

January 10, 2019

President Donald J. Trump
The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20500

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
U.S. Capitol Building
Washington, D.C. 20510

The Honorable Mitch McConnell
Majority Leader
United States Senate
U.S. Capitol Building, Room S-230
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
U.S. Capitol Building
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
United States Senate
U.S. Capitol Building, Room S-224
Washington, D.C. 20510

President Trump, Leader McConnell, Leader Schumer, Speaker Pelosi and Leader McCarthy:

On behalf of the undersigned national tribal organizations, we urge you to immediately end the partial government shutdown. The shutdown breaks the treaty and trust obligations to tribal governments. Agencies that provide critical government services to our nations are caught up in unrelated politics over funding for a southern border wall and the well-being of our tribal citizens hangs in the balance.

America's longstanding, legally mandated obligations to tribal nations should be honored no matter the political quarrels of the moment. Ironically, the Americans most affected by immigration over the last 500 years continue to be the most heavily impacted by the shuttering of multiple federal agencies that are unrelated to securing the homeland. Our communities rely on federal funding to administer key tribal government services, health care facilities, public safety, housing access, nutrition and food distribution programs, and social services. The shutdown is destabilizing these programs and causing fear and anxiety and fear among our members. The impacts are widespread:

Jobs and Economic Impacts: In Indian Country, due to the large role public administration jobs play in tribal communities and economies – coupled with below average household wealth– the shutdown disproportionately hurts Native families. Thousands of Bureau of Indian Affairs and Indian Health Service employees, many of whom are tribal citizens, are furloughed or working without pay. These employees, who should be receiving a paycheck, are now struggling to pay household bills. Furloughs and missed paychecks are not just hurting each affected employee, but their families as well. A single salary may support an extended Native family, sending

harmful ripples throughout the tribal nation and surrounding communities. The uncertainty of a shutdown also compounds the challenges tribal nations face attracting and retaining professionals to work in health care and other skilled professions that are critical to fulfilling the federal government's treaty and trust promises to tribal nations.

Federal contractors play an essential role in helping agencies meet their mission and deliver services to the American people with 40 percent of federal government missions staffed by private contractors. For tribal nations engaged in federal contracting, tribally owned enterprises, Alaska Native Corporations, and Native Hawaiian organizations have reported an estimated financial loss of \$200,000 to \$250,000 per day during the shutdown. These entities support the economic development and prosperity of Native communities and provide jobs and services in all 50 states. Their inability to meet these goals due to the shutdown is a substantial loss to Native and non-Native communities where these entities provide employment opportunities and resources.

In federal contracting, some tribally owned companies are already reporting furloughs of 300 jobs. Unlike federal employees, these federal contractors are not guaranteed back pay and the Native firms that employ them might not ever recover costs from the federal government. This uncertainty strains the workforce not only in Indian Country, but our surrounding rural communities across the nation.

Health Care: Indian Health Service programs serving Indian Country have no FY 2019 appropriations. Despite the fact that the federal government has a trust obligation to provide health care to American Indian and Alaska Native people, the Indian Health Service remains unfunded while other agencies that provide critical health services have advanced appropriations or are otherwise funded. Tribal governments are cutting other services and scraping together scarce dollars, or securing interest-bearing loans, to keep health clinics operational, but this is not sustainable. Of 13 Urban Indian Health Programs (UIHPs) out of 41 that responded to a survey, two of the facilities will shut down in the next week, while five face closure within 30 days if the shutdown continues. One reported that they have already reduced hours and UIHPs fear of losing their staff who are forced to look for other employment to pay bills. Our citizens are worried about whether they will be able to receive health care.

This shutdown only emphasizes the need for IHS funding to be allocated on a mandatory funding basis, so that Native people are not subject to federal governmental dysfunction and impasses. If IHS funding was in law outside of the annual discretionary appropriations process, tribal nations would not have to worry each day if their programs are funded. As an interim step, IHS should be funded through Advance Appropriations, which would ensure that basic health services are funded if Congress and the President cannot come to an agreement on appropriations legislation.

Education: While Bureau of Indian Education schools are funded for the year, federal staff that support child nutrition programs have been furloughed, which impacts school nutrition and cafeteria programs. The emergency funds provided to state education agencies for school

nutrition services will run out by March. Tribal schools are also operating without access to staff for emergency facilities repair and maintenance.

