



February 2, 2025

The Honorable Donald J. Trump
 The White House
 1600 Pennsylvania Ave NW
 Washington, DC 20500

The Honorable Mike Johnson
 568 Cannon House Office Bldg.
 Washington, DC 20515

The Honorable John Thune
 511 Dirksen Senate Office Bldg.
 Washington, DC 20510

The Honorable Susan Collins
 413 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Tom Cole
 2207 Rayburn House Office Bldg.
 Washington, DC 20515

The Honorable Lisa Murkowski
 522 Hart Senate Office Bldg.
 Washington, DC 20510

The Honorable Jeff Hurd
 1641 Longworth House Office Bldg.
 Washington, DC 20515

The Honorable Mike Simpson
 2084 Rayburn House Office Bldg.
 Washington, DC 20515

The Honorable Hakeem Jeffries
 2267 Rayburn House Office Bldg.
 Washington, DC 20515

The Honorable Chuck Schumer
 322 Hart Senate Office Bldg.
 Washington, DC 20510

The Honorable Patty Murray
 154 Russell Senate Office Building
 Washington, DC 20510

The Honorable Rosa DeLauro
 1036 Longworth House Office Bldg.
 Washington, DC 20515

The Honorable Brian Schatz
 722 Hart Senate Office Bldg.
 Washington, DC 20510

The Honorable Teresa Leger-Fernandez
 2417 Rayburn House Office Bldg.
 Washington, DC 20515

The Honorable Chellie Pingree
 2354 Rayburn House Office Bldg.
 Washington, DC 20515

The Honorable Doug Burgum
 U.S. Department of Interior
 1849 C Street
 Washington, DC 20240

Delivered Electronically

RE: Status of Tribal Nations as Political Entities in the Implementation of the President's New Executive Orders

Dear Mr. President, Honorable United States Senators, Members of Congress, and Mr. Secretary:

On behalf of the undersigned organizations that collectively serve the majority of sovereign American Indian and Alaska Native Tribal Nations and their citizens, we write to urge you to recognize and protect the status of Tribal Nations as political entities in light of recent executive and federal action.

The events of the past few days regarding the potential freeze on federal funding of Tribal programs necessitated this letter. Most recently, OMB Memorandum M-25-13 was rescinded by

OMB Memorandum M-25-14, which also indicated that if heads of departments and agencies have questions about implementing the President's Executive Orders, they should contact their own agency General Counsels. This raises further questions that reinforce the important need for this letter.

Tribal Nations are eager to work with the Administration on multiple shared priorities. These include, among others, reducing unnecessary federal regulations, streamlining federal funding mechanisms for critical Tribal priorities and economic development, strengthening Tribal self-determination, and addressing long-standing tax issues that are historic impediments to Tribal economic growth.

We look forward to partnering with the new Administration as the President works to establish his priorities and implement new Executive Orders. As that process unfolds, we urge the President and his advisors to take care to protect the unique federal trust relationship between our sovereign Tribal Nations and the Federal government, which is based on *the political status of Tribal Nations*.

Our unique political and legal relationship with the United States is rooted in our inherent sovereignty and recognized in the U.S. Constitution, in treaties, and is carried out by many federal laws and policies. When Congress is acting under its unique obligation toward Tribal Nations and their citizens, they have legal status as a political class rather than a suspect racial class under the principles of constitutional legal analysis. The U.S. Supreme Court has consistently recognized and upheld the distinct legal and political status of Tribal Nations and their citizens and communities.

We call on the Trump Administration to ensure the United States' delivery on its trust and treaty obligations does not become collateral damage in the Trump Administration's implementation of its other priorities, such as limiting diversity, equity, inclusivity, and accessibility (DEIA) and environmental justice (EJ) initiatives, and restricting the federal workforce.

Federal Tribal programs are not racial or preference programs, and indeed these federal funds and programs are legally mandated under the trust and treaty obligations owed to us. They are carried out in and recognized by many congressional statutes and federal agency actions. Critically, we reiterate that Tribal issues and Tribal programs are separate and distinct from DEIA and EJ issues -- as portrayed and implemented by the Administration in this entire effort. It is more complex than that, as broad sweeps and flash cuts create confusion and risk. It is also because of this complexity that we wish to engage in a dialogue on the standing of Tribal Nations, their citizens, and communities.

