



# USET

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**Testimony of the United South and Eastern Tribes Sovereignty Protection Fund  
For the Record of the Senate Committee on Indian Affairs Hearing on  
“Self-Determination in Action: Examining the Small Business Administration Native 8(a) Program”**

The United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is pleased to provide the Senate Committee on Indian Affairs the following testimony for the record of the hearing on “Self-Determination in Action: Examining the Small Business Administration Native 8(a) Program.” Though the 8(a) program is not a Tribal-specific program, it has become a proven tool to advance Tribal Nation economic sovereignty and self-determination. USET SPF applauds the Committee’s recognition of the immense value of the 8(a) program during this hearing. This program has created successful economic pathways for Tribal Nations, Tribal enterprises, and Native businesses to pursue economic opportunity and job creation in our communities. These remain persistent issues due to the failure of the federal government to uphold its trust and treaty obligations to appropriately fund essential Tribal programs and services.

Unfortunately, there are inaccurate misperceptions of the 8(a) program that must be addressed by Congress to ensure the program’s longevity and accessibility for Tribal Nations. The federal government must also firmly recognize and acknowledge that Tribal Nations exercise inherent sovereignty to address our economic priorities. These are accomplished, in part, by the direct establishment of Tribal enterprises under Tribal law to create jobs, grow our economies, and generate revenues for critical services for Tribal citizens and communities. While the federal government must provide programs, services, and the means to address these issues, Tribal Nations are best suited to address the needs of our citizens and communities. Therefore, the federal government must defer to our governing bodies and the Tribal laws that drive our pursuit of economic sovereignty, furthering our efforts to pursue Nation building and rebuilding.

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 Turtle Island.<sup>1</sup> 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.

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<sup>1</sup> 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).

Moving forward, Congress must do more to affirm and recognize that Tribal governments are unique to other governments in the federal system in that we do not have a significant tax base and continue to lack parity with other governments in the U.S. tax code. These unique legal and jurisdictional issues continue to limit—if not outright prevent—our abilities to establish a reliable tax base. For many reasons, including due to the complexities of pursuing economic development within our jurisdictional boundaries, Tribal Nations must have the utmost flexibility to participate in the 8(a) and other programs designed to spur economic development in Tribal communities. Therefore, Congress must protect the 8(a) program as a means of upholding its trust and treaty obligations to support economic development and self-determination for Tribal Nations. 8(a) has proven to be an effective tool for Tribal Nation building and rebuilding efforts as we overcome the centuries long policies that sought to remove, assimilate, and terminate our legal standing, which ultimately stunted the natural economic development of our nations. Support for the 8(a) program is critical, both in the short and long term, and should be viewed as part of the federal governments fulfillment of its unique trust and treaty obligations.

Further, the often-burdensome oversight and reporting requirements of federal programs hinder the use of critical federal dollars to directly support the creation of economic and job opportunities. Supporting Tribal enterprises and Native owned businesses to participate in local, regional, and global markets through the 8(a) program not only benefits Indian Country but also contributes to economic growth and job creation in these sectors for non-Native communities. These enterprises and businesses are proven economic assets in our broader communities and fulfill critical community service functions. When the actions of the Small Business Administration (SBA) affect our Tribal enterprises, Congress must intervene to protect our ability to provide for our people and promote healthy economies. As Congress knows, the Native 8(a) program is not a race based diversity, equity, and inclusion initiative. Rather, it is a successful economic driver that upholds the federal government's trust and treaty obligations by supporting the economic development and growth of Tribal Nations.

USET SPF reminds Congress that the participation of Native businesses in the 8(a) program is a statutory requirement that advances the federal government's fulfillment of trust and treaty obligations to Tribal Nations. Native participation in the 8(a) program is grounded in the unique political and legal status, and government-to-government diplomatic relationship, between Tribal Nations and the federal government. Therefore, this program cannot be misconstrued as being "race-based preferencing." This was affirmed by SBA Administrator Loeffler through a [communication](#) relayed by the SBA General Counsel in May 2025, which confirmed that Native 8(a) participation is not tied to diversity, equity, and inclusion (DEI) initiatives and, therefore, holds no racial presumption.

### **Tribal Nations and the Federal Government Alike Benefit Immensely from the 8(a) Program**

The immense beneficial economic impact of Native federal contracting cannot be overstated. It is the second-largest economic driver for Native communities—after hospitality—and supports over 125,000 jobs, including across all 50 states and internationally. A majority of these profits—as determined by the Tribal Nations that establish these enterprises—flow back to benefit Native communities through direct investments in healthcare, education, public safety, infrastructure, and economic and community development. Tribally owned contracting companies employ all ranges of jobs in diverse industries, including IT experts, engineering, construction, accounting and compliance, and maintenance. These companies regularly employ Tribal citizens in our communities, while also promoting competitive highly skilled positions to hire the best in the industry, resulting in stronger economies for all.

