

TRIBAL ECONOMIC DEVELOPMENT: INDIAN COUNTRY'S POLICY PRIORITIES FOR THE FEDERAL GOVERNMENT

A POLICY BRIEF FOR THE TRUMP ADMINISTRATION TRANSITION TEAM

ENDORISING NATIVE ORGANIZATIONS



AN OPENING MESSAGE ABOUT THIS BRIEF

To President Trump and members of the Administration Transition Team:

Congratulations on your election as the 47th President of the United States. We look forward to working with you and your team to continue the last decade of progress for Native Americans, Alaska Natives, and Native Hawaiians.

Across Indian Country, Tribal Nations are forging impressive records of economic progress. From operating nation-owned enterprises to cultivating tribal citizen-owned businesses to preparing their people to access new job opportunities through workforce education and training, Tribal Nations are methodically building sustainable economies to support thriving Native communities. As they do, they are also helping to power the regional economies that surround them, generating jobs, income, and a good quality of life for growing numbers of Native and non-Native people.

Driving this remarkable yet uneven renaissance is tribal self-determination, specifically the responsibility each Tribal Nation exercises to create a robust economy based on its cultural values, particular circumstances, and long-range priorities. To support Tribal Nations, the federal government must fulfill its binding trust and treaty obligations to take key actions to foster – and remove the barriers impeding – their economy-building efforts. Past Administrations and Congresses have done just that, often in a bipartisan fashion. Consider, for example:

- Passage of the Native American Business Development, Trade Promotion and Tourism Act of 2000 and Indian Community Economic Enhancement Act of 2020 – both Republican-sponsored – which established and strengthened the Office of Native American Business Development within the Department of Commerce and featured several policy and funding measures to spur economic growth in Native communities
- Passage of the Native American Business Incubators Program Act – signed into law by then-President Trump – which created a program providing grants to establish and operate sorely needed business incubators in Indian Country
- Finalization of the modernized Community Reinvestment Act regulations, which feature critical new provisions specifically designed to increase banks' investment in Indian Country
- Treasury's new proposed rule affirming the tax-exempt status of tribally chartered corporations wholly owned by Tribal Nations, which removes a longstanding barrier for tribal business development and growth
- Proposed updates to Treasury regulations to improve the Tribal General Welfare Exclusion Act implementation to increase Tribal Nations' flexibility to provide needed benefits to their citizens to lift them out of poverty
- Expansion of Public Law 102-477 – signed into law by then-President Trump – and subsequent adoption of the revised 477 Interdepartmental MOA that enhances Tribal Nations' ability to merge federal program funding for workforce development, economic development, and related initiatives into streamlined, comprehensive tribal plans that enhance the economic impact of federal dollars in Native communities

Featured on the following pages are key policy steps the Administration and federal agencies should take to enhance and grow the federal government's support of Tribal Nations as they build and sustain vibrant economies that benefit not just Native people, but all Americans. These consensus priorities are endorsed by the 14 contributing Native organizations featured on the cover and listed below. For more information and additional resources regarding these priorities, please visit: <https://ncaied.org/what-we-do/policy-advocacy.html>.

We look forward to partnering with the Trump Administration to create a brighter economic future for Indian Country.

Sincerely,



Chris James

President and CEO

National Center for American Indian Enterprise Development

ENDORISING NATIVE ORGANIZATIONS:

- **Affiliated Tribes of Northwest Indians**
- **American Indigenous Business Leaders**
- **First Peoples Fund**
- **Great Plains Tribal Chairmen's Association**
- **Indian Gaming Association**
- **Intertribal Agriculture Council**
- **National Center for American Indian Enterprise Development**
- **National Congress of American Indians**
- **Native American Contractors Association**
- **NAFOA**
- **Native CDFI Network**
- **Native Farm Bill Coalition**
- **United South and Eastern Tribes**
- **UNITY, Inc.**

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FEDERAL AGENCY & OTHER ACRONYMS

