



June 17, 2025

The Honorable Howard Lutnick
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230
via email: docexecsec@doc.gov Jeremy.pelter@doc.gov

RE: Commerce Treatment of Tribal Nations in Implementing Administration Priorities

Dear Secretary Lutnick:

On behalf of the undersigned organizations serving Tribal Nations and Tribal citizens and communities, we write to congratulate you on your confirmation as Secretary of the U.S. Department of Commerce (DOC) and to discuss DOC's implementation of the Administration's priorities. ***We request a meeting with you as soon as possible*** to further discuss implementing the Administration's priorities in a manner that recognizes Tribal Nations' sovereign governmental status and the United States' longstanding trust and treaty obligations.

Collaborate on Shared DOC Priorities. As DOC works to advance the Administration's priorities and strengthen its relationships with Tribal Nations, we offer the following points for consideration.

Strengthen the Office of Native American Business Development (ONABD)

ONABD Obligations and Authorities. One of the key actions taken by DOC during President Trump's first term was to appoint a Director to the Office of Native American Business Development (ONABD). Congress authorized the ONABD in the Native American Business Development, Trade Promotion and Tourism Act (Public Law 106-464), sponsored by then-Senator Ben Nighthorse Campbell (R-CO), to begin operations in 2001. Subsequently, Senator John Hoeven (R-ND) sponsored legislation to strengthen the ONABD in the Indian Community Economic Enhancement Act (Public Law 116-261). These two Acts authorized the ONABD to advise and assist the Secretary of Commerce in ensuring that Tribal Nations' distinct political and legal status is understood and addressed by top-level DOC policymakers.

Pursuant to Section 3 of Public Law 106-464, the ONABD must fulfill numerous duties, including: (1) ensure coordination of federal programs that provide financial and technical assistance to Tribal Nations and Tribal citizens for increased business, expansion of trade, and economic development on Tribal lands; (2) coordinate federal programs relating to Tribal economic development, including any such program of DOC, the Department of the Interior (DOI), the Department of Labor, and the Small Business Administration (SBA); and (3) ensure an accountable process for meaningful and timely coordination, assistance, and consultation with Tribal Nations regarding the policies, programs, assistance, and activities of DOC's offices and bureaus. In carrying out

these statutorily prescribed duties, the Secretary shall prioritize activities that: “(A) provide the greatest degree of economic benefits to Indians; and (B) foster long-term stable economies of Indian Tribes.” Section 4 of Public Law 106-464 also requires the Secretary to carry out a Native American export and trade promotion program designed to develop Tribal economies and stimulate the demand for Tribal goods and services that are available from Tribal Nations, Tribal enterprises, and Tribal citizen-owned businesses. Section 5 of the same Act requires the Secretary to conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Tribal Nations on a Tribal, inter-Tribal, or regional basis. The ONABD is also statutorily mandated to ensure coordination of DOC programs and those of other departments that provide financial and technical assistance to Tribal Nations and Tribal citizens for increased business and expansion of trade and economic development on Tribal lands. Just as the ONABD bears statutory responsibility to ensure that DOC coordinates with DOI on tourism promotion, so too is DOI required by the Native American Tourism and Improving Visitor Experience (NATIVE) Act (Public Law 114-211) to coordinate with DOC.

The ONABD can and should become as essential to DOC as are the Department of the Treasury’s Office of Tribal and Native Affairs, DOI’s Office of Indian Affairs, the Department of Transportation’s Office of Tribal Affairs, the Department of Energy’s Office of Indian Policy and Programs, the Department of Agriculture’s Office of Tribal Relations, and SBA’s Office of Native American Affairs.

Appoint Experienced ONABD Director. As the Secretary, acting through the ONABD Director, must fulfill all of these important duties, it is critical to appoint an ONABD Director who is knowledgeable, experienced, and competent in implementing Tribal economic and business development policies and delivery of assistance. The ONABD must be empowered through strong leadership to assist Tribal Nations in navigating and benefiting from DOC’s various component offices and bureaus responsible for domestic and international commerce, export and import activities, tourism, telecommunications, oceans, and fisheries.

