



## FY 2025 Appropriations Testimony of United South and Eastern Tribes Sovereignty Protection Fund Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies, May 15, 2024

Chairman Merkley, Ranking Member Murkowski, and members of the Subcommittee, thank you for the opportunity to testify regarding our funding priorities for Fiscal Year (FY) 2025. The testimony of United South and Eastern Tribes (USET SPF) will focus on funding for federal Indian agencies and programs at the Department of the Interior (DOI), the Indian Health Service (IHS), and beyond. We appreciate the opportunity to provide our views on the President's Request. This is an important oversight opportunity for appropriators to ensure that budget proposals reflect Tribal expectations and objectives.

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. USET SPF member Tribal Nations are within the Eastern Region and Southern Plains Region of the Bureau of Indian Affairs (BIA) and the Nashville Area of the Indian Health Service (IHS), covering a large expanse of land compared to other regions. Due, in part, to this large geographic area, USET SPF Tribal Nations have great diversity in cultural traditions, land holdings, and resources.

**Chronic Underfunding of Existing Obligations.** We provide this testimony on the heels of yet another infusion of nearly \$100 billion in federal funding to several allies overseas. Since February of 2022, Ukraine, alone, has received over \$135 billion while Tribal Nations have received far less. Though USET SPF does not dispute the necessity of this aid, it is a frustrating reminder that when Congress feels compelled to do so, it can direct substantial government resources toward other units of government – both foreign and domestic. And yet, Tribal Nations must appear before Congress year after year to advocate for U.S. payment on debt that we are due—only to receive minor “increases” that fail to address the chronic underfunding of trust and treaty obligations and, often, fail to keep pace even with inflation.

USET SPF, our partner organizations, federal entities, and various research bodies have consistently provided data necessary for the U.S. to understand its own shortfalls in delivering upon its obligations to Tribal Nations, with little action taken in response. For example, the most recent annual Tribal Law and Order Act Report to Congress, for FY 2021, revealed the total obligation of BIA for public safety and justice funding is \$3.5 billion – over one billion more than the entire BIA budget. And yet, in FY 2024, Congress allocated a total of just \$556 million to the BIA's public safety and justice lines—a decrease from FY 2023 enacted. It is no wonder, then, that in its 2018 *Broken Promises* Report, the U.S. Commission on Civil Rights concluded that the funding of federal trust and treaty obligations remains “grossly inadequate” and a “barely perceptible and decreasing percentage of agency budgets.” The report confirms what we in Indian Country already know—with the exception of some minor improvements, the U.S. continues to neglect to meet its “most basic” obligations to Tribal Nations. Though these chronic failures have persisted throughout changes in Administration and Congress, it is time that both branches confront and correct them.

As the Subcommittee is well aware, Native people have endured many injustices as a result of federal law and policy, including federal actions that sought to terminate Tribal Nations, assimilate our people, and erode Tribal territories, learning, and cultures. This story involves the cession of vast land holdings and natural resources, oftentimes by force, to the U.S., out of which grew an obligation to provide benefits and services to Tribal Nations—promises made that exist in perpetuity. These resources are the very foundation of this nation, allowing the U.S. to become the wealthiest and strongest world power in history, with each U.S. citizen a direct beneficiary of this exchange. Federal funding and services to Tribal Nations and Native people are simply a repayment on this perpetual debt. Regrettably, funding allocated to Indian Country represents a tiny fraction of the annual value that the U.S. enjoys from the lands and natural resources which once belonged to us. USET SPF has consistently called upon the U.S. to fulfill its sacred promises to Tribal Nations and to act with honor and integrity in its dealings with Indian Country.

While we take a firm position that all members of Congress have an obligation to Tribal Nations, this Subcommittee has a greater role in working toward fulfillment of trust and treaty obligations. As leaders who have

consistently demonstrated a deeper understanding of our sacred relationship, we urge you to lead the change within Congress to improve how the U.S. views, honors, and fulfills its promises to Indian Country. The federal budget is a reflection of this commitment. We ask that you always remember this nation's first promise to its First People—the promise that resulted in an exchange responsible for the vast wealth, power, and influence of this country. This is especially critical as we recognize you are working with statutory spending caps in FY 2025 in order to reduce our \$34 trillion national debt. However, as we have stated repeatedly before this Subcommittee and others, deficit reduction must never be accomplished to the detriment of federal trust and treaty obligations owed to Tribal Nations.