BIA	Bureau of Indian Affairs	FRB	Federal Reserve Bank
CDFI	Community Development Financial Institution	HHS	Department of Health and Human Services
DOE	Department of Energy	IRS	Internal Revenue Service
DOI	Department of the Interior	MOA	Memorandum of Agreement
DOT	Department of Transportation	NOAA	National Oceanic and Atmospheric Administration
FCC	Federal Communications Commission	SBA	Small Business Administration
FDIC	Federal Deposit Insurance Corporation	USDA	Department of Agriculture
FERC	Federal Energy Regulatory Commission	USTR	Office of the U.S. Trade Representative
FHLB	Federal Home Loan Bank		

RELATED RESOURCES & ACKNOWLEDGMENTS



RELATED RESOURCES ABOUT THE POLICY PRIORITIES

Featured on the following pages are top-line policy steps the Administration and federal agencies should take to enhance Tribal Nations' ability to grow vibrant economies based on *their* distinct needs and goals. These consensus priorities are endorsed by the 14 contributing Native organizations listed on the preceding page and front and back covers. To access related resources that provide additional details about these priorities, please visit <https://ncaied.org/what-we-do/policy-advocacy.html> or scan the QR code to the left.

ACKNOWLEDGMENTS

We would like to thank the leadership and staff of this brief's endorsing organizations for contributing their priorities, related input, and feedback on the brief at various stages of its development. To learn more about these organizations, please click on the organizational website addresses featured on the back cover of this brief.



Hold Banks Accountable to New [Community Reinvestment Act \(CRA\) Regulations](#) to [Increase Access to Capital and Credit on Tribal Lands](#): The first Trump Administration initiated long-sought reform of the CRA regulations. The new CRA Final Rule features critical stand-alone provisions designed to increase CRA-qualified investments in Indian Country – including the creation of a “Native Land Areas” qualification category and automatic CRA qualification for investments in certified Native community development financial institutions (CDFIs). The FDIC, FRB, and Treasury also should develop a cross-agency plan to incentivize banks to embrace these provisions that features cooperative agreements with Native organizations such as NAFOA, the National Center for American Indian Enterprise Development, and Native CDFI Network.



Require the Collection and Dissemination of Data on Small Business Lending to Indian Country: Such data will help Indian Country [more effectively raise and direct capital for small business development](#) in Native communities under [Section 1071](#) of the Dodd-Frank Act. Along with [holding banks accountable to the new CRA regulations](#), banks also must collect *and* disclose data on lending to Native-owned small businesses to rectify long-standing inequitable lending practices. This data will detail the scope and impact of financial institutions’ exclusion of Native communities from access to capital – for example, [a recent report](#) found that for every dollar provided through small business loans across Arizona and New Mexico, less than one cent was offered to Native-owned small businesses on tribal lands in those states. Better understanding and then the closing of this acute disparity in capital access will spur the growth of Native-owned small businesses.



Make the Investment Income Generated by Native Lenders that Received Greenhouse Gas Reduction Fund (GGRF) Awards and Sub-awards Flexible Long-Term: Native-led entities receiving GGRF Clean Communities Investment Accelerator and Solar for All program awards and sub-awards are required by law to lend the entirety of their loan capital allocations within six years and reinvest all program income generated through that lending back into clean energy projects. After six years, all GGRF-based dollars these lenders possess should lose their federal identity and become unrestricted, which would: (1) enable them to flexibly deploy those dollars to whichever projects deemed most beneficial by the Native communities they serve (whether clean energy-related or not), and (2) eliminate the need for further annual reporting by those lenders to the federal government regarding the ongoing expenditure of those dollars, reducing their administrative burden and costs.



CDFI FUND: Confer [Automatic Minority Lending Institution \(MLI\) Designations](#) on Certified Native CDFIs: Native CDFIs fundamentally exercise “high levels of service and accountability” to Native communities; treating certified Native CDFIs and MLIs the same will ensure the Fund enacts Congress’s statutory intent to target MLI funds to low- and moderate-income minority communities with “significant unmet capital or financial services needs.” Automatically conferring MLI status on certified Native CDFIs will ensure they are instantly eligible to access any funding Congress directs to MLIs in the future, which will increase the flow of federal dollars to those under-resourced lenders. It also will reduce their administrative burdens, as certified Native CDFIs will no longer have to separately satisfy two sets of similar qualifying criteria (one for CDFI certification and the other for MLI designation).



