



National Congress of American Indians

Understanding Federal Government Shutdown Impacts on Tribal Nations

Defending Sovereignty Since 1944



Understanding Federal Government Shutdown Impacts on Tribal Nations

Invocation and Introduction





Understanding Federal Government Shutdown Impacts on Tribal Nations

Presenters



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Understanding Federal Government Shutdown Impacts on Tribal Nations

Overview

- What is a government shutdown? Which programs may be impacted?
- How do agencies develop shutdown contingency plans?
- Agency contingency planning status update
- What can Tribal Leaders, partners, and allies do?
 - Congressional outreach
 - Agency outreach
- Documents, Talking Points, and Letters



Understanding Federal Government Shutdown Impacts on Tribal Nations

NOW INTRODUCING



Tyler Scribner

CEO & CDO, Tribal Sovereign Data Analytics, LLC



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**Federal Fiscal Year (FY) 2025
ends September 30, 2025.**

House:

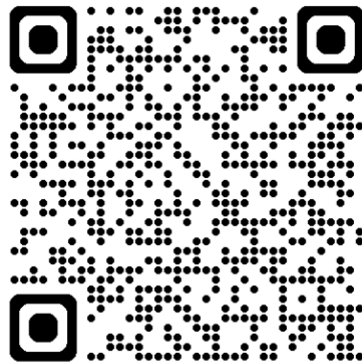
- 12/12 appropriations bills passed out of Committee, and 3/12 passed a floor vote.

Senate:

- 9/12 appropriations bills passed out of Committee, and 3/12 passed a floor vote.

Appropriations Status Table

<https://www.congress.gov/crs-appropriations-status-table>





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Federal budget enacted on time
3 times in the last 47 years
(‘89, ‘95, and ‘97).

Continuing Resolution:

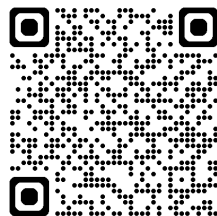
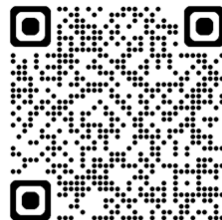
- Provides funding, generally, at prior year amounts for an amount of time.

Government Shutdown:

- Just before ~~lapse in appropriations~~ agencies develop contingency plans for essential functions and personnel.

Continuing Resolutions

https://www.congress.gov/crs_external_products/R/PDF/R46595/R46595.7.pdf



Government Shutdowns

<https://www.congress.gov/crs-product/R41759>



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Let's talk about the mechanics of federal spending:

When Congress enacts **appropriations laws** , it provides **budget authority** , or the power to enter into **legally binding obligations** .

Budget authority is provided:

- For a **purpose** ,
- In an **amount** ,
- With a time **period** of use, and
- Made available for **duration** of time.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13) and the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), \$1,898,550,000, to remain available until September 30, 2025, except as otherwise provided herein; of which not to exceed \$15,000 ~~may be for official reception and representation expenses; of which~~



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Let's talk about the mechanics of federal spending:

The United States has a series of laws known as the **Antideficiency Laws or Act**, even though it has been revised and refers to provisions throughout Title 31 of the U.S. Code.

In 1870, Antideficiency laws developed around an appropriations provision stating:

“[t]hat it **shall not be lawful** for any department of the government **to expend** in any one fiscal year **any sum in excess of appropriations made by Congress** for that fiscal year, **or to involve the government in any contract for the future payment of money** in excess of such appropriations.”



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Let's talk about the mechanics of federal spending:

Even with the Antideficiency Laws, the Executive branch deems certain government functions and personnel essential as part of a process known as **Shutdown Contingency Planning**.

What's a rule on spending without a nice big exception?

Among several exceptions, employees whose duties involve **safety of human life** or the **protection of property** may be told by an agency to come to work during the period in which funds are lapsed or unavailable.



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Programs are impacted by a shutdown differently, depending on how they are funded by Congress.

Discretionary Appropriations:

- Most discretionary programs would experience a lapse in appropriations.
- Advance appropriations, forward funded, advance funded accounts would not be immediately and directly disrupted.

Mandatory Appropriations:

- Direct appropriations would not be immediately and directly disrupted.
- Expiring direct appropriations and appropriated entitlements could be disrupted.



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“Immediately?” “Directly?” “Could be disrupted??”

Be more specific.

- With the exception of IHS, **most tribal programs would be severely impacted** by a government shutdown
- Even with funding mechanisms that keep programs operating, **staff administering those programs may not be deemed essential** under an agency’s contingency plan.
- The IHS has six accounts not funded by advance appropriations. The agency will use prior year balances to keep all staff on, instead of experiencing a partial shutdown. However, **Contract Support Costs and Section 105(l) lease payments are not included**. No payments are expected for these accounts, and prolonged shutdown could put further economic hardship onto Tribes and Tribal Organizations.



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NOW SPEAKING



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NOW INTRODUCING



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Understanding Federal Government Shutdown Impacts on Tribal Nations

On Wednesday, September 24, 2025,
OMB shutdown guidance was broadly
shared with the press.

- **Agency lapse plans** (aka, contingency plans)
- **Reduction in Force** (RIF) notices

BOA/GC/DepSec:

Thank you for your agency's efforts to date to prepare for an orderly shutdown in the event of a lapse in appropriations. As required by Section 124 of OMB Circular A-11, OMB held its first lapse planning call with agencies earlier this week, and we will continue to provide lapse updates as we approach the end of the fiscal year.

