

COALITION FOR TRIBAL SOVEREIGNTY

# MEETING MATERIALS TOOLKIT



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TRIBAL SOVEREIGNTY



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## About the Coalition for Tribal Sovereignty

The Coalition for Tribal Sovereignty (CTS) is a nonpartisan collaboration of 35+ local, regional, and national inter-tribal policy-focused non-profit organizations working together to safeguard Tribal sovereignty and uphold the United States' delivery of trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal community members across the United States.

CTS engages collectively with federal law and policy makers regarding actions taken by Trump Administration and offers framework that enables Tribal organizations to build consensus on key messages, thereby allowing them to speak with one powerful, consistent voice.

Listed in alphabetical order, there are **37 Coalition for Tribal Sovereignty Members**:

- ▶ Affiliated Tribes of Northwest Indians (ATNI)
- ▶ Alaska Native Health Board (ANHB)
- ▶ Alaska Native Women's Resource Center (AKNWRC)
- ▶ American Indian Higher Education Consortium (AIHEC)
- ▶ California Consortium for Urban Indian Health (CCUIH)
- ▶ California Rural Indian Health Board (CRIHB)
- ▶ California Tribal Chairpersons' Association (CTCA)
- ▶ Center for Native American Youth (CNAY)
- ▶ Great Plains Tribal Chairmen's Association (GPTCA)
- ▶ Great Plains Tribal Leaders' Health Board (GPTLHB)
- ▶ Indian Gaming Association (IGA)
- ▶ Inter Tribal Association of Arizona (ITAA)
- ▶ Midwest Alliance of Sovereign Tribes (MAST)
- ▶ Montana Consortium for Urban Indian Health (MCUIH)
- ▶ National American Indian Court Judges Association (NAICJA)
- ▶ National American Indian Housing Council (NAIHC)
- ▶ National Association of Tribal Historic Preservation Officers (NATHPO)
- ▶ National Center for American Indian Enterprise Development (NCAIED)
- ▶ National Congress of American Indians (NCAI)
- ▶ National Council of Urban Indian Health (NCUIH)
- ▶ National Indian Child Welfare Association (NICWA)
- ▶ National Indian Education Association (NIEA)
- ▶ National Indian Head Start Directors Association (NIHSDA)
- ▶ National Indian Health Board (NIHB)
- ▶ National Indigenous Women's Resource Center (NIWRC)
- ▶ Native American Contractors Association (NACA)
- ▶ Native American Finance Officers Association (NAFOA)
- ▶ Native American Rights Fund (NARF)
- ▶ Native CDFI Network
- ▶ Northwest Portland Area Indian Health Board (NPAIHB)
- ▶ Rocky Mountain Tribal Leaders Council (RMTLC)
- ▶ Seattle Indian Health Board (SIHB)
- ▶ Self-Governance Communication & Education Tribal Consortium (SGCETC)
- ▶ Southern California Tribal Chairmen's Association (SCTCA)
- ▶ United South & Eastern Tribes Sovereignty Protection Fund (USET SPF)
- ▶ United Tribes of Michigan
- ▶ Urban Indian Health Institute (UIHI)

For more information about CTS please visit [coalitionfortribalsovereignty.org](https://coalitionfortribalsovereignty.org)

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## About this Toolkit

This Coalition for Tribal Sovereignty (CTS) **Meeting Materials Toolkit** was developed to support Tribal Nations and Tribal organizations with messaging and resources including Tribal Leader Talking Points, briefing papers on the Legal Foundations of Tribal Nations' Inherent Sovereignty, Tribal Consultation Best Practices, Shared Priorities and Shared Successes between Indian Country and the Trump Administration, and the Role of Tribal Nations in Local, Regional, and National Economies. This toolkit is a supplemental resource to support the priorities and stories of Tribal Nations, Tribal citizens, and Tribal community members across the United States to tell their stories. Questions? Please contact CTS directly at [info@coalitionfortribalsovereignty.org](mailto:info@coalitionfortribalsovereignty.org).

# 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.

- 1 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.
- 2 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.
- 3 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.
- 4 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.

# Legal Foundations Behind Why Federal Programs for Indian Country Are Unique

## United States' Trust and Treaty Obligations, and Unique Political Status

This briefing paper provides an overview of the legal foundations of Tribal Nations' inherent sovereignty, the legal obligations of the United States in its relationship with Tribal Nations, and our unique political status under equal protection principles. These legal foundations demonstrate why Tribal programs are different from other federal programs. ***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 unrelated policy priorities.***

- ▶ **Delivery on Trust and Treaty Obligations to Tribal Nations, Tribal Citizens, and Tribal Communities Is Not Race-Based.** In 1974, the U.S. Supreme Court in *Morton v. Mancari* unanimously affirmed the principle that the United States may lawfully deliver on its trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal communities without running afoul of the U.S. Constitution's equal protection requirements.<sup>1</sup> While *Mancari* is the leading case in this arena, courts have continuously upheld this principle.<sup>2</sup> As discussed in more detail below, this unique status is based on the political relationships between inherently sovereign Tribal Nations and their people and the political relationships between the United States and Tribal Nations and Native people—recognized within the U.S. Constitution itself.
- ▶ **Tribal Nations' Inherent Sovereignty.** Tribal Nations are and always have been inherently sovereign governments, a status that predates the establishment of the United States<sup>3</sup> and has long been recognized by the United States. Tribal Nations' inherent sovereignty and right to self-determination is further supported by international law principles in existence at the time of first contact and in the present day.<sup>4</sup>
- ▶ **Tribal Nations' Political Relationships with Tribal Citizens and Communities.** As an inherently sovereign governmental entity, each Tribal Nation determines the individuals with whom it establishes a political relationship, including its Tribal citizens and community members.<sup>5</sup> Like U.S. citizenship, Tribal citizenship may come with rights and duties, such as to participate in Tribal government through voting or otherwise.<sup>6</sup>
- ▶ **Tribal Nations' Government-to-Government Relationships with the United States.** From the beginning, the United States and its predecessor governments demonstrated