CDFI FUND: Launch Targeted Technical Assistance Initiative to Support Native CDFIs in Navigating the New [CDFI Certification Application](#) and Related Regulations: The Fund’s new CDFI Certification Application and related regulations are set to substantially expand the compliance and reporting burdens Native CDFIs must meet to achieve and retain certification. Given the administrative bandwidth of many smaller, younger Native CDFIs is already stretched to the limits – and the fact the number of certified Native CDFIs has declined from 72 to 64 in recent years – the CDFI Fund must develop a targeted technical assistance program for certified and emerging Native CDFIs to ensure they satisfy the new certification criteria in accordance with established timetables so their number grows over time. The program should be designed and implemented jointly with the Native CDFI Network.



Create a Targeted Federal Home Loan Banks Program Advancing Indian Country Economic Prosperity: similar to the successful [Affordable Housing Program](#) FHLBs operate, with seats for Native CDFI leaders on the new program’s advisory board. This formal stand-alone program would build on the [recently announced partnerships](#) between FHLBs, Fannie Mae, and Freddie Mac to boost awareness and liquidity for programs that expand housing access for Native communities, who experience longstanding systemic challenges in accessing mortgage credit. According to recent Census Bureau data, 56.7 percent of Native American households owned their homes between 2015-2019, 15 percentage points lower than white households.



CDFI FUND: Grow Number of Native [Community Development Entities \(CDEs\)](#) and [Enhance Their Ability to Compete](#) for New Markets Tax Credit (NMTC) Allocations: According to the CDFI Fund, NMTCs have proven to “spur economic and community development in low-income urban, rural and tribal communities nationwide.” However, its recently announced NMTC round for Calendar Year 2023 featured just *one* Native CDE (out of several such applicants) that received an allocation. This single award constituted less than 1% of the overall allocation amount of \$5 billion, continuing a historic trend of NMTC underinvestment in Native CDEs. With a double allocation round of \$10 billion opening soon, the CDFI Fund should partner with the Native CDFI Network and other Native entities to: (1) increase the number of Native CDEs, and (2) revise the NMTC regulations to improve Native CDE applicants’ chances of receiving allocations.



Adopt [Proposed Rule Acknowledging the Federal Tax-Exempt Status of Tribally Chartered Corporations Wholly Owned by a Tribal Nation](#): Conferring this status is supported by federal treaties, laws, and policies, and would remove an economic barrier for business development and provide Tribal Nations greater opportunities to forge business relationships with joint venture partners, resulting in more robust economies, additional jobs and income, and expanded governmental services for tribal citizens and non-tribal individuals living on or near Indian reservations. Additionally, when federal regulations make no distinction for tax purposes between tribally chartered corporations owned by a Tribal Nation and the Tribal Nation itself, opportunities to access and utilize tax credits open up, which [increases opportunities for economic growth and prosperity](#). Expanding the rule to affirm the tax-exempt status of tribally chartered corporations *jointly* or *majority* owned by Tribal Nations would further bolster economic growth.



Adopt [Proposed Rule Improving Tribal \[General Welfare Exclusion \\(GWE\\) Act\]\(#\) Regulations](#): to increase Tribal Nations’ flexibility to provide useful benefits to citizens in need of support or to improve citizen wellbeing. Maintaining the status quo creates a scenario where tribal citizens often have to make the no-win decision between accepting assistance from their Tribal Nation and losing assistance from the federal government or vice-versa. Adopting the [proposed regulatory changes](#) will [help break this cycle of poverty](#) by allowing Tribal Nations to provide assistance where it is needed most to help uplift tribal citizens without those same citizens potentially losing access to needed federal aid, providing a critical mechanism to curtail the cycle of poverty that is prevalent in many Native communities.



Modernize [Licensed Indian Traders Regulations](#): to protect tribal governments from the harmful effects of state dual taxation and interference and [promote tribal self-determination, economic development, and self-sufficiency](#). These regulations have not been updated in six decades, resulting in an overly complex taxation system that [limits the ability of Tribal Nations to fully diversify their economies and meet their citizens’ needs](#). Updating the Licensed Indian Traders Regulations to: (1) pre-empt state taxation of Indian commerce; (2) protect tribal assets from state administrative overreach; and (3) [affirm tribal taxation authority over Indian Commerce](#) will reduce [the burden of dual taxation on Tribal Nations](#). Specifically, modernizing these regulations will lessen the unique added costs placed on tribal land-based businesses and economic activity that currently renders many types of business and economic development on tribal lands unfeasible.



