



AFFILIATED TRIBES OF NORTHWEST INDIANS

Dedicated to tribal sovereignty and self-determination since 1953

March 11, 2025

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The Honorable Tom Cole
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Re: Executive Order Impacts on Pacific Northwest Tribes

Dear United States Senate and House Leadership Members,

The Affiliated Tribes of Northwest Indians and Northwest Portland Area Indian Health Board have grave concerns about the continued disruption and confusion that recent Executive Orders and other Administrative actions have inflicted on Pacific Northwest Tribes (PNW Tribes) and their citizens. Collectively, our organizations represent fifty-seven (57) federally-recognized Tribes.

Pacific Northwest Tribes insist that ***The U.S. Government lives up to its Trust and Treaty responsibilities and honor the government-to-government relationship*** and engage in Tribal consultation between Tribal Nations and the United States. Broadly, Pacific Northwest Tribes request that ***Congress exempt all programs that support Indian Tribes from all Executive Orders that impact delivery of funds and services to Indian Tribes.***



Tribal Sovereignty and the Trust Responsibility

Indian Tribes possess inherent sovereignty and have been self-governing long before the United States was established. Indian Tribes are enshrined in the U.S. Constitution and are sovereign governments. Justice Neil Gorsuch has written, the U.S. Constitution “reserves for the Tribes a place— an enduring place—in the structure of American life...” and the federal government’s “understanding that Tribes are sovereign.”

The United States has a Trust responsibility to Indian Tribes, a relationship grounded in the U.S. Constitution, Treaties, Executive Orders, Supreme Court cases, and other federal laws. Fundamental to the Trust responsibility and Treaty obligations is the ***United States’ agreement to protect Indian lands and resources, and to provide essential services to Indian Tribes and their citizens.*** It is a legal, fiduciary and moral obligation of the United States as described in numerous U.S. Supreme Court decisions.¹

Indian Tribes are an integral part of "American life" and contribute to the national, state and local economies. PNW Tribes are often the largest employers in their counties. They not only provide jobs for their citizens, but for their non-Indian neighbors. PNW Tribes are the most proficient habitat managers, providers of salmon, and protect forests and communities from wildfires. PNW Tribes are often the only health care provider in their region and many Tribes have extended health care to non-Indian patients in the surrounding communities.

Concerning Administration Actions

The federal government fulfills its Trust and Treaty responsibility to Indian Tribes through its departments, bureaus, agencies, operating divisions, and other offices. Federal Departments and agencies like the Department of Interior’s Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE), and Department of Health and Human Service’s Indian Health Service (IHS) are mandated with fulfilling the Trust and Treaty obligations to Indian Tribes. Any reduction in federal workforce, funding freezes, or termination office leases through Administrative actions violates the U.S. Government’s responsibility to Indian Tribes.

1. Workforce Reductions & Government Efficiency

Recent Administrative actions² have created chaos and instability for Indian Tribes and their citizens. Full staffing is required for optimal functioning of federal programs that provide funding and services to Tribal Nations. Drastic cuts of federal employees and/or limitations on their travel will have a direct impact on federal participation in time-sensitive Treaty Tribal/state/federal negotiations, and result in a dearth of long-standing relationships and

¹ See *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831); *Worcester v. Georgia*, 31 U.S. 515 (1832); *Seminole Nation v. United States*, 316 U.S. 286 (1942); *United States v. Jicarilla Apache Nation*, 564 U.S. 162 (2011).

² Memorandum dated Jan. 20, 2025, *Hiring Freeze*, 90 Fed. Reg. 8247 (Jan. 28, 2025); Exec. Order No. 14171, *Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce*, 90 Fed. Reg. 8625 (Jan. 31, 2025); Exec. Order No. 14170, *Reforming the Federal Hiring Process and Restoring Merit to Government Service*, 90 Fed. Reg. 8621 (Jan. 30, 2025); Exec. Order No. 14158, *Establishing and Implementing the President’s Department of Government Efficiency*, 90 Fed. Reg. 8441 (Jan. 29, 2025); Exec. Order No. 14210, *Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative*, 90 Fed. Reg. 9669 (Feb. 14, 2025); Exec. Order No. 14211, *One Voice for America’s Foreign Relations*, 90 Fed. Reg. 9831 (Feb. 18, 2025).



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institutional knowledge.

