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Testimony for the Record of the United South and Eastern Tribes Sovereignty Protection Fund for the House Committee on Appropriations for the Hearing “Funding Lapses: Analyzing Shutdown Reform”

The United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is pleased to provide the House Committee on Appropriations with the following testimony for the record of the July 22, 2026 hearing on “Funding Lapses: Analyzing Shutdown Reform.” We appreciate the Committee’s commitment to examine how federal government shutdowns affect the economic, social, and public well-being of the nation as a whole. However, we emphasize that these increasingly occurring federal government shutdowns, as well as stop-gap budget measures like continuing resolutions, have had persistent, disproportionately harmful impacts on Tribal Nations, Tribal citizens, and Tribal communities.

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.

As the Committee is aware, federal government shutdowns and continuing resolutions have created unnecessary upheaval and uncertainty for the federal funding and programs owed to Tribal Nations, Tribal citizens, and Tribal communities in fulfillment of trust and treaty obligations. Despite legal mandates for the provision of Tribal programs and funding, we continue to deal with the disproportionate harmful impacts of federal government shutdowns and continuing resolutions. These events have consistently generated confusion, fear, and real consequences throughout Indian Country.

From our perspective, the impacts of these events represent an abrogation of federal obligations to Indian Country. 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. The persistent failure of the United States to acknowledge our unique political status under law and uphold federal trust obligations must be rectified by Congress through enactment of advance appropriations in the short-term for Tribal programs and services, with the goal of moving all Tribal-serving line items to the mandatory side of the budget in the long-term.

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).

Again, we remind the Committee that Tribal-serving programs and funding are legally required by trust and treaty obligations and associated implementing statutes—they are not discretionary.

Foundations of Tribal Nations' Governmental Status and Federal Obligations

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. 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. Rather, they are legal obligations rooted in the U.S. Constitution, trust and treaty obligations, and long-standing federal statutes.

Impacts of Federal Government Shutdowns on Tribal Nations

As is becoming lamentably routine in Washington, the most recent—and longest in history—full federal government shutdown lasted from October 1, to November 12, 2025 and was precipitated by political disagreement that didn't directly implicate Indian Country. The increasing reliance on continuing resolutions (CRs) and—in some cases—a full or partial shutdown of the federal government has been the result of political disagreements involving both budget and non-budget partisan related issues. In every instance that a CR mechanism is relied upon, or a federal government shutdown is triggered, it has been the result of partisan gridlock unrelated to trust and treaty obligations to Tribal Nations. 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 this partisanship and gridlock. These events are an example of the persistent and ongoing failure of the federal government to honor its sacred duty to uphold trust and treaty obligations to Tribal Nations.

The effects of the October 2025, 43-day shutdown on the federal government's execution of its trust and treaty obligations to Tribal Nations rippled across Indian Country. Since federal funding throughout the executive branch comprises large swaths of direct and indirect Tribal programs and services, member Tribal Nations began fiscal year (FY) 2026 with additional uncertainty and upheaval. According to the [September 2025 Contingency Plan](#) for the Bureau of Indian Affairs (BIA), 1,154 of the BIA's 3,126 workers (nearly 34%) were expected to be furloughed. While the IHS was largely protected—thanks to advance appropriations—his represented only one Tribal-serving agency within the Department of Health and Human Services (HHS), which administers a multitude of programs and services Tribal Nations, citizens, and communities rely on.

The shutdown inevitably undermined access to these critical services since HHS's [FY 2026 Contingency Plan](#) anticipated that 31% of its employees would need to be furloughed. Detailed [data](#) outlined in HHS's FY 2026 Contingency Plan noted several agencies that administer Tribal-specific programs, or programs Tribal entities and citizens are eligible to receive, would experience high staff furlough rates. These anticipated furlough rates included HHS agencies such as the Administration on Children and Families (ACF) at 45%, the Centers for Disease Control and Prevention (CDC) at 66%, the Health Resources and Services Administration (HRSA) at 45%, and the Substance Abuse and Mental Health Services Administration (SAMSHA) at 79%, to name a few. Another concern for USET SPF member Tribal Nations perpetuated by the October 2025 shutdown was the issue of food security for Tribal citizens and Tribal communities. This issue was compounded when both state and Tribally administered nutrition assistance programs—such as the Women, Infants, and Children (WIC) program and the Supplemental Nutrition Assistance Program (SNAP)—experienced funding shortfalls during the shutdown, resulting in limited food supply offerings for Tribal citizens and communities.