Continue to Expand Engagement with the [Treasury Tribal Advisory Committee \(TTAC\)](#) on Treasury Department Tribal Matters: In 2014, Congress passed the Tribal General Welfare Exclusion Act to suspend IRS general welfare audits and establish a permanent, bipartisan Treasury Tribal Advisory Committee (TTAC) to advise Treasury on tribal tax matters. Recognizing that tribal taxation and access to capital matters are often interrelated because Tribal Nations generate government revenue primarily via commercial activities, in 2019 the first Trump Administration stood up TTAC, which has [produced data and reports and taken steps](#) to change federal policy in the areas of dual taxation, general welfare exclusion, and tribal pensions. Expanding TTAC’s scope of work to include additional subject matter areas will further strengthen the working relationship between Treasury and Tribal Nations while having the potential to resolve longstanding issues related to tribal economic development and taxation.



Provide Permanency and Dedicated Funding to Treasury’s [Office of Tribal and Native Affairs \(OTNA\)](#): Heeding tribal feedback, the first Trump Administration established a Tribal Affairs Program in the Treasurer’s Office to ensure Indian Country’s distinct needs are understood and addressed by top-level Department policymakers. This program has since grown into OTNA, which (1) advises on tribal policy and program implementation; (2) coordinates tribal consultations; and (3) manages the TTAC. OTNA has provided critical support on the implementation of tribal programs over multiple administrations and deserves permanency and dedicated funding. In particular, it [has proven vital](#) in advising Treasury and the IRS on tribal tax and capital access issues.



Further Strengthen Implementation of Key Indian Community Economic Enhancement (ICEE) Act Provisions: Enacting the ICEE Act, Congress directed DOI and HHS to update and harmonize their Buy Indian Act regulations and expand Buy Indian Act-based purchasing of goods and services from tribal- and Native-owned companies. The first Trump Administration began harmonizing the DOI and HHS rules, and by FY 2023 Buy Indian Act-based purchasing accelerated. DOI and HHS should work with leading Native organizations to co-design a joint plan to analyze recent Buy Indian Act performance data and design strategies to further increase the agencies' purchasing of goods and services from Indian Country. In addition, the ICEE Act fortified Commerce's role in Indian Country business and economic development, trade, and tourism, so it is imperative that Commerce ensure that the Director of its Office of Native American Business Development position is filled at all times, and that the Department push for full funding of the Office to fulfill its statutory duties without further delay. Finally, Commerce, DOI, and Treasury should co-launch a comprehensive plan delineating the specific actions the ICEE Act's covered agencies will take to coordinate support for Indian Country economic growth.



Revise DOT's Disadvantaged Business Enterprise (DBE) Program: to (1) recognize tribally owned firms as economically and socially disadvantaged without requiring them to submit proof of personal net worth of board members or executives, and (2) confer DBE certification on those firms that have qualified for or currently participate in SBA's 8(a), Small Disadvantaged Business, and/or HUBZone programs to give them a fair chance to compete. Maintaining the status quo reduces participation by Tribal Nations and tribally-owned firms in the transportation industry, making it more challenging for the development of fully diversified and self-sufficient Tribal Nation economies – economies that have proven to foster surrounding local, state-wide, and regional economic growth. The incoming Trump Administration also should consider establishing programs similar to DBE at other federal agencies.