We remind Congress—and the Administration—that the 8(a) program is a transformative economic development vehicle for Indian Country. The 8(a) program encourages and supports Tribal communities to build sustainable businesses and economies, rather than rely on direct federal aid that is not always guaranteed as evidenced by the failure of the federal government to consistently and appropriately fund Tribal programs and services. Native 8(a) contractors are required to comply with the same stringent compliance, reporting, and oversight standards as all other government contractors—and they have proven to make good on their 8(a) contracts, according to the [Department of War](#) and other agencies. An 8(a) certification does not guarantee contracts awarded. Rather, all awards, including Native federal contracts, must be fulfilled by qualified companies that compete for and perform the work awarded based off merit.

USET SPF opposes the general misnomer that 8(a) sole-source contracting practices are “unchecked” and wrought with waste, fraud, and abuse. This misunderstanding is far from the truth. Firms seeking 8(a) contracts must adhere to rigorous and documented evaluation processes for both sole-source and competitive awards. This process is not an “automatic” approval process since federal contracting officers must make formal determinations that the firm is qualified, and an award is in the federal government’s best interest. Ultimately, SBA must approve the firm and make an award under the program’s rules, and if a contractor fails to meet documented and approved performance requirements, then the federal government has existing strict compliance and enforcement procedures in place to hold these contractors accountable.

Further, Native 8(a) contractors consistently help federal agencies meet mission requirements faster, more effectively, and with greater operational agility. Streamlined procurement authorities, including sole-source tools, enable federal agencies to respond rapidly to immediate needs. There are clear benefits realized in Native 8(a) contracting as agencies federal agencies benefit from reduced procurement timelines, lower administrative burden, and increased continuity of operations. For these reasons, the Committee and Congress must work with the Administration and SBA to preserve the ability of Native vendors to participate in the 8(a) program. Further, USET SPF urges the Committee and Congress to support the codification of the “Rule of Two” ([S. 2656](#)) and “Bona Fide Place of Business” ([S. 991](#)) bills to eliminate key barriers to greater Native participation in the 8(a) program. In addition, USET SPF supports passage of [H.R. 7396](#), “To establish an Office of Native American Affairs within the Small Business Administration,” and we call upon the Senate to introduce a companion bill.

### **SBA Must Have Appropriate Staffing and Funding Levels to Ensure Tribal Participation in its Programs**

The federal government has consistently failed to uphold its trust and treaty obligations to Tribal Nations, and one way this is evident is the persistent understaffing and under resourcing of federal agencies. As Tribal Nations and enterprises continue to contend with these issues, USET SPF strongly opposes further indiscriminate reductions in force (RIFs) of specific SBA personnel necessary to facilitate and authorize Tribal participation in SBA programs. The Committee and Congress must hold SBA accountable and prevent further RIFs of personnel essential to these activities due to the significant negative impacts on Tribal Nations and economies and impacts surrounding communities that benefit from the economic and employment opportunities we provide.

Following issuance of Executive Order 14210, [SBA announced plans](#) on March 21, 2025 for an agency-wide reorganization to include a 43% reduction in its workforce. This resulted in application and contract approval delays becoming more frequent and jeopardizing economic development and sustainability for Tribal Nations, enterprises, and Native owned businesses and contractors. SBA must be directed to prioritize staffing resources in key offices that directly support Tribal participation in SBA programs, such as the 8(a) program. SBA RIFs must not compound existing challenges for Tribal Nations, enterprises, and

Native owned businesses from participating in these critical programs. SBA must maintain or increase staffing resources for offices processing 8(a) applications, contract approvals, and the provision of technical assistance for Tribal Nations, enterprises, and Native owned businesses.

In addition, any reductions in funding levels for SBA programs that Tribal Nations, enterprises, and Native owned businesses rely upon will have significant impacts on our economic development and job creation efforts. In the USET SPF region throughout 2025, many of our Tribal enterprises contended with forced layoffs due to a reduction in federal spending. These reductions do not support our inherent sovereign and self-determination efforts to strengthen Tribal economies and create employment opportunities for our citizens and surrounding non-Native communities. We urge the Committee to exercise its oversight authority by ensuring that SBA is allocating the necessary federal dollars for its programs, as well as include the appropriate funding levels in its annual budget requests to Congress to ensure Tribal access and participation in SBA programs.

### **Conclusion**

As Tribal Nations pursue our efforts in Nation building and rebuilding, the federal government must uphold its trust and treaty obligations to ensure federal programs supporting these efforts are fully accessible. Although the 8(a) program is not a Tribal-specific program, it falls into a category of federal funding that requires targeted input from Tribal Nations. Further, we remind the Committee and Congress to exercise its oversight of SBA to ensure that Tribal Nations and enterprises receive different treatment under the 8(a) program, in recognition that our participation is not race based but rather due to our legal political status.

Tribal Nations, and by extension our Tribal enterprises, 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. Further, the Committee and Congress must direct SBA to retain and train the personnel necessary to support Tribal participation in its programs, which includes the personnel required for designating Tribal enterprises as 8(a) participants, contract approvals, and support services through technical assistance.

Building strong, vibrant economies is more than just business development in Indian Country. It requires comprehensive planning to ensure that our economies have the necessary infrastructure, services, and opportunities for our citizens to thrive—thus resulting in stronger economies for Tribal Nations, our surrounding communities, and the United States overall. The 8(a) program is an important example of and has been proven to support these efforts. We look forward to continued dialogue and coordination on these issues to support and advance Tribal Nation building and rebuilding through sensible and pragmatic updates to the 8(a) program.