their recognition of Tribal Nations as sovereigns by interacting with us as such.<sup>7</sup> Today, federal recognition of a Tribal Nation remains a “formal political act” that solidifies the “government-to-government relationship” between a particular Tribal Nation and the United States.<sup>8</sup>

- ▶ **United States’ Trust and Treaty Obligations.** The United States has assumed ongoing trust and treaty obligations to Tribal Nations and Tribal citizens and communities that are political in nature and for which we prepaid with our lands and resources.<sup>9</sup> Many of the statutes authorizing or appropriating funds for Tribal programs acknowledge that they carry out trust and treaty obligations, and those statutes serve as independent mandates.<sup>10</sup> Thus, Tribal programs are legally mandated, even as the Administration implements its other policy priorities.<sup>11</sup> This legal mandate includes the federal funding and federal employees necessary for the provision of critical services the federal government and Tribal Nations and organizations deliver to Tribal communities.
- ▶ **Political Status Embedded Within Constitution.** The U.S. Constitution singles out Tribal Nations in recognition and furtherance of Tribal Nations’ sovereign governmental status, the political relationships Tribal Nations carry on with our own people and the United States, and the United States’ trust and treaty obligations. This includes through direct reference in the Indian Commerce Clause,<sup>12</sup> implementation of the Treaty Clause,<sup>13</sup> and “the Constitution’s adoption of preconstitutional powers.”<sup>14</sup> The Constitution also directly refers to Native individuals in the Indian non-taxation portion of the Apportionment Clause.<sup>15</sup> Congress, in celebrating the 200th anniversary of the signing of the Constitution, reaffirmed that the government-to-government relationships between the United States and Tribal Nations are recognized in the Constitution.<sup>16</sup>
- ▶ **United States’ Tribal Consultation Requirements.** In furtherance of the government-to-government relationships between the United States and Tribal Nations and to implement its trust and treaty obligations, the United States has embedded a Tribal consultation requirement into specific and enforceable statutes.<sup>17</sup> The Executive Branch has also recognized via Executive Order a duty to consult with Tribal Nations on federal actions that may have Tribal implications.<sup>18</sup> Further, free, prior, and informed consent is an international standard for Native peoples worldwide.<sup>19</sup> The Administration must consult with us before taking actions that may affect us, including before implementing Executive Orders and other Administration priorities.