Modify SBA Rules to Make North American Industry Classification System (NAICS) Code Interpretation More Flexible and Prompt: by interpreting or changing [13 CFR 124.109\(c\)\(3\)\(ii\)](#) so antiquated NAICS codes don't inhibit Native-owned 8(a) subsidiary companies from competing for contracts in rapidly growing industries such as Cybersecurity, Artificial Intelligence and Machine Learning, and Cloud Computing. Currently, by SBA regulation, the primary NAICS code of a Native-owned subsidiary that graduates or voluntarily withdraws early from the [8\(a\) Business Development Program](#) cannot be used by a new sister-subsubsidiary entity for a period of two years. The current regulatory scheme creates significant barriers to tribal- and Native-owned sister subsidiaries that, for example, may want to operate two separate 8(a) firms participating in any aspect of the *entire* field of "Professional, Scientific, and Technical Services." This results in effectively barring contracting opportunities for Native-owned firms with the consequence of preventing much-needed economic growth for tribal economies and jobs for both tribal and non-tribal citizens. SBA should update the [NAICS rule](#) to account for modern industries and reduce or remove the two-year hold that currently exists on developing 8(a) firms under the same NAICS code, which will promote the growth of tribal- and Native-owned businesses.



Update The Five-Year Small Business Administration Recertification Requirement: by rescinding [13 CFR 124.521\(e\)\(2\)](#), which requires 8(a) participants who receive long-term contracts (i.e., five years or longer) to recertify as small businesses. The five-year recertification requirement requires SBA 8(a) participants with long-term 8(a) contracts of more than five years to recertify as a small business at the SBA prior to exercising options on that contract thereafter. If the 8(a) company cannot recertify during this review, contract options "shall not be exercised." This rule inhibits the ability of a small business to grow and succeed within the 8(a) program and has resulted in federal customers issuing fewer long-term contracts to 8(a) businesses due to those participants not being able to recertify at the five-year mark. The federal government's hesitancy to issue long-term contracts to 8(a) businesses incentivizes the businesses to limit their growth to stay in the program longer.



Expedite Full Implementation of the NATIVE Act:

Congress enacted the NATIVE Act in part “to increase coordination and collaboration between Federal tourism assets to support Native American tourism” and requires “each agency that has recreational travel or tourism functions or complementary programs” to “consult with Indian tribes and the Native American community to identify appropriate levels of inclusion of the Indian tribes and Native Americans in Federal tourism activities.” Improving interagency communication and coordination – with DOI taking the lead – on these and similar programs will increase tribal access to these programs, resulting in greater federal funding going to Tribal Nations and their partners to cultivate tribal- and Native-owned tourism-based businesses.



Increase Tribal- and Native-Owned Small Business Access to SBA Loans and Share Data on Assistance Provided to Tribal Businesses:

to spur growth in the number and size of small businesses across Native communities and identify areas for improvement in SBA programs’ support of Indian Country economic development. According to a [2022 GAO Report](#), the total amount of assistance provided by SBA to tribal- and individual Native-owned business entities is “unknown because...SBA’s Office of Capital Access...do[es] not analyze data to estimate obligations provided” to them, and notes that “SBA has performance metrics in place for underserved communities, but no separate metrics or analysis for tribes and their members.” Due to the unique histories and complex economic and legal landscapes impacting Tribal Nations, their citizens, and their collective small business development needs, accurate data is critical for ensuring SBA provides Tribal Nations and their citizens with equitable access to SBA funding, which in turn will enhance economic growth in Native and surrounding communities.



Increase Allocations of Minority Business Development Agency (MBDA) and SBA 7(j) Grant Funding to Native Businesses and Business Assistance Providers:

To date, very little of MBDA’s business development funding and SBA’s entrepreneurial development funding has gone to Indian Country recipients, making it incumbent on both agencies to act immediately to substantially increase the number of grants and total amount of funding from these programs to support the equitable establishment and growth of Native-owned businesses and their ability to secure government contracts. Through these grants, as well as other actions, MBDA and SBA can and must coordinate with Commerce and Interior to fulfill their obligations under the NATIVE Act to collaborate to support Native American tourism.



Make Permanent the High-Level SBA Office of Native American Affairs (ONAA):

ONAA functions as an essential advisor within SBA on Native entrepreneurial development, contracting, and capital access issues. It must be headed by an Associate or Assistant Administrator – reporting directly to the SBA Administrator – to conduct the agency’s Indian Country outreach program, convene tribal consultations on SBA proposals impacting Native communities, and assist tribal- and individual Native-owned companies with engaging and accessing support from SBA programs that provide entrepreneurial development, contracting, and access to capital services.