Fully Fund ONABD. The priorities of the second Trump term—in addition to DOC’s legal requirement to fulfill its trust and treaty obligations to Tribal Nations—make a functioning, robust ONABD all the more important. Heretofore, the ONABD Director has worked solo, with no staff and limited funding, often subjugated to the Minority Business Development Agency (MBDA). Given that President Trump’s Fiscal Year 2026 Discretionary Budget Request proposes to eliminate the MBDA, the independently authorized ONABD must be fully funded at its authorized level of \$2 million and act promptly to fulfill the Secretary’s duties to Tribal Nations and our citizens and communities, as prescribed in Public Laws 106-464 and 116-261.

Support and Fund NOAA

We are equally concerned about real and proposed funding and staffing cuts to the National Oceanic and Atmospheric Administration (NOAA). These cuts would jeopardize the agency’s ability to support Tribal Nations in: (1) assessing, managing, and protecting Tribal fisheries and habitats vitally important to our subsistence and cultural lifeways; and (2) upholding Tribal fishing rights recognized and protected by treaties and/or established through Tribal Nations’ inherent

sovereign rights. The protection and management of coastal and marine ecosystems and resources, including vegetation, fish, marine wildlife, and habitats, has been crucial to Tribal Nations' cultural continuity and community health. Tribal Nations utilize NOAA resources for critical projects such as restoring fish passage and habitat for endangered and culturally significant species, improving fisheries resilience, conducting research to support species recovery efforts, and collaborating with NOAA to ensure endangered and culturally significant species are protected in federal policy and project development and implementation. Cuts to NOAA will also impede the agency's ability to uphold its trust and treaty obligations, which require close coordination and consultation with Tribal Nations and meeting the federal government's responsibility to protect and preserve our shared resources.

Ensure Continued Award of NTIA Broadband Funds to Tribal Nations

The National Telecommunications and Information Administration (NTIA) serves as the President's primary advisor on the nation's use, innovation, and deployment of communications technologies. Two key NTIA-administered programs of importance to Tribal Nations are the Broadband Equity, Access, and Deployment (BEAD) Program and the Tribal Broadband Connectivity (TBC) Program. These programs received initial funding through the Consolidated Appropriations Act of 2021 (Public Law 116-260) and the Infrastructure Investment and Jobs Act (Public Law 117-58). The BEAD Program is operating on a five-year award period, and the TBC Program is operating on a four-year award period under its Second Notice of Funding Opportunity (NOFO).

Though Tribal Nations were not eligible to apply directly for the BEAD Program, state governments were required to consult with Tribal Nations on deployment and planning efforts to ensure Tribal telecommunications priorities were included. Unfortunately, the BEAD Program was recently impacted by the January 27, 2025, federal funding freeze memorandum issued by the Office of Management and Budget (OMB). We urge NTIA to unfreeze and move any remaining funds so state governments can continue broadband deployment, and so that Tribal Nations that were included in BEAD plans can continue efforts to coordinate with states to address the digital divide, interconnection, and affordability issues prevalent on Tribal lands.

The TBC Program was directly available to Tribal Nations, entities, and consortia, and NTIA issued a Second NOFO in March 2024 to award an additional \$980 million for broadband deployment and adoption on Tribal lands. We urge NTIA to ensure that the TBC Program funds awarded under the Second NOFO are not subject to the January 2025 OMB federal funding freeze memorandum or any other funding freeze, reduction, or termination, since these funds are awarded directly to Tribal Nations, entities, and consortia. This is especially important for Tribal Nations, entities, and consortia that did not receive funding under the First NOFO, since they are receiving a base amount for broadband deployment and adoption efforts on Tribal lands.

Preserve Tribal Set-Aside Funding in the Digital Equity Act

President Trump's statement and DOC's actions concerning the Digital Equity Act's purported unconstitutionality overlook the fact that the Infrastructure Investment and Jobs Act (Public Law

117-58) required the NTIA Assistant Secretary to reserve in the Digital Equity Competitive Grant Program a 5% set-aside for Tribal Nations, Alaska Native entities, and Native Hawaiian organizations. Thirty Tribal Colleges and Universities, classified as community libraries, can also access the funding to provide vital connectivity to students and communities. The set-aside represents \$37.5 million of the program's initial \$750 million appropriation, creating a meaningful opportunity for Tribal Nations to narrow the digital divide for our citizens and communities. This critical oversight, as well as the freeze of BEAD Program funds and potential freeze of TBC Program funds, demonstrate why an ONABD Director must be appointed and must work in collaboration with the NTIA Assistant Secretary to ensure these funds are properly awarded and delivered.