Similarly, as the temperature began to drop in the fall of 2025, at least twelve USET SPF member Tribal Nations—including several in northern states—were without Low-Income Heating Assistance through the Department of Health and Human Services. The Centers for Disease Control and Prevention (CDC) was extremely delayed in sharing disease prevalence data with our Tribal epidemiology center, as South Carolina faced a measles outbreak and we entered influenza season. In addition, because the authority expired along with FY 2025 appropriations, our member Tribal Nations could not bill Medicare for telehealth services to our elders. Further, some Tribal Nations became concerned about the protection of ancestral remains and sacred sites when federal lead agency staff are furloughed during the shutdown. Finally, some Tribal Nations were being forced to consider taking out lines of credit to continue providing services to their citizens and communities.

Recognizing the severe and widespread harmful effects of the October 2025 federal government shut down, we remind Congress and the Administration that they must work together to safeguard Tribal programs and services from political gridlock. The longer a shutdown continues, the greater the likelihood of compounding impacts to essential services in Indian Country, which can have reverberating harmful impacts and implications for the months following. We remind Congress and the Administration that the continued funding and operation of these essential programs and services are core federal trust and treaty obligations, and the failure to uphold these obligations results in disastrous, harmful impacts to Tribal Nations, Tribal citizens, and Tribal communities.

Support for Codification and Expansion of Advance Appropriations

USET SPF continues to express its gratitude for the historic achievement of advance appropriations for IHS. As aforementioned, thanks to these advance appropriations, the agency's clinical services experienced budgetary certainty during the most recent shutdown, as well as during the constant passage of CRs. 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. This should be a key area for the Committee to explore as it considers pursuing shut down reform.

We remind the Committee, that 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 CRs 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—and long overdue—recognition of the federal trust responsibility and obligations.

With this in mind, USET SPF urges the Committee to consider advance appropriations for all Tribal offices, programs, and funding mechanisms as it develops legislation to address shut down reform. USET SPF has consistently voiced our 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 has included strong support for advance appropriations authority for both IHS and BIA. Moving forward, we urge the Committee and its Members to consider supporting the provisions of [H.R. 5328](#), the Indian Programs Advance Appropriations Act (IPAAA), which would enshrine in statute advance appropriations for IHS, BIA, and the Bureau of Indian Education (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 and protection for all federal Indian programs in the short-term, the long-term solution USET SPF is calling for requires a comprehensive re-examination of federal funding delivered to Indian Country across the federal government. Due to 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 must 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 and funding lines serving Indian Country—such as IHS and the transfer of 105(/) and Contract Support Costs (CSC) from discretionary—to safeguard our programs and services in an ever-increasingly uncertain budgetary climate. USET SPF strongly supports these proposals, which are more consistent with and acknowledge the federal trust obligation to Tribal Nations, Tribal citizens, and Tribal communities. We urge the Committee to consider proposals like these as part of its shut down reform agenda and that they be expanded to include *all* federal Indian programs. Further, we note that—during the October 2025 shut down—Brookings issued the [report](#), “The government shutdown shows the need to reform how the federal government funds Native American Tribes and communities”, citing the necessity for advance appropriations in the short-term and mandatory funding in the long-term for Tribal-serving agencies and programs.

Again, USET SPF strongly supports the development and implementation of multiple legislative proposals to meaningfully increase and shift funding for IHS to the mandatory side of the budget, but we also urge the Committee and Congress to enact short-term solutions to immediately shift funding for CSC and 105(/) 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(/). Finally, 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. We urge the Committee and its Members to support the expansion of self-governance and the 477 authority across the federal government.

An Accurate and Detailed OMB Crosscut for Federal Indian Funding Must Be Part of Shut Down Reform

In the past, the Office of Management and Budget (OMB) would release a crosscut of federal funding available to Indian Country. However, these crosscuts have often misrepresented the true dollar amount of funding benefits reaching Tribal Nations, Tribal citizens, and Tribal communities. As part of its analyses in shutdown reform, USET SPF urges the Committee—and Congress as a whole—to exercise its oversight authority in determining how much actual funding actually reaches Indian Country. Most recently, the OMB has asserted 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, Tribal citizens, and Tribal communities. We suspect that OMB has arrived at this figure in the past 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 DOI's Tribal Interior Budget Council (TIBC) have asked OMB for a full accounting of federal funding distributed to Indian Country. However, OMB has yet to respond 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, Tribal citizens, and Tribal communities, including how it determines whether to continue supporting Tribal-serving funds, programs, and personnel. Having access to this information will also support both the work of Tribal Nations and the Committee in determining a clear, precise budgetary framework necessary for the federal government to fulfill its trust and treaty obligations to Tribal Nations.

Conclusion

USET SPF urges the Committee to seriously consider Tribal-specific budget proposals and solutions as it analyzes legislative options to make reforms addressing the impacts of federal government shutdowns . While we appreciate the Committee's efforts to propose increases to federal funding for Tribal programs and services, we urge you to 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 entirely. 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 provide testimony for the record and looks forward to continued dialogue and collaboration to protect Tribal programs and services by realizing advance, mandatory, and full funding across the board.