

March 3, 2025

Lori Chavez-DeRemer, Secretary Nominee
Vincent Micone, Acting Secretary of Labor
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210
via email: micone.vincent.n@dol.gov

RE: DOL Treatment of Tribal Nations in Implementation of Administration Priorities

Dear Secretary Nominee Chavez-DeRemer and Acting Secretary Micone:

On behalf of the undersigned organizations serving Tribal Nations and Tribal citizens and communities, we write regarding implementation of the Trump Administration’s Executive Orders and other priorities by the U.S. Department of Labor (DOL). ***We request you meet with us and DOL’s statutorily-created Native American Employment and Training Council (CCed below) as soon as possible*** to discuss implementing the Administration’s priorities in a manner that recognizes Tribal Nations’ sovereign governmental status and upholds the United States’ longstanding trust and treaty obligations and related statutory mandates.

Shared Priorities. President Trump during his first term saw Indian Country as a strong partner, and Tribal Nations are ready to work with the Trump Administration again on shared priorities. Indian Country has long supported a smaller federal bureaucracy with less red tape. We believe in reducing unnecessary regulatory burdens and streamlining federal funding mechanisms, which will help foster Tribal Nations’ locally driven economic development and strengthen our rights of self-determination. We are ready to join forces with the Administration in its pursuit to hold the federal government accountable to the highest standards, as the American people deserve.

Inadvertent Harm to Indian Country. While we look forward to achieving these shared goals, recent actions to implement the Administration’s Executive Orders have impacted Tribal Nations and Native people in ways that are deeply concerning, as Indian Country relies on the federal government to deliver on its trust and treaty obligations in ways that make us uniquely vulnerable. The Administration has set forth several policy priorities—such as doing away with diversity, equity, inclusion, and accessibility (DIEA) and environmental justice (EJ) initiatives, reducing federal fraud and waste, stopping illegal immigration, and modifying the education system. And the Administration has taken a series of actions to implement those policy priorities—such as instituting federal hiring freezes and layoffs, pausing and reallocating federal funds, pausing and cancelling government contracts, detaining and seizing individuals in immigration operations, and removing data from federal websites. We do not believe the Administration intends to target Tribal Nations or our citizens or communities, and indeed each of the Administration’s mandates has acknowledged that ongoing legal requirements are not to be affected. However, we have nonetheless felt collateral impacts—such as abruptly being locked out of our accounts and unable to access our federal funds, losing federal employees we rely upon, cancelled Tribal government contracts, detained Tribal citizens, and unavailable Indian Country data—all because the Trump Administration has not consulted with us to insulate us before it acts.

Tribal Nations and organizations serving Tribal Nations or Tribal communities rely heavily on DOL programs to serve the significant and complex workforce development needs of Indian Country. Most notable are the Workforce Innovation and Opportunity Act (WIOA) Section 166 Indian and Native American Programs, established by Congress to support employment and training activities for American Indians, Alaska Natives, and Native Hawaiians to, as the law states: “(a) develop more fully the academic, occupational, and literacy skills of

such individuals; (b) make such individuals more competitive in the workforce and to equip them with the entrepreneurial skills necessary for successful self-employment; and (c) promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.”

WIOA Section 166 is typically included within consolidated self-sufficiency plans created by Tribal Nations under Public Law 102-477 (commonly known as “477”). The 477 program allows Tribal Nations to consolidate certain federal funding streams each designed to facilitate workforce development and self-sufficiency into a single 477 plan that allows the Tribal Nation to increase efficiency by combining and reallocating the federal funds, tailoring programs and services to meet community needs, and reducing federal administrative burdens that take away from dollars for direct services. It also reduces bureaucratic red tape and increases local control.

Unfortunately, recent and pending Administration actions are impairing DOL’s ability to fulfill its overarching trust and treaty obligations, including as carried out in specific WIOA, PL 477, and other programmatic obligations. For example, the contract for support of DOL’s Native American Employment and Training Council (NAETC) was recently cancelled, which will likely make it impossible for NAETC to conduct its regular meetings with high-ranking DOL officials and key DOL staff to share Indian Country’s needs and priorities. In addition, one staff member of DOL’s Division of Indian and Native American Programs has already been terminated, and the Division is anticipating layoffs of several additional team members in the coming days. These layoffs will greatly hamper DOL’s ability to disburse WIOA and other program funds in a timely fashion to Indian County grantees as well as provide them technical assistance to support their administration of those funds.

Tribal Programs are Unique. Tribal programs and funding are provided on the basis of our unique political status and are legally required by trust and treaty obligations and associated implementing statutes.