Furloughs at DOI have also halted progress on the negotiated rulemaking process for standards, assessments, and accountability systems under Every Student Succeeds Act (ESSA), which affects the Bureau of Indian Education's (BIE) ability to meet the deadline for ESSA implementation. The Education Department threatened to withhold Title funds if the BIE is not ready to implement standards, assessments, and accountability systems under ESSA by fall 2019.

Housing: During the government shutdown, individual American Indians, Alaska Natives, and Native Hawaiians are also unable to utilize housing programs at the USDA or complete their home loans through the HUD 184 Loan Guarantee program. Some tribal housing programs may shut down entirely until new funding is available, while others may be able to stretch out their dollars by providing minimal services to their members.

Family and Child Welfare: In the area of social services, tribal workers play a critical role in advocating for the best interests of children and providing resources to support reunification of children with their families when possible. When tribal child welfare workers do not have the ability to actively participate in proceedings, children and families are deprived of support and resources.

While tribal governments provide many critical services to vulnerable tribal children and families, they also need the full engagement and support of their federal partners. Federal funds include payments to foster parents to help support the cost of caring for foster children as well as income assistance to families that are unemployed and need help meeting their basic needs in areas like housing, food, and energy costs. Tribal social service staff are working tirelessly during this partial government shutdown to ensure that the most vulnerable within our communities receive the help and support they need, but as in past government shutdowns, it is often the most vulnerable citizens within our communities that suffer the most.

The shutdown makes coordination difficult between tribal child welfare workers and other service providers to meet families' basic needs, including food, housing, healthcare and mental healthcare. Tribal nations have a unique relationship with the federal government, including the BIA, with whom they partner to provide services to vulnerable children and families.

Nutrition: At U.S. Department of Agriculture (USDA), the Food Distribution Program on Indian Reservations (FDPIR) could run out of funding by the end of January, which would end food assistance for 90,000-100,000 tribal citizens, who are mostly elders and children. FDPIR is a lifeline to 276 federally recognized tribal nations and more than 100 tribal organizations to feed Native communities in the most remote locations in the United States. A lapse in funding for food programs like FDPIR could have long-lasting impacts, including lack of fruit, vegetables, and animal protein food stuffs for 4-6 months in tribal communities, with effects lasting nearly a year following a shutdown.

Tribal Self-Governance: For the more than 370 tribal nations who elected to take over the administration of federal programs through Self-Governance initiatives, the shutdown has stalled the federal government from fulfilling its agreed upon obligations to provide resources needed for tribal nations to administer federal services to their citizens. In addition, the shutdown has stalled critical negotiations of services to be taken over by tribal nations, including programs that effect the health and well-being of tribal citizens. Although some tribal nations have contingency plans to address the lack of federal support to administer their programs, they are designed to address short-term situations to a potentially long-term problem. Many of the options available to tribal nations to address the lack of federal support have an associated cost – either a direct monetary cost (such as interest payments on funds borrowed from a financial institution) or an opportunity cost (when funds are prematurely removed from investments or reallocated away from planned economic endeavors).

Tribal nations are resilient and provide services to around 2 million people; however, we cannot continue to provide for our communities without our federal partners. The long-term effects of this shutdown will ripple throughout our communities for months or even years following the reopening of the government. We urge the President and Congress to end this stalemate, fulfill their trust and treaty promises to tribal nations, and invest in the future of all Americans.

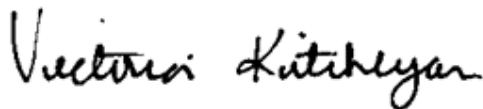
Sincerely,



Jefferson Keel, President
National Congress of American Indians



Kimberly Teehee, President
Native American Contractors Association



Victoria Kitcheyan
Winnebago Tribe of Nebraska
Acting Chairperson
National Indian Health Board



Maureen Rosette, J.D., President
National Council on Urban Indian Health



Robin Butterfield, President
Winnebago Tribe of Nebraska, Chippewa
National Indian Education Association



Gary J. Cooper, Chairman
National American Indian Housing Council



Sarah Kastelic, PhD
Executive Director
National Indian Child Welfare Association



W. Ron Allen, Tribal Chairman/CEO
Jamestown S'Klallam Tribe, and Board Chairman
Self-Governance Communication & Education Tribal Consortium