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Testimony of Vice Chairwoman Sarah Harris
United South and Eastern Tribes Sovereignty Protection Fund
Before the Senate Committee on Indian Affairs
For the Oversight Hearing, "Impacts of Government Shutdowns and Agency Reductions in Force on Native Communities"

Chairman Murkowski, Vice Chairman Schatz, and Members of the Senate Committee on Indian Affairs, thank you for the opportunity to testify on the impacts that the federal government shutdown and reductions in force are having in Indian Country. My name is Sarah Harris and I serve as the Mohegan Tribe's Vice Chairwoman, as well as the Secretary for United South and Eastern Tribes and United South and Eastern Tribes Sovereignty Protection Fund (USET SPF).

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.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.

Introduction

As the Committee is already aware, this has been a challenging year of upheaval and uncertainty for the federal funding and programs due to Tribal Nations, citizens, and communities in fulfillment 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 actions have generated confusion, fear, and real consequences throughout Indian Country. This includes freezing and potentially reallocating vital federal funding, firing federal employees with vital expertise, and proposing changes to programs important to Indian Country. We have also been wrongly caught up in Administration efforts related to illegal immigration and diversity, equity, and inclusion and environmental justice programs.

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

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).

Because there is Strength in Unity

requirements. Tribal-serving programs and funding are legally required by trust and treaty obligations and associated implementing statutes – they are not discretionary.

Now, we find ourselves impacted by what is currently on track to become the longest shutdown in history, the effects of which are intensified by the implementation of the Administration's policy priorities, including Reductions in Force. On top of ongoing chronic underfunding and its attendant challenges, Tribal Nations face the problem of discretionary funding that is almost always delayed. Since Fiscal Year (FY) 1998, there has only been one year (FY 2006) in which appropriated funds for the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) were released prior to the beginning of the new fiscal year. Due to Congressional inaction and gridlock resulting from unrelated issues, these delays in funding severely hinder the federal government's execution of its trust obligations to Tribal Nations—having destabilizing and disruptive effects on the provision of basic government services in Indian Country. This includes vital programs and services such as housing, law enforcement, road maintenance, social services, and health care—to name a few. Tribal Nations have long urged the federal government to insulate the federal fiduciary obligation from its own failures to enact appropriations legislation.

This is not a question about addressing poverty and needs across Indian Country. Our relationship is much more than this. This is ultimately a question about honor, about fulfilling commitments and promises. A nation's exceptionalism is grounded in these principles. Inadequate and unstable Indian Country funding needs to be viewed as unfilled treaty and trust obligations. This funding is not delivered on the basis of poverty or for social welfare purposes. The federal government's trust obligations are the result of the millions of acres of land and extensive resources ceded to the U.S., in exchange for which it is legally and morally obligated to provide benefits and services in perpetuity—a debt that must be paid regardless of political disagreement. At no point has the government fully delivered upon these obligations, but we are currently forced to confront the current shutdown during a period of remarkable uncertainty for Tribal Nations, citizens, and communities, and the future composition of the federal government.

Impacts of Federal Government Shutdown

As is becoming lamentably routine in Washington, the recent shutdown was precipitated by political disagreement that doesn't directly implicate Indian Country. Yet, because the majority of our funding appears on the discretionary side of the federal budget, year after year, the execution of the federal fiduciary trust obligation is held hostage to partisanship and gridlock. As you are likely well-aware, the 2018-2019 shutdown, given its historic length, nearly brought the funding and services the United States is obligated to provide to Tribal Nations to a halt.

The effects of the 35-day shutdown on the federal government's execution of its trust and treaty obligations to Tribal Nations rippled across Indian Country. More than 50% of BIA workers were furloughed. And while nearly 60% of IHS employees were forced to continue working without pay, as of late January, the agency had begun to deny specialty care. This, combined with chronic underfunding, resulted in tragic ends, up to and including loss of life in Indian Country—all due to the federal government's inaction.

