How the Government Shutdown Affected – and Continues to Affect – Tribes

For Tribal members across the country, the partial federal government shutdown was more than a minor inconvenience. Tribes scrambled to provide necessary services from healthcare to education to food provision while national leaders squabbled over funding for a wall. The temporary funding bill signed January 25 does little to ease the concerns of Tribal officials. The partial shutdown restricted funding for the Bureau of Indian Affairs (BIA), the Bureau of Indian Education (BIE), and Indian Health Services (IHS). The BIA provides services or funding for services for approximately 1.9 million American Indians and Alaska Natives. More than half of all BIA employees (2,295 out of 4,057) around the country were furloughed (New York Times: “Shutdown Leaves Food, Medicine and Pay in Doubt in Indian Country”).

Federal Responsibilities
The federal government has an obligation to fund or provide essential services to Native nations in exchange for the land Tribes ceded to the United States, but that obligation was superseded by the federal shutdown from December 22, 2018, to January 25, 2019. “The funds that we receive are through trust and treaty responsibilities. They're not aid,” said Shannon Holsey, president of the Stockbridge-Munsee Band of Mohican Indians in Wisconsin, to PBS NewsHour (PBS: “Native American tribes are ‘starting to feel the impact’ of shutdown funding delay”). Over time, hundreds of federally recognized tribes ceded nearly half a billion acres of land to the United States government in exchange for health, education, and other welfare services.

The impacts of the shutdown were – and continue to be – felt throughout Indian Country. The gap in funding caused a deficit in Tribal services for healthcare, education, law enforcement, family welfare, elders, veterans, nutrition, economic development, and more. Services are generally administered either by the federal government directly or by federal funding through Tribes and other third-party entities.

The National Congress of American Indians (NCAI) and seven other Indigenous organizations sent a joint letter to national leaders on January 10 urging them to end the shutdown. “America’s longstanding, legally-mandated obligations to tribal nations should be honored no matter the political quarrels of the moment,” the letter read (NCAI: “National Native Organizations Unite and Urge the President and Congress to Re-Open the Government”).

NCAI President Jefferson Keel said, “During this shutdown, Congress and the President are putting the well-being of our tribal nations and our citizens in jeopardy. As governmental leaders, we know that it is simply not an option to stop serving our citizens.”
Impact on Tribes

In order to sustain services, many tribes were forced to dip into their own contingency funds. The Sault Ste. Marie Tribe of Chippewa Indians in Michigan run their own medical facilities, but rely on funding from the federal government, approximately $30 million a year (NPR: “The Effects Of The Government Shutdown On Native American Tribes”). When the shutdown cut off federal funds, the Tribe had to fund its own services at a rate of $100,000 per day (New York Times: “Shutdown Leaves Food, Medicine and Pay in Doubt in Indian Country”).

A number of federal employees were forced to work without pay, including police officers in the Bois Forte Indian Reservation in Minnesota (New York Times: “Shutdown Leaves Food, Medicine and Pay in Doubt in Indian Country”). The BIA and IHS are major employers in Indian Country, so many families experienced economic distress due to missed paychecks. Although federal employees are guaranteed back-pay, the future prospect of retroactive paychecks doesn’t help pay for bills or necessities like food and transportation needed at the moment. The Pawnee Nation of Oklahoma set up a GoFundMe page to help its furloughed employees (Reuters: “‘We know how to survive,’ but U.S. Shutdown cut deep for Native Americans”).

Smaller Tribes were hit hardest. The Yomba Shoshone Tribe in Nevada was forced to furlough its entire staff of 18 because it is entirely dependent on federal funding. Elder transportation services were interrupted. With the loss of paychecks, mounting expenses, and no end in sight, furloughed employees had to consider seeking employment elsewhere (Indian Country Today: “Government Shutdown: Tribes suffer job losses, bad roads, no healthcare access”).

Beaver Village, a small community north of Fairbanks, AK, relies on funds from the BIA and the Environmental Protection Agency for critical services including electricity, fuel deliveries, internet service, environmental programs, and general tribal operations. In addition, the tribe wasn’t able to fund scholarships during the shutdown (Alaska Public Media: “Shutdown puts strain on some Alaska Native tribes and tribal organizations”).

Large Tribes were not impervious to the negative effects. Residents in the Navajo Nation – the largest Tribe by land mass – were stranded when snowstorms blanketed BIA-managed roads and maintenance capacity was cut in half, restricting citizens from access to grocery stores and medical appointments. Ranchers were unable to access water and hay to feed their livestock, which may have lasting effects on the Navajo Nation economy (Indian Country Today: “Government Shutdown: Tribes suffer job losses, bad roads, no healthcare access”).

What Comes Next?

In an email to Reuters, BIA spokeswoman Nedra Darling said, “Indian Affairs is excited to resume our work towards fulfilling our trust responsibility and treaty obligations for the 573 federally recognized tribes” (Reuters: “‘We know how to survive,’ but U.S. Shutdown cut deep for Native Americans”). Tribes are ready to move forward but remain wary of a second government shutdown. Congress and the president have agreed to a short term solution to fund the Federal government through February 15, but the 35-day partial government shutdown – the longest in U.S. history – left many in Indian Country frustrated and skeptical of the new deadline.
“There’s a lot of continuing distrust and fear in Indian tribes. Indian people had the experience of the trail of broken treaties, and so there’s already a level of distrust of the federal government,” said Aaron Payment, chairman of the Sault Ste. Marie Tribe, to ThinkProgress (ThinkProgress: “I’m distrustful: As government temporarily reopens, Native communities try to recover”).

Tribes hope to avoid unnecessary lapses in funding in the future. “We need to exempt tribes from future shutdowns,” said former Navajo Nation President Russell Begaye. “People need to realize that these are legal obligations, and the feds are breaking those obligations, which is illegal” (Indian Country Today: “Government Shutdown: Tribes suffer job losses, bad roads, no healthcare access”).

From December 22nd to January 25th, no one knew how long the shutdown would last. The uncertainty weighed on Tribal lawmakers, who had to plan for the next-worst situation with every passing day. Contingency plans had run their course or approached their limits. Now Tribal leaders are making preparations for another potential shutdown beginning February 15th. President Donald Trump has insisted that he will not agree to another deal that doesn’t include $5.7 billion to fund a wall-like structure along the U.S.-Mexico border.

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