Over the past 10 fiscal years, Congress has consistently passed Continuing Resolutions (CRs) on or by September 30 on a bipartisan basis. Unfortunately, congressional Democrats are signaling that they intend to break this bipartisan trend and shut down the government in the coming days over a series of inane demands, including \$1 trillion in new spending.

Last week, the House of Representatives passed H.R. 5371, a clean CR that would fund the government at current levels through November 21. The Administration supports Senate passage of H.R. 5371, but congressional Democrats are currently blocking this clean CR due to their partisan demands.

As such, it has never been more important for the Administration to be prepared for a shutdown if the Democrats choose to pursue one. Thankfully, H.R. 1 provided ample resources to ensure that many core Trump Administration priorities will continue uninterrupted.

Programs that did not benefit from an infusion of mandatory appropriations will bear the brunt of a shutdown, and we must continue our planning efforts in the event Democrats decide to shut down the government. If Congress successfully passes a clean CR prior to September 30, the additional steps outlined in this email will not be necessary.

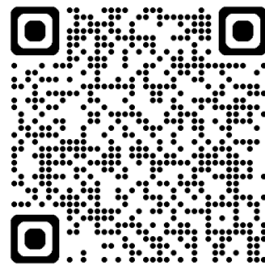
With respect to those Federal programs whose funding would lapse and which are otherwise unfunded, such programs are no longer statutorily required to be carried out. Therefore, consistent with applicable law, including the requirements of 5 C.F.R. part 351, agencies are directed to use this opportunity to consider Reduction in Force (RIF) notices for all employees in programs, projects, or activities (PPAs) that satisfy all three of the following conditions: (1) discretionary funding lapses on October 1, 2025; (2) another source of funding, such as H.R. 1 (Public Law 119-21) is not currently available; and (3) the PPA is not consistent with the President's priorities.

RIF notices will be in addition to any furlough notices provided due to the lapse in appropriations. RIF notices should be issued to all employees working on the relevant PPA, regardless of whether the employee is exempted or furloughed during the lapse in appropriations.

Once fiscal year 2026 appropriations are enacted, agencies should revise their RIF notices to retain the minimal number of employees necessary to carry out statutory functions. Proposed RIF plan must be submitted to OMB.

As a reminder, updated agency lapse plans were due to OMB on August 1. OMB has many, but not all, of your submissions. Please send us your updated lapse plans as previously communicated, we want to reiterate what we are expecting to see in them:

- Agency plans should not "repurpose" balances or assume use of transfer and exceptions must be requested of OMB, and will be considered on a case-by-case basis.
- In cases where agencies received appropriations under H.R. 1, agencies' lapses should assume this funding is obligated consistent with OMB-approved spend. If you have already submitted your lapse plan to OMB for review, we will be





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On Wednesday, September 24, 2025, OMB agency contingency plan guidance was broadly leaked to the press.

- “Agency lapse plans” (aka, contingency plans) are due to OMB as soon as possible.
- Agency plans should not “repurpose” balances or assume use of transfer authorities. Any exceptions must be requested of OMB, and will be considered on a case by case basis.
- Even if agencies had already submitted their plan, OMB may reach out in the coming days to require plan updates.



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On Wednesday, September 24, 2025, OMB agency contingency plan guidance was broadly leaked to the press.

- “... [A]gencies are directed to use this opportunity to consider Reduction in Force (RIF) notices for all employees in programs, projects, or activities (PPAs) that satisfy all three of the following conditions (1) discretionary funding lapses on October 1, 2025; another source of funding, such as H.R. 1 (Public Law 2119) is not currently available; and (3) the PPA is not consistent with the President’s priorities.”



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Agency Contingency Planning status update:

- On Friday, September 26, 2025, federal sub agencies were submitting **lists of essential personnel to cabinet -level leadership** by COB.
- As of Friday, agencies were **not issuing directives for the Reduction in Force (RIF) portion** of the OMB shutdown guidance. Agencies already conducting RIFs would continue the process and may be notified by OMB for additional changes during a shutdown.
- However, some federal management believe **it could be a “phase II” action** taken based on who was determined essential leading up to the shutdown. Even budget and management **staff feel less informed than past shutdown planning**.



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NOW SPEAKING



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VP–Intergov. Affairs, Cedar Rock Alliance



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What can Tribal Leaders, partners, and allies do?

URGENT ACTION NEEDED:

- **Contact OMB, immediately** . Demand that tribal program staff **protected from any RIFs**. The window on determinations for essential workforce during a shutdown is closing, but **cabinet-level and White House contacts may still have influence** .
- **Contact Congressional members, immediately** . Tell them to call the administration and **demand that tribal program staff are deemed essential** and that they are **protected from any RIFs** an agency may do during a shutdown.



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Shutdown Resources:

- Shutdown Frequently Asked Questions
- NCAI List of Potentially Affected Tribal Accounts
- Template letter to send to OMB with a copy to your Congressional delegation
- Messaging on Two Tracks: 1) Collaborative Tone and 2) Direct Tone
 - Talking Points
 - Phone Call Scripts

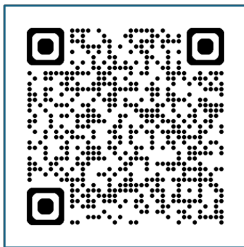




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Contact Congress/OMB:

[Find your Representative:](#)



[Find your Senator:](#)



[Contact OMB:](#)

OMBLegislativeAffairs@omb.eop.gov





National Congress of American Indians

Thank You For Your Participation!

Defending Sovereignty Since 1944