



Shared Priorities Between Indian Country and Trump Administration

This briefing paper provides an overview of the many policy priorities important to both Indian Country and the Administration. President Trump has long recognized Indian Country as a strong partner, and Tribal Nations are ready to work with the Administration to pursue our shared goals. ***We share a foundational understanding that local communities are best suited to address their people's needs and that bureaucratic red tape prevents effective local governance.*** The exercise of Tribal sovereignty is as local as it gets.¹

Establish a Legacy in Indian Country by Ushering in a New Era of Federal Indian Law and Policy. The Administration's demonstrated boldness and willingness to disrupt the status quo can be a force for historic change for Indian Country. No past era of federal Indian law and policy or Administration has ever fully delivered on the government's promises to Tribal Nations. By Executive Order, President Trump could launch a new era of federal Indian law and policy—aimed at removing limitations on Tribal Nations' full exercise of our inherent sovereignty and fully delivering on the United States' trust and treaty obligations.

Supercharge Tribal 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. The Indian Self-Determination and Education Assistance Act (ISDEAA) has been an important tool 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. However, ISDEAA contracting and compacting is currently limited to certain federal agencies and programs. The Trump Administration during its first term successfully finalized a rule implementing the Tribal Transportation Self-Governance Program, which essentially expanded ISDEAA authority to the Department of Transportation. This Administration can build on its past successes while contributing to its ongoing government efficiency and local control efforts by extending ISDEAA to all federal agencies and programs that serve Tribal Nations, Tribal citizens, or Tribal communities.

Reduce Burdensome Use Limitations and Reporting Requirements for Federal Funding Flowing to Tribal Nations. While expanding ISDEAA, the Administration can improve its implementation and further remove bureaucratic inefficiencies by streamlining the delivery and use of and reporting on federal funds. Many federal sources of Tribal funding contain unnecessary and inefficient limitations on their use and burdensome reporting requirements that take away from

¹ Once the Administration takes steps to protect Tribal programs from inadvertent harm caused by broad actions to implement the Administration's policy priorities unrelated to Tribal Nations, we can focus our energies on pursuing shared goals. We have asked the Administration to affirmatively state that programs and funding delivered to Tribal Nations and Tribal citizens and communities, including funding flowing through Urban Indian health programs, Tribal Colleges and Universities, and Tribal organizations serving Tribal Nations, are delivered in recognition of our unique political status and in furtherance of the United States' trust and treaty obligations and related statutory mandates. We have also asked the Administration to engage with us—*prior* to taking action—to better understand which federal programs provide Indian Country direct and essential services and funding and deliver on legal requirements, and thus which programs should be exempted from federal funding and workforce pauses or reductions.



resources to provide direct services. A more efficient funding mechanism already exists for certain Tribal programs under Public Law 477, which reduces reporting requirements, allows for commingling and reallocation of funds across federal programs and agencies, and authorizes waiver of statutory and other requirements to optimize efficiency and responsiveness—all while funds continue to flow through underlying ISDEAA agreements. Reducing unnecessary reporting and use restrictions on Tribal Nations is a continuation of this Administration’s goal of spending federal funds efficiently and putting power in the hands of local government.

Strengthen the Government-to-Government Relationship so that Tribal Nations Are Partners in Efficient and Cost-Effective Decision Making. This Administration values common-sense solutions and recognizes that local-level partners are best positioned to find them. As key local partners, the voices of sovereign Tribal governments must be central to all federal decisions that may impact Indian Country. An absence of meaningful Tribal consultation in making decisions that impact our lands, sacred places, public health, sovereignty, education, and other rights has often resulted in additional time and cost to the United States, Tribal Nations, and third parties. The Administration should lean on us as partners to increase efficiency and local control, as well as to deliver upon its legal obligations to consult with Tribal governments.

Enhance Tribal Nations’ Control over Tribal Lands to Develop Robust Economies. In returning local control and reducing federal restrictions, the Trump Administration has an opportunity to jumpstart economic development in Indian Country. Tribal Nations, especially in remote areas, are often the largest providers of employment, healthcare, and other services. However, Tribal lands and economies are overregulated by the federal government to a degree not seen in any other sector. For example, burdensome regulations hinder the development of energy- and mineral-rich Tribal lands from which the United States could benefit and Tribal Nations could derive revenue. As this Administration removes burdensome limitations on economic development and implements its energy policies, special attention should be given to Tribal lands.

Reform the Tax Code so Tribal Nations May Raise Governmental Revenue. Just as the Administration is working hard to ensure every federal dollar is spent responsibly on behalf of the American taxpayer, it should ensure that every tax dollar collected in Indian Country goes to local Tribal communities. States are often permitted to tax economic activity occurring on Tribal lands, forcing Tribal governments to choose between issuing our own additional taxes to raise essential government revenue, or to forgo this revenue for fear of discouraging economic investment. Under the tax code, moreover, Tribal governments lack many of the same benefits and flexibilities offered to other units of government. This Administration should champion its goals of local control and streamlined taxation by ensuring that Tribal Nations may exclusively tax within our jurisdictions, and it should amend the tax code to create further opportunity for Tribal governments.

Help Tribal Nations Bring Criminals to Justice. President Trump has a history of pursuing criminals in Indian Country, including through his prior establishment of Operation Lady Justice and the Task Force on Missing and Murdered American Indians and Alaska Natives. The Administration can further help Tribal Nations get criminals off the streets by supporting more robust law enforcement. Federal judicial decisions and statutes limiting Tribal Nations’ exercise of criminal and other civil and regulatory jurisdiction within our territories paired with serious underfunding of federal and Tribal law enforcement measures on our lands has created a jurisdictional gap where criminals act with impunity. To stop these criminals, the Administration can work with Congress to remove

impediments on our exercise of Tribal jurisdiction over all people and activities within our lands, and it can support sufficient funding for Tribal and federal law enforcement, detention, and courts. We also support a 477-like funding mechanism for public safety programs that would allow us to combine and receive all public safety funds through our ISDEAA agreements, ensuring these funds can be used as effectively as possible.

Set New Precedent of Keeping Promises to Tribal Nations by Securing Sustainable and Mandatory Funding for Indian Country.

While this Administration prioritizes fiscal responsibility, there is an opportunity for President Trump to be the first ever President to keep the United States' promises to Tribal Nations by securing appropriate funding for Tribal programs. Indian Country prepaid with our lands and resources for this legally-mandated funding, and yet current funding models require Tribal Nations to travel to Washington DC each appropriations cycle, only to face egregious funding deficits. For example, public safety and justice programs are funded at 13%, and Tribal Colleges and Universities receive 1% of the total research and extension funding as compared to other similar institutions. Allocating insufficient funding to Tribal programs serves as a disincentive for Tribal Nations to contract or compact under ISDEAA to take over those programs. Full, sustained, mandatory, and advance funding—including by immediately moving contract support costs and 105(l) lease funding to the mandatory side of the federal budget—would strengthen local control and provide the federal government a valuable return on investment. The Administration's full delivery of federal funding promised to Indian Country, hand-in-hand with enhanced Tribal economic development and taxation, would be life-changing for Tribal communities.

Protect Religious Freedoms and Expression. The Trump Administration, past and present, has long championed religious freedom as a core value of the United States. All Americans have a recognized right to practice the religion of their choosing or heritage. For Tribal Nations, our religious practices often require access to and preservation of particular sacred sites and cultural heritage items—sometimes located on land we no longer hold. Approaching such matters from a place of mutual respect and shared ideals, the Administration can strengthen Tribal partnerships by protecting our right to practice our religions without disruption.