Increase Tribal Nations’ Adoption of [HEARTH Act Leasing Regulations](#): through [expanded outreach to/training of tribal leaders and staff](#) about how to develop these regulations and for what economic purposes. DOI also should conduct a comprehensive assessment of the program to date to identify areas for improvement. Tribal Nations have used HEARTH Act regulations to [create economic development opportunities](#) for their citizens by making flexible leases available for residential, agricultural, and business purposes. These lease agreements not only advance each Tribal Nation’s land management and development priorities, but they can be processed in a far more efficient and timely manner than the standard process featuring long BIA approval delays.



BIA: Continue to Streamline Mortgage and Title Processes on Tribal Trust Lands: by (1) conducting ongoing trainings of federal staff, tribal leaders, and lenders; (2) adopting policies and procedures to ensure full implementation of the [Indian Affairs Mortgage Handbook](#); and (3) providing Tribal Nations digital access to land title records for land management, tracking, and general reference purposes through the Trust Asset and Accounting Management System. Data indicates it can take up to *two years* for tribal citizens to obtain mortgages on trust lands whereas the same process typically takes 40 days or less on lands not in trust or restricted fee status. BIA’s central role in [delivering real estate services](#) to Tribal Nations and their citizens often delays the accurate and fair processing of applications, hindering productive development and use of trust lands for housing and economic development opportunities – including energy and other natural resource development projects.



Abandon DOE’s [Improper Interpretation](#) of “Double Dipping” that Prevents Tribal Nations from [Accessing Tribal Energy Loan Guarantee Program \(TELGP\) Funding](#): To fulfill the intent of Congress and the first Trump Administration to implement TELGP to increase tribal energy project investments through loan guarantees, DOE must discard its outdated and improper interpretation that [has fostered little Indian Country energy development](#) due to the mistaken view that a project with a loan guarantee should not receive any additional federal funding. Providing TELGP support should not bar DOE from backing energy projects that receive additional federal funds for other purposes. Given Indian Country’s paltry electrical infrastructure (about 14% of reservation homes lack access to electricity), DOE should foster energy development by Tribal Nations, who control 25% of the country’s onshore oil and gas reserves, 3.5% of its wind energy potential, and 5% of its solar energy potential. Development of these resources also will enhance U.S. energy independence and self-sufficiency.



Make Technical Amendment to the [Highly Fractionated Indian Land \(HFIL\) Loan Program to Loosen or Eliminate the Borrowing Requirement Mandating Majority Ownership](#): Currently, eligible tribal and individual Native agriculture producers must secure mutually contingent loans for *multiple* land interest purchases *simultaneously* to achieve majority ownership of a particular land parcel to make themselves HFIL-eligible, which is extraordinarily difficult to achieve. The HFIL fund has remained largely untouched for the past several years due to this daunting obstacle; [amending the regulations](#) to allow tribal and individual Native agricultural producers to access HFIL dollars without first having to secure majority ownership would ensure HFIL is fully utilized for its intended purposes.



Exempt Tribal Nation Interconnection Queue Applicants from Commercial Readiness Deposit Fees, Limit Their Maximum Withdrawal Penalty, and Allow Alternative Methods to Prove Commercial Readiness Under [Order No. 2023](#): [to enable more Tribal Nations to participate](#) in the energy market. While utility-scale energy projects can be transformative for Tribal Nations and their citizens – who typically pay higher prices for less reliable electric service than non-Natives – [current FERC rules](#) require all interconnection customers seeking to develop energy projects on tribal lands (including tribal entities seeking to connect large electricity-generating facilities to each other and/or the grid) to pay post-commercial readiness deposits to hold their place in the approval queue and a withdrawal penalty if their proposal is then withdrawn. The exorbitant fees (often in the hundreds of thousands of dollars) prevent many Tribal Nations from participating due to a lack of capital. Updating FERC’s rules to exempt them from these fees will enable them to develop these facilities and the economic benefits they provide.