Ensure the Decennial Census Properly Counts Indian Country

We urge you to ensure that Tribal Nations and our citizens and communities are not left behind in the administration of the federal government's critical responsibility to conduct the decennial census. The Census Bureau has habitually undercounted American Indian and Alaska Natives (AI/ANs), with stark consequences for Tribal communities. The undercount shortchanges Tribal communities on our share of public services, economic development investment, and political representation. Avoiding an undercount of AI/AN people requires research and thorough testing in different types of AI/AN communities. To support research and testing, the Census Bureau needs modest but steady annual funding increases through the rest of the decade. Delayed and inadequate funding before the 2020 Census forced the Bureau to cancel tests in rural communities and on Tribal lands. Without that testing, the Bureau's post-census check of its work showed net undercounts of 5.64% on Tribal reservations and 2.58% in rural communities. Beyond working to ensure adequate funding and testing in Tribal communities, we urge the reinstatement of the three Census Advisory Committees, which have provided critical guidance on how to safely and accurately collect information about the population, including providing policy and communications input from community stakeholders. We also urge you to preserve the Tribal Relations Program, which has served as an invaluable tool for connecting Tribal Nations and individual Tribal citizens with Census operations in both rural and urban areas—allowing them to become trusted community messengers for the Census and support more robust participation among Tribal communities. Lastly, we request Tribal consultation in 2026 regarding the Census to ensure that Tribal Nations can be strong partners in the strategic implementation of the 2030 Census.

Ensure Postal Delivery to Tribal Nations and Tribal Citizens and Communities

We have heard reports of the Administration's intention to subject the U.S. Postal Service (USPS) to DOC authority, and thus we write to you regarding USPS proprieties. USPS plays a vital role in many rural, remote communities, including Tribal communities. Reports of the Administration's interest in privatizing USPS raise concerns that access to mail services in Tribal communities, already lacking in many areas, will be reduced even further. Even now, many Tribal reservation homes have not been assigned postal addresses, so USPS cannot deliver to them. And there are relatively few Post Offices in Tribal communities, often operating at reduced hours. Still, under its universal service obligation, USPS is legally required to deliver mail to all postal

addresses in all regions, at a flat rate, no matter how far they may have to travel. Private parcel carriers are not subject to these guarantees. Mail service, especially in remote communities, helps small businesses get their products to market and delivers to patients needed, even life-saving, medications. Mail service is also essential for Social Security payments, enrollment in public benefit programs like Medicaid, and political participation. We urge you to consult with Tribal Nations before any changes are made to USPS that could reduce services or affordability for Tribal Nations and our citizens and communities.

Reduce Inadvertent Harm to Indian Country. While we look forward to achieving these and other shared goals, recent actions to implement the Administration’s Executive Orders have impacted Tribal Nations and Native people in ways that are deeply concerning. Regarding DOC in particular, we are concerned that the Administration’s priority of addressing diversity, equity, inclusion, and accessibility (DEIA) initiatives is affecting government grants and contracts awarded to Tribal Nations and Tribal citizens and organizations. While we do not believe the Administration’s DEIA and other policy priorities intend to target Tribal Nations or Tribal citizens and Tribal communities, implementation of these priorities is detrimentally affecting us. This harm is contrary to President Trump’s work with Indian Country during his first term and his views that small businesses are a critical driver of this country’s economic growth. This is true for companies owned by Tribal Nations that provide much-needed goods and services to various federal agencies, including DOC, DOI, and the Departments of Defense, State, Health and Human Services, Energy, and Agriculture.