The current shutdown is also having negative impacts on Indian Country, including USET SPF member Tribal Nations. While the IHS is largely protected, thanks to Advance Appropriations, this represents only one Tribal-serving agency within the federal government. With federal funding comprising large swaths of Tribal budgets, member Tribal Nations are beginning the fiscal year with additional uncertainty and upheaval.

USET SPF member Tribal Nations are grappling with how to ensure that citizens have access to federal nutrition programs – some are already experiencing the impacts of the Women, Infants, and Children (WIC)

program exhausting state funds and now others are having to determine how to feed their citizens in the absence of the Supplemental Nutrition Assistance Program (SNAP). As the temperature continues to drop this fall, at least twelve USET SPF member Tribal Nations, including several in northern states, are without Low-Income Heating Assistance through the Department of Health and Human Services. The Centers for Disease Control and Prevention (CDC) is extremely delayed in sharing disease prevalence data with our Tribal epidemiology center, as South Carolina faces a measles outbreak and we enter influenza season. We understand that some Tribal Nations are concerned about the protection of ancestral remains and sacred sites when federal lead agency staff are furloughed. In addition, because the authority expired along with FY 2025 appropriations, member Tribal Nations cannot bill Medicare for telehealth services to our elders. Finally, some Tribal Nations are being forced to consider taking out lines of credit to continue providing services to their citizens and communities.

With this in mind, it is critical that Congress and the Administration work together to ensure the shutdown is lifted expeditiously. The longer the shutdown continues, the greater the likelihood of compounding impacts to essential services in Indian Country – those that are the responsibility of the federal government.

Reductions in Force Do Not Uphold Trust and Treaty Obligations

While Tribal Nations are no stranger to shutdowns due issues outside of our control, the Administration's policy decisions and efforts to radically change the composition and functioning of the federal government are compounding the shutdown's impact. At present, much of the execution of federal trust and treaty obligations due to Tribal Nations is reliant on personnel throughout the federal government. These federal personnel provide direct services and technical support, they oversee the provision of funding, including through contracting and compacting, they share information, including vital public health data, and engage in litigation on behalf of Tribal Nations, among many other responsibilities. Prior to this Administration taking office, Indian Country was keenly aware of staffing shortages throughout the federal government, including those at IHS and BIA with preexisting vacancy rate percentages in the double digits. These shortages contribute to chronic failures to fully execute upon trust and treaty obligations.

From the earliest days of this current Administration, as we do with any Administration, Tribal Nations have approached the White House, Office of Management and Budget (OMB), and numerous federal agencies and departments in partnership to educate them on the unique legal and moral obligations the United States holds to Tribal Nations, citizens, and communities, and why these obligations supersede the Administration's priorities related to the size and scope of the federal government. This includes requests for exemptions for Tribal-serving positions from the Administration's reductions in force – both through the Department of Government Efficiency and now through OMB. Despite this advocacy, many Tribal-serving positions have been eliminated over the course of this year.

While, once again, the IHS has largely been protected from reductions in force, we have seen numerous positions throughout the Department of Health and Human Services eliminated, including the CDC, National Institutes for Health, the Substance Abuse and Mental Health Services Administration, and the Administration on Children and Families. Over the course of this year, this has resulted in delays and, in some cases, the cession of critical funds, services, and data sharing for Tribal Nations.

In a recent filing in the American Federation of Government Employees, AFLCIO, et al. v. U.S. Office of Management and Budget, et al., and absent Tribal consultation, the Department of the Interior (DOI) revealed the intent to abolish 2,050 positions in this current round of Reductions in Force. This includes positions at the Bureau of Land Management, Bureau of Ocean Energy Management, Bureau of Reclamation, Bureau of Safety and Environmental Enforcement, Fish and Wildlife Service, National Park Service, Offices of Contracting and the Interior Business Center. Although the Bureaus of Indian Affairs and

Indian Education are not included in this filing, all of the aforementioned agencies and departments are of importance to Tribal Nations and trust and treaty obligations. These proposed staffing eliminations are on top of Reductions in Force that took place within the Department earlier this year, including those achieved from Deferred Resignation and Voluntary Early Retirement, which were offered to Indian Affairs personnel 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.”

