



June 27, 2025

The Honorable Sean Duffy
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590
via email: secretaryduffy@dot.gov

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

Dear Secretary Duffy:

On behalf of the undersigned Tribal organization members of the Coalition for Tribal Sovereignty (CTS), consisting of more than 35 tribal organizations serving Tribal Nations and Tribal citizens and communities,¹ we write to congratulate you on being confirmed as Secretary of the U.S. Department of Transportation (DOT) and to discuss DOT's implementation of the Administration's policy priorities. ***We request a meeting with you as soon as possible*** to discuss working together to implement shared goals in a manner that recognizes the sovereign governmental status of Tribal Nations and the United States' longstanding trust and treaty obligations.

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. We offer the following items for further exploration and discussion.

Opportunities to Empower Local Control Through Block Grants

We support funding mechanisms that place funding directly into Tribal Nations' hands with maximum flexibility and minimum wasted resources on burdensome application and reporting requirements. This Administration has actively sought out mechanisms to return control to local governments and to reduce bureaucratic red tape in the process. In many cases, the federal government—including DOT—utilizes block grant funding to states and sometimes Tribal Nations to achieve this end. All too often, however, federal block grant programs do not include local Tribal governments in their implementation, or they force Tribal Nations to work with states to access block grant funding. Finding opportunities to more directly include Tribal Nation governments as block grant funding recipients would improve efficiency and increase the return on federal tax dollars, all while empowering

¹ A CTS briefing paper on the formation and messaging of CTS can be found [here](#), and more information about CTS can be found on our website [here](#).

local Tribal governments to construct, improve, and maintain transportation facilities that are used by Tribal citizens and non-tribal citizens alike.

Opportunities to Expand Self-Governance

This Administration appreciates that programs and services are most effective when implemented at the local level directly by and for the target communities. Self-governance authority has been an important mechanism that puts federal funding into Indian Country's hands so that we may run federal programs more efficiently and effectively to serve our own communities. The Trump Administration, during its first term, successfully finalized a rule implementing the Tribal Transportation Self-Governance Program, which essentially expanded self-governance authority to DOT. This Administration can build on its past successes by opening more DOT programs to self-governance authority. For instance, this Administration could pursue the necessary changes to allow Tribal Nations to compact or contract for grants and programs related to airport maintenance and operations (under the Federal Aviation Administration Airport Improvement Program), aviation workforce training and certification programs, and unmanned Aircraft Systems (drones) for public safety, environment, and infrastructure.

Opportunities to Continue Strengthening Local Economies and Infrastructure

The economy and wellbeing of Indian Country are dependent upon transportation infrastructure. Without safe and well-maintained roads and bridges and adequate public transportation, Tribal Nations are unable to provide essential services to our Tribal citizens, non-Tribal community members, and the community as a whole. Many Tribal Nations currently rely on federal funding from DOT to put into place the infrastructure needed to promote public safety, economic development, and community wellbeing. Even temporary interruptions to key DOT funding streams—such as funding for infrastructure improvements and maintenance—can be devastating to the economic stability and overall health and safety of Tribal communities. We encourage Tribal consultation on DOT funding streams so that the Administration can collaborate with local Tribal communities to find workable solutions.

Inadvertent Harm to Indian Country. While we look forward to working together on 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, as Indian Country relies on the federal government to deliver on its trust and treaty obligations. The Administration has set forth several policy priorities—such as eliminating diversity, equity, inclusion, and accessibility (DIEA) and environmental justice (EJ) initiatives, reducing federal fraud and waste, and modifying the education system. We do not believe the Administration intends to target Tribal Nations or our citizens or communities. However, we have nonetheless felt collateral impacts—such as abruptly being locked out of our accounts and unable to access the federal funds on which we rely, losing federal employees who have years of experience and deep relationships with Tribal communities, and receiving cancellation notices for Tribal government contracts and grants with little or no explanation—all because the Trump Administration has not consulted with Tribal Nations to insulate us before it acts. As the Administration implements its policy priorities, it has already realized a need for certain carve outs from its broader policy mandates, such as for direct services to individuals, essential programs, law enforcement and public safety programs, and activities implementing legal requirements. Tribal programs fall into these carve outs.

Tribal Programs are Unique. Tribal programs, including services 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. Further, many of these programs provide essential direct services to the rural communities who rely on them, including services related to law enforcement and public safety. Tribal programs are not like other federal programs.

Legal Foundations of Tribal Sovereignty, Trust and Treaty Obligations, and Political Status. 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.

Delivery of Trust and Treaty Obligations is Complex and Diffuse Throughout the Federal Government. The way the United States delivers on its trust and treaty obligations to Indian Country makes us uniquely vulnerable to abrupt changes, especially when we are not able to first assist the federal government in identifying how its actions may affect the programs we rely upon. Essential services provided by the federal government to Indian Country include healthcare through the Indian Health Service, law enforcement, land management, and public safety through the Bureau of Indian Affairs, education through the Bureau of Indian Education, and many other services we rely on and have a legal right to receive. Programs providing these essential services to Indian Country are spread across the federal agencies and their respective offices and bureaus, and the methods of delivery vary. Sometimes, the federal government provides direct delivery of programs and services to Tribal Nations and Tribal communities, and sometimes Tribal Nations are able to use federal funding to deliver governmental services to our own communities. In some circumstances, federal programs or funding are specific to Indian Country, and sometimes Indian Country has had to fill gaps in funding deficits for essential services by securing federal funding made more widely available to other entities. The federal government's diffused delivery on its trust and treaty obligations to Indian Country means it can be hard to identify how changes to existing programs will harm us.

Scope of Trust and Treaty Obligations that Must be Protected. Any Tribal program or federal funding delivered to Tribal Nations—including through 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. These actions are not discretionary; they are legal obligations rooted in treaties, trust obligations, the U.S. Constitution, and federal statutes. As an executive agency, DOT has a responsibility to work with Tribal Nation governments in a manner that respects its trust and treaty obligations by supporting and ensuring the protection of Tribal interests, lands, and resources.

Positive Clarifications by Other Federal Agencies. We note and appreciate that federal agencies, including the Small Business Administration and the Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Interior, and Justice, have taken steps to recognize that the Administration's mandates do not apply to Tribal programs. These agencies have issued written guidance or statements recognizing 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.

Requests. As the Administration implements its policy priorities, it has already realized a need for certain carve outs from its broader policy mandates, such as for direct services to individuals, essential programs, law enforcement and public safety programs, and activities implementing legal requirements. 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. Thus, we fit into these carve-outs, and we make the following requests of the Administration.

- 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 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.
- Affirmatively state that programs, including services and funding, delivered to Tribal Nations and Tribal citizens and communities are delivered in recognition of our unique political status and in furtherance of the United States' trust and treaty obligations and related statutory mandates that implement those obligations.
- Exempt from any efforts to pause or reduce federal funding all Tribal programs and funding delivered to Tribal Nations, including through Tribal organizations serving Tribal Nations and other mechanisms.
- 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, Tribal citizens, or Tribal 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)
Indian Gaming Association (IGA)
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)
Rocky Mountain Tribal Leaders Council (RMTLC)
Self-Governance Communication & Education Tribal Consortium (SGCETC)
United South & Eastern Tribes Sovereignty Protection Fund (USET SPF)

CC:

James Crawford
Milo Booth