## Sources:

- <sup>1</sup> *Morton v. Mancari*, 417 U.S. 535, 554–55 (1974).
- <sup>2</sup> See, e.g., *Washington v. Wash. State Com. Passenger Fishing Vessel Ass'n*, 443 U.S. 658 (1979); *United States v. Antelope*, 430 U.S. 641 (1977); *Del. Tribal Bus. Comm. v. Weeks*, 430 U.S. 73 (1977); *W. Flagler Assocs., Ltd. v. Haaland*, 71 F.4th 1059 (D.C. Cir. 2023); *United States v. Wilgus*, 638 F.3d 1274 (10th Cir. 2011); *Means v. Navajo Nation*, 432 F.3d 924 (9th Cir. 2005).
- <sup>3</sup> See *Michigan v. Bay Mills Indian Cmty.*, 572 U.S. 782, 788 (2014); *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 55–56 (1978); *Haaland v. Brackeen*, 599 U.S. 255, 308 (2023) (Gorsuch, J., concurring) (explaining that, before colonization, Tribal Nations “existed as ‘self-governing sovereign political communities’” and that “such entities do not ‘cease to be sovereign and independent’” (quoting *United States v. Wheeler*, 435 U.S. 313, 322–23 (1978); *Worcester v. Georgia*, 31 U.S. 515, 561 (1832))).
- <sup>4</sup> *Worcester*, 31 U.S. at 520 (stating Tribal sovereignty is “settled doctrine of the law of nations”); *Brackeen*, 599 U.S. at 308 (Gorsuch, J., concurring) (referring to Tribal Nations’ enduring sovereignty as a “long-held tenet of international law”); G.A. Res. 61/295, arts. 3–5, Declaration on the Rights of Indigenous Peoples (Oct. 2, 2007).
- <sup>5</sup> See *Antelope*, 430 U.S. at 645 (recognizing that Tribal Nations have sovereignty over our people, including the power to regulate internal and social relations); Citizenship Code of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, ch. CTZ.1 pmbl. (“This ordinance is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians to determine its Tribal citizenship which predates its Treaties of 1825, 1826, 1837, 1842, 1847, and 1854 with the United States Government.”).
- <sup>6</sup> See, e.g., Const. and By-Laws of the Pueblo of Laguna, art. III, § 8.
- <sup>7</sup> *United States v. Forty-Three Gallons of Whiskey*, 93 U.S. 188, 196 (1876) (“From the commencement of its existence, the United States has negotiated with the Indians in their tribal condition as nations . . . capable of making treaties . . . following the practice of Great Britain before the Revolution.”); Matthew L.M. Fletcher, *The Original Understanding of the Political Status of Indian Tribes*, 82 St. John’s L. Rev. 153, 180 (2008).
- <sup>8</sup> H.R. Rep. No. 103–781 (1994); see also 25 C.F.R. § 83.2(a); 140 Cong. Rec. S6145 (May 19, 1994) (Sen. McCain) (“The recognition of an Indian tribe by the Federal Government is just that—the recognition that there is a sovereign entity with governmental authority which predates the U.S. Constitution and with which the Federal Government has established formal relations.”).
- <sup>9</sup> See *Mancari*, 417 U.S. at 551–52; *Seminole Nation v. United States*, 316 U.S. 286, 296–97 (1942) (“In carrying out its treaty obligations with the Indian tribes the Government is . . . more than a mere contracting party. . . . [I]t has charged itself with moral obligations of the highest responsibility and trust.”).
- <sup>10</sup> See, e.g., 25 U.S.C. § 1602(1) (“[I]t is the policy of this nation, in fulfillment of its special trust responsibilities and legal obligations to Indians . . . to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.”); 25 U.S.C. § 5301; see also *Antelope*, 430 U.S. at 647 n.8 (1977) (“[L]egislation directed toward Indian tribes is a necessary and appropriate consequence of federal guardianship under the Constitution.”).
- <sup>11</sup> Some individual federal agencies have recognized that Tribal programs should not be harmed during implementation of the Administration’s unrelated policy priorities. See, e.g., Ending DEI Programs and Gender Ideology Extremism, Sec. Order 3416, § 6(d) (Jan. 30, 2025) (“Nothing in this Order shall be construed to eliminate, rescind, hinder, impair, or otherwise affect activities that implement legal requirements . . . , including but not limited to . . . the statutory authorities, treaty, and/or trust obligations of the Department and its Bureaus/Offices to Tribal nations and the Native Hawaiian Community.”).
- <sup>12</sup> U.S. Const. art. I, § 8, cl. 3.
- <sup>13</sup> *Id.* art. II, § 2, cl. 2; see also *id.* art. IV, § 3, cl. 2 (Territory Clause).
- <sup>14</sup> *United States v. Lara*, 541 U.S. 193, 201 (2004); see also *McClanahan v. State Tax Comm’n of Ariz.*, 411 U.S. 164, 172 n.7 (1973); *United States v. Holliday*, 70 U.S. 407, 418 (1865); *Brackeen*, 599 U.S. at 307, 310 (Gorsuch, J., concurring) (referring to the “Indian-law bargain struck in our Constitution,” the terms of which include that “Indian Tribes remain independent sovereigns”).
- <sup>15</sup> U.S. Const. art. I, § 2, cl. 3.
- <sup>16</sup> H.R. Con. Res. 331, 100th Cong. (1988).
- <sup>17</sup> See, e.g., 54 U.S.C. § 300108 (implemented through 36 C.F.R. pt. 800).
- <sup>18</sup> See, e.g., Exec. Order No. 13,175, 65 Fed. Reg. 67,249 (Nov. 9, 2000).
- <sup>19</sup> See, e.g., G.A. Res. 61/295, arts. 10–11, 19, 28–29.

# Tribal Consultation Best Practices

This briefing paper provides an overview of the legal foundations for government-to-government consultation between the United States and Tribal Nations and outlines what meaningful Tribal consultation looks like in practice. As the Administration works to implement its policy priorities, the unique legal rights of Tribal Nations will often require government-to-government consultation prior to implementation. ***The ultimate goal of Tribal consultation is for the United States and Tribal Nations to reach consensus on policies impacting Indian Country and how they should be implemented.***

- ▶ **Tribal Nations' Government-to-Government Relationships with the United States Are the Foundation of Tribal Consultation.** The United States recognized Tribal Nations as sovereigns from the very beginning. Today, federal recognition of a Tribal Nation remains a formal political act that solidifies the government-to-government relationship between a particular Tribal Nation and the United States.
- ▶ **Tribal Consultation Is, First-and-Foremost, a Legal Right.** The United States has embedded Tribal consultation requirements into specific and enforceable statutes.<sup>1</sup> The Executive Branch has recognized a duty to consult with Tribal Nations on federal actions that may have Tribal implications.<sup>2</sup>
- ▶ **Federal Officials with Decision-Making Authority Must Carry Out Tribal Consultation.** Tribal consultation is a right solely between sovereigns, and the responsibilities and privileges associated with it cannot be delegated to other actors. While other entities, experts, and stakeholders might be asked to inform public policy decisions or federal actions, the legal obligation of Tribal consultation is held solely by the United States. Thus, Tribal consultation must take the form of interactions between Tribal and federal officials who have government-binding decision-making authority.
- ▶ **Tribal Consultation Must Occur *Before* Federal Officials Have Made Decisions.** Tribal consultation is more than the mere conveyance of information by federal officials to Tribal leaders. Tribal consultation requires the federal government to discuss federal proposals before it makes decisions on moving forward. Meaningful Tribal consultation must allow for dialogue, questions, and openness to different ways of addressing an issue.

- **Meaningful Tribal Consultation Utilizes *Processes Designed to Level the Playing Field and Assist in Reaching Consensus*.** While government-to-government consultation need not adhere to a single, uniform process, meaningful Tribal consultation meets certain key requirements, in addition to those described above.

