



Policy Statement *CTS-2026-001*

Calling on the United States to Uphold Its Obligations to Engage in Government-to-Government Consultation with Tribal Nations

The following policy statement, made by the Coalition for Tribal Sovereignty (CTS), is offered in direct response to the United States' Office of Management and Budget (OMB) memorandum titled, *Streamlining Review of Deregulatory Actions*, which states federal deregulatory actions do not require government-to-government consultation with Tribal Nations.

Tribal Nations have a unique political and legal relationship with the United States rooted in our inherent sovereignty, our government-to-government relationships with the United States, and the trust and treaty obligations owed to us and our people—a fact recognized in the U.S. Constitution, in hundreds of U.S. treaties with Tribal Nations, and in innumerable federal laws and policies.

The United States Supreme Court has consistently recognized and upheld the distinct legal and political status of Tribal Nations and Native people.

The unique government-to-government relationship between the United States and Tribal Nations is strongest when there is consistent and meaningful government-to-government dialogue, including through formal Tribal consultation.

Government-to-government consultation between the United States and Tribal Nations should not be understood as discretionary nor delegable. It is an essential mechanism for continued dialogue between sovereigns, and it is a legal requirement.



Government-to-government consultation between the United States and Tribal Nations *must* take place *every* time the federal government is contemplating taking action that *may* impact Tribal Nations or Native people, including but not limited to: the creation of new regulations; the modification of existing regulations; *and* the repealing or removal of existing regulations (i.e. deregulation).

In response to the OMB memorandum, we note that deregulatory actions—including removal as well as streamlining of regulations—have the potential to affect Tribal Nations and Native people who rely on or must operate under those regulations. The removal of existing regulations upon which Tribal Nations and Native people rely impacts us no less than the creation of new regulations focusing on Tribal Nations and Native people. This is especially true when those regulations create processes for delivery on trust or treaty obligations or place parameters on Tribal Nations’ exercise of inherent sovereign rights or authorities. Thus, government-to-government consultation should take place any time the federal government is considering taking action to remove or streamline regulations, in addition to when the federal government is contemplating creating new regulations or undertaking any other action that may affect us.

Government-to-government consultation between the United States and Tribal Nations is foundationally critical to ensuring a healthy and productive relationship between our governments. It is beneficial for producing meaningful policy decisions in an efficient manner that more fully take into consideration policy impacts before they occur, and it is of paramount importance to protecting the rights and interests of our Tribal Nations, citizens, and communities.