It is critical that this Administration and all branches of the federal government recognize that IHS, BIA, and BIE are not the sole agencies charged with delivering upon trust and treaty obligations. Tribal Nations access funding and services throughout the federal government, for which we have prepaid with our lands, resources, and the lives of our ancestors. It is simply not enough to only protect these agencies from the impacts of policy changes and position eliminations. All Tribal-serving personnel, programs, and agencies must be exempted and excepted from these actions in accordance with trust and treaty obligations.

Advocacy through the Coalition for Tribal Sovereignty

Coming together in response to the early actions of the Administration and currently at a total of 37 member organizations, including USET SPF and many of our sister organizations testifying today, the Coalition for Tribal Sovereignty² (CTS) is a nonpartisan collaboration of local, regional, and national inter-tribal policy-focused non-profit organizations working together to safeguard Tribal sovereignty and uphold the United States’ delivery of trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal community members across the United States. As a coalition, the Tribal organizations of CTS engage collectively with federal policy makers regarding actions taken by Trump Administration and offers a framework that enables member Tribal organizations to build consensus on key messages, thereby allowing them to speak with one powerful, consistent voice.

Through this coalition, we have sent over 50 communications to the Executive Branch beginning in early February of this year. Broadly, these letters offer the following messages to the Administration:

- Indian Country is being unintentionally swept up in the Administration’s broad implementation of its policy priorities; and
- Because of trust and treaty obligations, Tribal programs are not like other federal programs and should be treated differently; and
- Tribal Nations 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 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; and
- At present, however, our focus is being necessarily drawn to protecting Indian Country from collateral harm caused by imprecise implementation of Trump Administration priorities.

Our topline requests in these communications are:

- **Engage with us**—prior to taking action—so we can help the Administration understand how we fit into its carve-outs;
- **Affirmatively state** that programs and funding delivered to Tribal Nations and Tribal citizens and communities are delivered in recognition of our unique political status and trust and treaty obligations;
- **Exempt** us from any pauses or reductions to federal funding; and

² <https://coalitionfortribalsovereignty.org/coalition-action-center/about/>

- **Exempt** all Indian Country-serving positions and offices from any *workforce reductions* or hiring freezes.

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.

More recently, CTS wrote to OMB³ to urge that it to promptly issue a directive to all federal agencies exempting federal employees serving Tribal Nations, Tribal citizens, or Tribal communities from any Reduction in Force (RIF) actions or furloughs. This directive would be consistent with trust and treaty obligations and the President's priorities, as well as authorized by the Anti-Deficiency Act. However, not only have we not seen a response to this letter from OMB or the White House, we also have not seen any directive that would protect the positions charged with executing on sacred trust and treaty obligations. We continue to seek a joint meeting with OMB in order to brief its leadership on its responsibilities to Indian Country.

Support for Codification and Expansion of Advance Appropriations

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 during this shutdown and in the face of several continuing resolutions. However, there remain opportunities to codify this practice for IHS and work to expand this mechanism to all Tribal offices, programs, and funding throughout the federal government.

The vast majority of funding for Indian programs, including IHS, appears on the discretionary side of the budget. That our funding is vulnerable to governmental inaction and partisanship is a failure of the federal government to honor its sacred duty to Tribal Nations. In the short-term, all federal Indian funding must be protected from shutdowns and continuing resolutions through advance appropriations legislation. This would ensure that the federal government continues to meet its obligations regardless of politics and provide some certainty to our people, patients, and employees each year. It would also bring our funding into parity with other discretionary programs that the federal government deems critical, including those at the Department of Education, Department of Housing and Urban Development, Department of Labor, and the Department of Veterans Affairs which are authorized for advance appropriations. Finally, it would represent a more complete recognition of the federal trust responsibility and obligations.

