

## Tribal Leader Talking Points

### Protecting Tribal Programs from Inadvertent Harm and Shifting Focus to Shared Priorities

#### **Indian Country is being unintentionally swept up in the Administration's broad implementation of its policy priorities.**

- The Administration has set forth policy priorities—such as eliminating diversity, equity, inclusion, and accessibility initiatives and reducing federal fraud and waste. We do not believe these policy priorities are directed at Indian Country. Yet, Indian Country has been inadvertently harmed because the Administration's implementation actions are so broad.
- Tribal Nations have been locked out of our federal payment accounts and unable to access the federal funds we rely on; we have lost federal employees who have years of experience and deep relationships with our Tribal communities; and our government contracts, grants, and agreements have been terminated with little or no explanation—to name just a few impacts.
- Tribal programs fall into the carve outs the Administration has built into its Executive Orders and other mandates. These carve outs protect direct services to individuals, programs identified as essential, law enforcement and public safety programs, and activities implementing legal requirements, including statutorily mandated programs.
- Without Indian Country's help, the federal government's diffuse and varied methods for delivery on its trust and treaty obligations to Indian Country can make it hard for the Administration to identify and insulate Tribal programs that fall into these carve outs.

#### **Tribal programs are not like other federal programs.**

- Tribal programs deliver on the United States' trust and treaty obligations to Tribal Nations and Tribal citizens and communities, which we prepaid for with our lands and resources.
- The U.S. Supreme Court has said that United States actions that deliver on these trust and treaty obligations are not unconstitutionally race-based but instead are political in nature.
- Tribal Nations are and always have been inherently sovereign governments. We govern and police our lands, and we provide governmental services aimed at keeping our communities safe and healthy.
- Tribal Nations have strong political relationships with our Tribal citizens and community members, and we have political, government-to-government relationships with the United States.
- For these reasons, the U.S. Constitution singles out Tribal Nations and Native people as unique.

#### **We have important shared priorities that we would like to pursue in partnership with the Administration, but we have instead been using all our energy to protect existing Tribal programs from inadvertent harm.**

- President Trump has long recognized Indian Country as a strong partner.
- 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.
- Tribal Nations are proven governmental and economic partners to surrounding communities. At the end of the first Trump term, conservative estimates indicated that Tribal governments and enterprises directly employed nearly 350,000 workers, indirectly supported another 600,000 jobs, and generated \$40 billion dollars per year in wages and benefits, in addition to a \$9 billion dollar spillover impact on state and regional economies.
- Once the Administration takes steps to protect existing Tribal programs from inadvertent harm, we can focus our energies on pursuing shared goals together.

**We have four requests that we believe will help protect existing Tribal programs.**

- First, all federal agencies should engage in Tribal consultation—*prior* to taking action—to better understand how Tribal programs fit into the Administration’s carve outs. This includes understanding 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 consistent with the United States’ duty to consult government-to-government with Tribal Nations on federal actions that may have Tribal implications.
- Second, we ask that the White House affirmatively state in writing that federal 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. We note and appreciate that some federal agencies have individually affirmed these principles in writing, such as the Small Business Administration and the Departments of Health and Human Services, Interior, Housing and Urban Development, Education, Justice, and Agriculture.
- Third, we ask that all federal agencies exempt from each pause or reduction in federal funding all Tribal programs, services, and funding delivered to Tribal Nations or to Tribal citizens or communities. This includes federal funding flowing to Indian Country through Urban Indian Health Programs, Tribal Colleges and Universities, Tribal organizations serving Tribal Nations, and other mechanisms.
- Last, we ask that all federal agencies exempt from each workforce reduction or hiring freeze all federal employees and positions serving in Tribal offices or whose roles assist in the delivery of services or distribution of funding to Tribal Nations or Tribal citizens or communities.