



**Testimony of President Kirk Francis, United South and Eastern Tribes Sovereignty Protection Fund
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
FY 2027 Tribal Public Witness Hearings, March 17, 2026**

Chairman Simpson, Ranking Member Pingree, and members of the Subcommittee, thank you for the opportunity to testify regarding our funding priorities for Fiscal Year (FY) 2027. My name is Kirk Francis. I serve as the President of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF). I am also the Chief of the Penobscot Indian Nation. My 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. We appreciate this Subcommittee's longstanding commitment to holding Tribal Public Witness hearings, which we note is especially critical at this moment in history. As Indian Country funding and Indian Country-serving federal positions are deeply affected in the implementation of the Trump Administration's policy priorities, we continue to 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' Governmental 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 trust and treaty obligations that the United States owes us. 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 United States actions that deliver on 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 in Tribal offices and throughout the federal government. Any Tribal program or funding delivered to Tribal Nations and Native people—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.

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 Administration continues to implement policy priorities without first consulting with and insulating Indian Country from impacts. These ongoing actions have generated real consequences throughout Indian Country. We have also been wrongly caught up in Administration efforts related to diversity, equity, and inclusion programs, as well as those allegedly seeking to weed out fraud, waste, and abuse.

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. Indian Country programs are legally required by trust and treaty obligations and associated implementing statutes. If the Administration were to engage in more thorough and 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 pursuing 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 keep them safe. We are aligned in the desire for the federal government to remove barriers that prevent Tribal Nations from effectively caring for our people—a fuller recognition of Tribal sovereignty—while remaining committed to delivering the federal resources that Tribal Nations are due. At present, however, our focus continues to be drawn to protecting Indian Country from collateral harm caused by imprecise implementation of Trump Administration priorities.

We note and deeply appreciate that this Subcommittee, in exercising its oversight responsibilities, included important guardrails for the Administration with regard to agency realignment and the reprogramming of Congressionally appropriated funds. We call upon this Subcommittee and all appropriators to continue to ensure that these directives and limitations are faithfully honored by the Administration. More broadly, we call upon you to do your part in upholding trust and treaty obligations, including by appropriating the funding for programs and federal employees that Indian Country is owed 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 continued disruption of what little resources are flowing will only deepen the divide between Indian Country and the rest of America.

For example, the most recent 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.”

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 than others 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 continue to lead the change within Congress to improve how the United States views, honors, and fulfills its promises to Indian Country.

Advance, Mandatory, and Full Funding. USET SPF continues to express its gratitude for the historic achievement of advance appropriations for IHS. Thanks to advance appropriations, the agency's clinical services

have experienced budgetary certainty in the face of the recent 45-day government shutdown. 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. Toward this goal, USET SPF lends its unequivocal support to legislation that would put an end to the instability of Continuing Resolutions and shutdowns for all federal Indian agencies, programs, and funding. This includes strong support for advance appropriations authority for both IHS and BIA. USET SPF strongly supports H.R. 5328, the Indian Programs Advance Appropriations Act (IPAAA), which would enshrine in statute advance appropriations for IHS, BIA, and BIE. Passage of this legislation, and the certainty it would bring, is long overdue. Additionally, payments on debt to Indian Country should not be vulnerable to annual “discretionary” decisions by appropriators and should not require annual advocacy by Indian Country. Notably, in October 2025, [Brookings](#) issued a report calling for advance appropriations in the short-term and mandatory funding in the long-term for Tribal-serving agencies and programs.

We support the development and implementation of a legislative proposal to shift funding for IHS to the mandatory side of the budget. We also urge Congress to immediately shift funding for Contract Support Costs (CSC) and 105(l) leases at IHS, BIA, and BIE to mandatory. While we contend that all Tribal offices, programs, and funding throughout the federal government should be subject to mandatory funding, we continue to support the immediate transfer of these lines to ensure that funding increases are able to be allocated to service delivery, as opposed to the federal government’s legal obligations regarding CSC and 105(l).

USET SPF firmly believes that all Indian Country funding lines should be fully funded today, though we acknowledge that a more detailed plan that ramps up over time to reach the full funding figure may be necessary. We strongly encourage Congress and the Administration to work in close consultation with Tribal Nations, and for IHS to employ the IHS Sub-Workgroup on Mandatory Funding, to identify a full funding figure.

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

1. **Hospitals & Health Clinics**
2. **Purchased/Referred Care**
3. **Mental Health**
4. **Dental Health**
5. **Alcohol and Substance Abuse**

Nashville Area priorities also include: funding for Facilities Construction and for Facilities and Environmental Health; increases for Urban Indian Health programs and 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 and high pharmaceutical costs; and increased support for provider/staffing recruitment and retention.

Department of the Interior. USET SPF remains focused on the addition of a component in the yearly budget formulation process outlining BIA’s unfunded obligations to Indian Country. In addition, we offer the BIA Eastern Region’s top funding priorities in eight different strategic funding categories:

- Strengthening Tribal Communities: Aid to Tribal Government (TPA)
- Trust-Natural Resources Management: Natural Resources (TPA)
- Trust-Land & Water Rights Management: Land Acquisition
- Public Safety & Justice: Tribal Courts (TPA)
- Economic Development: Economic Development (TPA)
- Education: BIE Scholarships & Adult Education (TPA)

- Construction: Water Safety and Sanitation

- Resource Management Construction: Dam Safety

Funding for Newly Recognized Tribal Nations. Recognizing the severe underfunding of trust and treaty obligations, federal recognition must necessarily include a prompt increase in Administratively proposed and Congressionally appropriated funding to ensure that newly recognized Tribal Nations are able to access the resources they are owed and existing federally recognized Tribal Nations are held harmless.

Payments in Lieu of Taxes. USET SPF remains focused on the restoration of Tribal homelands as a top priority and reiterates a funding request for payment in lieu of taxes (PILT) to address perceived impacts to local government as a result of lost tax revenue.

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, as well as build capacity to participate thoroughly in the infrastructure review and permitting processes.

P.L. 477 Program Implementation Concerns. We are currently concerned about DOI's seeming misinterpretation of its authority and responsibility to make the final determination as to whether programs are eligible for inclusion in a Tribal Nation's 477 plan. We also worry DOI and other agencies are not viewing 477 as a holistic self-sufficiency program. We request the opportunity to work with the Subcommittee on report language to provide clarification to DOI and other agencies.

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](#) to build core emergency management, homeland security, and emergency services capabilities.

Preservation of Structural Gains. Several advancements have been made in recent years that must be institutionalized and supported in order to continue their progress. USET SPF is requesting permanency and dedicated funding for the U.S. Office of Management and Budget's (OMB) Tribal Affairs Advisor, the U.S. Department of Treasury's Office of Tribal and Native Affairs, and the White House Council on Native American Affairs.

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 is 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. While OMB has historically worked 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.

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 Community Resilience; the Crime Victims Fund Tribal set aside; and Native American Housing Block Grants.