³ <https://coalitionfortribalsovereignty.org/wp-content/uploads/2025/09/9.29.2025-CTS-Letter-to-OMB-re-Exemption-for-Federal-Employees-Serving-Tribal-Nations.pdf>

With this in mind, USET SPF lends its unequivocal support to legislation that would put an end to the instability of CRs 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 S. 2771, 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.

Indian Country Funding Mechanisms Need Comprehensive Overhaul

While we strongly support advance appropriations as a vital mechanism to bring certainty in the short-term, in the long-term USET SPF is calling for a comprehensive reexamination of federal funding delivered to Indian Country across the federal government. Because of our history and unique relationship with the United States, the trust obligation of the federal government to Native peoples, as reflected in the federal budget, is fundamentally different from ordinary discretionary spending and should be considered mandatory in nature. Inadequate funding to Indian Country needs to be viewed as unfilled treaty and trust obligations and should not be vulnerable to year to year “discretionary” decisions by appropriators. Recently, some in Congress have called for mandatory funding for specific agencies serving Indian Country. USET SPF strongly supports this proposal, which is more consistent with the federal trust obligation, and urges that this be expanded to include all federal Indian programs. Notably, earlier this week, 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.

Further, with a renewed focus on domestic issues and putting America first, this focus must also include a commitment to rebuilding the sovereign Tribal Nations that exist within the domestic borders of the United States. 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 assisting in the rebuilding of Tribal Nations, as our current circumstances are, in large part, directly attributable to the shameful acts and policies of the United States.

Further, USET SPF is urging the expansion of self-governance, along with P.L. 102-477 authority, to all federal agencies, programs, and funds. Much of the federal funding across Indian Country is delivered through the competitive grant process (and often through the states). Not only is this an abrogation of the federal trust responsibility to force Tribal Nations to compete for federal dollars, the competitive grant process often precludes Tribal Nations from having access to those dollars at all. Grant funding fails to reflect the unique nature of the federal trust obligation and Tribal sovereignty by treating Tribal Nations as non-profits rather than governments. Self-governance Contracting and Compacting should be an available option across the federal system.

In addition, USET SPF urges Congress to exercise its oversight authority in determining how much actual funding actually reaches Indian Country. The Office of Management and Budget (OMB) asserts that over \$30 billion in federal dollars is appropriated to Indian Country annually. From the perspective of Tribal advocates, including those who serve on budget formulation committees for federal agencies, this number seems to be widely inflated, with far less actually reaching Tribal Nations and Tribal citizens. We suspect that OMB arrives at this figure by tallying the amount for which Tribal Nations and entities are eligible, regardless of whether these dollars actually reach Indian Country. Both USET SPF and the Tribal Interior Budget Council (TIBC) have asked OMB for a full accounting of federal funding distributed to Indian Country. To date, OMB has not responded to this request. USET SPF firmly believes that this information is absolutely essential to the measurement of the federal government’s own success in meeting its obligations and the work of Tribal Nations. More than ever, it is important to understand how OMB quantifies federal

spending to Tribal Nations, citizens, and communities, including how it determines whether to continue supporting Tribal-serving funds, programs, and personnel.

Conclusion

USET SPF urges this Congress to act swiftly to bring the destabilizing effects of its own inaction to an end for Indian Country. It is critical that the federal government reopen and resume delivering upon trust and treaty obligations. We also ask that this body do more to protect the execution of trust and treaty obligations from the damaging effects of volatility in federal policy. One way to do this is to ensure we are insulated from continuing resolutions and government shutdowns. In the long-term, and in pursuit of a relationship more reflective of this obligation, USET SPF urges this Committee, Congress, and all branches of the federal government to ensure that full and mandatory funding for trust and treaty obligations is realized in our lifetimes. USET SPF thanks the Committee for the opportunity to testify and looks forward to partnering with its members to bring this to fruition.