**Tribal Nations are given adequate *notice*.**

- Meaningful Tribal leader participation in consultation sessions is more likely to occur with more advanced notice provided.
- Federal Agency Example: The Department of the Interior’s Indian Affairs’ (IA) Tribal Consultation Process<sup>3</sup> requires that “consultation occurs early in the process,” meaning “as soon as realistically possible once . . . a project, approach, or regulation that may potentially impact Tribal lands, people, programs, or rights” is identified, and it requires formal notice “*at least 30 calendar days in advance* of the first scheduled consultation session” unless “exceptional circumstances” exist.<sup>4</sup>

**Tribal Nations are provided *complete information*.**

- In order to provide meaningful substantive feedback on complex policy or legal issues, Tribal leaders need full information about the issue and the potential actions the federal agency is considering.
- Federal Agency Example: IA’s Tribal Consultation Process requires that, at the time notice is given of upcoming Tribal consultation sessions, Tribal Nations must be provided with documentation containing “sufficient detail of the topic to be discussed to allow Tribal officials an opportunity to fully engage in the consultation.”<sup>5</sup>

**Tribal Nations may access *technical assistance* about topics subject to Tribal consultation.**

- Due to varying levels of capacity, all Tribal Nations must be given the opportunity to obtain technical assistance prior to a given consultation session—particularly when the topic of a Tribal consultation requires specialized knowledge to meaningfully provide feedback.
- Federal Agency Example: In certain circumstances, IA’s Tribal Consultation Process requires providing “guidance and technical assistance” to Tribal Nations.<sup>6</sup>



**Tribal Nations are given *adequate time* to provide meaningful feedback.**

- Tribal Nations need ample time to prepare in advance of Tribal consultation sessions—and the more complex the issue, the more time is needed to prepare.
- Tribal Nations also require time after all Tribal consultation sessions on a specific topic have ended to consider and provide final written comments to the federal agency for consideration.
- Federal Agency Example: IA's Tribal Consultation Process requires a written comment period to occur after consultation sessions have ended, and it requires incorporating all such written comments into the official record and their consideration prior to taking any action.<sup>7</sup>

**Tribal Nations receive *follow-up reports* from federal agencies detailing how Tribal leader feedback was taken into account in the ultimate decision-making.**

- Tribal consultation records should be shared with Tribal Nations, but with sensitive Tribal Nation information protected.
- Federal Agency Example: IA's Tribal Consultation Process requires the agency "to provide . . . the record of the consultation and decisions made as a result of the consultation," which is accomplished through a "Consultation Summary Report" posted on the Bureau of Indian Affairs' webpage.<sup>8</sup>

**Sources:**

<sup>1</sup> See, e.g., 54 U.S.C. § 300108 (implemented through 36 C.F.R. pt. 800).

<sup>2</sup> See, e.g., Exec. Order No. 13,175, 65 Fed. Reg. 67,249 (Nov. 9, 2000).

<sup>3</sup> [18 IAM 6: Tribal Consultation Process](#) (Dec. 26, 2024).

<sup>4</sup> *Id.* at 1.5(B)(4), 1.7(A)(3) (emphasis added).

<sup>5</sup> *Id.* at 1.7(A)(3).

<sup>6</sup> *Id.* at 1.7(A)(2).

<sup>7</sup> *Id.* at 1.7(A)(6).

<sup>8</sup> *Id.*

# Shared Priorities Between Indian Country and Trump Administration

This briefing paper provides an overview of the many policy priorities important both to Indian Country and the Administration. President Trump has long recognized Indian Country as a strong partner, and Tribal Nations are ready to pursue our shared goals. ***We share a foundational understanding that local communities are best suited to address local needs, and that bureaucratic red tape gets in the way.*** The exercise of Tribal sovereignty is as local as it gets.<sup>1</sup>

- ▶ **Establish a Legacy in Indian Country by Ushering in a New Era of Federal Indian Law and Policy.** The Administration can harness its demonstrated boldness and willingness to disrupt the status quo as a force for historic change for Indian Country. No Administration has ever fully delivered on the United States' promises to Tribal Nations. By Executive Order, President Trump could launch a new era of federal Indian law and policy—one 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. The Indian Self-Determination and Education Assistance Act (ISDEAA) has been an important tool for doing just that, putting federal funding directly into Indian Country's hands so we may run federal programs more efficiently and better serve our own communities. Yet, ISDEAA is currently limited to certain federal agencies and programs. The Administration during the first Trump term finalized a rule implementing the Tribal Transportation Self-Governance Program, essentially expanding ISDEAA authority to the Department of Transportation. This Administration can build on that success and further its government efficiency and local control priorities by extending ISDEAA authorities to all federal agencies and programs that serve Tribal Nations, Tribal citizens, or Tribal communities.
- ▶ **Reduce Burdensome Limitations and Reporting Requirements for Tribal Funding.** Beyond expanding ISDEAA authority, the Administration can improve its implementation by streamlining the methods and requirements for delivering, using, and reporting on federal funds. Many of Indian Country's federal funding sources carry inefficient use restrictions and reporting requirements that reduce resources for providing 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 waivers of statutory and other requirements to optimize efficiency and responsiveness—all while funds continue to flow via underlying ISDEAA agreements. This model could be expanded more broadly, which would align with the Administration's goals of promoting government efficiency and fiscal responsibility and putting power in the hands of local government.