As noted, the Administration proposed to eliminate MBDA, even though Congress statutorily authorized MBDA, which President Nixon had previously established in 1971 by Executive Order. With Congressional appropriations, MBDA has funded Business and Specialty Centers, as well as grants to American Indian, Alaska Native, and Native Hawaiian entities. It has done this specifically to provide business and procurement assistance to Tribal Nations, Tribal enterprises, and Tribal citizen-owned companies. For example, the Administration recently terminated the grant to operate the Specialty Export Center—a grant awarded based on merit (not DEIA) to a Native nonprofit organization to provide export assistance to any company (regardless of ownership or type) requesting such export assistance. Many Tribal Nations have relied on MBDA’s contracting assistance, just as we rely on the SBA’s 8(a) Program, for diversified economic development that creates jobs and generates Tribal government revenue to provide our citizens and communities with essential services. The MBDA grants to Native entities to provide business and procurement assistance to Tribal Nations, Tribal enterprises, and Tribal citizen-owned businesses were not “preference” or “race-based,” but rather they constituted a fulfillment of the federal government’s trust and treaty obligations to sovereign Tribal Nations and our citizens and communities.

Recognize the Unique 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 the United States carries out in part through a

series of 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 federal actions that deliver on trust and treaty obligations to Tribal Nations and Tribal citizens and communities do not run afoul of the U.S. Constitution's equal protection requirements.

Understand the Full Scope of Trust and Treaty Obligations. The United States fulfills its trust and treaty obligations through coordinated efforts across the entire federal government. This includes through the direct delivery of Tribal programs and services by federal agencies and the provision of federal funding to Tribal Nations to deliver government services to our own communities. Essential services include healthcare through the Indian Health Service, land management, law enforcement, 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 funding delivered to Tribal Nations—including through Urban Indian Health Programs, Tribal Colleges and Universities, Tribal organizations serving Tribal Nations, and other mechanisms—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. Further, the United States has a duty to consult government-to-government with Tribal Nations on federal actions that may have Tribal implications, including implications on delivery of trust and treaty obligations. These actions are not discretionary; they are legal obligations rooted in treaties, trust obligations, the U.S. Constitution, and long-standing federal statutes.

Follow the Example of Positive Clarifications by Other Federal Agencies. We note and appreciate that some federal agencies—such as the Departments of the Interior, Health and Human Services, Housing and Urban Development, Justice, Education, and Agriculture, and the SBA—have taken steps to clarify that implementation of the Administration's Executive Orders and policy priorities should not impact the United States' delivery on trust and treaty obligations and that such delivery is not race-based. It is also our understanding that some workforce reduction efforts have been suspended in response to Tribal advocacy.

Requests for Immediate Action. 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. The Administration has built carve-outs into its mandates acknowledging that such ongoing legal requirements are not to be affected. Therefore, we make the following requests.

1. **Consultation and Collaboration.** Engage with us—*prior* to taking action—to better understand how our programs fit into the Administration's carve outs, including where within the federal government direct and essential services and funding are being provided to Indian Country and how to implement the Administration's policy priorities without affecting ongoing legal requirements to Indian Country. This type of engagement is in keeping with the United States' duty to consult government-to-government with Tribal Nations on federal actions that may have Tribal implications.
2. **Affirmation of Trust and Treaty Obligations and Political Status.** Explicitly affirm in writing that programs and funding for Tribal Nations and Tribal citizens and communities—including Secretarial duties prescribed by Public Laws 106-464 and 116-261—are delivered

in recognition of our unique political status and in furtherance of the United States' trust and treaty obligations and related statutory mandates.

3. **Exemption from Funding Cuts.** Exempt from any pauses or reductions in funding or services all DOC programs and funding delivered to Tribal Nations, including funding flowing through Urban Indian Health Programs, Tribal Colleges and Universities, Tribal organizations serving Tribal Nations, and other mechanisms.
4. **Workforce Protection.** Exempt from any workforce reductions or hiring freezes all DOC employees serving in Tribal offices or whose roles assist in the delivery of services or funding to Tribal Nations or Tribal citizens and 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 (ATNI)
American Indian Higher Education Consortium (AIHEC)
Great Plains Tribal Chairmen's Association (GPTCA)
Great Plains Tribal Leaders' Health Board (GPTLHB)
Indian Gaming Association (IGA)
Inter Tribal Association of Arizona (ITAA)
National American Indian Housing Council (NAIHC)
National Center for American Indian Enterprise Development (NCAIED)
National Congress of American Indians (NCAI)
National Indian Child Welfare Association (NICWA)
National Indian Education Association (NIEA)
National Indigenous Women's Resource Center (NIWRC)
Seattle Indian Health Board (SIHB)
United South & Eastern Tribes Sovereignty Protection Fund (USET SPF)