President Trump's first Administration recognized the important status of Tribal Nations and saw Indian Country as a strong partner, especially during the pandemic when the Administration supported local government control and access for Tribal Nations to set-asides that directly

addressed Tribal needs. This recognition and relationship paved the way for Tribal Nations and the federal government to partner on additional reforms that met shared goals.

In recognition of the trust responsibility and the unique status of Tribal Nations as governmental sovereigns, we request that the Administration ensure that, as Executive Orders are considered and implemented, funding to and programs for Tribal Nations, their citizens, and their communities from across the federal departments and agencies are neither paused nor otherwise negatively affected. By virtually all key indicators of healthy communities in America, Tribal Nations and their citizens still lag far behind the nation as a whole.

Federal funding programs and regulatory mechanisms that deliver services and facilitate the sovereignty and self-determination of Tribal Nations are created by federal laws and policies that reinforce the obligation of the federal government to fulfill its trust and treaty responsibility to help and support Tribal Nations, their citizens and communities, and their institutions.

Any misclassification of Tribal programs – programs that are designed to fulfill the United States' political trust and treaty obligations – as DEIA and EJ initiatives would severely undermine the trust relationship and have a terrible and wide-ranging negative impact on Tribal communities. This would reverse the progress of the federal-tribal trust relationship over the past 57-year history of the Self-Determination and Self-Governance eras of federal Indian law and policy.

Again, we urge the Administration not to include, pause, or negatively impact Tribal funding or programs as it implements the Executive Orders in recognition of our distinct political status and the federal trust and treaty relationship. Further, we urge the Administration to ensure that all agencies continue to engage and consult with Tribal Nations at the government-to-government level to resolve policy and compliance matters.

We also urge the Administration to avoid reporting processes that disproportionately burden local governments such as our Tribal Nations. In the Administration's efforts to reduce the federal workforce, we urge caution in implementing any changes to the federal workforce that would negatively impact the federal government's broad mission and mandate in Indian Country and delivery of its trust and treaty obligations. Finally, we urge the Administration to work with and employ the use of the expert Tribal offices in each agency. These dedicated offices that coordinate agency efforts with Tribal Nations are unique and were created by bi-partisan requests to improve and advance the federal trust relationship with Tribal Nations.

All the Tribal organizations represented here are also resolute on a touchstone: Indian Country is a vital non-discretionary part of the federal government budget. So, we urge this Administration to work towards historic achievements by fully embracing the sovereign status of Tribal Nations to drive unprecedented economic development and prosperity across Indian Country.

The undersigned, and all of our Tribal Nations, are committed to assisting the Administration in furthering our government-to-government relationship and the trust and treaty obligations.

Tribal Nations will continue to strengthen and protect our relationship with the federal government. We look forward to partnering with the Administration and with Congress on mutual policy priorities of deregulation, economic development, self-determination, and tax fairness, among others.

We invite the Administration, its representatives, and Members of Congress to engage with us in finding solutions and strengthening our shared government-to-government and trust relationship. An excellent opportunity exists at our upcoming NCAI Executive Council Winter Session in Washington, D.C. on February 10th to 13th. We would all welcome your presence and engagement at this forum.

Sincerely,

American Indian Higher Education Consortium
Association on American Indian Affairs
Affiliated Tribes of Northwest Indians
California Tribal Chairpersons Association
Great Lakes Inter-Tribal Council
Great Plains Tribal Chairmans Association
Indian Gaming Association
Inter-Tribal Association of Arizona
Midwest Alliance of Sovereign Tribes
Native American Finance Officers Association
National American Indian Court Judges Association
Native American Rights Fund

National Association of Tribal Historic Preservation Officers
Native Forward Scholars Fund
National Congress of American Indians
National Coalition for Urban Indian Health
National Indian Child Welfare Association
National Indian Education Association
National Indian Health Board
Northern Tribal California Chairperson's Association
Self-Governance Communication & Education Tribal Consortium
Southern California Tribal Chairmen's Association
United South and Eastern Tribes