Reduction in Workforce. Executive Order 14210³ directs federal agencies to promptly undertake preparations to initiate large-scale reductions in force (RIFs) by 30% to 40%. Tribal leaders are concerned that the essential agencies like the BIA, BIE, and IHS are not exempted from any RIFs.⁴ In 2023, the BIA reported just 3,740 FTEs, down from 6,976 in 2020;⁵ in 2024, IHS reported a 30% agency-wide vacancy rate. On Friday evening, March 7, 2025, **HHS employees were sent an email that offered them a \$25,000 incentive payment to retire early.** These RIFs will compound the historically understaffed and high vacancy rates at BIA and IHS. Any further reduction of federal staff will severely undermine the operations that provide essential support and services to Indian Tribes.

Hiring Freeze. The BIA, BIE and IHS are already struggling with the Administration's hiring freeze. Hiring freezes to either of these agencies diminishes services to Indian Tribes and their citizens. For example, federally operated IHS clinics are restricted to hiring only physicians and nurses. There are many other positions within a clinic that are important to patient safety. For example, an Idaho Tribe has been unable to hire a janitor for their clinic, which is an essential position for any facility where clean and sanitary conditions are mandated.

Other Workforce Reduction Actions. Other actions mandated by the Administration like termination of probationary workers, deferred resignations/ retirements, and other reductions in workforce will cripple essential systems that provide services and funding to Indian Tribes.

2. Funding Freeze

DOI has acknowledged that the recent Executive Orders⁶ do not affect its "statutory authorities, treaty, and/or trust obligations ... and its Bureaus/Offices to Tribal Nations"; or HHS's legal obligations to "provide healthcare for Indian Tribes and their citizens or the government-to-government relationship that underlies those obligations, which are distinct from the DEI programs targeted in the executive orders."⁷

Indian Tribes receive a significant portion of funding from other federal departments to improve their Tribal health and social services, to protect their lands, fish, wildlife, and other natural resources and to grow their economies. Several funding sources including grants and

³ Exec. Order No. 14210, *Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative*, 90 Fed. Reg. 9669 (Feb. 14, 2025).

⁴ IHS layoffs of probationary employees were verbally recently rescinded by the HHS Secretary. Levi Rickert, *Indian Health Service Layoffs Rescinded*, Native News Online, February 16, 2025, <https://nativenewsonline.net/health/indian-health-service-layoffs-rescinded>.

⁵ U.S. Department of Interior, Bureau of Indian Affairs. *Bureau Highlights 2020*. BH-85. https://www.doi.gov/sites/doi.gov/files/uploads/fy2020_bib_bh085.pdf, accessed March 10, 2025.; U.S. Department of Interior, Bureau of Indian Affairs. *Bureau Highlights 2024*. <https://www.doi.gov/sites/doi.gov/files/fy2024-bib-bia-508.pdf>, accessed March 10, 2025.

⁶ Exec. Order No. 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, 90 Fed. Reg. 8339 (Jan. 29, 2025); Exec. Order No. 14168, *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, 90 Fed. Reg. 8615 (Jan. 30, 2025); Exec. Order No. 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity Executive Order*, 90 Fed. Reg. 8633 (Jan. 31, 2025).

⁷ Department of the Interior (DOI), Order No. 3416, *Ending DEI Programs and Gender Ideology Extremism*, § 6(d) (Jan. 30, 2025); Department of Health and Human Services, Advisory Opinion 25-1 on the Application of DEI Executive Orders to the Department's Legal Obligations to Indian Tribes and Their Citizens (Feb 25, 2025).



cooperative agreements are now frozen⁸. Below are just a couple of examples of critical funding sources for Tribes that are under threat.

At least fifteen (15) Pacific Northwest Tribes (PNW Tribes) reported that their Inflation Reduction Act (IRA) funding awards allocated for essential infrastructure have been withheld. IRA funds are critical to the maintenance and modernization of antiquated hatchery systems that provide harvest opportunities for Pacific salmon and steelhead fisheries. These funds are intended to support the Tribe's economy and economic development related to the fish they have harvested since time immemorial.

PNW Tribes are deeply concerned about any proposed funding freezes on non-Tribal funding sources that directly benefit Tribal citizens. These programs are related to health and social service programs. Of top concern are programs that provide employment, training, education, mental health services, substance use treatment, childcare, housing, residential utilities, emergency assistance, veteran services, and other programs that support cost-of-living expenses such as groceries, insurance, and other bills.