**Executive Order (EO) 14112.** USET SPF is encouraged by the issuance of this EO and underscores its importance, as it seeks to address many centuries of broken promises through long-sought reforms to the ways in which funding is delivered to Tribal Nations and quantify federal failures to provide full funding in fulfillment of trust and treaty obligations. USET SPF and the Administration are committed to the success of this EO, but Congress also has a role to play. This body, in particular, should be invested in seeing the E.O. deliver meaningful, actionable information regarding unmet funding obligations, so that they may be addressed. Congress should also be prepared to exercise its oversight responsibilities in holding federal agencies accountable to the mandates of this EO. Congress should ensure immediate action is taken to streamline and create funding flexibilities where barriers are administrative or regulatory, and that agencies support Tribal Nations in seeking legislative change where barriers are statutory. As we continue to face chronic underfunding, these flexibilities are critical opportunities to improve services to our people, including expansion of 477 and self-governance authorities. Additionally, Congress should be appropriating necessary resources to federal agencies and exploring opportunities for legislative change, in order facilitate compliance with the EO's directives.

**Mandatory Funding for the Indian Health Service and Binding Obligations.** USET SPF continues to express its gratitude for the historic achievement of advance appropriations for IHS. For the very first time, the agency's clinical services have experienced budgetary certainty in the face of several continuing resolutions. It is our expectation that the Subcommittee will continue to include language providing advance appropriations for IHS beyond FY 2025 and work to expand this mechanism through the IHS and into other federal Indian agencies and programs. Despite its importance, however, we continue to view advance appropriations as a temporary funding mechanism in our overall advocacy for the full delivery of trust and treaty obligations.

Above all, payments on debt to Indian Country should not be vulnerable to year to year "discretionary" decisions by appropriators. Since FY 2023, the Biden Administration has consistently proposed a shift in funding for the IHS to the mandatory side of the federal budget, including a 10-year plan to close funding gaps and an exemption from sequestration. While we firmly believe all Indian Country funding should be fully funded today, we continue to strongly support this proposal, recognizing that additional detail and planning is necessary to provide a fully developed plan to fund IHS on a full and mandatory basis. This includes ensuring that it reflects the full depth of unmet funding obligations as uncovered by E.O. 14112. We look forward to working with IHS to draft legislation that reflects our guidance for implementing these changes and urge this Subcommittee to ensure that IHS is working swiftly with Tribal Nations to develop this proposal.

The FY 2025 Request also proposes mandatory funding for Contract Support Costs and 105(l) leases—binding obligations—at IHS, BIA and the Bureau of Indian Education (BIE) beginning in FY 2026. While we contend that all federal Indian agencies and programs should be subject to mandatory funding, we continue to support the immediate transfer of these lines. This will ensure that funding increases are able to be allocated to service delivery, as opposed to the federal government's legal obligations.

**Indian Health Service (IHS).** In addition to supporting full and mandatory funding for IHS, Nashville Area Tribal Nations identified the following top six priority line items for increases in FY 2025:

1. **Purchased/Referred Care**
2. **Hospitals & Health Clinics**
3. **Mental Health**

4. **Alcohol & Substance Abuse**
5. **Dental Health**
6. **Health Care Facilities Construction**

Nashville Area priorities also include funding for Facilities Construction and Environmental Health, special initiative funding for newly recognized Tribal Nations, increases for Urban Indian Health programs, telehealth resources, recurring funding for Public Health Education, impacts of COVID-19 on user population and workload data, funding for Substance Use Disorder aftercare and housing programs, funding to reduce Hepatitis C, continued funding for Community Health Representatives, modernizing health IT, parity when sponsoring patients on insurance plans, funding for long-term care services and supports, and provider/staffing recruitment and retention.

**Special Behavioral Health Program.** Despite the disproportionate impact opioid and other substance use has had in Indian Country, Tribal Nations continue to lack access to sufficient resources to address the damaging effects of substance abuse disorder in our communities. We continue to support legislative proposals that would establish a Special Behavioral Health Program for Indians at IHS, with dollars eligible for receipt through self-governance compacting and self-determination contracting.

**Department of the Interior (DOI).** Working in partnership with Indian Affairs, the yearly budget formulation process now offers a much more comprehensive look at the priorities of Tribal Nations across the many lines found within the BIA and BIE budgets. However, we remain focused on the addition of a component outlining BIA's unfunded obligations in order to measure how well the U.S. is honoring its promises, on which Indian Affairs recently agreed to collaborate. This body should also want to know the full extent of DOI's unmet funding obligations to Indian Country. In addition, we offer the Eastern Region's top priorities for FY 2025 in eight different strategic funding categories:

- Strengthening Tribal Communities: **Social Services (TPA)**
- Trust-Natural Resources Management: **Natural Resources (TPA)**
- Trust-Land & Water Rights Management: **Trust Services (TPA)**
- Public Safety & Justice: **Tribal Courts (TPA)**
- Economic Development: **Economic Development (TPA)**
- Education: **Scholarships & Adult Education (TPA)**
- Construction: **Education Facilities Improvement and Repair**
- Resource Management Construction: **Federal Power Compliance [FERC]**

