including permanent establishment of its Office of Native Affairs. 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", written in a cursive style.

Chief Kirk Francis
President

A handwritten signature in black ink, appearing to read "Kitcki A. Carroll", written in a cursive style.

Kitcki A. Carroll
Executive Director