- ▶ **Strengthen the Government-to-Government Relationship to Engage Tribal Nations as 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, sovereign Tribal governments must be central to all federal decisions that may impact Indian Country. A lack of meaningful Tribal consultation in decision-making, whether it impacts our lands, sovereignty, sacred places, public health, education, or other rights, has often resulted in additional time and cost to the United States, Tribal Nations, and third parties. The Administration has legal obligations to consult with Tribal governments, but it should also lean on us as partners to promote our shared goals of increased efficiency and local control.
- ▶ **Enhance Tribal Control over Our Lands to Develop Robust Economies.** This Administration has an opportunity to jumpstart economic development in Indian Country by returning local control and reducing federal bureaucracy. Tribal Nations, especially in remote areas, are often the largest providers of employment, healthcare, and other services in our regions. But the federal government overregulates Tribal lands and economies to a degree not seen in any other sector. For example, burdensome regulations hinder the development of energy- and mineral-rich Tribal lands. As this Administration removes restrictions on economic development and implements its energy priorities, special attention should be given to Tribal lands.
- ▶ **Reform the Tax Code so Tribal Nations may Raise Government Revenue.** This Administration prioritizes fiscal responsibility on behalf of the American taxpayer, and it should ensure that every tax dollar collected in Indian Country supports local Tribal communities. States are often permitted to tax economic activity occurring on Tribal lands, forcing Tribal governments to choose between issuing additional taxes to raise essential Tribal government revenue or forgo this revenue for fear of discouraging economic investment. Under the tax code, moreover, Tribal governments lack many of the 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 raising Tribal government revenue.

- ▶ **Help Tribal Nations Bring Criminals to Justice.** President Trump has a history of pursuing criminals in Indian Country, including in his first term through Operation Lady Justice and the Task Force on Missing and Murdered American Indians and Alaska Natives. This Administration can further help Tribal Nations by supporting more robust law enforcement. Federal statutes and judicial decisions limiting Tribal Nations' exercise of criminal, civil, and regulatory jurisdiction on our lands, paired with serious underfunding of federal and Tribal law enforcement in Indian Country, have created a jurisdictional gap where criminals act with impunity. The Administration should work with Congress to remove impediments on the exercise of Tribal jurisdiction over all people and activities within our lands, and it should support sufficient funding for Tribal and federal law enforcement, detention, and courts. A Public Law 477-like funding mechanism for public safety programs would ensure Tribal Nations can use this funding as effectively as possible by allowing us to combine and reallocate all such funds, including through existing ISDEAA agreements.
- ▶ **Set New Precedent of Keeping Promises by Securing Full Funding for Indian Country.** While still prioritizing fiscal responsibility, President Trump can be the first President to keep the United States' promises to Tribal Nations by securing full funding for Tribal programs. Indian Country prepaid for this legally mandated funding with our lands and resources, yet Tribal leaders must travel to D.C. each appropriations cycle only to face egregious deficits. For example, Tribal public safety and justice programs are funded at just 13%, while Tribal Colleges and Universities receive only 1% of the total research and extension funding as compared to similar institutions. Insufficient funding also disincentivizes some Tribal Nations to take over federal programs under ISDEAA. The Administration should seek full, sustained, mandatory, and advance funding—including immediately making funding for contract support costs and 105(l) leases mandatory—to strengthen local control and secure a valuable return on investment.
- ▶ **Protect Religious Freedom and Expression.** The Trump Administration, past and present, has championed religious freedom as a core American value. Tribal religious practices often require access to, and preservation of, specific sacred sites and cultural items—sometimes located on land we no longer hold. The Administration can strengthen Tribal partnerships by approaching these matters from a place of mutual respect and shared ideals to protect our right to practice our religions without disruption.

<sup>1</sup> While we are eager to focus on shared goals, the Administration must first take sufficient steps to protect Tribal programs from inadvertent harm associated with implementing its unrelated policy priorities. We have asked the Administration to affirm that Tribal services and funding are delivered in recognition of Tribal Nations' unique political status and in furtherance of the United States' trust and treaty obligations. We have also asked the Administration to engage with us—prior to taking action—to better understand which federal programs should be exempt from funding and workforce pauses and reductions because they provide direct, essential services and funding to Indian Country or fulfill legal obligations.



# Shared Successes for Indian Country from President Trump's First Term

## Promoting Public Safety and Justice

- ▶ January 2018: Department of the Interior (DOI) created the [DOI Opioid Reduction Task Force](#) aimed at strategically combatting the increasing opioid and other illegal narcotics epidemic affecting Indian Country communities across the nation, which resulted in hundreds of arrests and seizures of millions of dollars of illegal drugs.
- ▶ April 13, 2018: President Trump signed into law the *Ashlynnne Mike AMBER Alert in Indian Country Act* ([Public Law 115-147](#)) reauthorizing resources to promote coordination between Tribal Nations and states to support effective response to children who go missing or are abducted from Tribal communities.
- ▶ September 4, 2018: President Trump signed into law the *POWER Act* ([Public Law 115-237](#)) providing pro bono legal services to Indian or Alaska Native victims and survivors of domestic violence, sexual assault, and stalking.
- ▶ December 11, 2018: President Trump signed into law a bill ([Public Law 115-301](#)) that retroceded criminal jurisdiction from the state of Iowa to the Meskwaki Nation (Sac and Fox Tribe of the Mississippi).
- ▶ May 3, 2019: President Trump issued [Proclamation 9879](#), *Missing and Murdered American Indians and Alaska Natives Awareness Day, 2019*.
- ▶ November 26, 2019: President Trump signed [Executive Order 13898](#), *Establishing the Task Force on Missing and Murdered American Indians and Alaska Natives*.
- ▶ May 5, 2020: President Trump issued [Proclamation 10026](#) declaring May 5 as Missing and Murdered American Indians and Alaska Natives Awareness Day.
- ▶ October 10, 2020: President Trump signed into law *Savanna's Act* ([Public Law 116-165](#)) directing the Attorney General to develop protocols to address Missing and Murdered Indians.
- ▶ October 10, 2020: President Trump signed into law the *Not Invisible Act of 2019* ([Public Law 116-214](#)) to increase government coordination to combat violent crime on Indian lands.