Legal Status of Tribal Nations. Tribal Nations are and always have been inherently sovereign governments that have strong political relationships with our Tribal citizens and community members. We govern and police our lands, and we provide governmental services aimed at keeping our communities safe and healthy. Tribal Nations also have political, government-to-government relationships with the United States, and we prepaid with our lands and resources for trust and treaty obligations that are carried out by the federal government in part through a series of federal statutory mandates. The U.S. Constitution singles out Tribal Nations and Native people as unique, and the U.S. Supreme Court has time and again affirmed the principle that United States actions that deliver on trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal communities do not run afoul of the U.S. Constitution’s equal protection requirements.

Scope of Trust and Treaty Obligations. The United States fulfills its legal trust and treaty obligations through a complicated web implemented across the entire federal government. This includes through direct delivery of Tribal programs and services provided by federal agencies and employees to Tribal communities, and through provision of federal funding to Tribal Nations to deliver governmental services to our own communities. Essential services encompass healthcare through the Indian Health Service, law enforcement, land management, and public safety through the Bureau of Indian Affairs, and education through the Bureau of Indian Education, not to mention countless others. Any Tribal program or federal funding delivered to Tribal Nations—including through Urban Indian Organizations and Tribal organizations serving Tribal Nations—is provided in furtherance of the United States’ trust and treaty obligations. The federal employees necessary for the functioning of Tribal programs and the disbursement of funds to Tribal Nations are also part of the trust and treaty obligations. These actions are not discretionary; they are legal obligations rooted in treaties, trust obligations, the U.S. Constitution, and federal statutes.

Positive Clarifications by Other Federal Agencies. We note and appreciate that some federal agencies, including the Departments of Health and Human Services and Interior and the Office of Personnel Management, have taken steps to clarify that implementation of the Administration’s policy priorities should not impact the United States’ delivery on trust and treaty obligations and that such delivery is not race-based. We also understand that some workforce reduction efforts have received suspensions, recognizing both the direct provision of care and federal employees’ significant role in meeting trust and treaty obligations.

Requests. Indian Country programs and funding are provided on the basis of our unique political status and are legally required by trust and treaty obligations and associated implementing statutes. Each of the Administration’s mandates has acknowledged that such ongoing legal requirements and direct services are not to be affected. Therefore, we make the following requests.

- *Engage* with us—*prior* to taking action—to better understand how to implement the Administration’s policy priorities without affecting ongoing legal requirements to Indian Country, as is required by the United States’ duty to consult government-to-government with Tribal Nations on federal actions that may have Tribal implications.
- *Affirmatively state* that programs and funding delivered to Tribal Nations and Tribal citizens and communities are not race-based but are delivered in recognition of our unique political status and in furtherance of the United States’ trust and treaty obligations.
- *Exempt* from any efforts to pause or reduce federal funding all Tribal programs or funding delivered to Tribal Nations, including through Urban Indian Organizations and Tribal organizations serving Tribal Nations.
- *Exempt* from any workforce reductions or hiring freezes all federal employees serving in Tribal offices or whose roles assist in the delivery of services or funding to Tribal Nations or Tribal citizens or communities.

Tribal Nations’ exercise of our sovereignty and the United States’ delivery on its trust and treaty obligations must not become collateral damage in the Administration’s implementation of its priorities.

Thank you for your leadership on these important issues. We invite you to meet with us so that we may work together in partnership to reach mutual understanding and achieve our shared priorities.

Sincerely,

Affiliated Tribes of Northwest Indians
American Indian Higher Education Consortium
Great Lakes Inter-Tribal Council, Inc.
Great Plains Tribal Chairman’s Association, Inc.
Inter Tribal Association of Arizona
Midwest Alliance of Sovereign Tribes
National Center for American Indian Enterprise Development
National Congress of American Indians
National Indian Child Welfare Association
National Indian Education Association
National Indian Health Board
Self-Governance Communication & Education Tribal Consortium
United South and Eastern Tribes Sovereignty Protection Fund

CC: palmer.wayne.d@dol.gov, coley.nathaniel.d@dol.gov, katkins@fgcia.org, lora.chaisson@gmail.com, rounce@choctawnation.com, patricia.hibbeler@cskt.org, r.houle@badriverhwc.com, candace.lowry@doa.nc.gov, hmorales@tlingitandhaida.gov, epahmahmie@cheyenneandrapaho-nsn.gov, apeer@indiancouncil.ne, joseph.quintana@ndnz.org, wintun01@gmail.com, kseven@nezperce.org, dsmith@niyc-alb.org, ceo@texasnativehealth.org, dwaldron@rhodeislandindiancouncil.org, okwauneka@ndwd.org, wiwhitm@alulike.org