



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

July 24, 2023

Dear Tribal Leader,

The White House Council on Native American Affairs (WHCNA) seeks your guidance and recommendations through Tribal consultation on further efforts the Federal government could take to protect Tribal treaty rights, reserved rights, and similar rights. The Tribal consultation will be held on Thursday, August 24, 2023. You can register [here](#).

The Biden-Harris Administration formed a Climate Change, Tribal Homelands, and Treaties Committee within the WHCNA. The committee is comprised of over a dozen federal departments and agencies. Part of the committee's work is to promote the protection, awareness, and understanding of Tribal treaty rights across the federal government. So far, this work has included:

- the heads of 17 federal departments and agencies signing the [Memorandum of Understanding \(MOU\) Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights](#) (announced Nov. 2021);
- developing the [Tribal Treaty Database](#) -- a dynamic, searchable public tool to assist in the research of tribal treaties that is currently in its public beta version with new additions being added (announced Nov. 2021);
- conducting a speaker series with federal Indian law experts open to all federal staff regarding Tribal treaty rights (hundreds of federal employees attended four separate sessions throughout 2022);
- issuing three guidance documents to federal staff on Tribal treaty rights:
 1. [Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision-Making](#);
 2. [Guidance for Federal Regional and Field Staff](#);
 3. Tribal Treaty Rights Consultation Best Practices [Flow Chart Poster](#) (announced Nov. 2022);
- creating a training for Federal employees based on the Best Practices Guidance documents (in development).

Tribal leaders have expressed support for these efforts, but they have also raised the importance of taking every opportunity to work with federal agencies to do more to protect Tribal treaty rights, reserved rights, and similar rights.

Relatedly, Tribal leaders have also expressed support for building on the commitments made in the [Sacred Sites MOU](#) signed by eight federal agencies (announced Nov. 2021), [the Tribal Homelands](#)

[Joint Secretarial Order 3403](#) signed by three federal agencies (Nov. 2022), and the [Indigenous Knowledge Guidance for Federal Agencies](#) (announced Nov. 2022).

In order for the WHCNAA to move forward in the most responsive way to Tribal leader recommendations, the WHCNAA is conducting a Tribal leader consultation and seeks your guidance on the attached framing questions. Written responses to the questions can be submitted to the WHCNAA email at whcnaa@bia.gov until September 21, 2023. Details of the consultation are as follows:

- Date: Thursday, 24 August
- Time: 1:00pm – 4:00pm EST
- Location: virtual, please register using this [link](#).

The WHCNAA leadership thanks you for your service to your Tribal Nation and for your recommendations on the policy priorities of the WHCNAA.

Sincerely,



Anthony Morgan Rodman
Executive Director
White House Council on Native American Affairs

Framing Questions for Tribal Consultation on WHCNAAs Efforts on Tribal Treaty Rights, Similar Rights and Reserved Rights

1. In addition to the actions already taken by the WHCNAAs, what actions would you like to see the Administration take to improve the treatment of treaty, reserved, and other similar rights in federal agency decision making?
2. What recommendations do you have on further improving federal engagement with tribes on tribal treaty, reserved, and other similar rights?
3. What recommendations do you have for specific federal reforms that could promote further respect and protection for Tribal treaty, reserved, and other similar rights?
4. What recommendations do you have on further promoting the federal protections of Sacred Sites, Indigenous Knowledge in federal agency decision-making, and co-stewardship with Tribes on federal lands?
5. Recently and over the past several years, some Tribes have presented the idea of a bolder executive action on the protection of treaty rights, reserved rights, and other similar rights in federal agency decision making. What specific requirements and/or processes regarding the treatment of treaty rights, reserved right, and other similar rights would you recommend be included in such an action? Please be specific.