- ▶ July 21, 2020: Department of Justice (DOJ) issued Notice on Charter Renewal for the Task Force on Research on Violence Against American Indian and Alaska Native Women ([85 FR 44107](#)).

## Increasing Tribal Nation Land Bases and Permitted Land Uses

- ▶ No fewer than 35 Tribal Nations had lands either put into trust and/or added to their territorial boundaries during President Trump's first term in office. Additionally, several Alaska Native Villages had lands conveyed for their benefit to village or regional or village Alaska Native Corporations.
- ▶ The Administration approved regulations for no fewer than 22 Tribal Nations under the *Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012*, or HEARTH Act, allowing them to approve and utilize certain types of leases on Tribal trust and restricted lands otherwise unavailable to them.

## Spurring Economic Development

- ▶ December 18, 2017: President Trump signed into law the *Indian Employment, Training and Related Services Consolidation Act of 2017* ([Public Law 115-93](#)), expanding and making permanent the highly successful Public Law 102-477 ("477") workforce development program for Indian Country.
- ▶ December 11, 2018: President Trump signed into law a bill "To repeal section 2141 of the Revised Statutes to remove the prohibition on certain alcohol manufacturing on Indian lands" ([Public Law 115-363](#)).
- ▶ April 17, 2019: Internal Revenue Service (IRS) released [newly clarified rules](#) to ensure Tribal Nations can benefit from the Opportunity Zone incentive found in the Tax Cuts and Jobs Act of 2017. This change provided Tribal Nations the opportunity to invest in more than 350 Opportunity Zones that contained Tribal lands within their borders.
- ▶ June 20, 2019: Department of Treasury hosted the first public meeting of the [Treasury Tribal Advisory Council](#) (TTAC), which was established to advise the Secretary of the Treasury on significant matters related to the taxation of Indians, the training of IRS field agents, and the provisions of training and technical assistance to Native American financial officers.
- ▶ July 19, 2019: Department of Labor (DOL) renewed the Native American Employment and Training Council (NAETC) Charter ([84 FR 34948](#)).



- ▶ December 20, 2019: President Trump signed into law the National Defense and Authorization Act (NDAA) FY2020 ([Public Law 116-92](#)), which raised the Justification and Approval Threshold to \$100 million for Native owned businesses streamlining the contracting process and removing unnecessary administrative burdens allowing them to better support the Department of Defense and the warfighter.
- ▶ October 20, 2020: President Trump signed into law the *Native American Business Incubators Program Act* ([Public Law 116-174](#)), which provides funding to business incubators focusing on Tribal communities to provide culturally tailored services to entrepreneurs.
- ▶ December 30, 2020: President Trump signed into law the *Indian Community Economic Enhancement Act of 2020* ([Public Law 116-261](#)), which established the Office of Native American Business Development at the Department of Commerce and expanded Buy Indian Act contracting at DOI and the Department of Health and Human Services (HHS).

## Expanding Self-Governance Authority Through Government Contracting and Compacting to Assume Service Delivery

- ▶ August 14, 2018: President Trump signed into law a bill "To amend Title 23, United States Code, to extend the deadline for promulgation of regulations under the tribal transportation self-governance program" ([Public Law 115-235](#)).
- ▶ December 18, 2018: President Trump signed into law the *Indian Tribal Energy Development and Self-Determination Act Amendments of 2017* ([Public Law 115-325](#)), which streamlined the Tribal Energy Resource Agreement (TERA) process and provided financial assistance for TERA implementation, as well as increasing technical resources for tribal energy projects and authorizing a tribal biomass demonstration project program.
- ▶ June 1, 2020: Department of Transportation (DOT) promulgated the Final Rule Tribal Transportation Self-Governance Program ([85 FR 33494](#)) implementing the Transportation Self-Governance Program, which affords participating Tribal Nations greater control over their DOT funding.
- ▶ On October 21, 2020, President Trump signed into law the *Practical Reforms and Other Goals to Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019* ([PL 116-180](#)), which made significant improvements to Title IV of the Indian Self-Determination and Education Assistance Act.

## Improving Public Health

- ▶ September 29, 2017: President Trump signed into law the *Disaster Tax Relief and Airport and Airway Extension Act of 2017* ([Public Law 115-6](#)), which extends several public health programs including the Special Diabetes Program for Indians.
- ▶ April 17, 2018: HHS announced the Office of Tribal Self-Governance; Planning (TSGP) Cooperative Agreement ([83 FR 16885](#)), which allows Tribal Nations, through TSGP, to negotiate with the Indian Health Service (IHS) to assume Programs, Services, Functions, and Activities (PSFAs), or portions thereof, giving Tribal Nations authority to manage and tailor health care programs in a manner that best fits the needs of their communities.
- ▶ March 6, 2020: President Trump signed the *Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020* into law ([Public Law 116-123](#)), which provided funding to Tribal Nations, Tribal organizations, Urban Indian Organizations, and health care providers to Tribal Nations to carry out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities.
- ▶ March 18, 2020: President Trump signed the *Families First Coronavirus Response Act* into law ([Public Law 116-127](#)), which provided \$64 million in supplemental appropriations to IHS during the early weeks of the Covid-19 pandemic.
- ▶ March 27, 2020: President Trump signed the *CARES Act* into law ([Public Law 116-136](#)), which allocated \$8 billion to Tribal Nations and Indian Country programming and services—at the time of enactment, it was the largest single allocation of programmatic funding ever provided to Indian Country.
- ▶ February 6, 2020: HHS established the Health Resource and Services Administration (HRSA) Tribal Advisory Council to serve as the vehicle for considering a broad range of tribal views, determining the impacts of HRSA programs on Indian Country, and developing innovative approaches to delivering health care ([85 FR 6960](#)).