Engage in [Meaningful Government-to-Government Consultation](#) with Tribal Nations on Infrastructure Permitting: All impacted Tribal Nations must be fully incorporated into – and consulted on – the development of infrastructure projects consistent with U.S. trust and treaty obligations. Energy and other infrastructure development projects have the potential to fuel tribal economic growth. However, due to the [impacts infrastructure deployment can have](#) on tribal lands, waterways, and sacred sites, DOI, NOAA, and all other federal agencies must regularly engage *directly* with Tribal Nations to secure their consensus on how to proceed with such projects before irreparable harm is done. The Administration must also support Tribal Nations’ efforts to approve infrastructure right-of-way permitting on tribal lands to expedite the siting/deployment of projects.

TRIBAL INFRASTRUCTURE & WORKFORCE DEVELOPMENT



Harmonize the Treatment of Earned Program Income Across the [Tribal Broadband Connectivity Program \(TBCP\)](#) and the [Broadband Equity, Access, and Deployment \(BEAD\) Program](#): to allow tribal awardees under the TBCP to retain earned income similarly to BEAD subgrantees. Under current rules, tribal awardees under TBCP must reinvest earned program income into broadband maintenance, expansion, or upgrades within their communities, subject to restrictive programmatic rules, whereas BEAD subgrantees are not held to these same restrictions. Updating the rules governing TBCP to mirror those found in BEAD will provide Tribal Nations and tribal broadband entities with more flexibility in utilizing earned income to best meet tribal goals and develop additional economic opportunities.



Properly Enforce the [Interdepartmental MOA Governing Public Law 102-477](#): This revamped MOA, co-ratified by the law's 12 covered federal agencies, enables Tribal Nations "to build up the economic resilience of [their] communities through employment and training services based on Tribal goals and initiatives" through their integration of funding programs they select from across those agencies into a single plan, program, budget, and report in accordance with the "477" law. The MOA dramatically increased the number of Tribal Nations participating in 477 as well as the number and type of federal programs they include in their 477 Plans to advance their long-range [economic and community development priorities](#); it should be preserved and consistently enforced by the new Administration.

GROWING NATIVE FOOD ECONOMIES



USDA/USTR: Expand Initiative to Promote Native Foods Internationally: The number and scale of Native food producers have grown dramatically over the past decade. Working with Native organizations like the Intertribal Agriculture Council, USDA and USTR should continue to expand efforts to market the products of Native food producers to buyers in foreign countries. Opportunities for expansion could include the deployment of additional resources and technical assistance from USDA to Tribal Nations – for example, in how to utilize the [Market Access Program \(MAP\)](#) – or by fully implementing the 2018 Farm Bill requirement that USDA international trade missions include greater participation of Native farmers, ranchers, and producers. These and other steps will help increase the number of tribal and Native producers accessing commercially profitable international markets.



Authorize Native CDFIs and other Native-led financing institutions to [Administer Farm Service Agency/Rural Development Direct Funding](#): to increase access to flexible credit opportunities for Native agricultural development. Authorizing Native CDFIs and other Native-led financing institutions to serve in this capacity acknowledges the reality that 86% of Native communities lack a single financial institution within their borders to access affordable financial products and services. While Native CDFIs and other Native-led financing institutions have been working to fill this gap, agricultural borrowing needs still significantly exceed lending capacity. Providing Native CDFIs and other Native-led financing institutions with greater ability to service Indian Country will, in turn, catapult Native agricultural production and strengthen tribal and surrounding local and regional economies.



Establish a Subcommittee of the [USDA Tribal Advisory Committee](#) Composed of Leaders of Native CDFIs and Other Native-led Financing Institutions to Advise and Strengthen USDA's Loan and Related Technical Assistance Programs for Tribal and Individual Native Agricultural Producers: This new subcommittee – working closely with USDA's Office of Tribal Relations – will enhance the Department's ability to ensure that relevant USDA loan funding is fully deployed to tribal and individual Native agricultural producers and any obstacles they encounter in accessing and utilizing USDA loans are readily identified and addressed.



Maintain [USDA Office of Tribal Relations \(OTR\)](#) as Independent Office with Direct Access to the USDA Secretary: to continue the facilitation of meaningful dialogue between Tribal Nations and USDA. OTR's ability to directly report to the Secretary of Agriculture reflects the federal trust responsibility and unique government-to-government relationship between Tribal Nations and the federal government and has been instrumental in policy changes benefiting tribal farming, ranching, forestry, and other economic activities related to agriculture. OTR should *not* be moved under the Office of Partnership and Public Engagement or any other office that is not specifically for the purpose of dealing with Tribal Nations, tribal citizens, and the approximately 56 million acres of land under tribal jurisdiction.