3. Termination of GSA Leases

BIA building leases were recently terminated at three PNW Tribes and BIA employees are being forced to work at home. Requiring these employees to fully telework will diminish productivity due to lack of appropriate systems, physical documentation and files, and equipment. Tribes are particularly concerned about their continued ability to access Trust records, which, in many cases, federal law requires to be stored and maintained under special conditions.

4. Tariffs

New tariffs mandated through Executive Orders are directly impacting Indian Tribes and their economic well-being. They are costly to PNW Tribes that have broken ground on construction and infrastructure projects. For example, several PNW Tribes received funding to build clinics. Newly imposed tariffs will impose a 20% - 50% increase in construction costs, and Tribes are unable to back-fill the overage. The shortfall in funding will delay construction and specialty services to Tribal citizens in the Pacific Northwest.

Tariffs are decreasing the international market prices for seafood, which has a direct impact on both commercial Tribal enterprises and small business entrepreneurs. Tribal fishermen and divers that rely on that income will not be able to support their families.

Impacts on Pacific Northwest Tribes

Services. Any additional loss of civil servants in federal offices impacts the continuity of services to Tribes and Tribal citizens. BIA, BIE, and IHS are already experiencing chronic staffing shortages. These personnel work at all levels to ensure that the agencies carry out all the programs, functions, activities and services that they are obligated to provide Tribes. Many essential governmental programs are already running with a lean workforce, and further diminishment will have dire consequences on Tribal communities.

⁸ See, e.g., Exec. Order No. 14154, *Unleashing American Energy*, 90 Fed. Reg. 8353, (Jan. 29, 2025).



Healthcare. Healthcare is being impacted by the instability and uncertainty of government positions. For example, a Washington Tribe just broke ground on a new clinic which is expected to be completed by October 2025. This Tribe has entered into a joint-venture with IHS, where the Tribe agreed to build the facility and IHS will hire and provide most of the funding to staff the clinic operations. This Tribe has initiated the process to contract these IHS positions under the Indian Self-Determination and Education Assistance Act (ISDEAA)⁹ but is also concerned that potential RIFs and other Administrative personnel actions may render the functions the Tribe seeks to contract worthless in the interim.

Another Washington Tribe broke ground on a 16-bed behavior and mental health crisis center. The crisis center will use existing IHS funding and Medicaid reimbursements to pay for operations. Both Tribes are deeply concerned that any proposed Medicaid/ Medicare reimbursement reductions being proposed in the budget reconciliation process. These facilities are significant investments for these Tribes, and they may be unable to operate these facilities and provide needed health care services to their citizens.

Economic Stability. At every BIA, BIE and IHS facility located on Tribal lands, key personnel serve in positions that support the Tribes' economic development. For example, a Washington Tribe had a challenging time filling an important Forestry program position related to timber sales. Because of these vacancies, the Tribe may be unable to continue timber sale operations, which provide revenue to support the Tribal government. This revenue supports critical functions, such as law enforcement, assistance programs for Tribal elders, and education.

Tribal Self Governance. Another concern is the loss of staffing that support ISDEAA Tribal Self-Governance programs (Self-Governance). These programs ensure that annual funding agreement negotiations (including contract support costs) occur between these agencies and Tribal Nations. Key staff ensure that funding is distributed to Tribes to support health care, public safety, and natural resources for their citizens and communities. Additionally, many Indian Tribes are in the process of contracting federal positions under Self-Governance and they require time to complete the process to make the transition.

Natural Resource Management. Natural Resources are often the Tribes' largest budgets. Indian Tribes have always managed the watersheds of the region, and depend on harvesting fish, wildlife, and other natural resources for their cultural needs. Fishing enterprises are a key revenue source for PNW Tribes and Tribal citizens. Thousands of Tribal fishers depend on the efficacy and viability of healthy and stable fisheries. Several PNW Tribes have been awarded IRA funds but have not been able to access those awards. One Washington Tribe will not be able to re-plumb its hatchery, leading to an estimated 30% drop in their fishing harvest. Another Tribe cannot replace a 70-year-old fishery lab that is annually flooded. And yet another Washington Tribe reported that they lack the funds to support wildfire abatement. Wildfire season is nearly upon us, and wildfires have no boundaries. Wildfires affect the health and safety of Tribal and local citizens, threaten community facilities and infrastructure, and diminishes the rich forest resources.