## Strengthening Indian Education

- ▶ December 31, 2018: President Trump signed into law the *Johnson-O'Malley Supplemental Indian Education Program Modernization Act* ([Public Law 115-404](#)), which reformed aspects of the Johnson O'Malley Program that provides critical financial assistance and supplemental educational services to eligible Native American



students in public schools, helping them overcome educational disparities and achieve their full potential.

- ▶ December 19, 2019: President Trump signed into law the *Fostering Undergraduate Talent by Unlocking Resources for Education Act* ([Public Law 116-91](#)), which provided \$30 billion in funding annually for Tribal Colleges and Universities (TCUs); supporting scholarships, staffing, basic operations, and other programs.
- ▶ December 20, 2019: President Trump signed into law the *Esther Martinez Native American Languages Programs Reauthorization Act* ([Public Law 116-101](#)), which reauthorized and funds grants to Native communities for language immersion, survival, and restoration programs.
- ▶ March 26, 2020: DOI promulgated the Final Rule on Indian Education Standards, Assessments, and Accountability System ([85 FR 17009](#)), reflecting numerous changes requested by Tribal leaders and educators including language acknowledging the ability of Tribal governing bodies or school boards to create their own Native American language academic standards and Native American language assessments that specifically references the sovereign right to use Native American languages as a medium of instruction.

## Promoting Cultural Sovereignty

- ▶ September 22, 2020: President Trump facilitated [international repatriations requests](#) from Tribal Nations, with results including Finland returning the remains of 20 ancestors to the Hopi Tribe, the Pueblo of Acoma, the Pueblo of Zia, and the Pueblo of Zuni.

## Promoting Efficiency of Tribal Energy Development

- ▶ December 29, 2017: DOI promulgated the Final Rule on Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule ([82 FR 61924](#)), which is designed to reduce administrative burdens and compliance costs related to the development of oil and gas resources via hydraulic fracturing.
- ▶ July 17, 2018: Department of Energy (DOE) began [soliciting applications](#) for the [Tribal Energy Loan Guarantee Program](#) (TELGP), which authorized up to \$2 billion in partial loan guarantees intended to benefit federally recognized Tribal Nations and Alaska Native Corporations by increasing capacity for energy development initiatives

# Role of Tribal Nations in Local, Regional, and National Economies

This briefing paper provides success stories and data to show how Tribal Nations contribute to economic growth to the benefit of all. ***The Administration should view Tribal Nations as partners in economic efforts.***

**Tribal Nations Are Inherently Sovereign Governments and Play a Critical Role in Our Federal System.** Tribal Nations are sovereign governments that exercise inherent sovereign authority. The U.S. Constitution recognizes Tribal Nations' unique relationship with the federal government, just as it sets out the federal government's relationship with the states. This constitutionally recognized sovereignty establishes Tribal governments as partners in the American system—distinct, yet deeply interwoven. Tribal Nations govern via sophisticated legal frameworks, constitutions, laws, and codes, ensuring self-determination over our lands, citizens, and futures.

**Tribal Governments Positively Impact Local, Regional, and National Economies.** Tribal governments and enterprises are powerful economic engines that drive job creation, regional development, and infrastructure investment. 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 per year in wages and benefits, in addition to a \$9 billion spillover benefit to state and regional economies.<sup>1</sup>

**Data Demonstrates Positive Impacts on State Economies.** Tribal impacts extend beyond reservations and Tribal lands, strengthening both rural and urban economies across the United States.

- ▶ In Arizona, a 2021 report noted that more than \$819 million in Tribal gaming revenue went directly to state and local governments, while Native farms sold \$67 million worth of agricultural products, which accounts for about 2% of the state's total agricultural commodities.<sup>2</sup>
- ▶ In Idaho, Tribal Nations are responsible for more than 12,000 jobs and have a direct impact of nearly \$1.5 billion on the state economy.<sup>3</sup>
- ▶ In Montana, from 2003 to 2009, Tribal Nations collectively contributed \$1 billion per year to Montana's economy and provided programs and services benefitting all Montanans, Natives and non-Natives alike.<sup>4</sup>
- ▶ In Oklahoma, Tribal Nations significantly boosted the state's economy in fiscal year



2019, with an annual collective impact of more than \$15 billion, supporting more than 113,000 jobs.<sup>5</sup>

- ▶ In South Dakota, the state's connection to Native American history and heritage helped the tourism industry reach a \$7.6 billion economic impact in 2022.<sup>6</sup>
- ▶ In Washington, Tribal Nation governments and businesses contribute \$6.6 billion in gross state product, including \$1.2 billion in local and state taxes, while directly employing more than 37,000 people and ultimately being responsible for one out of every 86 jobs in the state.<sup>7</sup>

