



March 10, 2025

Hon. Russell Vought
 Director, Office of Management & Budget
 The White House
 Washington, D.C. 20503

Dear Director Vought,

Consistent with the President’s longstanding support for tribal self-determination and self-governance, we write to respectfully request that the President’s FY 2026 Budget to Congress include a request that Congress reclassify “contract support costs” and “105(l) leasing costs” as mandatory payments, consistent with two recent Supreme Court decisions finding these payments are required by law.

As you know, the cornerstone of the Nation’s policy with Indian Tribes is the Indian Self-Determination Act. That Act requires the award of certain contracts to Indian Tribes, so that Federal agency trust services are operated by the Tribes themselves, rather than by government agencies (principally the Bureau of Indian Affairs and the Indian Health Service).

The Act mandates both the award of the contracts and the payment of specific sums called “contract support costs.” In *Salazar v. Ramah Navajo Chapter*, 567 U.S. 182 (2012), the Supreme Court ruled that full payment of contract support costs is required by law. In lower court litigation, the courts have ruled that IHS and BIA leasing payments under section 105(l) of the Act are also required by law. And last June the Supreme Court in *Becerra v San Carlos Apache Tribe*, 602 U.S. 222 (2024),

addressed the amount of the contract support cost payments that the Secretary of Health & Human Services is required to pay.

Given the nature of these mandatory payments under the law (as contrasted with discretionary appropriations), the undersigned Tribes and tribal organizations respectfully request that the President's FY 2026 Budget call upon Congress to reclassify these tribal contract payments as "mandatory" payments and remove them from the discretionary appropriations process.

Thank you for your continuing commitment to tribal self-determination and self-governance.

Sincerely,

National Congress of American Indians
National Indian Health Board
National Council of Urban Indian Health
Alaska Native Health Board
Albuquerque Area Indian Health Board
Rocky Mountain Tribal Leaders Council
Northwest Portland Area Indian Health Board
Inter-Tribal Association of Arizona
Coalition of Large Tribes
Cherokee Nation
San Carlos Apache Tribe
Copper River Native Association
Southeast Alaska Regional Health Consortium
Pueblo of Zuni
Fort Defiance Indian Hospital Board
Navajo Nation
Riverside San Bernadino County Indian Health, Inc.
Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Tlingit & Haida Indian Tribes of Alaska
Choctaw Nation of Oklahoma
Tanana Chiefs Conference
United South & Eastern Tribes
Yukon-Kuskokwim Health Corporation
Alaska Native Tribal Health Consortium
Shoshone-Bannock Tribes
Chickasaw Nation
Spirit Lake Tribe
Forest County Potawatomi
Sisseton Wahpeton Oyate

cc: Secretary Doug Burgum
Secretary Robert F. Kennedy, Jr.