Tribal Citizen Families. Many civil servants are also Tribal citizens who live and work in their own Tribal communities. Any federal workforce reduction orders that impact their job or create

⁹ 25 U.S.C. § 450 et seq.



instability for them or their families will have a ripple effect throughout Tribal economies. These citizens will require support from their Tribal Nations if they lose their jobs. However, many of these support programs that are funded with federal dollars, like Temporary Assistance for Needy Families (TANF), Low Income Home Energy Assistance Program (LIHEAP), and elders' programs, are at risk.

Realty Services. Without functional and physical BIA offices, property transactions will be further delayed. These offices are already operating at diminished capacity, and any workforce reductions that impact staff in these offices will result in negative economic impacts to both Tribal governments and individual Tribal landowners. These offices assist with property transactions like rights-of-way for commercial entities or projects. For example, a non-tribal forestry enterprise would be unable to access timber because they must cross a reservation to access timberlands. These reductions will severely impact the regional Tribal economy.

Public Safety. In addition to the issues mentioned above, staffing shortages are a public safety concern for Tribal citizens. It not only impacts the programs and services provided to them, but reduced staffing in public safety lessens the Tribe's ability to protect the health and safety of its citizens across their Tribal lands. Tribes have expressed concerns in recruiting and retaining their law enforcement officers and staff.

Funding deficits further threaten the safety of Tribal citizens. One Idaho Tribe reported that their IRA funds were going to be used to replace wood-burning stoves in over 600 Tribal elders homes. These elders are a vulnerable population often living in poverty. These stoves are essential to their health and wellbeing.

Tribal Engagement. Federal agency Tribal liaisons are critical to carrying out the government-to-government relationship. Many of them are leaving the federal government with the workforce reduction orders. Those that remain in their positions are performing the duties of multiple staff, and/ or placed on travel freezes. Additionally, Tribal committees like DOI's Secretary's Tribal Advisory Committee (STAC) have been disbanded or reduced. Tribal advisory committee meetings have been cancelled or postponed and few to no Tribal consultations have been scheduled. Tribes do not have access to the number and level of federal staff to carry out essential functions.

Recommendations

First and foremost, Pacific Northwest Tribes insist that ***the U.S. Government honor the government-to-government relationship, uphold the Trust responsibility and Treaty obligations to Indian Tribes***, and conduct meaningful Tribal consultation.

Second, Pacific Northwest Tribes request that ***Congress exempt all Tribes and American Indian programs*** at the Department of the Interior and the Department of Health and Human Services, including any program compacted or contracted these programs under ISDEAA, ***from any and all Executive Orders that impact federal workforce reductions, funding freezes, or other actions of the Department of Government Efficiency that affect delivery of funds and services to Indian Tribes***. This would include, but not be limited to, programs under the umbrella of the BIA, BIE and IHS. We request that this exemption be included in the FY 2025 spending bill or the first available legislative vehicle.



Third, Pacific Northwest Tribes urgently request that ***Congress similarly include bill language that will allow Tribes to contract or compact BIA, IHS, and BIE programs, functions, services or activities*** at funding levels that existed as of September 30, 2024. This will ensure that any intervening RIFs or Executive branch personnel actions do not have the effect of gutting those functions and rendering them useless for Tribes to contract or compact under ISDEAA.

Broadly, Pacific Northwest Tribes request that ***Congress exempt all programs that support Indian Tribes from any and all Executive Orders that impact federal workforce reductions, funding freezes, or other actions of the federal government that affect delivery of funds and services to Indian Tribes.***

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard Forsman".

Chairman Leonard Forsman, The Suquamish Tribe
President, Affiliated Tribes of Northwest Indians

A handwritten signature in black ink, appearing to read "Aaron Hines".

Chairman Aaron Hines, Northwest Portland Area Indian Health Board

About Affiliated Tribes of Northwest Indians

ATNI was founded in 1953 and is dedicated to the protection and advancement of Tribal sovereignty and self-determination. ATNI is a nonprofit organization that serves 57 Tribal nations in the greater Northwest that includes Tribes in Oregon, Idaho, Washington, Alaska, California, and Montana. For more than 70 years, the member Tribes of ATNI have provided regional leadership and advocacy for Northwest Tribal interests.

About Northwest Portland Area Indian Health Board

Established in 1972, the NPAIHB is a Tribal organization formed under the Indian Self-Determination and Education Assistance Act (ISDEAA), P.L. 93-638, which advocates on behalf of the 43 federally-recognized Indian Tribes in Idaho, Oregon, and Washington on specific health care issues.