Testimony of United South and Eastern Tribes Sovereignty Protection Fund
Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies
FY 2026 Outside Witness Testimony on Tribal Programs at DOI and IHS, June 13, 2025

Chair Murkowski, Ranking Member Wyden, and members of the Subcommittee, thank you for the opportunity to submit testimony regarding our funding priorities for Fiscal Year (FY) 2026. United South and Eastern Tribes Sovereignty Protection Fund's (USET SPF) testimony will focus on funding for federal Indian agencies and programs at the Department of the Interior (DOI), the Indian Health Service (IHS), and beyond. As Indian Country funding and Indian Country-serving federal positions are becoming collateral damage in the implementation of the Trump Administration's policy priorities, we call upon this Subcommittee to exercise its oversight responsibilities to protect trust and treaty obligations.

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 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.

Foundations of Tribal Nations' Political Status and Federal Obligations. As the Subcommittee is aware, Tribal Nations are and always have been inherently sovereign governments that have strong political relationships with our Tribal citizens and community members. We govern and police our lands, and we provide services aimed at keeping our communities safe and healthy. Tribal Nations also have political, government-to-government relationships with the United States, and we prepaid with our lands and resources for the trust and treaty obligations owed to us by the federal government. The U.S. Constitution singles out Tribal Nations and Native people as unique, and the U.S. Supreme Court has time and again affirmed the principle that U.S. actions delivering upon trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal communities do not run afoul of the U.S. Constitution's equal protection requirements.

The United States fulfills its trust and treaty obligations through the direct delivery of Tribal programs and services to Tribal communities and through provision of federal funding to Tribal Nations and Tribal organizations serving Tribal Nations so that we may provide services to our communities in a self-governing manner. Essential services include healthcare through IHS, law enforcement and public safety through BIA, and education through the Bureau of Indian Education (BIE)—not to mention countless other essential and legally mandated services provided by employees serving throughout the federal government. Any Tribal program or funding delivered to Tribal Nations—including through Urban Indian Organizations and Tribal organizations serving Tribal Nations—is provided in furtherance of the United States' trust and treaty obligations. The federal employees necessary for the support of those Tribal programs and the disbursement of those Tribal funds are also part of the trust and treaty obligations. The United States further has a duty to consult government-to-government with Tribal Nations on federal actions that may have Tribal implications, including implications on delivery of trust and treaty obligations. These actions are not discretionary; they are legal obligations rooted in the U.S. Constitution, trust and treaty obligations, and long-standing federal statutes.

Trump Administration Actions Affecting Delivery of Trust and Treaty Obligations. Despite legal mandates for the provision of Tribal programs and funding, as well as Tribal consultation requirements, the Trump Administration continues to implement policy priorities without first insulating Indian Country from impacts. These early actions have generated confusion, fear, and real consequences throughout Indian Country. This includes freezing and potentially reallocating vital federal funding, firing essential federal employees, and proposing changes to programs important to Indian Country – almost always without consultation. Since the Administration took office, we have also been wrongly caught up in Administration efforts related to illegal immigration and diversity, equity, and inclusion and environmental justice programs. Because of what we have seen since January

of this year, it is understandable that we have concerns about what may be still to come that challenges our unique status and relationship with the United States.

From our perspective, these actions represent a misunderstanding of our unique political status under the law and the United States' legal requirement to deliver on its trust and treaty obligations. Each of the mandates issued by the Administration has acknowledged that it is not meant to affect ongoing legal requirements, and Indian Country programs are legally required by trust and treaty obligations and associated implementing statutes. If the Administration were to engage in meaningful government-to-government Tribal consultation with us prior to executing on its priorities, we could help the Administration avoid harm to Indian Country, saving time and energy for all.

Tribal Nations, the 119th Congress, and the Trump Administration have important overlapping goals, and we must focus our energies on pursing those goals together. We share a foundational understanding that local communities, such as Tribal Nations, are best suited to address their people's needs and to keep them safe. This translates into a desire for the federal government to remove barriers that prevent Tribal Nations from effectively caring for our people. At present, however, our focus is being necessarily drawn to protecting Indian Country from collateral harm caused by imprecise implementation of Trump Administration priorities.

We note and appreciate that several federal Departments have taken some steps to clarify that implementation of the Administration's Executive Orders and priorities should not impact the United States' delivery on trust and treaty obligations. However, it is not clear that this is resulting in appropriate action to protect federal Indian programs and funding or the federal employees who see that trust and treaty obligations are carried out. For example, in Department of Interior (DOI) Secretarial Order 3416 issued on January 30th, designed to implement the Administration's policy priorities related to elimination of Diversity Equity, Inclusion, and Accessibility (DEIA) initiatives, DOI said "[n]othing in this Order shall be construed to eliminate, rescind, hinder, impair, or otherwise affect activities that implement legal requirements independent of the rescinded equity-related EOs, including but not limited to . . . the statutory authorities, treaty, and/or trust obligations of the Department and its Bureaus/Offices to Tribal nations." Despite DOI's recognition that the federal government owes Indian Country trust obligations, including spelled out in statutory authorities and treaties, DOI continues to cut important Indian Affairs funding and reduce the number of federal employees serving Indian Country. This continues as DOI is engaged in Tribal consultation on workforce optimization, in spite of a March 17th memo stating, "Indian Affairs programs and organizations are exempt from this [voluntary early retirement/voluntary separation] window pending the conduct of Tribal consultations."

