

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.¹

- ▶ **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(/) 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.

¹ 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.