FOSTERING INTERNATIONAL NATIVE COMMERCE



USTR: Launch an Initiative to Implement the Indigenous-Focused Provisions in the 2020 United States-United Mexican States-Canada (USMCA) Trade Agreement: Convene a special listening session with tribal governments and national Native organizations to assist USTR with developing and implementing a comprehensive strategy for supporting the exercise of Indigenous peoples' rights as recognized in the USMCA (specifically those contained in the Preamble, Chapters 23 and 24, and the sections focused on Exceptions, Intellectual Property, and Cultural Protections).



USTR: Focus the 2025 USMCA Small and Medium-Sized Enterprises (SME) Dialogue on Enhancing International Commerce Involving Native Nations and Businesses: This annual event, slated to be next held in the United States, should develop targeted federal strategies (such as including Native representatives on U.S. foreign trade missions) to expand international commerce involving tribal enterprises as well as Native-owned businesses. Alternatively, the USTR should convene a special SME Dialogue exclusively dedicated to the topic.



Join the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) as a Formal Signatory Nation: IPETCA is a non-binding and cooperation-based arrangement that aims to increase Indigenous peoples' participation in international trade by identifying and removing systemic trade barriers that businesses owned by Tribal Nations and their citizens currently confront. The Arrangement also commits the participating nations – which presently include Canada, Australia, and New Zealand, among others – to join together with Indigenous representatives to establish an IPETCA Partnership Council to facilitate collaborative activities.



Engage in Consistent and Meaningful Consultation with Tribal Nations on World Intellectual Property Organization (WIPO) Legal Instruments: to ensure that U.S. positions on Indigenous intellectual property rights reflect the priorities of Tribal Nations. WIPO is a United Nations entity charged with developing legal instruments concerning: (1) Genetic Resources and Associated Traditional Knowledge (completed in 2024), (2) Traditional Knowledge, and (3) Traditional Cultural Expressions. The U.S. has been negotiating the terms of these agreements with limited or no input from Tribal Nations for more than two decades. Tribal Nations – as rights holders – must be at the table and have the leading voice in protecting their own intellectual property rights, particularly as they pertain to appropriate economic uses of such knowledge and expressions.

OTHER KEY INDIAN COUNTRY ECONOMIC POLICY PRIORITIES



Continue Convenings of the White House Council on Native American Affairs (WHCNA) and Annual White House Tribal Nations Summit: Collaboration and frequent meetings of Cabinet members to engage on all aspects of the government-to-government relationship between the United States and Tribal Nations help fulfill the federal government's trust and treaty responsibilities to Tribal Nations. The essential WHCNA should begin operation promptly, continue regular meetings, and plan for and help orchestrate the annual White House Tribal Nations Summit in which the President and Cabinet Secretaries participate. Council members' collaboration improves communication, mutual understanding, and identification and removal of barriers among federal departments and agencies to support Tribal Nations' economic development endeavors. In addition, WHCNA should convene a conference focused on how the federal government should work to strengthen Indian Country economic development.



Consult with Tribal Nations to Identify and Select Capable Candidates for Key Federal Political Appointments Impacting Indian Country: To ensure the federal government ably upholds its trust and treaty responsibilities to Tribal Nations, the incoming Trump Administration should consult with Tribal Nations – as well as confer with the Native organizations that endorsed this brief – to identify Indian Country's ideal candidates for key political appointments. While not an exhaustive list, some key appointments that must include tribal input are Secretary of the Interior, Assistant DOI Secretary for Indian Affairs, IHS Director, United States Attorneys, Federal Judges, and all Senior Advisor positions across federal agencies related to Tribal Affairs. The Administration also should consult with Tribal Nations for their recommendations of capable Native candidates for other high-level positions throughout the federal government and for recommendations on additional offices and positions that should be created to improve the federal government's administration of its trust responsibility to Tribal Nations.



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