**Payments in Lieu of Taxes (PILT).** In addition to the above priorities, USET SPF remains focused on the restoration of Tribal homelands as a top priority and would like to reiterate a funding request that we believe will increase the amount of land going into trust for Tribal Nations. Since 1977, the DOI has issued billions in PILT to local governments that help offset losses in property taxes due to the nontaxable federal lands within their boundaries. However, while PILT payments are made for lands administered by numerous other DOI Bureaus, federal water projects, and some military installations, lands held in trust for Tribal Nations are not currently eligible. USET SPF [believes that PILT](#) for lands put into trust could remove barriers to the restoration of Tribal homelands while also easing the perceived impacts to local government as a result of lost tax revenue. We urge the Subcommittee to consider working with the Administration to provide funding for this purpose in FY 2025.

**Land and Water Conservation Fund (LCWF) Program for Tribal Nations.** The FY 2025 Request proposes \$8 million for the establishment of a permanent LCWF Tribal Land Acquisition program. This will ensure that Tribal Nations have direct access to the LCWF for the first time, supporting Tribal self-determination and the restoration of our homelands. Though we urge that the level of funding be increased, we strongly support this proposal.

**Funding for Tribal Historic Preservation.** Due to chronic underfunding, many Tribal Historic Preservation Offices (THPOs) are currently operating without the necessary personnel to conduct National Historic Preservation Act Section 106 and other cultural reviews. THPOs are the protectors of irreplaceable resources: our cultures and spirituality. The explosion in infrastructure development funded by recent infrastructure laws is overwhelming THPO capacity. We urge this Subcommittee to provide increased resources for THPOs, so that we may protect our cultural and sacred sites.

**DOI Tribal Resiliency Continuity Program.** Due to the structural barriers limiting our access to the Homeland Security Grant, we strongly urge Congress to appropriate \$207 million to establish a [Tribal Resiliency Continuity Program](#) that is non-competitive, without a cost share, and streamlined at DOI to empower all Tribal Nations to build core emergency management, homeland security, and emergency services capacities and capabilities.

**Preservation of Structural Gains.** Several advancements have been made during this Administration that must be institutionalized and supported in order to continue their progress. USET SPF is requesting permanency and dedicated funding for OMB's Tribal Affairs Advisor, as well as Treasury's Office of Tribal and Native Affairs. In addition, this Administration has once again prioritized the work of the White House Council on Native American Affairs (WHCNAA). In order to build upon its progress and provide necessary resources to coordinate the implementation of EO 14112, WHCNAA requires dedicated funding. USET SPF supports the Tribal Interior Budget Council (TIBC) request of \$5 million for WHCNAA.

**Improving the Office of Management and Budget (OMB) Crosscut.** OMB asserts that over \$30 billion in federal dollars is appropriated to Indian Country annually. This number seems to be widely inflated, with far less actually reaching Tribal Nations and Tribal citizens. Both USET SPF and TIBC have asked OMB for a full, detailed accounting of federal funding distributed to Indian Country. While OMB is working to refine its Native American Crosscut, we have not yet seen the level of detail we are seeking. This information is essential to the measurement of the federal government's own success in meeting its obligations to us, as well as developing accountability mechanisms for instances where states fail to provide pass-through funding to Tribal Nations. In order to increase accountability, states must be required to detail actual dollars passed through to Tribal Nations, with accordant consequences for failure to provide us with funding to which we are entitled.

**Invest in and Rebuild Tribal Infrastructure—A Marshall Plan for Tribal Nations.** For generations, the federal government – despite abiding trust and treaty obligations – has substantially under-invested in Indian Country's infrastructure and engaged in hostile actions against Tribal Nations. While the United States faces infrastructure issues nationally, Indian Country frequently lacks even basic infrastructure. Much like the U.S. investment in the rebuilding European nations following World War II via the Marshall Plan, the legislative and executive branches should commit to the same level of responsibility to rebuilding Tribal Nations, as our current circumstances are, in large part, directly attributable to the shameful acts and policies of the U.S. In the same way the Marshall Plan acknowledged America's debt to European sovereigns and was utilized to strengthen our relationships and security abroad, the U.S. should make this strategic investment domestically.

**Other Selected Lines and Programs.** Though not an exhaustive list, USET SPF strongly supports increases for the following lines and programs: Good Health and Wellness in Indian Country (CDC), Rural Community Facilities (ACF), Tribal Opioid Response Grants (SAMHSA), Community Development Financial Institutions Fund grants, the Indian Community Development Block Grant, USDA Rural Business Development grants, EPA state and Tribal assistance grants, BIA Tribal Climate Science Centers, the Crime Victims 's Tribal set aside, and Native American Housing Block Grants. Finally, we support an increase to \$207 million for the Tribal Homeland Security Grant program.