We call upon this Subcommittee and all appropriators to ensure that these directives and promises are faithfully implemented within these Departments and similar policies are executed across the federal government. More broadly, we call upon you to do your part in upholding trust and treaty obligations, including by appropriating funding for Indian Country-serving programs and employees and by assisting the Administration in understanding and meeting its legal obligations to us.

Chronic Underfunding of Existing Obligations. The Administration's indiscriminate implementation of its priorities is exacerbating the chronic underfunding of federal trust and treaty obligations with the strong potential for disastrous results. Indian Country, including the federal employees delivering the services we are owed, is already forced to operate without appropriate resources. The impacts of this failure to deliver upon federal promises are visible throughout Tribal Nations and communities. By nearly every measure and indicator, Tribal Nations and our citizens face a lower quality of life than do others in the United States. The disruption of what little resources are flowing will only deepen the divide between Indian Country and the rest of America. And yet, the Administration is proposing billions of dollars in cuts to essential Indian Country funding and programs in its FY 2026 Budget Request and, often, these cuts run counter to the Administration's own stated priorities.

According to the President's Skinny Budget Request issued on May 2nd, the Administration proposes reducing funding for BIA programs that "directly fund Tribal operations such as roads, housing, and social services in order to focus on core priorities for Tribal communities, such as law enforcement." It is confusing that DOI is alleging that direct Tribal operations are not among its core priorities. We are further concerned that DOI is also proposing to cut Tribal law enforcement, a stated priority, under BIA Public Safety and Justice by $107 million. This is completely unacceptable.

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. The resources ceded by Tribal Nations, oftentimes by force, are the very foundation of this nation, allowing the U.S. to become the wealthiest and strongest world power in history. Federal funding and services to Tribal Nations and our citizens and communities are simply a repayment on this debt. 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 United States views, honors, and fulfills its promises to Indian Country. And, 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.***

At a moment when this Administration and Congress are considering dramatic cuts to federal spending, any reductions must not be on the backs of Indian Country and to the dishonor of fulfilling promises. Additionally, as we share in these lands and resources today with our non-Native relatives, we are also concerned about cuts so deep that they would bring harm, instability, and insecurity to our relations across the country.

Advance, Mandatory, and Full Funding. USET SPF continues to express its gratitude for the historic achievement of advance appropriations for IHS and urges Congress to maintain this policy in FY 2026 and beyond, despite its absence from the President's Request. If advance appropriations are not continued – as is proposed in the President's Budget Request – IHS will once again be vulnerable to political issues over the budget. It is our expectation that the Subcommittee will continue this practice for IHS and work to expand this mechanism to all Tribal offices, programs, and funding throughout the federal government. Additionally, we continue to support the development and implementation of proposals to shift funding for IHS and all federal Indian funding to the mandatory side of the budget.

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

1. **Hospitals & Health Clinics**
2. **Purchased/Referred Care**
3. **Mental Health**
4. **Dental Health**
5. **Alcohol and Substance Abuse**
6. **Health Information Technology (IT) Modernization**

The President's Budget Request for IHS for FY 2026 only provides measurable increases for Contract Support Costs (CSC) and Section 105(l) leases, which are binding obligations, despite the entirety of the Indian Health System being chronically and severely underfunded, including and especially patient care. Frustratingly, "increases" for IHS' clinical lines items in the Request are achieved through equal reductions in the Sanitation Facilities Construction line. We urge Congress to reject the Administrations cuts to overall IHS funding and increase funding for both the Services and Facilities accounts. Any decrease in funding for IHS accounts will negatively impact the health and wellbeing of our communities.

Nashville Area priorities also include funding for Facilities Construction, Facilities 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, funding for substance use disorder aftercare and housing programs, funding to reduce Hepatitis C, continued funding for Community Health Representatives, parity in group payor authorities when sponsoring patients on insurance plans, funding for long-term care services and supports, and increased support for provider/staffing recruitment and retention.

Special Behavioral Health Program. We also urge Congress to appropriate the full authorized amount of $80 million for the Native Behavioral Health Resources Program at the Substance Abuse and Mental Health Services Administration (SAMHSA) as proposed in the President's Budget Request.

Department of the Interior. USET SPF is deeply concerned by the Administration's proposal to reduce Indian Affairs funding by at least $911 million, including the aforementioned cuts to essential Tribal programs like social services and public safety. We call upon the Subcommittee to reject these cuts as it drafts FY 2026 appropriations. Given the persistent underfunding of Indian Affairs programs and services, USET SPF remains focused on the addition of a component in the yearly budget formulation process outlining BIA's unfunded obligations to Indian Country. We further offer the BIA Eastern Region's top funding priorities 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]**

Funding for Tribal Historic Preservation. Due to chronic underfunding, many Tribal Historic Preservation Officers (THPOs) are currently operating without the necessary personnel to conduct National Historic Preservation Act Section 106 and other cultural reviews. We urge this Subcommittee to provide increased resources for THPOs, so that we may protect our cultural and sacred sites, and to conduct oversight as to why FY 2025 resources are currently being withheld.

Improving the Office of Management and Budget 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 and communities. Both USET SPF and the Tribal-Interior Budget Council have asked OMB for a full, detailed accounting of federal funding distributed to Indian Country. 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 where states fail to pass-through funding to Tribal Nations.

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), Vaccines for Children Program (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 Fund Tribal set aside, and Native American Housing Block Grants.