### **Tribal Enterprises Span Diverse Industries.**

- ▶ **Energy and Natural Resources.** Tribal lands play a strategic role in enhancing the energy independence of the United States by producing substantial amounts of oil and natural gas while balancing cultural and ecological preservation. With over 56 million acres of Tribal lands spread throughout the United States, energy development on Tribal lands reduces reliance on foreign oil, strengthens the national energy supply, and supports economic growth. For example, in 2023, energy production from Tribal lands accounted for more than \$1 billion in revenue.<sup>8</sup> This production helps reduce America's reliance on unstable foreign markets. Tribal energy production also supports thousands of jobs in both Tribal and non-Tribal communities, all while generating tax revenue for federal, state, and local governments.
- ▶ **Agriculture and Farming.** Tribal governments play a vital role in the U.S. agricultural sector, managing tens of millions of acres of farmland, ranchland, and natural resources. Many Tribal Nations are major cattle and bison producers, with large herds on Tribal lands across states like Montana, South Dakota, and Oklahoma. Tribal Nations and our citizens also operate farms that grow wheat, potatoes, corn, soybeans, wild rice, alfalfa, and other specialty crops, contributing to food supply chains and local economies. For example, the Ak-Chin Indian Community operates one of the largest and most successful farming operations in Arizona. Overall, Tribal governments generate millions of dollars in agricultural sales annually, both through direct production and land leasing to non-Tribal farmers. Additionally, Tribal governments provide safe and affordable access to water for the region. For example, the Cheyenne River Sioux Tribe's Mni Wašté Water Company provides up to one million gallons of fresh drinking water each day for agricultural, residential, and municipal use over an area roughly the size of Connecticut.
- ▶ **Fisheries.** Many Tribal governments engage in commercial fishing operations, providing employment opportunities and contributing to the seafood supply chain. For example, the Lummi Nation operates one of the largest shellfish aquaculture programs in the United States—catching, processing, and distributing high-quality wild-caught salmon, crab, and shellfish for restaurants, grocery stores, and distributors.



- ▶ **Gaming and Hospitality.** Tribal gaming facilities generated \$41.9 billion in 2023.<sup>9</sup> For many Tribal Nations, gaming revenue provides the necessary funding for Tribal government functions, essential government programs, and infrastructure development, each of which benefit Tribal and non-Tribal communities across the country.
- ▶ **Technology and Cybersecurity Firms.** Tribal ventures contribute to innovation in emerging industries. For instance, the Navajo Nation, through its enterprise Diné Development Corporation, has established multiple subsidiaries specializing in information technology, engineering, and environmental services.
- ▶ **Economic Partnerships.** Tribal governments also contribute significantly through taxation, revenue-sharing, and memoranda of agreement related to services supporting local, state, and national economies. For instance, in 2019 alone, Tribal Nations in Oklahoma provided \$84 million to local school districts, municipalities, and counties to support various community initiatives.<sup>10</sup> In another example, the Oneida Nation in Wisconsin generates an average of \$89 million annually in government revenue, with \$33.4 million going to local and state governmental entities through various taxes and fees.<sup>11</sup>

### **The Administration Should View Tribal Nations as Partners in Economic Growth.**

Tribal Nations are **sovereign governments**, and how we choose to exercise that sovereignty can have **significant economic consequences**. As Tribal Nations continue to strengthen our ability to exercise self-governance, we use this right to design and grow Tribal economies in ways that not only work best for our citizens but also have substantial positive impacts on local, regional, and national economies. History has shown that, when the federal government properly invests in Indian Country, reduces paternalistic bureaucratic red tape, and fully recognizes Tribal governments as sovereign, the resulting economic benefits are enjoyed by all citizens—Native and non-Native alike.

<sup>1</sup> Patrice H. Kunesch, *The Power of Self-Determination in Building Sustainable Economies in Indian Country*, Econ. Pol'y Inst. (June 15, 2022).

<sup>2</sup> *Forging a Prosperous Future for American Indians in Arizona*, Maricopa Ass'n of Gov'ts (Oct. 13, 2021).

<sup>3</sup> Clark Corbin, *Study Shows Idaho's Native American Tribes Have Nearly \$1.5B Economic Impact*, Idaho Capital Sun (Aug. 20, 2024).

<sup>4</sup> Imani Kindness-Coleman, Mont. Budget & Pol'y Ctr., *2023 State-Tribal Legislative Impacts* (July 2023).

<sup>5</sup> *Economic Impact: The Influence of Tribal Nations*, United for Okla. (last visited May 2025).

<sup>6</sup> Makenzie Huber, *Native-Led Tourism Alliance Launches 'Economic Catalyst' Tours on Reservations*, S.D. Searchlight (June 20, 2023).

<sup>7</sup> Jonathan B. Taylor, Wash. Indian Gaming Ass'n, *The Economic & Community Benefits of Tribes in Washington*, at 2 (May 2022).

<sup>8</sup> Press Release, Dep't of Interior, *Interior Department Announces \$18.24 Billion in Fiscal Year 2023 Energy Revenue* (Nov. 9, 2023).

<sup>9</sup> Press Release, Nat'l Indian Gaming Comm'n, *NIGC Announces Record \$41.9 Billion FY 2023 GGR* (June 2024).

<sup>10</sup> Morgan Taylor, *OK Tribal Finance Consortium Releases Findings on Tribes' Economic Impact*, Mvskoke Media (Mar. 24, 2022).

<sup>11</sup> *Oneida Nation Had \$744 Million Impact on Region, Study Shows*, WBAY (May 16, 2018).

